

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

149A



FROM: Paul McDonnell, Treasurer/Tax Collector

SUBMITTAL DATE:

JUN 19 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 170, Item 958.

Last assessed to: Eugene R. Kirkpatrick, as to an undivided one half interest, and the 1991 Betty Anne Kirkpatrick
(Continued on Page 2)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Betty Anne Kirkpatrick, Trustee of the 1991 Betty Anne Kirkpatrick Revocable Living Trust for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 737130001-8;
- 2) Approve the claim from Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Gary E. Kirkpatrick, Successor Trustee for the Eugene R. Kirkpatrick Revocable Trust for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 737130001-8;

(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 16, 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)

Paul McDonnell
Paul McDonnell, Treasurer/Tax Collector

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 6-19-08
AWNY LIEU
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$126,489.66	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2008-09

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

[Signature]
BY: Christopher M. Hans

County Executive Office Signature

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.13

BOARD OF SUPERVISORS

Form 11:

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SUBJECT: (Continued)

Revocable Living Trust her undivided one-half interest.

RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue warrants to Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Betty Anne Kirkpatrick, Trustee of the 1991 Betty Anne Kirkpatrick Revocable Living Trust in the amount of \$63,244.83 and Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Gary E. Kirkpatrick, Successor Trustee for the Eugene R. Kirkpatrick Revocable Trust in the amount of \$63,244.83, 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 two claims for excess proceeds:

- 1) Claim from Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Betty Anne Kirkpatrick, Trustee of the 1991 Betty Anne Kirkpatrick Revocable Living Trust based on an Assignment of Right to Collect Excess Proceeds dated May 19, 2005, an Interspousal Transfer Deed recorded December 13, 1988 as Instrument No. 363870, a Grant Deed recorded August 8, 1991 as Instrument No. 272171 and The 1991 Betty Anne Kirkpatrick Revocable Living Trust.
- 2) Claim from Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Gary E. Kirkpatrick, Successor Trustee for the Eugene R. Kirkpatrick Revocable Trust based on an Assignment of Right to Collect Excess Proceeds dated April 9, 2007, an Interspousal Transfer Deed recorded December 13, 1988 as Instrument No. 363870, the Last Will of Eugene R. Kirkpatrick and the death certificate of Eugene R. Kirkpatrick.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Betty Anne Kirkpatrick, Trustee of the 1991 Betty Anne Kirkpatrick Revocable Living Trust be awarded excess proceeds the amount of \$63,244.83 and Farmers & Merchants Trust Company c/o Global Discoveries, Ltd., assignee of Gary E. Kirkpatrick, Successor Trustee for the Eugene R. Kirkpatrick Revocable Trust in the amount of \$63,244.83. 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.