

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

118A



SUBMITTAL DATE:
JUL 30 2009

FROM: Don Kent, Treasurer/Tax Collector

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 502.
Last assessed to: Prodigy Investments, LLC.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Prodigy Investments, LLC, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 842070028-7;
- 2) Deny the claim from Jerry D. Lewis and Anita Lewis;
- 3) Deny the claim from Timezone, agent for Jerry Dean Lewis and Anita Lewis;

(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

FINANCIAL DATA	Current F.Y. Total Cost:	\$22,247.64	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

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 7/30/09
DATE: 7/30/09
Departmental Concurrence

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

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

9.52

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (Continued)

- 4) Authorize and direct the Auditor-Controller to issue a warrant to Prodigy Investments, LLC in the amount of \$22,247.64, 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 three claims for excess proceeds:

- 1) Claim from Prodigy Investments, LLC based on a Grant Deed recorded March 8, 2006 as Instrument No. 2006-0167767.
- 2) Claim from Jerry D. Lewis and Anita Lewis based on a Quitclaim Deed recorded July 24, 1990 as Instrument No. 271974.
- 3) Claim from Timezone, agent for Jerry Dean Lewis and Anita Lewis based on an Agent Agreement/Authority to Act dated March 17, 2006 and a Quitclaim Deed recorded July 24, 1990 as Instrument No. 271974.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that Prodigy Investments, LLC be awarded excess proceeds in the amount of \$22,247.64. The claims from Jerry D. Lewis and Anita Lewis and Timezone, agent for Jerry Dean Lewis and Anita Lewis be denied since they sold their interest in the property to Prodigy Investments, LLC through a Grant Deed recorded March 8, 2006 as Instrument No. 2006-0167767 and were therefore no longer a party of interest at the time of tax sale. 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.