

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

982A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

DEC 31 2008

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 171, Item 5.
Last assessed to: Alfonso Vera, a single man and Sonia Pena, a single woman.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Global Discoveries, Ltd., assignee for Brady's Plumbing Co., for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 146251005-6;
- 2) 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 146251005-6;

(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 21, 2005 public auction sale. The deed conveying title to the purchasers at the auction was recorded April 22, 2005. 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 14, 2005, 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

| | | | | |
|-----------------------|-------------------------------|--------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$167,092.74 | 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

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. RONN
DATE: 12-31-08
Departmental Concurrence

Policy

Consent

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

Prev. Agn. Ref.:

District: 1

Agenda Number:

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

9.8

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (Continued)

- 3) Approve the claim from Alfonso Vera, Jr., Administrator to the Estate of Alfonso Vera, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction associated with parcel 146251005-6;
 - 4) Approve the claim from Sonia Pena, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 146251005-6;
 - 5) Authorize and direct the Auditor-Controller to issue warrants to Global Discoveries, Ltd., assignee for Brady's Plumbing Co. in the amount of \$74,026.12, the State of California, Franchise Tax Board in the amount of \$3,968.87, Alfonso Vera, Jr., Administrator to the Estate of Alfonso Vera in the amount of \$42,564.44 and Sonia Pena in the amount of \$46,533.31, 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 four claims for excess proceeds:

- 1) Claim from Global Discoveries, Ltd. assignee for Brady's Plumbing Co. based on an Assignment of Right to Collect Excess Proceeds dated September 15, 2005 and a Short Form Deed of Trust and Assignment of Rents and Request for Special Notice recorded August 6, 1981 as Instrument No. 149121.
- 2) Claim from the State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded March 30, 2004 as Instrument No. 2004-0222776 for tax year 2001 and a Notice of State Tax Lien recorded February 22, 2005 as Instrument No. 2005-0142224 for tax year 2002.
- 3) Claim from Alfonso Vera, Jr., Administrator to the Estate of Alfonso Vera based on a Grant Deed recorded February 2, 1995 as Instrument No. 034143, an Order for Probate dated February 22, 2006, Letters of Administration filed March 28, 2008 and the death certificate of Alfonso Vera.
- 4) Claim from Alfonso Vera and Sonia Pena based on a Grant Deed recorded February 2, 1995 as Instrument No. 034143.

Pursuant to Section 4675 (a) & (b) & (e) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., assignee for Brady's Plumbing Co. be awarded excess proceeds in the amount of \$74,026.12, the State of California, Franchise Tax Board be awarded excess proceeds in the amount of \$3,968.87, Alfonso Vera, Jr., Administrator to the Estate of Alfonso Vera be awarded excess proceeds in the amount of \$42,564.44 and Sonia Pena be awarded excess proceeds in the amount of \$46,533.31. The original claimant Alfonso Vera passed away on June 14, 2005 and the Administrator of his Estate, Alfonso Vera, Jr. has since claimed on his father's claim. 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.