

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

976A



FROM: Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:
DEC 30 2008**

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 171, Item 601.

Last assessed to: Joseph Monica, a married man as his sole and separate property, Frances Gialanella, a married
(Continued on Page 2)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Jerry Gialanella, surviving spouse of Frances Gialanella, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 636242009-4;
- 2) Authorize and direct the Auditor-Controller to issue a warrant to Jerry Gialanella in the amount of \$3,088.00, 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.

(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

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN 12-30-08 DATE
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$3,088.00	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
 Dept't Recomm.:
 Policy
 Consent
 Per Exec. Ofc.:

Prev. Agn. Ref.: | **District:** 3 | **Agenda Number:**

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

9.20

BOARD OF SUPERVISORS

Form 11:

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SUBJECT: (Continued)

woman as her sole and separate property, and Josephine Scrocco, a widow, individually as to a separate one-third share.

The Treasurer-Tax Collector has received two claims for excess proceeds:

- 1) Claim from Jerry Gialanella based on a Grant Deed recorded September 25, 1989 as Instrument No. 329096, a Declaration Pursuant to California Probate Code Sections 13100-13115, the Last Will and Testament of Frances Gialanella dated September 28, 1999 and the death certificate of Frances Gialanella.
- 2) Claim from Joseph Monica based on a Grant Deed recorded September 25, 1989 as Instrument No. 329096.

Pursuant to Section 4675 (a) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Jerry Gialanella be awarded excess proceeds in the amount of \$3,088.00. The claimant Joseph Monica passed away on July 27, 2007. Since there are no other claimants the amount of \$6,175.99 will remain unclaimed. 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.