

**RESOLUTION NO. 4033**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES RELATED TO COMMUNITY FACILITIES DISTRICT NO. 88-3 OF THE CITY OF PERRIS, PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, the City Council (the "Council") of the City of Perris, California (the "City"), on behalf of Community Facilities District No. 88-3 of the City of Perris (the "District"), has conducted proceedings, resulting in the issuance and sale of bonds (the "Bonds") pursuant to the Mello-Roos Community Facilities Act of 1982, constituting California Government Code Sections 53311, *et seq.* (the "Act"); and

**WHEREAS**, pursuant to the Act, the City has duly recorded a Notice of Special Tax Lien on property within the District and duly and regularly levies special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcels of the land on which it is levied (the "Property") until the same are paid, and which liens secure in whole or part the outstanding Bonds 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 City is authorized to order that any delinquent special taxes levied in whole or in part for payment of the Bonds, together with any penalties, interest, and costs, be collected by an action brought in the superior court to foreclose the lien of special tax and is authorized to, pursuant to 53356.2 to take such actions as may be necessary to relieve the County of Riverside tax collector of further duty to collect the special taxes; and

**WHEREAS**, pursuant to Section 53356.1(b) of the Act and pursuant to the bond documents related to the Bonds, the City has covenanted for the benefit of owners of the Bonds to file such foreclosure actions in its own name on their behalf and is authorized to order the foreclosure pursuant to the terms and conditions of the Act; and

**WHEREAS**, the City wishes to direct the City Attorney and the City staff to prosecute such judicial foreclosure actions.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Perris, California, as follows:

**Section 1.** That the above recitals are all true and correct.

**Section 2.** The City finds that the Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special taxes on the Property within the District, and hereby orders that the delinquent special taxes listed on Exhibit A attached hereto and incorporated herein and all future delinquent special taxes as to the Property subject to the special taxes be collected by an action brought in the appropriate Superior Court to foreclose the liens thereof in accordance with the Act.

**Section 3.** The City Attorney is authorized to prosecute the foreclosure actions and to collect, in the name of the City and on behalf of the owners of the Bonds, all amounts due on account of the delinquent special taxes with respect to the property listed in Exhibit A, including attorneys fees and costs incurred in connection therewith.

**Section 4.** The City Attorney is hereby authorized and ordered to prosecute the foreclosure actions and to collect, in the name of the City and on behalf of the owners of the Bonds, all amounts due on account of any future special taxes levied against such property which become delinquent in the District, including attorneys fees and costs incurred in connection therewith, pursuant to the terms of the Act and the bond documents without further action by the City Council.

**Section 5.** The City Council finds that the Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits authorized by the City on redemption prior to entry of judgment as well as on post-judgment redemption, and hereby authorizes the City Attorney to require payment of all costs and all attorneys fees incurred in the applicable foreclosure lawsuit as a condition of such redemption.

**Section 6.** City personnel in conjunction with the City Attorney and other City consultants are authorized and directed if and as applicable, pursuant to Government Code Section 53356.2: (a) to record notices of intent to remove the delinquent special taxes from the tax rolls, and (b) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

**Section 7.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it in the book of original resolutions.

**Section 8.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED, SIGNED and APPROVED** this 30<sup>th</sup> day of October, 2007.

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Mayor, Daryl R. Busch,

ATTEST:

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City Clerk, Judy L. Haughney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4033 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 30<sup>th</sup> day of October, 2007, by the following vote:

AYES: Yarbrough, Landers, Motte, Rogers, Busch  
NOES: None  
ABSENT: None  
ABSTAIN: None

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City Clerk, Judy L. Haughney

(SEAL)

**EXHIBIT A**

**DELINQUENT PARCELS**

<b>APN</b>	<b>Owner's Name</b>
303-275-044	Vince Davis Platinum Property Group
303-275-045	Vince Davis Platinum Property Group