

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

640A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
DEC 29 2005

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 168, Item 186.
Last assessed to: Joseph P. Dorsey, a married man and Patrick M. Barton, a single man, as tenants in common.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from the State of California, Franchise Tax Board for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 663052014-9;
- 2) Approve the claim from Joseph P. Dorsey, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 663052014-9;

(Continue 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 July 14, 2003 public auction sale. The deed conveying title to the purchasers at the auction was recorded September 29, 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 October 7, 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

FORM APPROVED COUNTY COUNSEL
BY
DEC 29 2005
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$9,138.89	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

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

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

Prev. Agn. Ref.: _____ District: 5 Agenda Number: _____

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

9.17

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Deny the claim from Global Discoveries, Ltd., agent for Patrick M. Barton, last assessee;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to the State of California, Franchise Tax Board in the amount of \$4,569.45, Joseph P. Dorsey in the amount of \$4,569.44 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 three claims for excess proceeds:

- 1) Claim from the State of California, Franchise Tax Board based on a Notice of State Tax Lien's for Patrick M. Barton recorded October 19, 1993 as Instrument No. 409052 and recorded May 12, 1997 as Instrument No. 162602.
- 2) Claim from Joseph P. Dorsey based on a Tax Deed to Purchaser of Tax-Defaulted Property recorded April 10, 1989 as Instrument No. 112493.
- 3) Claim from Global Discoveries, Ltd., agent for Patrick M. Barton based on an Assignment of Right to Collect Excess Proceeds dated September 27, 2004 and based on a Tax Deed to Purchaser of Tax-Defaulted Property recorded April 10, 1989 as Instrument No. 112493.

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 \$4,569.45 and Joseph P. Dorsey be awarded excess proceeds in the amount of \$4,569.44. Since the amount claimed by the State of California, Franchise Tax Board for Patrick M. Barton's portion exceeds the amount available, there are no funds available for consideration of the claim from Global Discoveries, Ltd., agent for Patrick M. Barton. 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 0007 0063 825 & 7001 2510 0007 0063 826 & 7001 2510 0007 0063 827.