

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

665A



FROM: Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:
FEB 18 2009**

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 27.
Last assessed to: Oliver White and Margaret White, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Oliver White, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350111007-8;
- 2) Deny the claim from Frank R. Lepard;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to Oliver White in the amount of \$8,985.91, 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)



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FINANCIAL DATA	Current F.Y. Total Cost:	\$8,985.91	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's Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

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

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.17

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN
DATE: 2-18-09
Departmental Concurrence

BOARD OF SUPERVISORS

Form 11:

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

- 1) Claim from Oliver White based on a Corporation Grant Deed recorded December 23, 1989 as Instrument No. 453565 and the death certificate of Margaret Louise White.
- 2) Claim from Frank R. Lepard based on a Grant Deed recorded February 11, 2003 as Instrument No. 2003-098835.

Pursuant to Section California Revenue and Taxation Code Section 4675 parties of interest entitled to claim the excess proceeds from the tax sale of the real property include any person with title of record prior to the recordation of the tax deed to the purchaser. Title to the real property prior to the tax sale was in the name of Oliver White and Margaret White, husband and wife as joint tenants. The claim from Mr. Frank R. Lepard is based on a wild deed signed by Rane-Gadgil Associates, Inc. c/o Yogesh Rane, President and recorded with the County Recorder.

It is the recommendation of this office that Oliver White be awarded excess proceeds in the amount of \$8,985.91. Mr. Frank R. Lepard has failed to support his claim with sufficient evidence to establish his right to all or any portion of the excess proceeds therefore his claim should be denied. Pursuant to California Revenue and Taxation Code Section 4675 (g) an action to review the decision of the Board of Supervisor must be commenced within 90 days after the date of the decision of the 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.