

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

647A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

JUL 2 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 464.
Last assessed to: Elmoe V. Ohly, Evangeline G. Ohly and Gabriel Tesnado III.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Nationwide Asset Recovery Services, agent for Gabriel Tesnado III, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 765281013-1;

(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

Don Kent, Treasurer/Tax Collector

FINANCIAL DATA

Current F.Y. Total Cost:	\$89,092.57	In Current Year Budget:	NO
Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
Annual Net County Cost:	\$0	For Fiscal Year:	2009-10

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*

Christopher M. Hans

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
 BY: Dale A. Gardner 7/2/09
 DATE
 Departmental Concurrence
 Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 4

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.15

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (Continued)

- 2) Approve the claims from Timezone, agent for Elmore V. Ohly AKA Elmoe V. Ohly and Evangeline G. Ohly, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 765281013-1;
- 3) Authorize and direct the Auditor-Controller to issue warrants to Nationwide Asset Recovery Services, agent for Gabriel Tesnado III in the amount of \$80,950.14 and Timezone, agent for Elmore V. Ohly AKA Elmoe V. Ohly and Evangeline G. Ohly in the amount of \$8,142.43, 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 three claims for excess proceeds:

- 1) Claim from Nationwide Asset Recovery Services, agent for Gabriel Tesnado III based on an Authorization for Agent to Collect Excess Proceeds dated June 12, 2006, a Deed of Gift recorded January 11, 1993 as Instrument No. 10723 and an Abstract of Judgment recorded March 7, 2000 as Instrument No. 2000-083478.
- 2) Claims from Timezone, agent for Elmore V. Ohly AKA Elmoe V. Ohly and Evangeline G. Ohly based on an Agent Agreement/Authority to Act dated March 21, 2006, a Deed of Gift recorded January 11, 1993 as Instrument No. 10721 and a Deed of Gift recorded January 11, 1993 as Instrument No. 10722.

Pursuant to Section 4675 (a) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that Nationwide Asset Recovery Services, agent for Gabriel Tesnado III be awarded excess proceeds in the amount of \$80,950.14 and Timezone, agent for Elmore V. Ohly AKA Elmoe V. Ohly and Evangeline G. Ohly be awarded excess proceeds in the amount of \$8,142.43. 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.