

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

158 A



FROM: Paul McDonnell
Treasurer-Tax Collector

SUBMITTAL DATE: October 9, 2002

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 159, Item 199.
Last assessed to: Oliver E. Bryant, an unmarried man.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Global Discoveries, LTD, agent for David Tochterman, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 306365016-8;
- 2) Deny the claim from Fire Prevention Services, Inc.;
- 3) Deny the claim from Edward B. Cowan Jr., D.D.S.;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, LTD, agent for David Tochterman in the amount of \$24,968.45, 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 \$24,968.45
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

AUG 5 2003
Hans

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.
5

AGENDA NO.

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

9.13

BOARD OF SUPERVISORS

Form 11:

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

- 1) Claim from Global Discoveries, LTD, agent for David Tochterman, based on a Collateral Assignment of Deed of Trust dated June 26, 1990 recorded July 6, 1990 as Instrument No. 249100.
- 2) Claim from Ken Osborn, President, Fire Prevention Services, Inc., based on a Notice of Abatement Lien dated July 20, 1998 and recorded August 6, 1998 as Instrument No. 329406, dated April 2, 1999 and recorded April 7, 1999 as Instrument No. 146692, dated August 31, 1999 and recorded September 1, 1999 as Instrument No. 1999-396293, dated October 22, 1999 and recorded October 28, 1999 as Instrument No. 1999-473210, dated February 1, 2000 and recorded February 10, 2000 as Instrument No. 2000-051915 and dated January 17, 2001 and recorded January 24, 2001 as Instrument No. 2001-031368.
- 3) Claim from Edward B. Cowan Jr., D.D.S., Trustee of the Edward B. Cowan, Jr., D.D.S. Profit Sharing Trust based on a Deed of Trust with Assignment of Rents as Additional Security dated February 13, 1996 and recorded February 14, 1996.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, LTD, agent for David Tochterman be awarded excess proceeds in the amount of \$24,968.45. Since the amount claimed by Global Discoveries, LTD, agent for David Tochterman exceeds the amount of the excess proceeds available for distribution, there are no funds available for consideration of the claims from Ken Osborn, President, Fire Prevention Services, Inc. and Edward B. Cowan Jr., D.D.S., Trustee of the Edward B. Cowan, Jr., D.D.S. Profit Sharing Trust. 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 644, 7001 0360 0000 9641 645 & 7001 0360 0000 9641 646.