



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-3

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July 3, 2007

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION

Recommendation to adopt minute order to grant an application from Daphne Davis for a widow's pension.

DISCUSSION

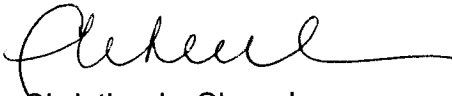
We are in receipt of an application from Daphne Davis for a widow's pension. Elmer Davis, who died on or about the 9th day of May, 2007, was a retired FBO Captain in the Long Beach Fire Department, having retired from active duty on July 24, 1984. Mrs. Davis has filed an application for a widow's pension under the provisions of Subsection (4) of Section 187 of the Charter of the City of Long Beach prior to its repeal.

We are of the opinion that Daphne Davis is entitled to a widow's pension. We are transmitting herewith the declaration of Daphne Davis and a form of minute order to be adopted by your honorable body granting Daphne Davis a widow's pension effective May 10, 2007.

SUGGESTED ACTION

Approve recommendation.

ROBERT E. SHANNON, City Attorney

By 
Christina L. Checel
Deputy City Attorney

CLC:kjm
Attachments

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MINUTE ORDER
FOR THE ADOPTION OF A WIDOW'S PENSION
BY
DAPHNE DAVIS

Councilmember _____ moved, second by
Councilmember _____, that the communication of the City
Attorney and the accompanying declaration be received and filed, and it appearing from
the application for a widow's pension that, Elmer Davis, who died on or about May 9,
2007, was a retired FBO Captain in the Long Beach Fire Department, having retired from
active duty on July 24, 1984; that Daphne Davis is his widow and is entitled to be granted
and to be paid during her lifetime, or until she remarries, an annual pension equal to fifty
percent (50%) of the salary attached to the rank of FBO Captain, to become effective July
25, 2007, and that such payments shall be made from such funds as the City may be
required to provide for that purpose.

ADOPTED: _____

DECLARATION PURSUANT TO
CALIFORNIA PROBATE CODE §§13600

The undersigned, Daphne C. Davis declares as follows:

1. I am the successor in interest of decedent, Olmer H. Davis, who died in the County of Orange, State of California, on May 9th, 2007.

2. No proceeding is now being or has been conducted in California for administration of the decedent's estate.

3. The current gross fair market value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code, does not exceed One Hundred Thousand Dollars (\$100,000). Section 13050 excludes property held in joint tenancy, in a life estate, passed to decedent's surviving spouse, or held in a revocable trust; vehicles or manufactured homes registered with DMV; and up to \$5,000 in compensation due for personal services from employment.

4. The following constitutes a portion of the property in decedent's estate: A sum of money due as pension.

5. The affiant or declarant is the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the decedent's interest in the described property.

6. No other person has a superior right to interest of the decedent in the described property.

7. The affiant or declarant requests that the described property be paid, delivered, or transferred to the affiant or declarant.

8. The declarant accepts personal liability for the proper distribution of the herein described property of decedent and will indemnify the City of Long Beach for any losses including costs and attorney's fees arising or in any manner resulting from disbursement of sums due the decedent and paid to the undersigned.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 6/18/07

Daphne C. Davis
Declarant

* See Attached Certificate
man

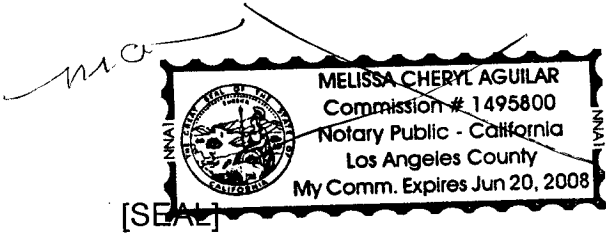
[Attach Notary Acknowledgment]

NOTARY ACKNOWLEDGMENT

STATE OF California)
COUNTY OF Orange) SS

On June 18th 2007, before me, Melissa Cheryl Aguilar, a Notary Public in and for said State, personally appeared Daphne E. Davis personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Melissa Cheryl Aguilar
Signature of Notary

