

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

109 A



FROM: Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:
JUL 13 2009**

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 240.
Last assessed to: Herbert Stark, a single man.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Timezone, agent for Herbert Stark, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 545332002-0;
- 2) Deny the claim from Excess Proceeds Services LLC, assignee for Rachel Woods;

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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.

(Continued on page two)

Don Kent, Treasurer/Tax Collector

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 7/13/09
DATE: DALE A. GARDNER

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$7,794.83	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
 Dep't Recomm.: Per Exec. Ofc.:

3000 000 -3 10 8:35

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Authorize and direct the Auditor-Controller to issue a warrant to Timezone, agent for Herbert Stark, in the amount of \$7,794.83, 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 Timezone, agent for Herbert Stark, based on an Agent Agreement/Authority to Act dated March 29, 2006 and a Grant Deed recorded August 07, 1987 as Instrument No. 229105.
- 2) Claim from Excess Proceeds Services LLC, assignee for Rachel Woods based on an Assignment of Rights to Claim Excess Proceeds from Sale of Tax Deeded Property dated February 15, 2006 and a Grant Deed recorded August 07, 1987 as Instrument No. 229105.

Pursuant to Section 4675 (a) & (b) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that Timezone, agent for Herbert Stark be awarded excess proceeds in the amount of \$7,794.83. The claim from Excess Proceeds Services LLC, assignee for Rachel Woods is denied since they were not able to substantiate their claim. The Tax Collector requests approval of the above recommended motion. Notice of this recommendation was sent to the claimants by certified mail.