

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

538A



FROM: Paul McDonnell  
Treasurer-Tax Collector

SUBMITTAL DATE: April 4, 2003

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 159, Item 1479.  
Last assessed to: Edward R. Paul and Penny Paul.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from R. L. Bunch Company, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 773324002-2;
- 2) Deny the claim from United California Bank formerly Sanwa Bank California;
- 3) Deny the claim from Forest Green Scholtz & Hightower, agent for Edward R. Paul and Penny Paul, last assessee's;

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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  
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FINANCIAL DATA:

CURRENT YEAR COST \$5,726.95  
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

APR 15 2003  
BY [Signature]

Policy  
 Policy

Consent  
 Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

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AGENDA NO.  
9.13

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**RECOMMENDED MOTION:** (Continued)

- 3) Authorize and direct the Auditor-Controller to issue warrants to R. L. Bunch Company in the amount of \$5,726.95, 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 three claims for excess proceeds:

- 1) Claim from R. L. Bunch Company, based on a Abstract of Judgment dated June 1, 1994 and recorded August 15, 1994 as Instrument No. 317552.
- 2) Claim from United California Bank formerly Sanwa Bank California based on a Abstract of Judgment dated April 14, 1997 and recorded May 27, 1997 as Instrument No. 184092.
- 3) Claim from Forest Green Scholtz & Hightower, agent for Edward R. Paul and Penny Paul, last assessee's, based on a Grant Deed dated May 13, 1992 and recorded July 28, 1992 as Instrument No. 279235.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that R. L. Bunch Company be awarded the excess proceeds in the amount of \$5,726.95. Since the amount claimed by R. L. Bunch Company exceeds the amount of excess proceeds available for distribution, there are no funds available for consideration of the claims from United California Bank formerly Sanwa Bank California and Forest Green Scholtz & Hightower, agent for Edward R. Paul and Penny Paul. 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 2510 0000 7596 710, 7001 2510 0000 7596 711 & 7001 2510 0000 7596 712.