

112A

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



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
NOV 29 2006

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 170, Item 600.
Last assessed to: Marzelle Battle, a single woman as her sole and separate property.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Deny the claim from Andre Deloje for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 519280005-2;
- 2) Deny the claim, unless pursuant to the California Revenue and Taxation Code Section 4675, an appeal has been filed in Superior Court.

BACKGROUND: On November 14, 2006, Agenda item 9.11, was presented and the claimant, Mr. Andre Deloje objected to the recommendation. The matter was continued to the December 12, 2006 Agenda for further review.

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 a tax sale March 15, 2004 through March 16, 2004. The subject property was sold to Mr. Deloje on March 16, 2004 and the deed conveying title to the purchaser recorded May 20, 2004. 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 9, 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, Treasurer/Tax Collector

FORM APPROVED
COUNTY COUNSEL
NOV 29 2006
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	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:	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

Consent
 Policy
 Consent
 Policy

500R DEC -8 AM 11:35
 2006 NOV 29 10:52 AM
 COUNTY OF RIVERSIDE

9.5

BOARD OF SUPERVISORS

Form 11:

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The Treasurer-Tax Collector has received one claim for excess proceeds:

- 1) Claim from Andre Deloje based on a Quitclaim Deed recorded April 13, 2004 as Instrument No. 2004-0266705.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that the claim from Andre Deloje be denied since Mr. Deloje was not a party of interest at the time of the tax sale but submitted a Quitclaim Deed from the owner of record that had been recorded on April 13, 2004. Mr. Deloje has not submitted an assignment from Marzelle Battle assigning her right to claim the excess proceeds in an instrument that explicitly states that the excess proceeds are being assigned and that the parties have disclosed to each other all facts relating to the value of the right that is being assigned. The Quitclaim Deed recorded by Mr. Deloje purports to transfer "the real property" not the excess proceeds from the tax sale and clearly does not meet the requirements of Revenue and Taxation Code Section 4675 as laid out in the code and confirmed by subsequent Appellate rulings.

The excess proceeds in the amount of \$4,001.42 will remain unclaimed. The Tax Collector requests approval of the above recommended motion. Notice of this recommendation was sent to the claimant by certified mail.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.11

9:30 a.m. being the time set for public hearing on Distribution of Excess Proceeds for Tax Sale No. 170, Item 600, last assessed to Marzelle Battle, a single woman as her sole and separate property, 5th District, the Chairman called the matter for hearing.

Paul McDonnell, Treasurer-Tax Collector, presented the matter.

Andre Deloje, spoke in opposition and submitted two documents.

Supervisor Ashley wants further explanation on this matter.

Mr. McDonnell suggested a 30 day extension to allow Mr. Deloje time to submit Assignment on Right to Claim the Excess Proceeds.

On motion of Supervisor Ashley, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, December 12, 2006 at 9:30 a.m.

1 I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on November 14, 2006 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: November 14, 2006
Nancy Romero, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: *Nancy Romero* Deputy

AGENDA NO.
9.11

xc: Treasurer, Property Owner, COB
NR