

Mariposa County Bar Association

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www.MariposaBar.org

Newsletter@MariposaBar.org

November 2019

President's Column

Casey Aitchison, MCBA President

The Mariposa County Bar Association had a record turnout for the November 2019 meeting, which featured a 1 hour MCLE presentation on Cell Phone Forensics by Roger Martin of Calforensics.



We invite all Mariposa area attorneys to our next meeting, which is our end of the year Holiday Luncheon and First Annual Judges Appreciation Day. The event will be Thursday, December 12, 2019, at the Miner's Roadhouse 140 banquet room.

Those attending may order lunch from the menu at their own cost. RSVPs are appreciated, but not required, by replying to this email at MCBA@MariposaBar.org.

Our meetings are held on the second Thursday of each month at the Miner's Roadhouse 140. We invite all attorneys and colleagues to join us. The atmosphere is always fun and we welcome new members. MCBA Membership is \$35.00 and includes access to several MCLE credits throughout the year as well as a listing on the MCBA website at www.MariposaBar.org. Applications will be available at the lunch, or may be downloaded at our website.

We hope to see you on December 12, 2019!



MCBA Holiday Luncheon/Judges Appreciation Day - December 12, 2019

Join us on December 12, 2019 at noon for our end of the year Holiday Luncheon and our First Annual Judges Appreciation Day at the Miner's Roadhouse 140 Banquet Room. Take a break from the work day to enjoy lunch with friends and network with colleagues. The atmosphere is always fun and informative. We hope to see you there!

Family Law News

by Casey Aitchison, Merced Family Law Section President

At the November 2019 Family Law Section meeting, we discussed the recent case of *In re Marriage of Goodwin-Mitchell and Mitchell*, wherein the Appellate Court, in reversal, held that the Trial Court erred in granting an annulment on the basis of fraud, per Family Code §2210(d), because the parties cohabitated after the wife discovered the facts constituting the fraud.

The Family Law Section of the Merced County Bar Association meets on the second Tuesday of each month at King's Asian Cuisine located at 360 W. Main Street, Merced, CA.

We invite any interested persons to join us, whether you are a Family Law practitioner, have crossover questions, enjoy networking, or just want to get together with friends for lunch. Our next meeting is:

Merced Family Law Section Meeting
Date: Tuesday, December 10, 2019 at noon
Location: King's Asian Cuisine, Merced

RSVPs are appreciated but not required. To RSVP or for more information, please email the Merced County Bar Association Family Law Section President, Casey Aitchison at Casey@MercedDivorce.com.

Do the Extra Fees Collected by the Recorder Stay in Mariposa County?*

By Anita Starchman Bryant, courtesy of the Mariposa Gazette

Since January 1, 2018 the Mariposa County Recorder, along with every other County Recorder in California, has been collecting an additional \$75 fee for each recorded non-exempt document. The new fee is a result of the Building Homes and Jobs Act (Senate Bill 2) and locally impacts anyone who records documents at the Mariposa County Recorder's Office. The \$75 collected, which is in addition to standard recording fees, is deposited into the State Treasury in the Building Homes and Jobs Trust Fund ("Trust Fund"). When faced with this additional charge, my clients regularly ask me, what is the purpose of SB 2 and does the money stay locally in Mariposa County?



The Purpose of SB2

According to the Legislative Counsel's Digest, the purpose of the bill was to establish permanent, ongoing sources of funding dedicated to affordable housing development. The funding will help finance new and rehabilitated developments for low-income residents. The author of the bill, Senator Toni G. Atkins estimates that the bill will generate roughly \$250 million each year and create 57,000 jobs over five years.

SB 2 provides that in addition to any other recording fees specified in the Government Code, "a fee of \$75 shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded." For instance, if you refinance your mortgage, in addition to paying the recording fees, an additional \$75 fee will be imposed on each document recorded relating to the transaction. The additional fee will be deposited into the Trust Fund. However, recorded documents are exempt from the fee if the transaction is subject to a documentary transfer tax (for example, the recording is the result of a real estate sale). Another exemption is if the document is recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

Does the Money Stay Local?

