

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

111A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JUL 21 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 134.
Last assessed to: The Estate of Josephine Newstat, deceased and Jeffrey A. Altman, Administrator of the Estate of Eleanor Brandt.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Global Discoveries, Ltd., assignee for Matilda Matylewicz, heir to the Estate of Josephine Newstat, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 517190032-4;
- 2) Approve the claim from Mildred Poliner, heir to the Estate of Eleanor Brandt, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 517190032-4;

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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

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER
DATE: 7/21/09
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$11,195.10	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

County Executive Office Signature

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.18

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RECOMMENDED MOTION: (Continued)

- 3) Deny the claim from Global Discoveries, Ltd., assignee for Sheila Brandt, Attorney-in-Fact for Harold Brandt;
- 4) Authorize and direct the Auditor-Controller to issue warrants to Global Discoveries, Ltd., assignee for Matilda Matylewicz, heir to the Estate of Josephine Newstat in the amount of \$6,219.50 and Mildred Poliner in the amount of \$4,975.60, 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 Global Discoveries, Ltd., assignee for Matilda Matylewicz, heir to the Estate of Josephine Newstat based on an Assignment of Right to Collect Excess Proceeds dated September 11, 2006, an Order Settling Final Account of Public Administrator as Successor Administrator; Order Allowing Compensation of Personal Representative and Attorneys for Extraordinary Services; Order Approving Mutual Compromise and Settlement Agreement and General Release; and Decree of Distribution recorded November 24, 1993 as Instrument No. 469139 and the death certificate of Josephine Newstat.
- 2) Claim from Mildred Poliner based on an Order Settling Final Account of Public Administrator as Successor Administrator; Order Allowing Compensation of Personal Representative and Attorneys for Extraordinary Services; and Decree of Distribution recorded May 11, 1994 as Instrument No. 194531, A Nunc Pro Tunc Order Correcting Order Settling Final Account of Public Administrator as Successor Administrator; Order Allowing Compensation of Personal Representative and Attorneys for Extraordinary Services; and Decree of Final Distribution recorded July 18, 1994 as Instrument No. 284621 and the First Codicil to Last Will and Testament of Eleanor Brandt.
- 3) Claim from Global Discoveries, Ltd., assignee for Sheila Brandt, Attorney-in-Fact for Harold Brandt based on an Assignment of Right to Collect Excess Proceeds dated January 9, 2007, an Order Settling Final Account of Public Administrator as Successor Administrator; Order Allowing Compensation of Personal Representative and Attorneys for Extraordinary Services; and Decree of Distribution recorded May 11, 1994 as Instrument No. 194531 and a Nunc Pro Tunc Order Correcting Order Settling Final Account of Public Administrator as Successor Administrator; Order Allowing Compensation of Personal Representative and Attorneys for Extraordinary Services; and Decree of Final Distribution recorded July 18, 1994 as Instrument No. 284621.

Pursuant to Section 4675 (a) & (b) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., assignee for Matilda Matylewicz, heir to the Estate of Josephine Newstat be awarded excess proceeds in the amount of \$6,219.50 and Mildred Poliner be awarded excess proceeds in the amount of \$4,975.60. The claim from Global Discoveries, Ltd., assignee for Sheila Brandt, Attorney-in-Fact for Harold Brandt be denied since they were unable to substantiate their claim. Since there are no other claimants the excess proceeds in the amount of \$1,243.90 will remain unclaimed. 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.