

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

560A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
AUG 03 2006

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 171, Items 340 through 344. Last assessed to: MiJo Investments, LP, A California Partnership, 50% interest, Clifford P. Martin, 25% interest, Louise Martin, 25% interest, tenants in common.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claims from Rob Schelling agent for MiJo Investments, LP, last assessee's for payment of excess proceeds from the Tax Collector's public auction sale associated with parcels 326062017-9, 326071001-2, 326072005-9, 326073001-8 and 326082017-1;

(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 21, 2005 public auction sale. The deed conveying title to the purchasers at the auction was recorded April 22, 2005. 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 14, 2004, 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
Paul McDonnell, Treasurer/Tax Collector

FORM APPROVED
COUNTY COUNSEL

AUG 3 - 2006

FINANCIAL DATA

| | | | |
|-------------------------------|--------------|-------------------------|---------|
| Current F.Y. Total Cost: | \$594,346.63 | In Current Year Budget: | NO |
| Current F.Y. Net County Cost: | \$0 | Budget Adjustment: | N/A |
| Annual Net County Cost: | \$0 | For Fiscal Year: | 2006-07 |

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

Chiefs

County Executive Office Signature

Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 5

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.44

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 2) Approve the claim from Louise C. Martin, last assessee for payment of excess proceeds from the Tax Collector's public auction sale associated with parcels 326062017-9, 326071001-2, 326072005-9, 326073001-8 and 326082017-1;
- 3) Authorize and direct the Auditor-Controller to issue warrants to Rob Schelling agent for MiJo Investments, LP in the amount of \$297,173.32 and Louise C. Martin in the amount of \$297,173.31, 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 two claims for excess proceeds:

- 1) Claim from Rob Schelling agent for MiJo Investments, LP, based on an Authorization for Agent to Collect Excess Proceeds dated May 24, 2006 and based on a Grant Deed recorded December 17, 2004 as Instrument No. 2004-1001172.
- 2) Claim from Louise C. Martin based on a Corporation Grant Deed recorded July 18, 1986 as Instrument No. 169027 and the death certificate for Clifford P. Martin.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Rob Schelling agent for MiJo Investments, LP be awarded excess proceeds in the amount of \$297,173.32 and Louise C. Martin be awarded excess proceeds in the amount of \$297,173.31. Supporting documentation has been provided. Normally we recommend denial of all claims beyond the statutory one year claim period. Although the above mentioned claims were received a few weeks late, the Tax Collector is recommending approval since there were no other claimants. In fact no other potential claimants were identified. Were there potential claimants our recommendation would not necessarily be the same. Notice of this recommendation was sent to the claimants by certified mail.

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|--------------|----------|----------------------|
| EP171 | Item 340 | \$ 90,007.84 |
| EP171 | Item 341 | \$ 48,342.01 |
| EP171 | Item 342 | \$ 211,797.94 |
| EP171 | Item 343 | \$ 96,014.26 |
| EP171 | Item 344 | <u>\$ 148,184.58</u> |
| TOTAL | | \$ 594,346.63 |