

DEPARTMENT: County Counsel

BY: Steven W. Dahlem

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Discussion and direction regarding pursuing acquisition of conditional gift of real property in Catheys Valley to be used as a public library and request from Executor for administrative costs in the amount of \$12,538.39

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County of Mariposa has been named in the Will of Don Earl Graham as a beneficiary of a gift of real property on the following conditions:

- (a) a public library be built on the property with as much brick incorporated into the construction of the appropriate building as possible;
- (b) a plaque commemorating Mr. Graham's gift of the property be placed in a prominent place on the property or on the improvements made;
- and (c) there are to be benches on the property and a playground incorporating swings placed in an appropriate area.

This gift of real property is further conditioned upon the County meeting the following criteria:

1. Payment to his estate of all of the costs of administration for the probate of his estate, including all court-approved fees and costs of the Executor, her attorney, and of the Superior Court, in which the estate is administered, in connection with this gift, and the administration and final distribution of any other assets of the estate.
2. Completion of the library based on the above conditions within a reasonable time as determined in the complete discretion of Gloria May.

A copy of the Will of Don Earl Graham is attached hereto.

A Petition for Probate of Will and for Letters Testamentary has been filed and Gloria May was appointed Executor of the Estate on April 26, 2011.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Letter from Attorney outlining terms
Source:		
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 11-564 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of

the original on file in this office.

Date: _____

Attest: MARGIE WILLIAMS, _____ k of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: 

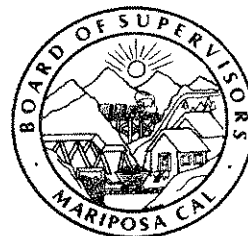


COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JIM ALLEN, CHAIR
JANET BIBBY, VICE-CHAIR
LEE STETSON
LYLE TURPIN
KEVIN CANN

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DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: STEVEN W. DAHLEM, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Discussion and Direction Regarding Pursuing Acquisition of Conditional Gift of Real Property in Catheys Valley to be Used as a Public Library and Request from Executor for Administrative Costs in the Amount of \$12,538.39

RES. 11-564

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 15, 2011

ACTION AND VOTE:

- 5 **County Counsel**
Discussion and Direction Regarding Pursuing Acquisition of Conditional Gift of Real Property in Catheys Valley to be Used as a Public Library and Request from Executor for Administrative Costs in the Amount of \$12,538.39
BOARD ACTION: Steve Dahlem reviewed the request and initiated discussion. Supervisor Bibby expressed concern with being able to meet the terms and conditions, and she commended the donor for the offer. Janet Chase-Williams/Librarian, commented on the status of funding for libraries and the requirements for construction and operation of a library. Discussion was held relative to long-term plans and options for interim library services in the Catheys Valley area. (M)Stetson, (S)Bibby, Res. 11-564 was adopted rejecting the offer at this time, with direction for a letter to be sent thanking the donor for the offer, and that any revisions of the conditions of the offer might be further considered by the County. Supervisor Cann noted that even if the conditions were removed that consideration needs to include location and being able to build and staff a library in the future. Ayes: Unanimous.

Cc: Supervisor Bibby
File

GARY G. BAGDASARIAN

ATTORNEY AT LAW

TELEPHONE (559) 252-7273
FAX (559) 252-7284

1735 NORTH FINE AVENUE, SUITE 103
FRESNO, CALIFORNIA 93727

E-MAIL ggbaty@attitude.com

RECEIVED

OCT 19 2011

MARIPOSA CO. COUNSEL

October 18, 2011

Steven W. Dahlem
Mariposa County Counsel
P.O. Box 189
Mariposa, CA 95338

Re: **Estate of Don Earl Graham**
Fresno County Superior Court Case No. 11CEPR 00135

Dear Mr. Dahlem:

This office represents Gloria May, Executor of the Estate of Don Earl Graham. Pursuant to the terms of the Will of Don Earl Graham, a filed copy of which is enclosed, at Article FOURTH, it was his desire to transfer to the County of Mariposa the real property described as 4963 Valley Lane, Catheys Valley, CA 95306, under certain terms which are as follows and are more specifically described in said Will:

1. A public library be built on the property with as much brick incorporated in the construction of the appropriate buildings as possible;
2. A plaque commemorating his gift of the property be placed in a prominent place on the property or on improvements made thereto;
3. There be benches on the property and a playground incorporating swings placed in an appropriate area;
4. The payment of all the costs and administration for probate of the Estate including all Court approved fees and costs of the Executor, her Attorney and of the Superior Court, in which the Estate is administered (Fresno County) be paid by the County of Mariposa; and
5. Lastly, the completion of the library based on the above conditions within a reasonable time as determined in the complete discretion of Gloria May.

Steven W. Dahlem
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In connection with same, I am supplying our current estimate of said costs pursuant to paragraph 4 above as follows:

1.	Statutory Executor's fee (based on total inventory of \$51,405.00)	\$ 2,056.00
2.	Statutory Attorney's fee (based on total inventory of \$51,405.00)	\$ 2,056.00
3.	Extraordinary fee for Attorney involving the claim of the Department of Health Care Services and transfer of real property - potentially to Mariposa County - more particularly described in the schedule of fees attached as Exhibit "A"	\$ 2,125.00
4.	Costs advanced by the Attorney attached as Exhibit "B"	\$ 1,322.00
5.	Creditor's Claims:	
	a. Amended Creditor's Claim of Department of Health Care Services enclosed	\$ 2,358.42
	b. Mariposa County Tax Collector filed May 4, 2011	\$ 219.34
	c. Sierra Telephone	\$ 76.63
	d. Gary G. Bagdasarian, Attorney at Law, for legal services rendered in connection with estate planning and creation of the Will and other estate planning documents	\$ 1,325.00
6.	Reserve for closing expenses, the payment of any taxes and preparation of final Income Tax Return	<u>\$ 1,000.00</u>
	Total:	<u>\$12,538.39</u>

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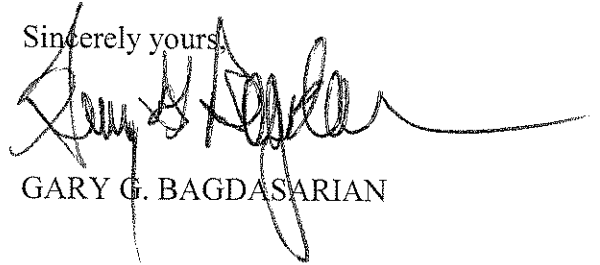
Consequently, please notify the undersigned if the County of Mariposa is interested in complying with the conditions required in Mr. Graham's Will for the transfer of the property in return for the payment of the sum of approximately \$12,538.39, as approved by the Fresno County Superior Court. If so, provide your office's consent in writing as we will then petition the Court to approve the transfer and the above-referenced costs.

If the County of Mariposa declines, then, pursuant to the terms of the Will, the Executor will sell the property in order to pay the costs of administration.

Your immediate attention to this matter would be greatly appreciated.

Thank you for your cooperation in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Gary G. Bagdasarian', with a long horizontal flourish extending to the right.

GARY G. BAGDASARIAN

GGB:ejm
Enclosures

cc: Gloria May, Executor