STEVE MORENO
WELD COUNTY CLERK & RECORDER
1402 NORTH 17TH AVENUE
P.O. BOX 459
GREELEY, COLORADO 80632
WEBSITE: www.co.weld.co.us
PHONE: (970) 304-6520
FAX: (970) 304-6521

RECEIVED
AUG 20 2009
TOWN OF FREDERICK

August 1, 2009

To Whom It May Concern:

The Weld County Clerk & Recorder's office and the Weld County Treasurer's office are updating their files.

Attached is a new Memorandum of Understanding (MOU) that you will need to sign and return to our office so that we can continue collecting taxes for your municipality and submitting the monies to you monthly.

If you have any questions, please call our office.

Thank You;

Jan Angel
Motor Vehicle
Office Manager\Coordinator

MEMORANDUM OF UNDERSTANDING
COLLECTION OF SALES AND/OR USE TAX
BY WELD COUNTY CLERK AND RECORDER

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is by and between Steve Moreno, Weld County Clerk and Recorder (hereinafter "Clerk and Recorder"), whose address is 1402 N. 17th Avenue, Greeley, CO 80631; John Lefebvre, Weld County Treasurer (hereinafter "Treasurer"), whose address is 1400 N. 17th Avenue, Greeley, CO 80631; and TOWN OF FREDERICK (hereinafter "Municipality"), whose address is 401 LOCUST ST FREDERICK, CO 80530.

WITNESSETH:

WHEREAS, Municipality charges a sales tax of __ % of the purchase price upon all motor vehicle purchases that occur within the boundaries of Municipality (hereinafter "the Sales Tax"), and

WHEREAS, Municipality charges a use tax of 2.50% of the purchase price upon all motor vehicle purchased for use by Municipality's residents (hereinafter "the Use Tax"), and

WHEREAS, Municipality desires to have Clerk and Recorder collect the Sales Tax and/or Use Tax from persons who are in the process of licensing them through the Clerk and Recorder, and

WHEREAS, the parties hereto agree to said collection of the Sales Tax and/or Use Tax according to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. COLLECTION OF TAXES. Clerk and Recorder shall collect the Sales Tax and/or Use Tax upon the registration of motor vehicles subject to such taxes. No registration or title shall be issued by the Clerk and Recorder unless either payment of the Sales Tax and/or Use Tax is made or evidence of exemption from such taxes is presented at the time of registration.

2. TRANSMITTAL OF FUNDS TO MUNICIPALITY. Clerk and Recorder shall transmit daily all funds collected to the Weld County Treasurer, who shall transmit 95% of the funds collected to Municipality by the 15th of the month following the month of collection thereof; retaining 5% as payment due for the aforementioned collection. Such retained payment shall be submitted into County's General Fund.

3. ENTIRE MOU. This instrument embodies the entire MOU of the parties with respect to the subject matter hereof. There are no promises, terms, conditions, or obligations other than those contained herein; and this MOU shall supersede all previous communications, representations, or MOUs, either verbal or written, between the parties hereto. No modification to this MOU shall be valid unless agreed to in writing by the parties hereto.

4. NO THIRD-PARTY ENFORCEMENT. It is expressly understood and agreed that the enforcement of the terms and conditions of this MOU, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this MOU shall give or allow any claim or right of action whatsoever by any other person not included in this MOU. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this MOU shall be an incidental beneficiary only.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized officials to execute this MOU the day and year first above written.

TREASURER:

By: _____
John Lefebvre
Weld County Treasurer

CLERK AND RECORDER:

By: Steve Moreno
Steve Moreno, Weld County
Clerk and Recorder

MUNICIPALITY:

_____, a municipal corporation of the STATE OF COLORADO

ATTEST:

By: _____
, Clerk

By: _____
, Mayor