

ORDINANCE NO. 94-03

AN ORDINANCE OF THE CITY OF THE CITY COUNCIL OF THE  
CITY OF AMERICAN CANYON PROVIDING FOR EXEMPTIONS  
AS REQUIRED BY STATE LAW TO THE REAL PROPERTY  
DOCUMENTARY TRANSFER TAX

The City Council of the City of American Canyon does ordain as follows:

**Section 1:** Section 3.22.051 is added to the Municipal Code to read as follows:

**Section 3.22.050. Tax Inapplicable to Instruments and Writings Taken in Lieu of Foreclosure.** Any tax imposed pursuant to this Chapter shall not apply to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of, or in lieu of foreclosure. However, the tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure. In addition, the amount and nature of the consideration, amount of the unpaid debt and identification of the grantee as a beneficiary or mortgagee shall be noted on any deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury.

**Section 2:** Section 3.22.052 is added to the Municipal Code to read as follows:

**Section 3.22.052. Tax Inapplicable to Instruments Dividing Property Assets Between Spouses.** Any tax imposed pursuant to this Chapter shall not apply to any deed, instrument or other writing which purports to transfer, divide, or allocate community, quasi-community or quasi-marital property assets between spouses for the purpose of dividing such property, provided that it is required by a judgment decreeing a dissolution of the marriage or legal separation or by any other judgment or order rendered pursuant to the California Family Code, or by a written agreement between the spouses executed in contemplation of any such judgment or order. However, the exemption shall not apply unless the deed, instrument or other writing includes a written recital, signed by either spouse, stating that the deed, instrument or other writing is entitled to the exemption.

Section 3: Section 3.22.053 is added to the Municipal Code to read as follows:

**Section 3.22.053. Tax Inapplicable to Certain Instruments of the State, Political Subdivision and Agencies.**

Any tax imposed pursuant to this Chapter shall not apply to any deed, instrument or other writing by which the State of California, any political subdivision thereof, or any agency or instrumentality of either the State or a political subdivision, conveys to a nonprofit corporation realty, where the acquisition, construction or improvement of the real property was financed or refinanced by obligations issued by the nonprofit corporation on behalf of a government unit, within the meaning of Section 1.103-1(b) of Title 26 of the Code of Federal Regulations.

**APPROVED AND ADOPTED** this 3rd day of February, 1994 by the following votes:

**AYES:** Councilmembers Bennett, Winters, Mayor Pro Tem Anderson, Mayor Mahanay

**NOES:**

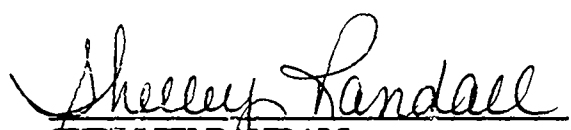
**ABSTAIN:**

**ABSENT:** Councilmember Orlando

  
**RICHARD MAHANAY**  
**MAYOR**

**ATTEST:**

**APPROVED AS TO FORM:**

  
**SHELLEY RANDALL**  
**DEPUTY CITY CLERK**

  
**NELLIE ANCEL**  
**ASSISTANT CITY ATTORNEY**