

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL ACTING AS THE GOVERNING BODY OF ALL OF ITS COMMUNITY FACILITIES DISTRICTS ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE TAXES AND AUTHORIZING RETENTION OF SPECIAL COUNSEL

RESOLUTION NO. 2008-065

WHEREAS, the County of Imperial has conducted proceedings resulting in the formation of Community Facilities Districts ("CFDs") and the issuance and sale of bonds or debt pursuant to the Mello-Roos Community Facilities Act of 1982 (Cal. Gov. Code Section 53311, et seq.; the "Act"); and

WHEREAS, pursuant to the Act, the County has duly recorded Notices of Special Tax Lien and has duly and regularly levied CFD special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcel of the land against which it was levied until the same are paid, which liens secure in whole or part debt issued pursuant to the Act; and

WHEREAS, certain installments of the special taxes have not been paid when due, and certain special taxes may not be paid when due in the future; and

WHEREAS, pursuant to Section 53356.1(a) of the Act, the County/CFD are authorized to order the special taxes collected by an action brought in the Superior Court to foreclose their liens; and

WHEREAS, pursuant to Section 53356.1(b) of the Act, the CFDs covenanted for the benefit of owners of the debt to file such foreclosure actions on behalf of the debt holders and are authorized to order the County Auditor to credit the delinquent special taxes upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto; and,

WHEREAS, the CFDs wish to retain experienced, qualified counsel to prosecute such judicial foreclosure actions,

NOW THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County of Imperial acting as the Legislative Body of all of the County of Imperial CFDs that:

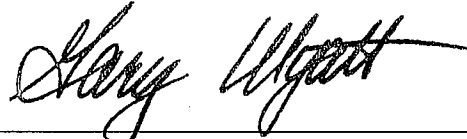
1. The Board finds that the Act authorizes the commencement of judicial foreclosure proceedings to collect delinquent special taxes, and hereby orders that the delinquent special taxes listed on the attached Exhibit A and all future delinquent special taxes as to such property, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.
2. The County Executive Officer is authorized to retain Sherman & Feller, a Law Corporation, as special counsel on the terms set forth in the agreement as presented to prosecute the foreclosure actions and to collect on behalf of the CFDs all amounts due on account of the special taxes listed in Exhibit A and any subsequent delinquent special taxes levied.
3. The Board finds that the Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosures authorized by the County and hereby authorizes Attorneys to require payment on its behalf of all costs and all attorneys fees incurred as to each delinquent parcel as a condition of such redemption as provided in the agreement.
4. CFD personnel in conjunction with special counsel and other CFD and County consultants are authorized and directed if and as applicable, pursuant to Government Code Section 53356.2: 1) to record notices of intent to remove the delinquent special taxes from the tax rolls, and 2) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

PASSED AND ADOPTED by the Board of Supervisors for the County of Imperial acting as the Legislative Body of all of the County of Imperial Community Facilities Districts at a regular meeting held on October 14, 2008, by the following vote:

AYES: Carrillo, Grogan, Maruca, Wyatt, Leimgruber

NOES: None

ABSENT: None



GARY WYATT, Chairman
Imperial County Board of Supervisors



SYLVIA BERMUDEZ
Clerk of the Board of Supervisors
County of Imperial