

MINUTE ITEM

This Calendar Item No. 23  
was approved as Minute Item  
No. 23 by the State Lands  
Commission by a vote of 2  
to 0 at its 4/26/79  
meeting.

CALENDAR ITEM

23.

4/79  
W. 1839.27  
Grimes

SETTLEMENT OF LITIGATION  
LEON FINK

The SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 28, T5N; R12W, SBBM, Los Angeles County, was originally in the United States public domain, and was granted into private ownership in 1896. In 1899 the successor in interest to the patentee conveyed the parcel back to the United States. While this was public land of the United States, the late Mr. Fink purchased it at a tax deed auction in 1947. The tax assessment was apparently erroneous, since the lands were then owned by the United States. On March 27, 1957, the United States clear listed (as lieu) (No. 259) this parcel to the State of California.

As a result of staff investigation beginning in 1965, it was found that the parcel was claimed by the late Mr. Fink. Pursuant to authorization of the Commission (Minute Item 39, July 27, 1967) suit was brought in May 7, 1968 to quiet title to the parcel. Judgment in favor of the State was obtained on July 15, 1977, in Los Angeles County Superior Court. The matter is now on appeal.

On April 4, 1979 Commission's staff, the Attorney General and the attorney for the executor of Mr. Fink's estate met in the chambers of a Court of Appeal's justice for a pre-hearing settlement conference in the case. After some discussion, the justice indicated that the case should be settled, and he urged all parties to attempt to do so.

The subject property has recently been appraised by the staff at \$60,500. The attorney for the executor of Mr. Fink's estate offered to pay \$50,000 for the property, with 20% down and the remainder to be paid within 1 year. The State would not be obligated to issue a patent until the full payment is in hand.

The proposed time payment is necessary because the probate of Mr. Fink's estate is still pending. The money must be obtained through the disposition of the estate's assets in probate proceedings.

The staff and Attorney General recommend that the Commission accept this compromise offer in order to end the lengthy litigation with regard to the parcel, title to which could ultimately be determined in the estate of Leon Fink should the Court of Appeals, reverse the trial court's judgment,

EXHIBIT: A. Site Map.

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CALENDAR ITEM NO. 23. (CONTD)

IT IS RECOMMENDED THAT IN COMPROMISE SETTLEMENT OF LITIGATION;  
THE COMMISSION:

1. ACCEPT \$50,000 IN PAYMENT FOR THE SE $\frac{1}{2}$  OF THE SW $\frac{1}{2}$  OF SECTION 28, T5N, R12W, SBBM CONTAINING 33.53 ACRES MORE OR LESS.
2. AUTHORIZE THE \$50,000 TO BE PAID WITH 20% DOWN AND THE REMAINDER WITHIN 1 YEAR FROM THE DATE OF COMMISSION APPROVAL OF THE SETTLEMENT AGREEMENT.
3. UPON FULL PAYMENT OF THE \$50,000, AUTHORIZE ISSUANCE OF A PATENT TO THE SE $\frac{1}{2}$  OF THE SW $\frac{1}{2}$  OF SECTION 28, T5N, R12W, SBBM TO THE ESTATE OF LEON FINK, RESERVING TO THE STATE ALL MINERALS AND SUBJECT TO EXISTING AND STATUTORY ENCUMBRANCES.

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