

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

9165A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JAN 07 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 90.
Last assessed to: Manuel Garcia and Dolores Garcia, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Charles W. Allen and Carol Allen AKA Carol A. Allen for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 361174007-3;
- 2) Deny the claim from Coachella Valley Collection Service;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to Charles W. Allen and Carol Allen AKA Carol A. Allen in the amount of \$13,845.63, 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.

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 November 7, 2005 public auction sale. The deed conveying title to the purchasers at the auction was recorded January 9, 2006. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on January 30, 2006, 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)

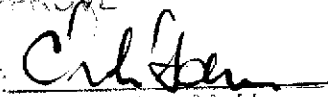

Don Kent, Treasurer/Tax Collector

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN
DATE: 1-7-09
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$13,845.63	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

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 3

Agenda Number:

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

9.42

BOARD OF SUPERVISORS

Form 11:

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

- 1) Claim from Charles W. Allen and Carol Allen AKA Carol A. Allen based on a Short Form Deed of Trust and Assignment of Rents recorded April 20, 1987 as Instrument No. 107999.
- 2) Claim from Coachella Valley Collection Service based on an Application for and Renewal of Judgment recorded October 16, 1998 as Instrument No. 447525.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Charles W. Allen and Carol Allen AKA Carol A. Allen be awarded excess proceeds in the amount of \$13,845.63. Since the amount claimed by Charles W. Allen and Carol Allen AKA Carol A. Allen exceeds the amount of excess proceeds available for distribution there are no funds available for consideration for the claim from Coachella Valley Collection Service. 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.