

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

923A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
FEB 08 2007

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 170, Item 160.
Last assessed to: My T. Pham and Kem Thi Vu, husband and wife as joint tenants.

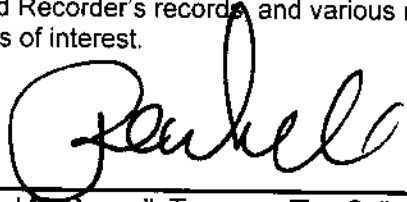
RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Kem Thi Vu, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 326182022-4;
- 2) Approve the claim from Advanta Leasing Corp. for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 326182022-4;

(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 15, 2004 public auction sale. The deed conveying title to the purchasers at the auction was 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)

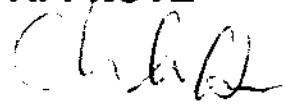


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FINANCIAL DATA	Current F.Y. Total Cost:	\$18,140.15	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2006-07

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 Office Signature

FORM APPROVED COUNTY COUNSEL

FEB 08 2007

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

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

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

9.7

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (Continued)

- 3) Deny the claim from My T. Pham, last assessee;
 - 4) Deny the claim from the State of California, Franchise Tax Board;
 - 5) Authorize and direct the Auditor-Controller to issue a warrant to Kem Thi Vu in the amount of \$9,070.08 and Advanta Leasing Corp. in the amount of \$9,070.07, 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 three claims for excess proceeds:

- 1) Claim from My T. Pham and Kem Thi Vu based on a Tax Deed to Purchaser of Tax-Defaulted Property recorded March 8, 1998 as Instrument No. 61399.
- 2) Claim from Advanta Leasing Corp. based on an Abstract of Judgment for My T. Pham recorded September 4, 1998 as Instrument No. 377273.
- 3) Claim from the State of California, Franchise Tax Board based on Notices of State Tax Liens for My T. Pham recorded August 11, 1999 as Instrument No. 360209 and recorded June 27, 2001 as Instrument No. 292000.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Kem Thi Vu be awarded excess proceeds in the amount of \$9,070.08 and Advanta Leasing Corp. be awarded excess proceeds in the amount of \$9,070.07. Since the amount claimed by the Advanta Leasing Corp. exceeds the amount of excess proceeds available for distribution for My T. Pham, there are no funds available for consideration of the claims from the State of California, Franchise Tax Board and My T. Pham. 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 750, 7002 2030 0004 7939 751 & 7002 2030 0004 7939 752.