

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

106 A



**FROM:** Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:**  
AUG - 6 2009

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 92.  
Last assessed to: Roberta A. Matsutani and G. J. Hoefert.

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve the claim from David S. Halper DBA Timezone, agent for Roberta Carroll AKA Roberta A. Matsutani, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350202015-6;
- 2) Approve the claim from G. J. Hoefert, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350202015-6;
- 3) Deny the claim from David S. Halper DBA Timezone, agent for Shin Matsutani;

**(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)

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Don Kent, Treasurer/Tax Collector

FORM APPROVED COUNTY COUNSEL  
BY: DALE A. GARDNER  
DATE: 8/6/09  
Departmental Concurrence

|  |                               |             |                         |   |
|--|-------------------------------|-------------|-------------------------|---|
| <b>FINANCIAL DATA</b>  | Current F.Y. Total Cost:      | \$11,314.18 | 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   |
| <b>SOURCE OF FUNDS:</b> 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**

Dep't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

**Prev. Agn. Ref.:** \_\_\_\_\_ **District:** 3 **Agenda Number:** \_\_\_\_\_

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BOARD OF SUPERVISORS

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**RECOMMENDED MOTION:** (Continued)

- 4) Authorize and direct the Auditor-Controller to issue warrants to David S. Halper DBA Timezone, agent for Roberta Carroll AKA Roberta A. Matsutani in the amount of \$5,657.09 and G. J. Hoefert in the amount of \$5,657.09, 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 three claims for excess proceeds:

- 1) Claim from David S. Halper DBA Timezone, agent for Roberta Carroll AKA Roberta A. Matsutani based on an Agent Agreement/Authority to Act dated January 17, 2007, a Grant Deed recorded February 20, 1998 as Instrument No. 059808 and the Decree of Dissolution of Marriage filed March 22, 1996.
- 2) Claim from G. J. Hoefert based on a Quitclaim Deed recorded March 23, 2006 as Instrument No. 2006-0204379.
- 3) Claim from David S. Halper DBA Timezone, agent for Shin Matsutani based on an Agent Agreement/Authority to Act dated April 26, 2007, a Grant Deed recorded February 20, 1998 as Instrument No. 059808 and the Decree of Dissolution of Marriage filed March 22, 1996.

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, agent for Roberta Carroll AKA Roberta A. Matsutani be awarded excess proceeds in the amount of \$5,657.09 and G. J. Hoefert be awarded excess proceeds in the amount of \$5,657.09. The claim from David S. Halper DBA Timezone, agent for Shin Matsutani be denied since Shin Matsutani sold his interest in the property to G. J. Hoeffert through a Quitclaim Deed dated March 10, 2006 and recorded March 23, 2006 as Instrument No. 2006-0204379. 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.