*[Text highlighted in <mark>yellow</mark> may be deleted, dependent on direction from FORA Board]*

2.2.8  <u>Late Discovered Items</u>:  To the extent that any contractual or other obligation of FORA is discovered during implementation of this Transition Plan, those obligations shall be assigned as follows:  If the obligation is related to the use of real property, it shall be assigned to the underlying land use jurisdiction, unless otherwise specifically addressed in an agreement entered into between such land use jurisdiction and FORA.  If the liability or obligation is unrelated to the use of real property, LAFCO shall notify any appropriate insuring entity and the County.  Upon the establishment of the validity and amount of the liability or obligation by LAFCO and the County acting in coordination with each other, such established liability or obligation shall be paid or discharged first (a) by the County applying monies, if any remain that are not expended and not already legally obligated to be expended for other purposes, from the funds transferred to the County pursuant to Section 2.1.6; next (b) by LAFCO applying any then unexpended funds received from FORA, including but not limited to the litigation reserve funds received from FORA as described in Section 2.1.3; and only thereafter (c) by applying funds, if any, remitted by the Trustee to the County under Section 4.02(f) of that Indenture of Trust, dated as of June 1, 2020, among FORA, the City of Marina, as administrator, and U.S. Bank National Association, as trustee, pursuant to which FORA has issued its Fort Ord Reuse Authority Tax Allocation Bonds, Series 2020 (which funds consist of the annual property tax increment described in Health and Safety Code section 33492.71, which funds are not needed for purposes of the Indenture)~~by encumbering and expending future property tax revenues pursuant to Health and Safety Code section 33492.71~~.  The County shall continue to accrue such property tax revenues in FORA's account until all of FORA's recognized debts have been retired.