

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



FROM: Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:
NOV 05 2008**

SUBJECT: Recommendation for Distribution of Excess Proceeds for Agreement of Sale No. 4275.
Last assessed to: Samuel C. Nixon III, a married man as his sole and separate property.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from the State of California, Franchise Tax Board for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 774112012-3;
- 2) Deny the claim from Department of the Treasury, Internal Revenue Service;

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 September 30, 2004 Agreement of Sale. The deed conveying title to the purchasers at the sale was recorded November 4, 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 December 17, 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)

Don Kent, Treasurer/Tax Collector

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

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|-----------------------|-------------------------------|----------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$476.47 | 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:
County Executive Office Signature Christopher M. Hans

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

Prev. Agn. Ref.: _____ District: 4 Agenda Number: **9.19**
 ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to the State of California, Franchise Tax Board in the amount of \$476.47, 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 the State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded June 5, 1995 as Instrument No. 178682.
- 2) Claim from the Internal Revenue Service based on the Department of the Treasury Internal Revenue Service itemized unpaid balances from 1993 through 2003.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that the State of California, Franchise Tax Board be awarded excess proceeds in the amount of \$476.47. Since there are no monies available, the claim from the Internal Revenue Service has been denied. 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.