

RUTH LAKE COMMUNITY SERVICES DISTRICT
Policy Handbook

**POLICY TITLE: ASSIGNMENT/TRANSFER OF RECREATIONAL
SUBLEASES**

POLICY NUMBER: 6050

6050 In order to effect a timely and orderly transfer of a recreational sublease property, the following assignment/transfer policy and procedures are adopted.

6050.10 The current recreational sublease contract provides that recreational Subleases may be assigned, transferred, or sublet only with the prior written consent of the RLCSD.

6050.11 The current sublessee may request assignment/transfer to any person or persons of their own choosing except as noted below.

6050.112 In order to discourage speculation on leased properties, a sublessee may hold only one sublease at a time.

6050.113 The Board of Directors may consent to the transfer of a second sublease contingent upon the first sublease being transferred within six months.

6050.114 The Board of Directors may consent to the continued possession of a second sublease if compelling and extraordinary reasons are presented to it.

6050.12 The Board of Directors may deny the assignment or transfer of a sublease if provided with evidence that the prospective sublease holder may not intend to adhere to some or all of the provisions of the sublease contract.

6050.13 The Board of Directors may consent to the conditional transfer of a sublease in order to facilitate needed work accomplishment or completion of minor administrative tasks.

6050.131 If the conditions of the transfer are not met in the time period stated, the Board shall act to deny the transfer or grant an extension of time for compliance.

6050.20 The current sublessee initiates the assignment/transfer process by providing written notification to the RLCSD of their intent or desire to transfer.

6050.201 Written notification shall include the lease number, the current names, addresses, and telephone numbers of all persons named on the lease and a statement indicating the desire of all parties to transfer.

6050.202 If a purchaser has been identified, their names, addresses and telephone numbers shall also be included.

6050.203 If a purchaser has not been identified, a statement requesting that the

District shall or shall not give out the name and addresses or telephone numbers to other parties interested in purchasing a sublease may be included.

6050.21 Upon receipt of notification of intent to transfer, the RLCSD shall

6050.211 Furnish the seller with written instructions on procedure for transfer (enclosure 1 to this policy).

6050.212 Provide a copy of the current sublease waiting list (if no purchaser has been identified).

6050.213 Review the lease file for:

- A. Any fees due to the District or other governmental agency.
- B. Proper approvals and/or permits which affect the lease site.
- C. Other indications of potential problems concerning the lease transfer.

6050.214 Inspect the sublease site for compliance with existing policies, standards, codes etc.

6050.215 Provide sublessee with an Assignment of Sublease form (enclosure 2).

6050.216 Notify current sublessee of any actions to be completed prior to transfer.

6050.217 Provide the sublessee with a statement of transfer fee due RLCSD.

6050.218 Prepare a packet for the prospective sublease holder consisting of:

- A. Copy of the sublease contract, with any active extensions or agreements.
- B. Lease site map.
- C. Standards for leased property
- D. Road and lease site standards
- E. Boat dock policy
- F. Sanitation policies (boat lease only).

6050.22 Upon receipt of completed Assignment of Sublease form RLCSD shall

6050.221 Reinspect lease site for correction of deficiencies (if necessary).

6050.222 Verify Assignment of Sublease form for presence of all current leaseholder notarized signatures, and of all prospective lease holder notarized signatures.

6050.223 Verify receipt of assignment fee and of payment of all outstanding amounts identified above.

6050.224 Place proposed assignment/transfer on the next Board of Directors agenda as an action item.

6050.23 Upon approval of transfer by the Board of Directors the RLCSD shall

6050.231 Execute a Consent of Sublessor form (enclosure 3).

6050.232 Provide completed copies of Assignment of Sublease form and Consent of Sublessor form to buyer and seller.

6050.233 Place originals of all documents in sublease file.

6050.234 Notify the following of the change:

- A. Humboldt Bay Municipal Water District
- B. Trinity County Assessors Office
- C. **Ruth Lake Leaseholders Association**

6050.235 Execution of a new sublease contract is not required.

6050.30 Additions and deletions of persons to existing subleases

6050.301 Additions and deletions of spouses: Upon written request of a leaseholder, the name of a spouse or former spouse will be added to, or deleted from a sublease and other records of the District in the event of marriage, divorce, or death. The addition or deletion of the name of a spouse will be done free of charge, provided the request is accompanied by appropriate supporting legal documentation (i.e.: copy of marriage certificate, divorce decree, or death certificate).

6050.302 Addition and deletions of the names of someone other than a spouse or former spouse to or from a sublease and other records of the District must be approved by the Board of Directors of the District. The Board will consider such a request at its next regularly scheduled meeting provided the request to add or delete a name is made in writing and is accompanied by payment of \$25.00 and accompanied by:

- A. In the event of addition of a name, a written acknowledgment signed by such new party agreeing to be bound by the terms and conditions of the sublease on a form provided by the District and notarized (enclosure 4).
- B. In the event of deletion of a name, either a written acknowledgment signed by the party whose name is being deleted (enclosure 5), a copy of a death certificate (of the person whose name is being deleted), or such other documentation as may be requested by the District.

6050.31 Assignment to a living trust will be done at no charge upon written notification.

6050.32 Assignment from a living trust to any individual(s), or an assignment as the result of an inheritance, shall be charged the current assignment fee and shall be subject to all provisions of this policy.

6050.40 An assignment fee of \$250 shall be charged for each assignment or name change on a sublease except as provided for above.

6050.50 This policy supersedes the “Instructions for Assignment of Sublease” dated 10/13/94 and policy #950701 “Addition and deletions of persons to existing leases” adopted 7/13/95.

Approved by the RLCSD Board of Directors: November 4, 1996

Approved by the RLCSD Board of Directors: September 9, 2011

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