

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

524A



FROM: Paul McDonnell  
Treasurer-Tax Collector

SUBMITTAL DATE: November 4, 2002

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 159, Item 406.  
Last assessed to: Manuel Garcia and Dolores Garcia, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Charles W. Allen and Carol A. Allen for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 361174005-1;
- 2) Deny the claim from Manuel Garcia and Dolores Garcia, last assessee's;
- 3) Deny the claim from James Biedebach;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to Charles W. Allen and Carol A. Allen in the amount of \$3,098.40 no sooner then ninety days from the date of this order, unless pursuant to the California Revenue and Taxation Code Section 4675, an appeal has been filed in Superior Court.

**BACKGROUND:** In accordance with Section 3691 et seq. of the California Revenue and Taxation Code, and with prior approval of the Board of Supervisors, the Tax Collector conducted the March 12, 2001 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 10, 2001. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on May 31, 2001, to parties of interest as defined in Section 4675 of said code. Parties of interest have been determined by an examination of lot book reports as well as Assessor's and Recorder's records, and various research methods were used to obtain current mailing addresses for these parties of interest.

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FINANCIAL DATA:

CURRENT YEAR COST \$3,098.40  
NET COUNTY COST \$ 0

ANNUAL COST \$ 0  
IN CURRENT YEAR BUDGET: YES  
BUDGET ADJUSTMENT: NO FOR FY: 2003

SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale

C.E.O. RECOMMENDATION: APPROVE.

County Executive Officer Signature

FORM APPROVED  
COUNTY COUNSEL

JAN 23 2003

Policy  
 Policy

Consent  
 Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

Dist.  
3

AGENDA NO.

9.18

BOARD OF SUPERVISORS

Form 11:

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The Treasurer-Tax Collector has received three claims for excess proceeds:

- 1) Claim from Charles W. Allen and Carol A. Allen based on a Short Form Deed of Trust and Assignment of Rents dated March 26, 1987 and recorded April 20, 1987 as Instrument No. 107999.
- 2) Claim from Manuel Garcia and Dolores Garcia based on a Grant Deed dated March 26, 1987 and recorded April 20, 1987 as Instrument No. 107998.
- 1) Claim from James W. Biedebach based on a Abstract of Judgment dated May 17, 2000 and recorded May 23, 2000 as Instrument No. 2000-196865.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Charles W. Allen and Carol A. Allen be awarded excess proceeds in the amount of \$3,098.40. Since the amount claimed by Charles W. Allen and Carol A. Allen exceeds the amount of excess proceeds available for distribution, there are no funds available for consideration of the claims from Manuel Garcia and Dolores Garcia and James W. Biedebach. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion. Notice of this recommendation was sent to the claimants by certified mail 7001 0360 0000 9641 673, 7001 0360 0000 9641 674 & 7001 0360 0000 9641 675.