



RESOLUTION No. 16-215

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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

WHEREAS, the County of Nevada is an heir to the Estate of Albert F. Leuteneker ("Estate") and has periodically received estate distributions to be used for the County's spay and neuter program; and

WHEREAS, additional real property in Ludwigsberg, Germany, has been identified as belonging to the Estate; and,

WHEREAS, the heirs to the Estate have agreed to retain the legal services of German attorney Andrea Widmer to probate the property in accordance with German law; and,

WHEREAS, in order for the probate to proceed, the County is required to execute a Fee Agreement with Mr. Widmer and the other heirs, together with a Power of Attorney authorizing Mr. Widmer to represent the County in German courts, sign German documents on the County's 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; and,

WHEREAS, Mr. Widmer has previously represented the heirs with regard to distributions of other property related to this Estate and this coordinated approach has been an efficient and cost effective method for the County to obtain its share of the Estate; and,

WHEREAS, all fees and costs chargeable to the County under the proposed Fee Agreement will be deducted from the proceeds of the Estate and will not exceed the value of any amounts due to the County.

NOW, THEREFORE, BE IT RESOLVED that 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 be and hereby are approved in the forms attached hereto as Exhibit A, and that the Chair of the Board of Supervisors is hereby authorized to execute these documents.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of May, 2016, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

5/24/2016 cc: CoCo*
AC*(hold)

4/28/2017 cc: CoCo*
AC* (Release)

FEE AGREEMENT

In the Matter of Estate of

Albert Friedrich Leuteneker

Born 4.28.1881 in Steinheim

Died 1.17.1955 in Chicago Park / USA

At time of death, resident at Chicago Park / USA

The following Fee Agreement is hereby made between the heirs-at-law of the deceased and

Mr. Andreas Widmer, Wurt. Notariatsassessor, Neue Strasse 16, 71522 Backnang:

Mr. Widmer will receive a remuneration amounting to 100.00 euros per hour to completely handle the matter of the estate. The previous costs of procedures of the curatorship of the estate are not included in this remuneration.

In addition to the actual remuneration, accrued expenses (clerical and copying expenses, postage, telephone, travel expenses, etc.) as well as the currently applicable value-added tax shall be taken into account.

This agreement applies to all activities that Mr. Widmer deems to be necessary as part of the administration of the estate on behalf of the community of heirs.


Tom Leuteneker and Jon Leuteneker will pay the fees and costs incurred under this agreement and will be repaid amounts equal to the shares of the fees and costs of the other heirs-at-law, from the money to be paid from the estate.

Tom Leuteneker and Jon Leuteneker may terminate this Fee Agreement at any time and will then pay the fees and costs incurred to that date.

Any fees and costs chargeable to the County under this agreement shall not exceed the estate proceeds that may be due the County.

Should a provision of this agreement be totally or partially void, or lose its legal effect later, the validity of the rest of the agreement shall not be affected thereby. The void provision shall be replaced by a different, appropriate provision that comes closest to the economic effect of the provision replaced.

May 26 2016


Heir-at-law
Hon. Dan Miller
Chair, Nevada County Board of Supervisors

Backnang, den

15.02.2017 2016


(A. Widmer)

VOLLMACHT:

In der Nachlasssache

Albert Friedrich Leuteneker
geb. am 28.04.1881 in Steinheim
verst. am 17.01.1955 in Chicago Park / USA
zuletzt wohnhaft in Chicago Park / USA

erteile ich hiermit

Herrn Württ. Notariatsassessor **Andreas Wildmer**,
Neue Straße 16, 71522 Backnang
- Bevollmächtigter -

den Auftrag und die umfassende Vollmacht zu meiner gerichtlichen und außergerichtlichen Vertretung gegenüber Gerichten, Behörden, Banken und Privatpersonen in allen Angelegenheiten, die die vollständige Regelung der oben genannten Nachlassangelegenheit betreffen und damit mittelbar oder unmittelbar zusammenhängen, einschließlich Inkasso- und Prozeßvollmacht gemäß § 81 ZPO. Die Vollmacht ist ohne jede Einschränkung erteilt.

Der Bevollmächtigte ist insbesondere auch berechtigt

1. zur beliebigen Verfügung über Nachlassgrundstücke und bewegliche Nachlassgegenstände, über Bankguthaben, Wertpapier- und sonstige Depots sowie alle weiteren Nachlassforderungen und Nachlasswerte.
2. zur Abgabe von Anträgen und Bewilligungen jeglicher Art beim Grundbuchamt.
3. zur Eingehung von Verpflichtungserklärungen hinsichtlich des Nachlasses zu beliebigen Bedingungen.
4. zum Abschluß von Vergleichen und sonstigen Vereinbarungen zwischen den Nachlassbeteiligten untereinander oder mit Dritten sowie zur Vornahme der Nachlassauseinandersetzung.
5. alle die Nachlasspflegschaft betreffenden Erklärungen gegenüber dem Nachlassgericht abzugeben.

Der Bevollmächtigte ist von den Beschränkungen des § 181 BGB befreit, d.h. er ist berechtigt, in meinem Namen mit sich selbst im eigenen Namen oder als Vertreter eines Dritten Rechtsgeschäfte abzuschließen.

Die Vollmacht ist ganz oder teilweise übertragbar. Sie erlischt auch nicht mit meinem Tod, sondern gilt weiterhin für meine Rechtsnachfolger. Die Vollmacht ist jederzeit widerruflich.

POWER OF ATTORNEY:

In the matter of estate of

Albert Friedrich Leuteneker
born 4.28.1881 in Steinheim
died 1.17.1955 in Chicago Park / USA
at time of death, resident at Chicago Park / USA

I hereby engage

Mr. Württ. Notariatsassessor **Andreas Wildmer**,
Neue Straße 16, 71522 Backnang
- Attorney-in-fact -

and grant him the full power of attorney to represent me, both in court and out of court, vis-à-vis courts, public authorities, banks and private persons in all matters relating to the complete handling of the above-mentioned estate matter and directly or indirectly connected with same, including power to collect and power to represent in court in accordance with § 81 ZPO (Section 81 of the German Code of Civil Procedure). The power of attorney is hereby granted without any restriction whatsoever.

The Attorney-in-fact shall also be entitled, in particular,

1. to have entire disposal of real properties and movable assets of the estate, bank deposits, portfolios of securities and other deposits, as well as all other estate receivables and estate assets.
2. to submit applications and approvals of all types to the Land Registry.
3. to enter into obligations concerning the estate on any terms and conditions.
4. to conclude settlement agreements and other agreements between the inheritance participants themselves exclusively or with third parties and to carry out the distribution of the estate.
5. to make all of the declarations concerning the administration of the estate vis-à-vis the Probate Court.

The Attorney-in-fact shall be exempt from the restrictions as set forth in § 181 BGB (Section 181 of the German Civil Code), i.e. he shall be entitled to conclude legal transactions in my name, with himself in his own name, or as representative of a third party.

The power of attorney shall be wholly or partly transferable. It shall not elapse even upon my death, but rather will continue to be valid for my legal successor. The power of attorney shall be revocable at any time.

Nevada City, CA,

May 26, 2016
(Date)

Hon. Dan Miller
Chair, Nevada County Board of Supervisors