

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes__ No_X_)

A Complaint to Quiet Title on County property in the Hornitos area was filed last year naming Tricia Scroggins and unknown persons as Defendants. When the town of Hornitos was disincorporated in 1972, the property had not been properly deeded out by the trustees of the town of Hornitos. Defendant Scroggins and her predecessors claimed an interest in the property as a result of having resided on a portion of the property for a number of years as well as placing improvements on the property. The County and Ms. Scroggins entered into a Stipulation to resolve this matter; a copy of the Stipulation and Order are attached. One of the stipulated items was that Ms. Scroggins would pay to the County the sum of \$6,000. Escrow has now closed on this transaction with the County receiving \$5,670.90 (closing costs were deducted). It was necessary to recruit the assistance of staff from the Public Works Department to perform a survey of the property as well as prepare legal descriptions. An invoice for their services was received in the amount of \$1,379.27, which should be paid from the proceeds with the balance deposited to the General Contingency upon approval by the Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: () Not Applicable	
A. Budgeted current FY	\$ _____
B. Total anticipated costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____
SOURCE: (X) 4/5ths Vote Required	
A. Unanticipated revenues	\$ <u>4291</u>
B. Reserve for contingencies	\$ <u>5,670.90</u>
C. Source description:	_____
Balance in Reserve for Contingencies, <u>\$21,835</u>	
if approved: \$ _____	

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Stipulation and Order.
Budget Action Form.

CLERK'S USE ONLY: 99-164 Ord. No. _____
 Res. No.: _____ Noes: _____
 Vote - Ayes: 4 Absent: 1 Abstained: _____
 Approved: Realty () Denied _____
 () Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 ATTEST: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
 This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
 Comment: _____

 A.O. Initials: JG

FILED

SEP 22 1993
DARLENE NORMAN
COURT CLERK

1 JEFFREY G. GREEN, Mariposa County Counsel
2 5037 Stroming Road
3 P. O. Box 189
4 Mariposa, CA 95338
5 Telephone: (209) 966-3222

6 Attorney for Plaintiff County of Mariposa

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF MARIPOSA

11	COUNTY OF MARIPOSA, a political)	CASE NO. 7763
12	subdivision of the State of California,)	
13	Plaintiff,)	<u>STIPULATION AND ORDER</u>
14	v.)	
15	TRICIA SCROGGINS, AND ALL PERSONS)	
16	UNKNOWN, CLAIMING ANY LEGAL OR)	
17	EQUITABLE RIGHT, TITLE, ESTATE, LIEN,)	
18	OR INTEREST IN THE PROPERTY)	
19	DESCRIBED IN THIS COMPLAINT ADVERSE)	
	TO PLAINTIFF'S TITLE, OR ANY CLOUD)	
	ON PLAINTIFF'S TITLE,)	
	Defendants.)	

20 This Stipulation is entered into by and between PLAINTIFF and DEFENDANT Tricia Scroggins. It
21 is hereby stipulated by and between the parties above described as follows:

- 22 1. County shall create a legal parcel of five (5) acres which includes the existing home and
- 23 appurtenant improvements on the property described in the complaint on file herein.
- 24 The boundaries of the five (5) acres shall be mutually agreed to by and between
- 25 PLAINTIFF and DEFENDANT Scroggins. Upon creation of the five (5) acre parcel, the five (5)
- 26 acre parcel shall be granted to DEFENDANT Scroggins and shall be free and clear of all title
- 27 defects, liens, encumbrances, deeds of trust, and mortgages, except real property taxes,
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a lien not yet delinquent. The creation of the parcel, the survey, and the recording of the survey map shall be at the expense of PLAINTIFF.

2. A forty (40) foot deeded easement for purposes of ingress, egress, public and private utilities from Merced Falls Road to the five (5) acre parcel shall be described and granted to DEFENDANT Scroggins and shall be appurtenant to the land. The easement shall be centered on the existing roadway which serves the existing improvements on the property. The easement shall be prepared and described by PLAINTIFF.
3. PLAINTIFF shall lease the remainder of the real property described in the Complaint on file herein which consists of approximately forty-five (45) acres and which lies northerly of Merced Falls Road, to DEFENDANT Scroggins at the fair market value of the property for grazing purposes for a period of twenty (20) years. The lease shall be revocable on a ninety (90) day notice by PLAINTIFF if the leased property is developed by PLAINTIFF or if the property is transferred or sold by PLAINTIFF. DEFENDANT Scroggins may terminate the lease at any time on a ninety (90) day notice by DEFENDANT.
4. DEFENDANT Scroggins shall quit claim to PLAINTIFF Lots 69 and 70 in the town of Hornitos, and the remainder of the property described in the Complaint on file herein, save and except the five (5) acres, to be deeded to DEFENDANT Scroggins.
5. Upon execution of all of the documents described herein, DEFENDANT Scroggins shall pay to Mariposa County the sum of Six Thousand Dollars (\$6,000).
6. DEFENDANT Scroggins shall, within five (5) years of receiving title to the five (5) acres as above-described, fence the five (5) acre parcel in its entirety.
7. Each party hereto shall share equally the cost of escrow fees, title insurance, recording fees, and transfer taxes relative to the transactions described herein.
8. PLAINTIFF hereby relinquishes any claim it has or may have relative to the improvements on the five (5) acre parcel to be created, and DEFENDANT Scroggins hereby relinquishes any claim to any improvements located on the real property described in the Complaint herein, save and except the five (5) acres to be deeded to DEFENDANT Scroggins.

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9. Upon completion of all the events described above, this action shall be dismissed with prejudice relative to DEFENDANT Scroggins.

Date: 9-14-98

Jeffrey G. Green
JEFFREY G. GREEN
Attorney for Plaintiff, County of Mariposa

Date: 9/21/98

Donald J. Starchman
DONALD J. STARCHMAN
Attorney for Defendant Tricia Scroggins

Date: 9-21-98

Tricia Scroggins
TRICIA SCROGGINS, Defendant

Based upon the above Stipulation and good cause appearing,
IT IS SO ORDERED.

Date: SEP 22 1998

CARLOS C. LA ROCHE, JUDGE
HONORABLE RICHARD L. McMEEHAN
Superior Court Judge
County of Mariposa

