

San Miguel County

Treasurer • Public Trustee • Local Registrar

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Janice M. Stout, Public Trustee

2016 BUDGET MESSAGE SAN MIGUEL COUNTY PUBLIC TRUSTEE OFFICE

The 2016 San Miguel County Public Trustee budget has been prepared to comply with changes pursuant to the requirements of House Bill 12-1329 which went into effect on August 8, 2012. This legislation removed the budget process for the Public Trustee Office from the County General Fund to a separate Public Trustee Budget which is adopted by Public Trustee Resolution and submitted to the Board of County Commissioners for review.

A Public Hearing regarding the proposed 2016 budget will be held on September 10, 2015 at 10:30 am in the office of the Public Trustee. As the 2016 budget is less than fifty thousand dollars, Public Notice of the meeting shall be posted in three public places in San Miguel County consistent with Colorado regulations. Such posting places are the Public Trustee message board at the San Miguel County Courthouse at 305 W. Colorado Avenue in Telluride, the Placerville Post Office located on Front Street in Placerville and the Norwood Post Office located on Grand Avenue in Norwood.

Detailed budget information is available for review during normal business hours in the office of the Public Trustee. For public convenience, the budget is also posted on the Public Trustee department page at www.sanmiguelcountyco.gov and at <http://foreclosures.sanmiguelcountyco.gov> under the heading Foreclosure Reports and Budget Information.

The Public Trustee is responsible to the residents and voters in the county in which she serves. It is my obligation to follow Colorado Revised Statutes pertaining to this office and apply such regulations fairly and consistently no matter the parties involved. The primary duties of this Office are activated when a borrower signs a Deed of Trust associated with a promise to repay a debt to a lender. The borrower grants certain powers in the Deed of Trust to the Public Trustee of the County in which the property is located.

Considering current economic conditions, 2016 Releases of Deeds of Trust are projected at 633 releases or \$9,500 in revenue, a slight increase over 2015 budget. When a loan is repaid or forgiven or the Deed of Trust is no longer required to secure a loan, the lender makes a request to the Public Trustee to release the lien. This office ensures the lender has properly documented this request so the lien is effectively cleared from the owner's title. Once determining the request is properly made, the Public Trustee executes the release and forwards the release to the office of the County Clerk and Recorder for recording so the release becomes public record. Recording fees are forwarded to the Clerk and Recorder and the release fee of \$15.00 is retained by the Public Trustee.

I anticipate a continued reduction in foreclosures filings for 2016 resulting in a significant decrease in 2016 projected revenue to \$4,000 for foreclosure fees in 2016. The foreclosure filings in 2015 dropped 57 % from the 2014 level as of the end of June 2015. This trend is anticipated to continue in 2016.

When a loan falls into default, the lender may exercise its right to demand that the Public Trustee foreclose on the secured property. Foreclosure and related fees range from a minimum of \$150.00 per foreclosure to 1/32 of 1% of the amount borrowed or currently owed. In the case of large multi-million dollar hotel properties, we have experienced fees as high as \$48,000 for one foreclosure in 2013. Again, due to economic conditions, it is difficult to accurately estimate the anticipated fees as this relies upon the misfortune or financial condition of property owners.

The Public Trustee earns the fees associated with a foreclosure upon sale of the foreclosed property or closing of the foreclosure file. In 2015 through June 30th, the average foreclosure fees earned per foreclosure decreased to \$249.30 per foreclosure file closed. Minimum foreclosure fee is \$150 per file.

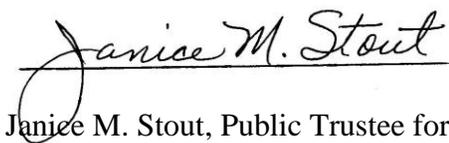
Total revenue from 2016 Public Trustee operations is budgeted at \$13,500 while 2015 budgeted expenses of the Public Trustee operations are projected at \$14,600, an 8% decrease from 2015 budget levels. Operating expenses remain relatively constant considering a fixed Public Trustee salary mandated by state regulations (providing fees generated offset such salary) and considering the need to obtain legal services through contract services rather than through the county attorney. The budget shortfall will come from the Public Trustee Salary Reserve Account.

After consideration of 2016 projected revenues and expenses, a net loss of \$3,106 is anticipated for the Public Trustee office. The 2016 projected net profit is down 33% from the 2015 projected net loss of \$1,056. The projected revenue reduction for 2016 anticipates a continued decline in foreclosure filings in 2016. It is anticipated that Public Trustee Reserve funds previously established as allowed by Colorado regulations will decrease slightly but should remain adequate for later use should foreclosure filings and fees fail to meet required expenses of the office.

The Public Trustee budget has been prepared consistent with and similar to those submitted by the Public Trustee for the County General Fund prior to the change in budget regulations in 2012. Fee revenue based on anticipated expenses will be transferred to the County General Fund quarterly. All operating expenses of the office will be paid out of the County General Fund. At year end, all Public Trustee revenues earned in excess of those previously transferred for expenses will be transferred to the County General Fund at year end leaving a small operating balance of \$2,500 in the Public Trustee fee account.

If you have any questions or comments about the 2016 budget, you are encouraged to attend the Public Hearing on Thursday September 3, 2015 at 10:30 a.m. in the office of the Public Trustee at the San Miguel County Courthouse located at 305 West Colorado Avenue, Suite 105 in Telluride Colorado. You may contact me at 970-728-4451 with questions regarding this proposed budget or submit written comments to jans@sanmiguelcountyco.gov for budget consideration.

Respectfully submitted.



Janice M. Stout, Public Trustee for the County of San Miguel, State of Colorado