

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

449A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
NOV 05 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 98.
Last assessed to: Dennis White AKA Dennis Norman White, and Gregory White.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Howard Michael Shane AKA Michael Shane and Sandra Shane Davis AKA Sandra Davis for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 373112013-3;
- 2) Approve the claim from Florence S. Marcus for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 373112013-3;

(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.

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Don Kent, Treasurer/Tax Collector

FINANCIAL DATA	Current F.Y. Total Cost:	\$18,077.73	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
BY:
Christopher M. Hans
County Executive Office Signature

NOV 05 2008
RECEIVED - COUNTY CLERK'S OFFICE

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

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.9

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN
DATE: 11-5-08
Departmental Concurrence

Dept's Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

BOARD OF SUPERVISORS

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RECOMMENDED MOTION: (Continued)

- 3) Approve the claim from Helen S. Ochs AKA Helen Ochs Gershon for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 373112013-3;
 - 4) Approve the claim from Esther Greenfield for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 373112013-3;
 - 5) Approve the claim from Dennis White AKA Dennis Norman White and Gregory A White, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 373112013-3;
 - 6) Authorize and direct the Auditor-Controller to issue warrants to Howard Michael Shane AKA Michael Shane and Sandra Shane Davis AKA Sandra Davis in the amount of \$3,012.96, Florence S. Marcus in the amount of \$3,012.96, Helen S. Ochs AKA Helen Ochs Gershon in the amount of \$3,012.96, Esther Greenfield in the amount of \$3,012.96 and Dennis White AKA Dennis Norman White in the amount of \$3,012.95 and Gregory A. White in the amount of \$3,012.94, 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 five claims for excess proceeds:

- 1) Claim from Howard Michael Shane AKA Michael Shane and Sandra Shane Davis AKA Sandra Davis based on an Assignment of Deed of Trust recorded March 30, 1981 as Instrument No. 55417, an Affidavit under California Probate Code Section 13101, the Will of Betty Shane and the death certificate's of Morris Shane and Betty Shane.
- 2) Claim from Florence S. Marcus based on an Assignment of Deed of Trust recorded March 30, 1981 as Instrument No. 55417.
- 3) Claim from Helen S. Ochs AKA Helen Ochs Gershon based on an Assignment of Deed of Trust recorded March 30, 1981 as Instrument No. 55417.
- 4) Claim from Esther Greenfield based on an Assignment of Deed of Trust recorded March 30, 1981 as Instrument No. 55417.
- 5) Claim from Dennis White AKA Dennis Norman White and Gregory A White based on an Order of Settling Final Account and for Distribution under will recorded June 2, 1994 as Instrument No. 225897.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Howard Michael Shane AKA Michael Shane and Sandra Shane Davis AKA Sandra Davis be awarded excess proceeds in the amount of \$3,012.96, Florence S. Marcus be awarded excess proceeds in the amount of \$3,012.96, Helen S. Ochs AKA Helen Ochs Gershon in the amount of \$3,012.96, Esther Greenfield in the amount of \$3, 012.96 and Dennis White AKA Dennis Norman White be awarded excess proceeds in the amount of \$3,012.95 and Gregory A White be awarded excess proceeds in the amount of \$3,012.94. Since Betty Shane passed away after she made a claim, on June 20, 2006 her two remaining heirs then filed a claim for Betty's percentage. There was a third heir Susan Kanter but she has since passed away. 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.