

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

460A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
NOV 05 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 170, Item 497.
Last assessed to: Eagle Construction & Development, a California General Partnership and B.G. Investment
(Continued on Page 2)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Ann Lauda Sweeney, Executrix for the Estate of Natividad Aja Lauda, AKA Natis Lauda for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 427100048-2;
- 2) Approve the claim from Eagle Construction & Development, last assessee, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 427100048-2;

(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 15, 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)

Don Kent
Don Kent, Treasurer/Tax Collector

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

FINANCIAL DATA	Current F.Y. Total Cost:	\$174,774.28	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 Christopher M. Hans

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.20

BOARD OF SUPERVISORS

Form 11:

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SUBJECT: (Continued)

Group California General Partnership, each as to an undivided ½ interest.

RECOMMENDED MOTION: (Continued)

- 3) Approve the claim from B.G. Investment Group; last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 427100048-2;
- 4) Deny the claim from Frank Lauda III;
- 5) Deny the claim from Sandra Lauda Pagliuso;
- 6) Authorize and direct the Auditor-Controller to issue warrants to Ann Lauda Sweeney, Executrix for the Estate of Natividad Aja Lauda, AKA Natis Lauda in the amount of \$114,274.88, Eagle Construction & Development in the amount of \$30,249.70 and B.G. Investment Group in the amount of \$30,249.70, 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 five claims for excess proceeds:

- 1) Claim from Ann Lauda Sweeney based on a Deed of Trust with Assignment of Rents recorded August 25, 1987 as Instrument No. 246685, the Will of Natividad Aja Lauda, AKA Natis Lauda, The Frank Lauda Jr. Trust and Declaration Pursuant to California Probate Code Section 13100 and death certificates of Natividad Lauda and Frank Lauda Jr.
- 2) Claim from Eagle Construction & Development based on a Grant Deed recorded August 25, 1987 as Instrument No. 246684 then re-recorded September 16, 1987 as Instrument No. 269395.
- 3) Claim from B.G. Investment Group based on a Grant Deed recorded August 25, 1987 as Instrument No. 246684 then re-recorded September 16, 1987 as Instrument No. 269395.
- 4) Claim from Frank Lauda III based on a Deed of Trust with Assignment of Rents recorded August 25, 1987 as Instrument No. 246685, the Will of Natividad Aja Lauda, AKA Natis Lauda, The Frank Lauda Jr. Trust and Declaration Pursuant to California Probate Code Section 13100 and death certificates of Natividad Lauda and Frank Lauda Jr.
- 5) Claim from Sandra Lauda Pagliuso based on a Deed of Trust with Assignment of Rents recorded August 25, 1987 as Instrument No. 246685, the Will of Natividad Aja Lauda, AKA Natis Lauda, The Frank Lauda Jr. Trust and Declaration Pursuant to California Probate Code Section 13100 and death certificates of Natividad Lauda and Frank Lauda Jr.

Pursuant to Section 4675 (a) & (e) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Ann Lauda Sweeney, Executrix for the Estate of Natividad Aja Lauda, AKA Natis Lauda be awarded excess proceeds in the amount of \$114,274.88, Eagle Construction & Development be awarded excess proceeds in the amount of \$30,249.70 and B.G. Investment Group be awarded excess proceeds in the amount of \$30,249.70. 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.