

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

1391A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JUL 21 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 196.
Last assessed to: Joe Wheatley, an unmarried man as to a 1/3 undivided interest, Richard C. Felber, an unmarried man as to a 1/3 undivided interest, James R. and Mary Lou Beltinck, as joint tenants with 1/3 undivided interest.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Timezone, agent for Dale Wheatley, heir to Joe Wheatley, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 406050006-7;
- 2) Approve the claim from Timezone, agent for Louann L. Felber, surviving spouse of Richard C. Felber, last assessee, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 406050006-7;

(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.

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Don Kent, Treasurer/Tax Collector


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

FINANCIAL DATA	Current F.Y. Total Cost:	\$19,568.25	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

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.31

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Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Approve the claim from James R. Beltinck and Mary Lou Beltinck, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 406050006-7;
 - 4) Authorize and direct the Auditor-Controller to issue warrants to Timezone, agent for Dale Wheatley in the amount of \$6,522.75, Timezone, agent for Louann L. Felber, in the amount of \$6,522.75 and James R. Beltinck and Mary Lou Beltinck in the amount of \$6,522.75, 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) Timezone, agent for Dale Wheatley based on an Agent Agreement/Authority to Act dated April 3, 2006, a Grant Deed recorded October 31, 1974 as Instrument No. 140765, a Declaration under Probate Code Section 13101 and the death certificate of Joseph Albert Wheatley.
- 2) Timezone, agent for Louann L. Felber based on an Agent Agreement/Authority to Act dated March 23, 2006, a Grant Deed recorded October 31, 1974 as Instrument No. 140765, a Declaration under Probate Code Section 13101 and the death certificate of Richard Carl Felber Jr.
- 3) Claim from James R. Beltinck and Mary Lou Beltinck based on a Grant Deed recorded October 31, 1974 as Instrument No. 140765.

Pursuant to Section 4675 (a) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that Timezone, agent for Dale Wheatley be awarded excess proceeds in the amount of \$6,522.75, Timezone, agent for Louann L. Felber be awarded excess proceeds in the amount of \$6,522.75 and James R. Beltinck and Mary Lou Beltinck be awarded excess proceeds in the amount of \$6,522.75. 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.