

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

540A



**FROM:** Paul McDonnell, Treasurer/Tax Collector

**SUBMITTAL DATE:**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 366.  
Last assessed to: Robert H. Carter and Billie Jo Carter as Trustor and Trustee of the Carter Family Trust dated January 21, 1996.

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve the claim from Robert H. Carter and Billie Jo Carter, last assessee's for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 374061014-4;
- 2) Deny the claim from Gary Allen;

**(Continued on Page 2)**

**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)

FORM APPROVED  
COUNTY COUNSEL

Departmental Concurrence  
JUN 30 2005

BY [Signature]

[Signature]  
Paul McDonnell, Treasurer/Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$4,941.98	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2005-06

<b>SOURCE OF FUNDS:</b> Fund 65595 Excess Proceeds from Tax Sale	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<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: 1 | Agenda Number:

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

9.19

BOARD OF SUPERVISORS

Form 11:

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**RECOMMENDED MOTION:** (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to Robert H. Carter and Billie Jo Carter as Trustor and Trustee of the Carter Family Trust dated January 21, 1996 in the amount of \$4,941.98, 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 two claims for excess proceeds:

- 1) Claim from Robert H. Carter and Billie Jo Carter based on a Grant Deed recorded January 31, 1996 as Instrument No. 035765.
- 2) Claim from Gary Allen based on an Assignment of Right to Collect Excess Proceeds, Assignor is City of Lake Elsinore based on a Notice of Lien recorded February 7, 1992 as Instrument No. 044248.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Robert H. Carter and Billie Jo Carter as Trustor and Trustee of the Carter Family Trust be awarded excess proceeds in the amount of \$4,941.98. The claim from Gary Allen is denied because the Notice of Lien recorded February 7, 1992 as Instrument No. 044248 was expired and never re-recorded. 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 7002 2030 0004 7937 452 & 7002 2030 0004 7937 453.