

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

128A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
October 28, 2004

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 266.
Last assessed to: Alvis Abraham Smitherman and Donna M. Smitherman, husband and wife, as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Nationwide Asset Recovery Service, agent for Donna M. Smitherman, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350222001-5;
- 2) Authorize and direct the Auditor-Controller to issue a warrant to Nationwide Asset Recovery Service, agent for Donna M. Smitherman in the amount of \$6,059.34, 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 17, 2003 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 14, 2003. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on June 13, 2003, 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.

Paul McDonnell
Paul McDonnell, Treasurer/Tax Collector

FORM APPROVED
COUNTY COUNSEL
JAN 3 2005
BY: H. H.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 6,059.34	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2004-05

SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

[Signature]

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 3

Agenda Number:

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

9.17

RECEIVED DIRECTOR GENERAL RIVERSIDE COUNTY
OCT 29 10 22 AM '04
CLERK OF THE BOARD
OFFICE EXECUTIVE

BOARD OF SUPERVISORS

Form 11:

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The Treasurer-Tax Collector has received one claim for excess proceeds:

- 1) Claim from Nationwide Asset Recovery Service, agent for Donna M. Smitherman based on an Authorization for Agent to Collect Excess Proceeds dated June 3, 2003, based on a Grant Deed recorded July 7, 1988 as Instrument No. 187831.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Nationwide Asset Recovery Service, agent for Donna M. Smitherman be awarded excess proceeds in the amount of \$6,059.34. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.