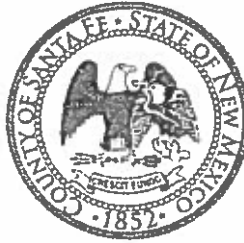


Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**Date:** January 28, 2015

**To:** Board of County Commissioners

**From:** Steven Brugger, Affordable Housing Administrator *SRB*

**Via:** Katherine Miller, County Manager *KM*  
Gregory S. Shaffer, County Attorney  
Penny Ellis-Green, Growth Management Director  
Robert Griego, Planning Manager

**Re:** Request for Release of Affordable Down Payment Assistance Lien and Option to Purchase Lien Against Property Located at 3930 Daniel, Santa Fe

---

**Issue.** On June 30, 2010, Cheryl Roybal and Herman Roybal received down payment assistance from the County in the amount of \$10,000. County assistance was made in the form of a 0% interest, deferred payment loan which is due on sale or vacating of the property. An Affordable Down Payment Assistance Lien and Option to Purchase Lien was executed by Cheryl Roybal and Herman Roybal. In order to transfer clear title to the new buyer, this lien needs to be released in exchange for repayment of the \$10,000. These funds have been received and the release of lien in the form of Exhibit A needs to be executed.

The County Attorney has determined that the BCC must perform this action. This is a request for release of the Affordable Down Payment Assistance Lien and Option to Purchase Lien securing the loan for the property at 3930 Daniel.

**Fiscal Impact.** Approval of this authorization will enable the County to recover the \$10,000 down payment assistance loan originally made for the purchase of this property.

**Recommendation.** Staff recommends that the BCC release the Affordable Down Payment Assistance Lien and Option to Purchase Lien Against Property Located at 3930 Daniel, Santa Fe.

**Attachments.**

Exhibit A: Release of Lien  
Exhibit B: Original Lien Securing \$10,000 Down Payment Assistance  
Exhibit C: Copy of Check Received from Title Company

**RELEASE OF CHERYL ROYBAL AND HERMAN ROYBAL FROM THE AFFORDABLE DOWN PAYMENT  
ASSISTANCE LIEN AND OPTION TO PURCHASE LIEN EXECUTED IN FAVOR OF SANTA FE COUNTY  
AGAINST REAL PROPERTY LOCATED AT 3930 DANIEL, SANTA FE, NEW MEXICO**

The undersigned, Santa Fe County through Robert A. Anaya, Chairperson of the Santa Fe Board of County Commissioners, hereby certifies that the Affordable Down Payment Assistance Lien and Option to Purchase recorded June 30, 2010 recorded as Instrument No. 1603141 for the property located at 3930 Daniel, Santa Fe, New Mexico 87505, executed by Cheryl Roybal and Herman Roybal, shall be released, upon receipt in full of the Ten Thousand Dollars in Down Payment Assistance. This amount sets forth the entire amount required to pay off the existing Down Payment Assistance Lien and Option to Purchase agreement.

IN WITNESS WHEREOF, the undersigned has executed this release on \_\_\_\_\_, 2015

\_\_\_\_\_  
Robert A. Anaya, Chairperson  
Board of County Commissioners

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

**ACKNOWLEDGEMENT**

State of New Mexico )

Ss:

County of Santa Fe )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by Robert A. Anaya, Chairperson of Santa Fe Board of County Commissioners, for, and on behalf of, Santa Fe County.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Title Guaranty

COURTESY RECORDING

DOWN PAYMENT ASSISTANCE LIEN and

OPTION TO PURCHASE

SANTA FE COUNTY AFFORDABLE HOUSING PROGRAM

Cheryl Roybal and Herman Roybal, 3930 Daniel, Santa Fe, New Mexico 87505 (hereinafter referred to as "the Buyer" or "Buyer"), pursuant to Santa Fe County Ordinance No. 2009-14, the Santa Fe County Affordable Housing Assistance Ordinance, grants to Santa Fe County, a political subdivision of the State of New Mexico, whose address is 102 Grant Avenue, Santa Fe, New Mexico, 87504, a lien on the property described on Exhibit A hereto (hereinafter referred to as "the Property").

The amount of the Down Payment Assistance Lien is: \$ 10,000.00. This total amount shall be due upon the sale, transfer of title, refinance or vacating of the property.

OPTION TO PURCHASE

Buyer also grants to Santa Fe County an irrevocable option to purchase the Property, or the right to broker the resale of the Property pursuant to the Santa Fe County Affordable Housing Program to an eligible or entry market buyer, at the-then fair market value of the Property. The Buyer shall provide the County, with fifteen (15) days, written notice of Buyer's intent to sell the Property, during which period the County may indicate its intent to purchase the Property or broker a purchase and sale of the property to an eligible buyer. The County shall have an additional sixty (60) days after it has notified the Buyer of its intent to purchase the Property or broker a purchase and sale of the Property to complete the purchase or brokerage and sale of the Property.

State of New Mexico )

) ss.

County of Santa Fe )

Cheryl Roybal  
Cheryl Roybal

Herman Roybal  
Herman Roybal

SEC CLERK RECORDED 06/30/2010



OFFICIAL SEAL

Sandra M. Griego

NOTARY PUBLIC

STATE OF NEW MEXICO

My Commission Expires

Acknowledgement

The instruments contained within this document, to-wit, the Down Payment Assistance Lien and the Option to Purchase, all running in favor of Santa Fe County, were acknowledged before me on this 30 day of JUNE, 2010 by the above-named person who signed it as their free and voluntary act.

Sandra M. Griego  
Notary Public

My commission expires:

2/17/2014

**EXHIBIT "A"**

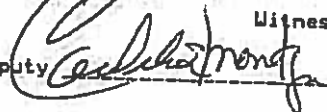
**Lot Seven (7), Block Sixteen (16), Vista Verde Subdivision, Phase III, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico, on November 20, 1995, in Plat Book 321, page 016, as Document No. 925,511.**



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

OPTION  
PAGES: 2

I Hereby Certify That This Instrument Was Filed for  
Record On The 30TH Day Of June, 2010 at 04:53:30 PM  
and Was Duly Recorded as Instrument # 1603141  
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

CLERK RECORDED 06/30/2010

EXHIBIT

JAN 19 2014

First American Title Insurance Company, Santa Fe  
PR. SOCENT Ofc. 3201 (946) (JN/JN)

CHECK NO. 94630294

DATE: 12/29/2014

FILE NO. 1978528-SF01

SETTLEMENT DATE:

CHECK AMOUNT: \$10,000.00

BUYER: Roybal

SELLER:

Property Address: 3930 Calle Daniel, Santa Fe, NM 87507  
Lot: 7

## Payoff Loan Charges

Charge Details:  
Principal Balance:

Re:

10000.00

DEC 29 14 PM 5:00

Thank you for doing business with First American Title Insurance Company

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER &amp; HAS A MICROPRINTED BORDER



First American Title Insurance Company

PR. SOCENT  
Ofc. 3201 (946)First American Title, FSB - Attn:  
Banking Services MS #4

90-41251/222

94630294

Santa Fe, NM 87501

5 First American Way  
Santa Ana CA 92707

Date 12/29/2014

FILE NO. 1978528-SF01

PAY

\*\*\*\*\*\$10,000.00\*\*\*\*\*

DOLLARS

\*\*\*\*\*10,000.00

TO THE  
ORDER  
OF  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

Escrow Trust Bank Account  
VOID after 180 days

THE FACE OF THIS DOCUMENT INCLUDES A HIDDEN WORD - DO NOT CASH IF THE WORD VOID IS VISIBLE  
94630294 12222412551 3009460000





