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COUNTY OF NEVADA**

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May 13, 2016

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: May 10, 2016

SUBJECT: Resolution Approving A Legal Services Fee Agreement Between the County of Nevada and Attorney Andrea Widmer and A Power of Attorney to Mr. Widmer for the Continued Administration and Distribution of the Estate of Albert F. Leuteneker, and Authorizing the Chair of the Board of Supervisors to Execute the Documents

RECOMMENDATION: Adopt the attached Resolution

FUNDING: Legal services provided under the Fee Agreement will be advanced by Tom and John Leuteneker and will be repaid from the Estate of Albert F. Leuteneker prior to the distribution of any remaining assets of the estate. There is no impact on the General Fund.

BACKGROUND: Albert F. Leuteneker and his family were long-time residents of the Chicago Park area of Nevada County. Mr. Leuteneker was a successful fruit farmer, growing mostly pear trees, and an asset to our community. Mr. Leuteneker passed away in 1955, leaving a portion of his estate to the County of Nevada for the County's spay and neuter program. Over the years, the Estate has periodically received and then distributed additional assets to the County based on the terms of his original estate documents. Most recently, in early 2015, the County received approximately \$12,000 from this Estate.

The County was recently notified that additional real property has been identified as belonging to the Estate. This property is located in Ludwigsburg, Germany and must therefore be probated in accordance with German law. In the past, the heirs have retained German attorney Andrea Widmer to handle matters related to this Estate and are again proposing to retain Mr. Widmer to handle the sale and distribution of proceeds for this property.

Hon. Board of Supervisors
May 13, 2016
Page 2 of 2

In order to begin this process, the County and the other heirs must execute a Fee Agreement with Mr. Widmer, together with a Power of Attorney authorizing Mr. Widmer to act on our behalf. Under the proposed Fee Agreement, Mr. Widmer will be paid 100 Euros per hour (approximately \$113 per hour). Heirs Tom and John Leuteneker are coordinating this effort and have agreed to advance all fees and costs incurred under this Fee Agreement, subject to reimbursement from the proceeds of the Estate before a final distribution is made to the heirs. In any event, the maximum amount of fees chargeable to the County will not exceed the amount of the County's share of the Estate proceeds. The Power of Attorney will allow Mr. Widmer to cost effectively and efficiently represent the County in German courts, sign German documents on our behalf and take any other actions that may be necessary to sell and distribute the proceeds of this property to the heirs of the Estate.

Respectfully submitted,



Alison A. Barratt-Green
County Counsel

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