



Contra Costa County

To: Board of Supervisors
 From: David Twa, County Administrator
 Date: March 31, 2015
 Subject: Satisfaction of Judgment

RECOMMENDATION(S):

ADOPT Resolution No. 2015/115, WAIVE the payment of interest in the approximate amount of \$23,569 and accept \$35,315.46 in full satisfaction of the judgment against Michael J. Urso, and DIRECT County Counsel, or designee, to file an Acknowledgment of Satisfaction of Judgment with the Court upon payment of that sum.

FISCAL IMPACT:

The principal amount owed on the judgment entered against Mr. Urso in an action brought by the Office of Revenue Collections, and secured by the lien recorded against 1408 Parkland Drive in Concord ("Property"), is \$35,315.46. Since the judgment was entered, approximately \$23,569 in interest has accrued on the principal. As of this date, the total amount due in satisfaction of the judgment is approximately \$58,885.46. The Property's owner is trying to sell the Property, and has requested that the interest due on the judgment be waived and that the County accept payment of \$35,315.46 in full satisfaction of the judgment. If the recommendation to accept \$35,315.46 in full satisfaction of the judgment is not approved, the Property may be sold at a short sale or foreclosed upon, which would eliminate the County's ability to collect even the principal amount of the judgment.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/31/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
 Supervisor
 Mary N. Piepho, District III
 Supervisor
 Karen Mitchoff, District IV
 Supervisor

ABSENT: John Gioia, District I
 Supervisor
 Federal D. Glover, District V
 Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 31, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Dorothy Sansoe,
 925-335-1009

cc:

BACKGROUND:

On August 28, 2008, a judgment in the amount of \$35,315.46 was entered against Michael Urso in an action brought by the Office of Revenue Collections. On June 11, 2009, the County recorded a lien against the Property owned by Mr. Urso. The entire amount of the judgment remains unpaid. Under Code of Civil Procedure section 685.010, interest in the amount of 10% per annum has accrued against the principal amount of the judgment.

Mr. Urso died in 2013. The Property is owned by Mr. Urso's widow, Patricia Urso. It is anticipated that the Property will be sold at a Trustee Sale in April or May unless the Property is sold sooner. The County's judgment lien is junior to other liens recorded against the Property. If the Property is foreclosed upon, it is unlikely that the County will recover even the principal amount of the judgment.

Ms. Urso is in contract for the sale of the Property. The sale price is sufficient to pay off the principal amount of the judgment secured by the lien recorded against the Property, but it is not sufficient to pay the interest owing on the judgment. Ms. Urso has requested that the County waive the interest owed on the judgment and accept \$35,315.46, the principal due, in full satisfaction of the judgment.

The County Administrator and the Health Services Director recommend that the Board of Supervisors waive payment of the interest due on the judgment and accept \$35,515.46 in full satisfaction of the judgment, and direct County Counsel to file an Acknowledgment of Satisfaction of Judgment with the Court upon receipt of the funds.

CONSEQUENCE OF NEGATIVE ACTION:

The County may never receive any portion of the amount owed.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Resolution No. 2015/115