



MARIPOSA COUNTY

County Counsel · (209) 966-3222



RESOLUTION - ACTION REQUESTED 2015-100

MEETING: March 3, 2015

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel/Interim HR Director-Risk Manager

RE: Authorize Chair to Sign Substitution of Trustee and Reconveyance

RECOMMENDATION AND JUSTIFICATION:

Authorize the Board of Supervisors Chair to Sign a Substitution of Trustee and Reconveyance.

On November 30, 1964, Shelton Barnett, as Trustor, executed a Deed of Trust for the purpose of securing payment of an indebtedness evidenced by an "agreement to reimburse of even date" payable to the County of Mariposa, as Beneficiary. Security Title Insurance Company, a California corporation, was the original Trustee.

The real property subject to the Deed of Trust is now in escrow and the Deed of Trust remains a cloud on the title.

Staff has made every attempt to locate the "agreement to reimburse" dated November 30, 1964, without success. Staff has checked with the Clerk of the Board's Office, the District Attorney's Office, and the Auditor's Office and these departments have been unable to locate the Agreement or any activity related thereto.

Given that the "agreement to reimburse" was executed more than fifty (50) years ago and that the County has no record of the agreement or any activity related thereto, County Counsel recommends that the County release its interest in the real property subject to the Deed of Trust.

In order to do so, it is necessary for the County to execute the attached Substitution of Trustee and Reconveyance. As the present Beneficiary under the Deed of Trust, the County would be substituting itself as the new Trustee in place of Security Title Insurance Company and, as Substituted Trustee, the County would reconvey the property, without warranty, to the person or persons legally entitled thereto.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ATTACHMENTS:

Substitution of Trustee and Reconveyance (PDF)

CAO RECOMMENDATION

Requested Action Recommended



Mary Hooson, County Administrator ~~2/26/2015~~

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier