

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

162A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
December 7, 2004

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 893.
Last assessed to: Thomas F. Ellenz, a single man.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from the State of California, Franchise Tax Board for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 657160024-7;
- 2) Approve the claim from Global Discoveries, Ltd., agent for Thomas F. Ellenz, last assessee for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 657160024-7;

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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 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.

(Continued on page two)

Paul McDonnell
Paul McDonnell, Treasurer/Tax Collector

FORM APPROVED
COUNTY COUNSEL

JAN 19 2005
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$5,123.11	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 *Oh hr*

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

Prev. Agn. Ref.: | District: 5 | Agenda Number: **9.68**

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

COUNTY OF RIVERSIDE
02 JAN 21 09 2:00
OFFICE
EXECUTIVE

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to the State of California, Franchise Tax Board in the amount of \$4,567.97 and Global Discoveries, Ltd., agent for Thomas F. Ellenz, in the amount of \$555.14, 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.

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

- 1) Claim from the State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded September 16, 1994 as Instrument No. 357461 and an Order to Withhold Personal Income Tax dated December 3, 2004.
- 2) Claim from Global Discoveries, Ltd., agent for Thomas F. Ellenz based on an Assignment of Right to Collect Excess Proceeds dated July 9, 2003 and based on a Quitclaim Deed recorded September 19, 1988 as Instrument No. 269820.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that the State of California, Franchise Tax Board be awarded excess proceeds in the amount of \$4,567.97 and Global Discoveries, Ltd., agent for Thomas F. Ellenz be awarded excess proceeds in the amount of \$555.14. 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 0003 8650 792 & 7001 2510 0003 8650 793.