

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

104 A



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

**SUBMITTAL DATE:**  
**JUL 24 2009**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Items 128 and 129.  
Last assessed to: Helen East, Gary Wayne Gayer, Ralph B. Foster, Phillip G. Foster, Jetta May Nastally Melsheimer and Sandra-Kay Adams.

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

- 1) Approve the claims from Richard Len East, Executor to the Estate of Lloyd L. East, spouse of Helen East, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 375073002-7 and 375073014-8;
- 2) Approve the claims from Gary W. Gayer AKA Gary Wayne Gayer, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 375073002-7 and 375073014-8;

(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: Dale A. Gardner 7/24/09  
DATE: 7/24/09  
Departmental Concurrence  
DALE A. GARDNER

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$34,330.22	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  
Christopher M. Hans

**County Executive Office Signature**

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

2009-07-24 09:37

**Prev. Agn. Ref.:** | **District:** 1 | **Agenda Number:**

**9.25**

BOARD OF SUPERVISORS

Form 11:

Page 2

**RECOMMENDED MOTION:** (Continued)

- 3) Approve the claims from Global Discoveries, Ltd. assignees for Ralph B. Foster, Phillip G. Foster, Jetta May Nastally (Melsheimer) and Sandra-Kay Adams, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 375073002-7 and 375073014-8;
- 4) Authorize and direct the Auditor-Controller to issue warrants to Richard Len East, Executor to the Estate of Lloyd L. East, in the amount of \$8,582.56, Gary W. Gayer AKA Gary Wayne Gayer in the amount of \$17,165.11, Global Discoveries, Ltd. assignee for Ralph B. Foster in the amount of \$2,145.64, Global Discoveries, Ltd. assignee for Phillip G. Foster in the amount of \$2,145.64, Global Discoveries, Ltd. assignee for Jetta May Nastally (Melsheimer) in the amount of \$2,145.64 and Global Discoveries, Ltd. assignee for Sandra-Kay Adams in the amount of \$2,145.63, 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 six claims for excess proceeds:

- 1) Claims from Richard Len East, Executor to the Estate of Lloyd L. East based on a Judgment of Final Distribution on Waiver of Accounting and of Proration of Taxes recorded September 24, 1973 as Instrument No. 125082, the Last Will and Testament of Helen Louise Foster East dated May 30, 1984, the Last Will and Testament of Lloyd L. East dated April 4, 1996 and the death certificate's of Helen Louise East and Lloyd Len East.
- 2) Claims from Gary W. Gayer AKA Gary Wayne Gayer based on a Judgment Directing Final Distribution on Waiver of Accounting and Allowing Statutory Commissions and Attorney's Fees, and Extraordinary Attorney's Fees recorded March 31, 1989 as Instrument No. 141583 and a Quitclaim Deed recorded October 14, 1999 as Instrument No. 1999-455689.
- 3) Claims from Global Discoveries, Ltd. assignee for Ralph B. Foster, Phillip G. Foster, Jetta May Nastally (Melsheimer) and Sandra-Kay Adams based on Assignment's of Right to Collect Excess proceeds dated May 2, 2007 and May 3, 2007 and an Order Settling First and Final Account; Order Granting Final Distribution; Order Granting Waiver of Accounting; Order Allowing Statutory Executrix's Commissions; and Order Allowing Statutory Attorney's Fees and Costs recorded June 21, 2004 as Instrument No. 2004-0474758.

Pursuant to Section 4675 (a) & (b) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Richard Len East, Executor to the Estate of Lloyd L. East be awarded excess proceeds in the amount of \$8,582.56, Gary W. Gayer AKA Gary Wayne Gayer be awarded excess proceeds in the amount of \$17,165.11, Global Discoveries, Ltd. assignee for Ralph B. Foster be awarded excess proceeds in the amount of \$2,145.64, Global Discoveries, Ltd. assignee for Phillip G. Foster be awarded excess proceeds in the amount of \$2,145.64, Global Discoveries, Ltd. assignee for Jetta May Nastally (Melsheimer) be awarded excess proceeds in the amount of \$2,145.64 and Global Discoveries, Ltd. assignee for Sandra-Kay Adams be awarded excess proceeds in the amount of \$2,145.63. 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.

EP176	Item128	\$ 20,226.97
EP176	Item129	<u>\$ 14,103.25</u>
<b>TOTAL</b>		<b>\$ 34,330.22</b>