

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

968A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JAN 05 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 171, Item 477.
Last assessed to: Mick Mallas, an unmarried man.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Herbert Greiser, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 485032024-4;
- 2) Deny the claim from the State of California, Franchise Tax Board;

(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:	\$71,797.65	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. HONN
DATE: 1-5-09
Departmental Concurrence

Consent
 Policy

 Consent
 Policy

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

Prev. Agn. Ref.: | **District: 5** | **Agenda Number:**

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

9.12

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 4) Authorize and direct the Auditor-Controller to issue a warrant to Herbert Greiser in the amount of \$71,797.65, 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 two claims for excess proceeds:

- 1) Claim from Herbert Greiser based on a Deed of Trust recorded December 22, 1992 as Instrument No. 486310 and the death certificate of Lorelei O. Blessing.
- 2) Claim from State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded August 18, 1998 as Instrument No. 346667.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Herbert Greiser be awarded excess proceeds in the amount of \$71,797.65. Since the amount claimed by Herbert Greiser exceeds the amount of excess proceeds available for distribution there are no funds available for consideration for the claim from the State of California, Franchise Tax Board. 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.