

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

724A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:

FEB 11 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 171, Item 29.
Last assessed to: Lugene Robinson and Jimmie Lee Adams as tenants in common.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Louise M. Nix, Executrix of the estate of William W. Nix , for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 219121016-7;
- 2) Deny the claim from Delbert Scott;

(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, 2005, 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: DOROTHY L. HONN
 DATE: 2-11-08
 Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$39,207.59	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2007-08

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

BY: Christopher M. Hans

County Executive Office Signature

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

Prev. Agn. Ref.: _____ **District:** 1 **Agenda Number:** _____

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.15

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (Continued)

- 3) Deny the claim from Lugene Robinson and Jimmie Lee Adams;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to Louise M. Nix, Executrix of the estate of William W. Nix, in the amount of \$39,207.59, 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 Louise M. Nix, Executrix of the estate of William W. Nix based on an Assignment of Deed of Trust recorded December 6, 1983 as Instrument No. 252572, the William Nix Family Revocable Trust dated August 8, 1983 and death certificate of William Wayne Nix Sr.
- 2) Claim from Delbert Scott based on a Deed of Trust with Assignment of Rents recorded December 2, 1992 as Instrument No. 460012.
- 3) Claim from Lugene Robinson and Jimmie Lee Adams based on a Quitclaim Deed recorded December 2, 1992 as Instrument No. 460011.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Louise M. Nix, Executrix of the estate of William W. Nix be awarded excess proceeds in the amount of \$39,207.59. Since the amount claimed by Louise M. Nix, Executrix of the estate of William W. Nix exceeds the amount of excess proceeds available for distribution, there are no funds available for consideration of the claims from Delbert Scott, Lugene Robinson and Jimmie Lee Adams. 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.