

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

647A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
FEB 03 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 116.
Last assessed to: Eugene Gabrych and Marian Gabrych, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Global Discoveries, Ltd., assignee for Pamela Sue Ashley AKA Pamela S. Ashley, as an individual and as Attorney in Fact for John I. Harvill for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 426370007-3;
- 2) Deny the claim from Eugene Gabrych and Marian Gabrych, last assessee's;

(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 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.

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Don Kent, Treasurer/Tax Collector

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|-----------------------|-------------------------------|-------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$13,560.53 | 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: BEAUFORD T. MILLER, JR. DATE: 2/3/09
 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

9.31

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, Ltd., assignee for Pamela Sue Ashley AKA Pamela S. Ashley, as an individual and as Attorney in Fact for John I. Harvill in the amount of \$13,560.53, 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 two claims for excess proceeds:

- 1) Claim from Global Discoveries, Ltd., assignee for Pamela Sue Ashley AKA Pamela S. Ashley, as an individual and as Attorney in Fact for John I. Harvill, based on an Assignment of Right to Collect Excess Proceeds dated January 6, 2007, a Power of Attorney for John I. Harvill dated January 5, 2007, a Deed of Trust with Assignment of Rents recorded November 15, 1989 as Instrument No. 399551, an Assignment of Deed of Trust recorded April 22, 1991 as Instrument No. 130551, an Assignment of Deed of Trust recorded February 24, 1993 as Instrument No. 070095, an Assignment of Deed of Trust recorded May 5, 1993 as Instrument No. 168285 and an Assignment of Deed of Trust recorded June 13, 1995 as Instrument No. 189475.
- 2) Claim from Eugene Gabrych and Marian Gabrych based upon a Trustees Deed upon Sale recorded January 26, 1995 as Instrument No. 026331.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., assignee for Pamela Sue Ashley AKA Pamela S. Ashley, as an individual and as Attorney in Fact for John I. Harvill be awarded excess proceeds in the amount of \$13,560.53. Since the amount claimed by Global Discoveries, Ltd., assignee for Pamela Sue Ashley AKA Pamela S. Ashley, as an individual and as Attorney in Fact for John I. Harvill exceeds the amount of excess proceeds available there are no monies available for consideration for the claim from Eugene Gabrych and Marian Gabrych. 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.