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



FROM: Paul McDonnell
Treasurer-Tax Collector

SUBMITTAL DATE: September 25, 2002

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 159, Item 902.

Last assessed to: Joe J. Kissak and Constance J. Kissak, Trustee under Living Trust dated March 23, 1991, as to an undivided 50% interest and Kenneth Franklin Phillips and Dorothy Catherine Phillips, Trustee u/d/t dated March 20, 1990 as to an undivided 50% interest.

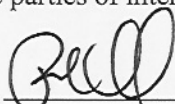
RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Constance J. Kissak, Trustee under Living Trust dated March 23, 1991, last assessee, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 479090024-9;
- 2) Approve the claim from Kenneth Franklin Phillips, Trustee u/d/t dated March 20, 1990, last assessee, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 479090024-9;

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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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Paul McDonnell
Treasurer-Tax Collector

FINANCIAL DATA:

CURRENT YEAR COST \$9,315.13
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 CLERK
JAN 29 2003
Policy
Policy
Consent
Consent
Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.
5

AGENDA NO

9.19

BOARD OF SUPERVISORS

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to Constance J. Kissak, Trustee under Living Trust dated March 23, 1991, in the amount of \$4,657.57 and Kenneth Franklin Phillips and Dorothy Catherine Phillips, Trustee u/d/t dated March 20, 1990, in the amount of \$4,657.56, no sooner than 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.
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The Treasurer-Tax Collector has received two claims for excess proceeds:

- 1) Claim from Constance J. Kissak, Trustee under Living Trust dated March 23, 1991, last assessee, based on a Trustee's Deed dated January 27, 1994 and recorded February 3, 1994 as Instrument No. 047880.
- 2) Claim from Kenneth Franklin Phillips, Trustee u/d/t dated March 20, 1990, last assessee, based on a Trustee's Deed dated January 27, 1994 and recorded February 3, 1994 as Instrument No. 047880.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Constance J. Kissak, Trustee under Living Trust dated March 23, 1991 be awarded excess proceeds in the amount of \$4,657.57 and Kenneth Franklin Phillips and Dorothy Catherine Phillips, Trustee's u/d/t dated March 20, 1990 be awarded excess proceeds in the amount of \$4,657.56. 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 622 & 7001 0360 0000 9641 623.