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April 28, 2017

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

DATE OF MEETING: May 23, 2017

SUBJECT: Resolution Authorizing Deputy County Counsel Jamie Hogenson to Execute A Power of Attorney to Mr. Andrea Widmer for the Continued Administration and Distribution of the Estate of Albert F. Leuteneker Estate

RECOMMENDATION: Adopt the attached Resolution

FUNDING: Legal services for administration of the Estate of Albert F. Leuteneker will be advanced by Tom and John Leuteneker and will be repaid from the Estate prior to the distribution of any remaining assets of the Estate. There is no impact to 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.

Last year, the County was notified that a parcel of real property had been identified as belonging to the Estate. This property is located in Ludwigsburg, Germany and must therefore be probated in accordance with German law. The heirs have retained German attorney Andrea Widmer to handle the sale of the property and distribution of proceeds. Mr. Widmer has also handled the distributions of other assets related to this Estate.

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On May 24, 2016, the Board of Supervisors adopted Resolution No. 16-215, 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. The Fee Agreement and 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.

The prior Resolution authorized the Chair of the Board to sign both documents. After the documents had been signed and returned to Mr. Widmer, we were advised that under German law the Power of Attorney must be certified by a German consular officer. The nearest German Consulate is in San Francisco. For ease of administration, we recommend adoption of the attached resolution authorizing Deputy County Counsel Jamie Hogenson to sign the Power of Attorney on behalf of the County so that she can travel to San Francisco to obtain the necessary certification.

Ms. Hogenson represents Animal Control and the Public Administrator. She is familiar with both the Leuteneker Estate and the general process for administering estates, and is well qualified for this assignment.

Respectfully submitted,



Alison A. Barratt-Green
County Counsel

ABG/ch

Attachments:

1. Proposed Resolution Authorizing Deputy County Counsel Jamie Hogenson to Execute A Legal Services Fee Agreement Between Attorney Andrea Widmer and the County of Nevada and A Power of Attorney to Mr. Widmer for the Continued Administration and Distribution of the Estate of Albert F. Leuteneker
2. Resolution No. 16-215