

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

111A



FROM: Paul McDonnell
Treasurer-Tax Collector

SUBMITTAL DATE: January 30, 2003

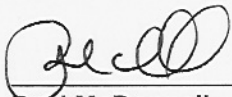
SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 159, Item 1148.
Last assessed to: Gus DiAntonio.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Coachella Valley Recreation and Park District for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 616220003-4;
- 2) Deny the claim from David M. Peters, Trustee and authorized Representative for Desert Grove Homeowners Association;
- 3) Deny the claim from Americo DiAntonio, Executor of the Gus DiAntonio Estate;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to Coachella Valley Recreation and Park District in the amount of \$6,268.21 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.

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.

(continued on page two)


Paul McDonnell
Treasurer-Tax Collector

FINANCIAL DATA:

CURRENT YEAR COST \$6,268.21
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

FILED 13 2003
HONORARY

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.
4

AGENDA NO.

9.15

BOARD OF SUPERVISORS

Form 11:

Page 2

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

- 1) Claim from Carol J. Fogleman, Special Counsel to Coachella Valley Recreation and Park District based on a Judgment in Foreclosure; Order of Sale Thereon dated May 26, 1999 and recorded June 26, 1999 as Instrument No. 1999-384503.
- 2) Claim from David M. Peters, Trustee and authorized Representative for Desert Grove Homeowner Association based on a Abstract of Judgment dated January 31, 2001 and recorded March 21, 2001 as Instrument No. 2001-115518.
- 3) Claim from Americo DiAntonio based on the Last Will and Testament of Gus DiAntonio, last assessee dated April 18, 1986 and Declaration under California Probate Code Section 13100.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Coachella Valley Recreation and Park District be awarded the excess proceeds in the amount of \$6,268.21. Since the amount claimed by Coachella Valley Recreation and Park District exceeds the amount of the excess proceeds available for distribution, there are no funds available for consideration of the claims from David M. Peters, Trustee and authorized Representative for Desert Grove Homeowner Association and Americo DiAntonio, Executor of the Gus DiAntonio Estate. 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 671, 7001 0360 0000 9641 672 & 7001 2510 0000 7596 627.