

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

659A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:
MAY 7 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 87.
Last assessed to: Richard H. Powell and Paula Powell.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Timezone, agent for Paula A. Rippin FKA Paula Powell, last assessee for payment of one-half of the excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 361041010-4;
- 2) Deny the claim from Timezone, agent for Paula A. Rippin FKA Paula Powell, last assessee for payment of the remaining one-half of the excess proceeds belonging to the other assessee, Richard H. Powell;
- 3) Deny the claim from the Riverside County Department of Child Support Services received January 9, 2007;

(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 November 7, 2005 public auction sale. The deed conveying title to the purchasers at the auction was recorded January 9, 2006. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on January 30, 2006, 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: 5-7-08
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$17,076.96	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

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

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

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

9.8

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (Continued)

- 4) Approve the claim from Global Discoveries, Ltd., assignee for Richard H. Powell II, as Attorney in Fact for Richard H. Powell subject to the Writ of Execution from the Department of Child Support Services received on or about April 17, 2008;
- 5) Authorize and direct the Auditor-Controller to issue warrants to Timezone, agent for Paula A. Rippin FKA Paula Powell in the amount of \$8,538.48 and the Riverside County Department of Child Support Services in the amount of \$8,538.48, 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 Timezone, agent for Paula A. Rippin FKA Paula Powell based on an Agent Agreement/Authority to Act dated November 29, 2005, a Quitclaim Deed recorded March 23, 1994 as Instrument No. 121392 and a Dissolution of Marriage.
- 2) Claim from the Riverside County Department of Child Support Services based on an order on Motion and Default filed September 27, 2000 and an Abstract of Support Judgment recorded December 22, 2006 as Instrument No. 2006-0936133.
- 3) Claim from Global Discoveries, Ltd., assignee for Richard H. Powell II, as Attorney in Fact for Richard H. Powell based on an Assignment of Right to Collect Excess Proceeds dated January 4, 2007, a Quitclaim Deed recorded March 23, 1994 as Instrument No. 121392 and a Specific Power of Attorney Declaration.

Title to the subject real property was held by Richard H. Powell and Paula Powell. The Riverside County Department of Child Support Services recorded an Abstract of Support Judgment against the subject property (Riverside Superior Court Case No. TED001239) on December 22, 2006 as Instrument No. 2006-0936133, this document was recorded after the real property was sold at tax sale. Since the Department of Child Support Services was not a lienholder of record prior to the recordation of the tax deed to the purchaser, pursuant to California Revenue and Taxation Code 4675, the Department of Child Support Services is not a priority lienholder and cannot claim the monies on that basis.

Timezone, agent for Paula A Rippin FKA Paula Powell has claimed the excess proceeds on behalf of Ms. Rippin and submitted a judgment of dissolution and other documents that indicate that Richard H. Powell and Paula Powell have two minor children for which Richard H. Powell is obligated to pay child support. Ms. Rippin's Declaration indicates that she is seeking her one-half of the excess proceeds as well as the remaining one-half of the excess proceeds belonging to Richard H. Powell if it is not paid to Department of Child Support Services. Timezone's claim as to Ms. Rippin's one-half of the excess proceeds is approved and the claim to the remaining one-half of the excess proceeds belonging to Richard H. Powell is denied.

On or about April 17, 2008 a Writ of Execution in the amount of \$67,228.24 was served on the Riverside County Tax Collector on behalf of Riverside County Department of Child Support Services, assignee of record, against monies identified as belonging to and held for Richard H. Powell. Therefore the Tax Collector recommends approval of the claim from Global Discoveries, Ltd. on behalf of Richard H. Powell subject to Execution on this money by the Riverside County Department of Child Support Services.

BOARD OF SUPERVISORS

Form 11:

Page 3

Therefore pursuant to Section 4675 (a) & (b) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Timezone, agent for Paula A. Rippin FKA Paula Powell be awarded excess proceeds in the amount of \$8,538.48 and the Riverside County Department of Child Support Services be awarded \$8,538.48 *identified as belonging to Richard H. Powell II*. After payment of \$8,538.48 to the Department of Child Support Services, there are no funds remaining to pay the claim from Global Discoveries, Ltd., assignee for Richard H. Powell II, as Attorney in Fact for Richard H. Powell. 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.