

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

223A



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

**SUBMITTAL DATE:**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 864.

Last assessed to: Lazaro C. Eslao and Corazon B. Eslao, husband and wife as community property as to an undivided 75% interest and The Estate of Dieter A. Von Mirbach aka Dieter Von Mirbach, undivided 25%.

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

- 1) Approve the claim from the Bob Doyle, Riverside County Public Administrator for the Estate of Rose Powell etc., for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 642241010-6;
- 2) Deny the claim from Gary A. Von Mirbach/Blairfield Estates, Inc., surviving heir of Dieter Von Mirbach, last assessee and lien holder;
- 3) Deny the claim from Victor C. Charnetsky and Leticia Charnetsky;

(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)

*Paul McDonnell*  
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Paul McDonnell, Treasurer/Tax Collector

FORM APPROVED  
COUNTY COUNSEL

OCT 3 2005

BY *Hammer*

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$50,244.61	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 *Orliffe*

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

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

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

9.7

BOARD OF SUPERVISORS

Form 11:

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**RECOMMENDED MOTION:** (Continued)

- 4) Deny the claims from Global Discoveries, Ltd., agent for Karen Sund, Executrix of the Estate of Dieter Von Mirbach;
- 5) Authorize and direct the Auditor-Controller to issue a warrant to the Bob Doyle, Riverside County Public Administrator for the Estate of Rose Powell etc., in the amount of \$50,244.61 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 four claims for excess proceeds:

- 1) Claim from Bob Doyle, Riverside County Public Administrator for the Estate of Rose Powell etc., based on a Judgment on Stipulation for Entry of Judgment filed on November 2, 1989 in association with a Short Form Deed of Trust and Assignment of Rents (Individual) recorded May 9, 1986 as Instrument No. 107125 and Assignment of Deed of Trust (40% interest) recorded December 30, 1997 as Instrument 474309.
- 2) Claim from Gary A. Von Mirbach/Blairfield Estates, Inc., based on a Short Form Deed of Trust and Assignment of Rents (Individual) recorded May 9, 1986 as Instrument No. 107125 and Notice of Pendency of Action recorded December 16, 2002 as Instrument No. 2002-750797.
- 3) Claim from Victor C. Charnetsky and Leticia Charnetsky based on a Short Form Deed of Trust and Assignment of Rents (Individual) recorded December 4, 1987 as Instrument No. 344725.
- 4) Claim from Global Discoveries, Ltd., agent for Karen Sund, Executrix of the Estate of Dieter Von Mirbach based on an Assignment of Right to Collect Excess Proceeds dated November 24, 2003 and based on Testamentary Letters for the Estate Dieter A. Von Mirbach aka Dieter Von Mirbach filed May 24, 1996.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that the Bob Doyle, Riverside County Public Administrator for the Estate of Rose Powell etc., be awarded excess proceeds in the amount of \$50,244.61. Since the amount claimed by Bob Doyle, Riverside County Public Administrator for the Estate of Rose Powell etc. exceeds the amount of the excess proceeds available for distribution, there are no funds available for consideration of the claims from Gary A. Von Mirbach/Blairfield Estates, Inc., Victor C. Charnetsky and Leticia Charnetsky and Global Discoveries, Ltd., agent for Karen Sund, Executrix. 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 673, 7001 2510 0003 8650 674, 7001 2510 0003 8650 675 & 7001 2510 0003 8650 676.