The money goes to Sacramento, but may benefit Mariposa County. Fifty percent of the fees collected in 2018 shall be made available for local governments to update planning documents and zoning ordinances to streamline housing production. The funds allocated to these uses are held by the Department of Housing and Community Development ("the Department") until a local government submits a request for use. The other fifty percent of deposits into the Trust Fund are available to the Department to assist persons experiencing or at risk of homelessness. This assistance can be in the form of providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

Fees collected on and after January 1, 2019, are allocated in a different manner. Seventy percent is to be allocated back to local governments based on a federal assistance formula set in United States Code, or through a competitive grant program. That money may be expended for very specific purposes, with the goal of providing affordable housing. For example, the money could be used to acquire and rehabilitate foreclosed or vacant homes, provide downpayment assistance, or modify accessibility in existing housing. The remaining thirty percent will fund existing state housing programs.

In summary, it is unclear whether Mariposa County will specifically benefit from these additional fees collected from its local residents, given the strict parameters for awarding and using these funds. The responsibility rests on our local government to seek out these funds for the benefit of Mariposa County. To read more about SB 2 and its history, or information about any other California legislative activity, the website for California Legislative Information is at <http://leginfo.legislature.ca.gov>.

*This column was originally printed in the Mariposa Gazette

Anita Starchman Bryant, who earned her J.D. from UC Berkeley School of Law, is a Mariposa attorney practicing in the areas of real estate, land use, estate planning & administration, and probate law. Disclaimer: This article is intended to provide general information. The content of this publication is for informational purposes only. Neither this publication nor its author is rendering legal or other professional advice or opinions on specific facts or matters.

2019 Year in Review

Our meetings are held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. Everyone is invited to attend. The atmosphere is always fun, and we welcome new members. Below are our 2019 events:

January 14, 2019

Luncheon meeting: Speaker Mariposa County District Attorney, Walter Wall

February 11, 2019

Luncheon meeting: Legal Aid for Mariposa Residents, presented by Ed Johnson

March 11, 2019

Luncheon meeting: Standards and Best Practices in Family Law, presented by Casey Aitchison, approved by the California State Bar for 1 MCLE credit

April 8, 2019

Luncheon meeting: Recent Developments in LGBTQ Employment Discrimination Law, Presented by Lindsay Nako, Esq., and David Nahmias, Esq., 1 MCLE Credit in Elimination of Bias

May 13, 2019

Law Day - Speaker, Judge Michael Fagalde "Free Speech, Free Press, Free Society"

June 10, 2019

Luncheon Meeting: Navigating the New Rules of Professional Conduct, presented by Mandy Jeffcoach, 1 MCLE credit in Ethics

July 1, 2019

Luncheon meeting: Employment Law, Presented by Kimberly G. Flores, 1 MCLE Credit

August 8, 2019

Luncheon meeting: Marshall Long, Mariposa County Supervisor, District 3

September 12, 2019

Luncheon meeting: Janet Chase-Williams, Mariposa County Librarian and Law Librarian

October 10, 2019

Luncheon meeting: Pete Judy, Chief Probation Officer, Mariposa County

November 14, 2019

Luncheon meeting: Cellphone Forensics, Presented by Roger Martin, Senior Digital Forensic Examiner, for 1 MCLE credit

December 12, 2019

Luncheon meeting: **Holiday Luncheon and Judges' Appreciation Day**

MCBA Membership List

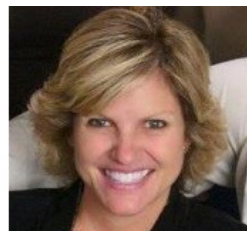
It's time to renew your membership for 2020! Please bring payment to the next luncheon, or drop it in the mail to the MCBA.

Thank you to our 2019 Members, listed below:

Casey Aitchison	Skye Emery
Alexandria Albertoni	Kimberly G. Flores
Ashley Albertoni	Wayne Green
Susan Albertoni	Melbourne N. Gwin, Jr.
Deborah Bennett	Robert Iwama
Kevin Briggs	Edward J. Johnson
Marvin Brown (retired)	Michael McAfee
Anita Starchman Bryant	Victoria Miller
Aaron Castleton	Cindy Morse
Jeffrey Castleton	Stephanie Perez
Thomas Cooke	Elizabeth Waldow
Steven W. Dahlem	Walter Wall

A Membership Application may be downloaded at www.MariposaBar.org. Please bring payment to the next luncheon, or mail it in with your application to MCBA, PO Box 628, Mariposa, CA 95338.

2020 MCBA Officers



Casey Aitchison
President



Ed Johnson
Vice-President



Anita Starchman Bryant
Secretary



Skye Emery
Treasurer