

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

247A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
MAR 10 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 33.
Last assessed to: Jerry Lavitt, Inc., a California Corporation.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from David S. Halper, DBA Timezone, Power of Attorney for Gerald M. Lavitt, President of Jerry Lavitt, Inc., last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 186200008-3;

(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 13, 2006 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 3, 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 June 5, 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: 3-10-09
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$15,537.09	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

Consent
 Policy
 Consent
 Policy
 Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: | **District: 2** | **Agenda Number:**

9.6

BOARD OF SUPERVISORS

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RECOMMENDED MOTION: (Continued)

- 2) Authorize and direct the Auditor-Controller to issue a warrant to David S. Halper, DBA Timezone, Power of Attorney for Jerry Lavitt, Inc. in the amount of \$15,537.09, 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 David S. Halper, DBA Timezone, Power of Attorney for Gerald M. Lavitt, President of Jerry Lavitt, Inc. based on an Authority to Act Limited Power of Attorney dated May 17, 2006 and a Grant Deed recorded June 29, 1993 as Instrument No. 248592.
- 2) Claim from Global Discoveries, Ltd., assignee for Gerald M. Lavitt, President of Jerry Lavitt, Inc. based on an Assignment of Right to Collect Excess Proceeds dated April 24, 2007 and a Grant Deed recorded June 29, 1993 as Instrument No. 248592.

Pursuant to Section 4675 (a) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that David S. Halper, DBA Timezone, Power of Attorney for Jerry Lavitt, Inc. be awarded excess proceeds in the amount of \$15,537.09. The claim from Global Discoveries, Ltd., assignee for Gerald M. Lavitt, President of Jerry Lavitt, Inc. was withdrawn on May 1, 2008. 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.