

Minutes of Meeting
Aalfs Estate Issue
April 16, 2015
8:30 a.m.

The Kootenai County Board of Commissioners: Chairman David Stewart, Commissioner Marc Eberlein, and Commissioner Dan Green met to discuss the following agenda items. Also present were Treasurer Steve Matheson, Chief Deputy Treasurer Laurie Thomas, Civil Deputy Prosecuting Attorney Pat Braden, and Deputy Clerk Mary Enquist.

- A. Call to Order:** Chairman David Stewart called the meeting to order at 8:34 a.m.
- B. Introductions:** There were no introductions made.
- C. Changes to the Agenda:** There were no changes to the agenda.
- D. Old Business:** There was no old business discussed.

E. New Business:

Discussion with Chief Deputy Treasurer, Laurie Thomas and Prosecutor Civil Attorney Pat Braden regarding the release of surplus funds for AIN 117199

Chief Deputy Treasurer Laurie Thomas said this is a follow-up from the direction the Board gave the Treasurer's office in February 2015 for parcel AIN 117199. She said the Treasurer's staff had received a claim from Capstone Asset Management LLC, a third party vendor filing on behalf of Dora and Klinton Kohler, asking for the entire \$66,469 in surplus funds; but the Treasurer's staff had no way to ascertain that the vendor was entitled to the funds as the property owner is deceased. The Board directed the Treasurer's staff to obtain the verification documentation and the staff had done so.

Ms. Thomas updated the Board that Dora and Klinton M. Kohler, who reside in Illinois, asked a local attorney to file a Petition for Order Determining Heirs on March 27, 2015, asking the Court to declare Dora and Klinton M. Kohler as lawful heir to the parcel. Then on April 13, 2015, the Board of County Commissioners received an email from Rinerd E. Aalfs Jr., brother of the deceased property owner, requesting the surplus dollars as well.

Ms. Thomas said in similar situations with two claimants, counties in Southern Idaho use a process called interpleading, where the court decides who should be awarded the surplus dollars. Ms. Thomas asked the Board and Civil Deputy Prosecuting Attorney Pat Braden how they want the Treasurer's staff to proceed regarding these additional potential claims on parcel AIN 117199.

Civil Deputy Prosecuting Attorney Pat Braden said he supports the interpleading process, but before that is done he would encourage contacting Rinerd Aalfs Jr. to advise him that there are apparently two heirs, and recommending that he retain an attorney if he wishes to proceed.

Commissioner Green made a motion to postpone distributing the \$66,469 surplus funds on AIN 117199, and to instruct Legal staff to contact Mr. Rinerd E. Aalfs Jr. to ensure he is aware of the situation. If Mr. Aalf wants to proceed with an attorney Commissioner Green's motion was to let the Court make the final determination who is the rightful heir by the interpleading process while the County Treasurer continues to hold the surplus funds awaiting a court order. There being no further discussion, Deputy Clerk Enquist called the roll:

Commissioner Eberlein: Aye
Commissioner Green: Aye
Chairman Stewart: Aye

The motion carried.

F. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

Chairman Stewart adjourned the meeting at 8:48 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

DAVID STEWART, CHAIRMAN

BY: _____
Mary Enquist, Deputy Clerk
