

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

121A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

AUG 11 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 445.
Last assessed to: Ricardo Barraza and Sylvia Barraza, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Betty M. Shirey and Clara J. Cornett, Successor Co-Trustee's of the Emma L. Moore 1988 Trust Agreement for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 723102003-2;

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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 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

BY: DALE A. GARDNER DATE: 8/11/09
 FORM APPROVED COUNTY COUNSEL
 Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$38,545.28	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: 

County Executive Office Signature Christopher M. Hans

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

Prev. Agn. Ref.: _____ District: 4 Agenda Number: _____

9.49

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RECOMMENDED MOTION: (Continued)

- 2) Approve the claim from Nationwide Asset Recovery Services, agent for Ricardo Barraza and Sylvia Barraza AKA Silvia Barraza, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 723102003-2;
- 3) Authorize and direct the Auditor-Controller to issue warrants to Betty M. Shirey, Successor Co-Trustee of the Emma L. Moore 1988 Trust Agreement in the amount of \$3,388.16, Clara J. Cornett, Successor Co-Trustee of the Emma L. Moore 1988 Trust Agreement in the amount of \$3,388.15 and Nationwide Asset Recovery Services, agent for Ricardo Barraza and Sylvia Barraza AKA Silvia Barraza in the amount of \$31,768.97, 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 two claims for excess proceeds:

- 1) Claim from Betty M. Shirey and Clara J. Cornett, Successor Co-Trustee's of the Emma L. Moore 1988 Trust Agreement based on a Short Form Deed of Trust with Assignment of Rents recorded May 5, 1992 as Instrument No. 162822, a Note Secured by Deed of Trust dated February 10, 1992, the Emma L. Moore 1988 Trust Agreement dated November 18, 1988 and the death certificate of Emma Lachman Moore.
- 2) Claim from Nationwide Asset Recovery Services, agent for Ricardo Barraza and Sylvia Barraza AKA Silvia Barraza based on an Authorization for Agent to Collect Excess Proceeds dated June 26, 2006 and a Grant Deed recorded May 5, 1992 as Instrument No. 162821.

Pursuant to Section 4675 (a) & (c) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Betty M. Shirey, Successor Co-Trustee of the Emma L. Moore 1988 Trust Agreement be awarded excess proceeds in the amount of \$3,388.16, Clara J. Cornett, Successor Co-Trustee of the Emma L. Moore 1988 Trust Agreement be awarded excess proceeds in the amount of \$3,388.15 and Nationwide Asset Recovery Services, agent for Ricardo Barraza and Sylvia Barraza AKA Silvia Barraza be awarded excess proceeds in the amount of \$31,768.97. 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.