

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

120A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
AUG - 5 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 468.
Last assessed to: Kelly L. Smith and Anna M. Smith, Husband and Wife as Joint Tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Nationwide Asset Recovery Services, agent for Kathryn R. Christy, Successor Trustee of The Smith Family Trust dated March 24, 1994, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 800440007-5;
- 2) Authorize and direct the Auditor-Controller to issue a warrant to Nationwide Asset Recovery Services, agent for Kathryn R. Christy, Successor Trustee of The Smith Family Trust dated March 24, 1994 in the amount of \$22,547.52, 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.

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 BY COUNTY COUNSEL
BY DALE A. GARDNER DATE 8/5/09
Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$22,547.52	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
 Dept't Recomm.:
 Per Exec. Ofc.:

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

9.50

BOARD OF SUPERVISORS

Form 11:

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The Treasurer-Tax Collector has received one claim for excess proceeds:

- 1) Claim from Nationwide Asset Recovery Services, agent for Kathryn R. Christy, Successor Trustee of The Smith Family Trust dated March 24, 1994 based on an Authorization for Agent to Collect Excess Proceeds dated February 12, 2007, a Corporation Grant Deed recorded April 12, 1985 as Instrument No. 76393, an Order on Petition to Determine Proper Construction of Trust; to Determine to Whom Trust Property should be Delivered; to Ratify Prior Acts of the Successor Trustee and Directing Transfer of Property to Successor Trustee recorded in Kern County April 25, 1996 as Instrument No. 0196053084, a Declaration Pursuant to Probate Code 13100 and the death certificate's of Kelly Lee Smith and Anna Maria Smith.

Pursuant to Section 4675 (a) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that Nationwide Asset Recovery Services, agent for Kathryn R. Christy, Successor Trustee of The Smith Family Trust dated March 24, 1994 be awarded excess proceeds in the amount of \$22,547.52. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.