

CC104  
027a

CITY COUNCIL MEETING  
JANUARY 18, 1984

Page 93

REGULAR CALENDAR The following letter was presented for Council's perusal:

\*Ronald M. Stein, Esq.  
City Attorney  
City of Lodi  
Post Office Box 320  
Lodi, CA 95240

Dear Ron:

As we discussed on December 26, 1983, I am in the process of preparing the documentation to obtain a default judgment against the Willow Oaks Industrial Park for foreclosure on the two parcels owned by it. The request for Default Judgment by the Court must be accompanied by declarations setting forth the amounts owing for principal, interest and penalties.

Section 8833 of the Streets and Highways Code reads as follows:

When any foreclosure actions are ordered, the tax collector shall be credited upon the assessment rolls then in his hands for the amount charged against him on account of the assessments or reassessments to be sued on and he shall be relieved of further duty in regard thereto.

Jack Prowse has indicated that, pursuant to this section, he should be credited with the delinquent amounts and relieved of further duty to collect them. He also indicated, based on this section, an unwillingness to partake in future activities concerning the foreclosure action. He, then, cannot, and, indeed, should not, sign the declarations in support of the default judgment.

The procedure to implement Section 8833 is as follows:

The City Council should pass a resolution requesting that the County Board of Supervisors order the County Auditor to cancel the assessments and credit the tax collector with the amounts owing on principal and interest, pursuant to the provisions of Section 8833. The County Auditor is responsible for collecting