

RESOLUTION NO. 2010-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT ACTING ON ITS OWN BEHALF AND 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

WHEREAS, the Rancho Murieta Community Services District ("DISTRICT") has conducted proceedings resulting in the formation of Community Facilities Districts ("CFDs"; the DISTRICT and the CFDs are collectively referred to as "District") 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 DISTRICT 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 District is 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 District 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 District previously retained SHERMAN & FELLER, a Law Corporation ("Attorneys") as its special counsel to prosecute such judicial foreclosure actions and wishes to update their agreement,

THEREFORE, BE IT RESOLVED by the Board of Directors of Rancho Murieta Community Services District, acting on its own behalf and as the Legislative Body of all of the 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, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.
2. The District's General Manager is authorized to execute a new agreement with Sherman & Feller, a Law Corporation, to continue to act as special counsel on the terms set forth in the agreement presented to the Board 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.

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 District 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. District personnel, in conjunction with special counsel and other CFD and District 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 Directors of the Rancho Murieta Community Services District, acting on its own behalf and as the Legislative Body of all of its Community Facilities Districts, at a regular meeting held on July 21, 2010, by the following vote:

Ayes: Belton, Kjome, Ferraro, Mobley, Taylor

Noes: None

Absent: None

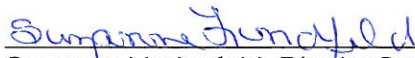
Abstain: None



Roberta Belton, President of the Board
Rancho Murieta Community Services District

(Seal)

Attest:



Suzanne Lindenfeld, District Secretary

EXHIBIT A

CFD No. 1

<u>APN</u>	<u>Fiscal Year</u>	<u>Installments</u>	<u>Amount*</u>
073-0790-046-0000	2008/09	Both	\$152,437.46
	2009/10	Both	\$154,158.50