

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

686A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
FEB 03 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 149.
Last assessed to: William W. Lowell, a married man, as his sole and separate property.


RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from William W. Lowell, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 528102041-9;
- 2) Deny the claim from the State of California, Employment Development Department;

(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.

(Continued on page two)


Don Kent, Treasurer/Tax Collector

FORM APPROVED COUNTY COUNSEL
BY: S. T. Miller, Jr. DATE: 2/3/09
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$10,971.45	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 Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 5

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.33

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to William W. Lowell in the amount of \$10,971.45, 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 William W. Lowell based on a Grant Deed recorded February 16, 1999 as Instrument No. 059347.
- 2) Claim from the State of California, Employment Development Department based on a Notice of State Tax Lien recorded May, 29, 2003 as Instrument No. 2003-386332 and Notice of State Tax Lien recorded July 8, 2004 as Instrument No. 2004-0531938.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that William W. Lowell be awarded excess proceeds in the amount of \$10,971.45. The claim from the State of California, Employment Development Department be denied since the liens filed are not associated with our last assessee. 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.