

(916) 445-4588

July 11, 1980

Pursuant to your request of June 19, we have reviewed the February 6, 1976, document you attached and have the following comments:

The question of whether the person whose name appears on the deed is the true owner of the property is a question of fact. Normally, as you are aware, the person whose name appears on the deed would be presumed to be the owner of the property in question. However, if one could prove that person is merely acting as an agent of another, then the true owner of the property would be the agent's principal. Therefore, a transfer of the property from the agent's name to his principal would, in my opinion, not be regarded as a change in ownership.

The February 6, 1976, letter would, in my opinion, establish the agent/principal relationship. The only suggestion I have is that when and if a piece of property is acquired pursuant to such an arrangement that an addendum be made to the agreement specifically delineating the piece of property that is being acquired. It should be remembered my opinion is advisory only and a particular county counsel may disagree with it. In such a case, the county would normally follow its counsel's advice.

Very truly yours,

Glenn L. Rigby  
Assistant Chief Counsel

GLR: sfg