

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

829A



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

**SUBMITTAL DATE:**  
January 13, 2005

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 813.  
Last assessed to: Mepco Oil, Inc., a California Corporation.

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

- 1) Approve the claim from Steve Westly, California State Controller for payment of excess proceeds from the Tax Collector's public auction sale associated with parcel 611133009-6;
- 2) Deny the claim from the District Attorney of the County of Los Angeles, Consumer Protection Division;
- 3) Deny the claim from Bank of America, N.A., formerly Bank of America National Trust and Savings Association;

(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

MAR 21 2005 Departmental Concurrence

BY *[Signature]*

*[Signature]*

Paul McDonnell, Treasurer/Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$15,224.68	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**

*[Signature]*

**County Executive Office Signature**

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

**Prev. Agn. Ref.:** | **District:** 4 | **Agenda Number:**

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

9.14

BOARD OF SUPERVISORS

Form 11:

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**RECOMMENDED MOTION:** (Continued)

- 4) Deny the claim from Riverside County, Treasurer/Tax Collector;
- 5) Authorize and direct the Auditor-Controller to issue a warrant to Steve Westly, California State Controller in the amount of \$15,224.68 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 Steve Westly, California State Controller based on a Notice of State Tax Lien recorded July 23, 1999 as Instrument No. 330158.
- 2) Claim from the District Attorney of the County of Los Angeles, Consumer Protection Division based on an Abstract of Judgment recorded May 11, 2000 as Instrument No. 177535.
- 3) Claim from Bank of America, N.A., formerly Bank of America National Trust and Savings Association based on an Abstract of Judgment recorded November 1, 2000 as Instrument No. 434977.
- 4) Claim from Riverside County, Treasurer/Tax Collector based on a Certificate of Lien recorded October 23, 2001 as Instrument No. 517271.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Steve Westly, California State Controller be awarded excess proceeds in the amount of \$15,224.68. Since the amount claimed by Steve Westly, California State Controller exceeds the amount of the excess proceeds available for distribution, there are no funds available for consideration of the claims from the District Attorney of the County of Los Angeles, Consumer Protection Division, Bank of America, N.A., formerly Bank of America National Trust and Savings Association and Riverside County, Treasurer/Tax Collector. 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 7927 387, 7002 2030 0004 7927 922, 7002 2030 0004 7927 923 & 7002 2030 0004 7927 924.