

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

658A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
JUN 03 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 171, Item 52.
Last assessed to: Ferguson Partners/Elsworth, a California Limited Partnership.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from David S. Halper, DBA Timezone, Power of Attorney for Prescott/Elsworth, a California Limited Partnership, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 297210008-5;
- 2) Deny the claim from Jenny Investment Group, Inc.;

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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: 6-3-08

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$99,070.52	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:

County Executive Office Signature Christopher M. Hans

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

9.7

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to David S. Halper, DBA Timezone, based on the Limited Power of Attorney from Stephen T. Mann, President of Prescott/Elsworth, a California Limited Partnership, in the amount of \$99,070.52, 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 David S. Halper, DBA Timezone, based on an Authority to Act Limited Power of Attorney from Stephen Mann, President of Prescott/Elsworth, a California Limited Partnership dated April 19, 2006, a Corporation Grant Deed recorded December 30, 1988 as Instrument No. 387359 and an Amendment to Certificate of Limited Partnership filed January 24, 1992.
- 2) Claim from Jenny Investment Group, Inc. based on a Tax Deed to Purchaser of Tax-Defaulted Property recorded April 22, 2005 as Instrument No.2005-0316661 and correspondence with the City of Moreno Valley.
- 3) Claim Claim from David S. Halper, DBA Timezone based on a Limited Power of Attorney from Gene Rogers, City Manager of the City of Moreno Valley, a Notice of Levy recorded October 13, 1999 as Instrument No. 1999-452862, Modified Judgment, Decree of Foreclosure and Order of Sale and Declaration of David S. Halper.

Pursuant to California Revenue and Taxation Code Section 4675 (a) and (e), it is the recommendation of this office that David S. Halper, DBA Timezone, acting on behalf of Stephen T. Mann, President of Prescott/Elsworth, a California Limited Partnership be awarded the excess proceeds in the amount of \$99,070.52. The claim from Jenny Investment Group Inc. be denied because Jenny Investment Group Inc. was not a lienholder or owner of record prior to the tax sale nor did they have title of record prior to the recordation of the tax deed to the purchaser. Jenny Investment Group, Inc. purchased the property at the tax sale from the County of Riverside and also paid the City of Moreno Valley for the delinquent special assessments against the property that had been stripped from the tax roll by the City of Moreno Valley. The claim from Timezone on behalf of the City of Moreno Valley was withdrawn on January 7, 2008. 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.