

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

922A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:

JAN 11 2007

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 167, Item 276.
Last assessed to: Frank Lepard

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Global Discoveries LTD, agent for Frank Lepard, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350263038-6;
- 2) Deny the claim from Robert E. Emerson and Olive V. Emerson;

(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

FORM APPROVED
COUNTY COUNSEL
JAN 11 2007
BY HBC

| | | | | |
|-----------------------|-------------------------------|-------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$18,307.09 | 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**

County Executive Signature

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

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

9.6

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Deny the claim from Trackers U.S.A., agents for Robert E. Emerson and Olive V. Emerson;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries LTD, agent for Frank Lepard in the amount of \$18,307.09, 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 Global Discoveries LTD, agent for Frank Lepard based on Assignment of Right to Collect Excess Proceeds dated April 29, 2003 and based on a Quitclaim Deed recorded February 11, 2003 as Instrument No. 2003-098790.
- 2) Claim from Robert E. Emerson and Olive V. Emerson, Trustees based on a Trustee's Deed recorded March 8, 1994 as Instrument No. 96676.
- 3) Claim from Trackers U.S.A., agents for Robert E. Emerson and Olive V. Emerson based on a Trustee's Deed recorded March 8, 1994 as Instrument No. 96676.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries LTD, agent for Frank Lepard be awarded excess proceeds in the amount of \$18,307.09. The claims from Robert E. Emerson and Olive V. Emerson and Trackers U.S.A., agents for Robert E. Emerson and Olive V. Emerson is denied because the Emerson's were not the owners of this parcel as of date of sale. 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 7939 753, 7002 2030 0004 7939 754 & 7002 2030 0004 7939 755.