

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

837A



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

**SUBMITTAL DATE:**  
January 12, 2005

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 647.  
Last assessed to: Ricky Carl Jones, a single man.

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

- 1) Approve the claim from Transamerica Insurance Company for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 478181003-4;
- 2) Approve the claim from the JM/AP Investors II, LP for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 478181003-4;

(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, Treasurer/Tax Collector

Departmental Concurrence

FORM APPROVED  
COUNTY COUNSEL

MAR 18 2005

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$7,463.67	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

<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**

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

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

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

9.8

COUNTY OF RIVERSIDE  
 CLERK OF THE BOARD  
 OFFICE EXECUTIVE

BOARD OF SUPERVISORS

Form 11:

Page 2

**RECOMMENDED MOTION:** (Continued)

- 3) Deny the claim from the City of Riverside;
- 4) Deny the claim from the State of California, Franchise Tax Board;
- 5) Deny the claim from Superior Insurance Company;
- 6) Deny the claim from Orange County District Attorney, Family Support Division;
- 7) Deny the claim from Riverside County District Attorney, Family Support Division;
- 8) Deny the claim from the U.S. Attorney's Office, Department of Justice;
- 9) Authorize and direct the Auditor-Controller to issue a warrant to Transamerica Insurance Company in the amount of \$4,860.37 and JM/AP Investors II, LP in the amount of \$2,603.30, 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 eight claims for excess proceeds:

- 1) Claim from Transamerica Insurance Company based on an Abstract of Judgment recorded February 8, 1993 as Instrument No. 49320.
- 2) Claim from JM/AP Investors II, LP based on an Abstract of Judgment recorded January 26, 1995 as Instrument No. 025659.
- 3) Claim from the City of Riverside/Business Tax based on an Abstract of Judgment recorded September 1, 1995 as Instrument No. 289463.
- 4) Claim from the State of California, Franchise Tax Board based on Notices of State Tax Lien recorded November 20, 1998 as Instrument No. 506448 and recorded December 12, 2000 as Instrument No. 2000-493392.
- 5) Claim from Superior Insurance Company based on an Abstract of Judgment recorded February 26, 2001 as Instrument No. 2001-076284.
- 6) Claim from Orange County District Attorney, Family Support Division based on an Abstract of Support Judgment recorded July 25, 1994 as Instrument No. 293742.
- 7) Claim from Riverside County District Attorney, Family Support Division based on an Abstract of Support Judgment recorded July 26, 2000 as Instrument No. 2000-287855.
- 8) Claim from the U.S. Attorney's Office, Department of Justice based on a Notice of Lien for Fine and Restitution Imposed Pursuant to the Antiterrorism and Effective Death Penalty Act of 1996.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Transamerica Insurance Company be awarded excess proceeds in the amount of \$4,860.37 and JM/AP Investors II, LP be awarded excess proceeds in the amount of \$2,603.30. Since the amount claimed by Transamerica Insurance Company and the JM/AP Investors II, LP exceeds the amount of the excess proceeds available for distribution, there are no funds available for consideration of the claims from the City of Riverside, the State of California, Franchise Tax Board and Superior Insurance Company. The claims from Orange County District Attorney, Family Support Division, Riverside County District Attorney, Family Support Division and the U.S. Attorney's Office, Department of Justice be denied because the liens filed are not associated with our last assessee. 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 811, 7001 2510 0003 8650 812, 7001 2510 0003 8650 813, 7001 2510 0003 8650 814, 7001 2510 0003 8650 815, 7001 2510 0003 8650 816, 7001 2510 0003 8650 817 & 7001 2510 0003 8650 818.