

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

962A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
APR 08 2010

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 10.
Last assessed to: Michael Alan Briggs and Naomi S. Briggs, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from David S. Halper DBA Timezone, agent for Michael A Briggs AKA Michael Alan Briggs, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 341094015-7;
- 2) Deny the claim from San Diego County, Department of Child Support Services;
- 3) Deny the claim from Naomi S. Briggs;

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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 November 7, 2005 public auction sale. The deed conveying title to the purchasers at the auction was recorded January 9, 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 January 30, 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

FINANCIAL DATA	Current F.Y. Total Cost:	\$24,554.88	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

County Executive Office Signature

Prev. Agn. Ref.:

District: 3

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.17

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 4/8/10
DALE A. GARDNER
Departmental Concurrence

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 4) Authorize and direct the Auditor-Controller to issue a warrant to David S. Halper DBA Timezone, agent for Michael A Briggs AKA Michael Alan Briggs in the amount of \$24,554.88, 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 David S. Halper DBA Timezone, agent for Michael A Briggs AKA Michael Alan Briggs based on an Agent Agreement/Authority to Act dated November 18, 2006, a Grant Deed recorded October 3, 1984 as Instrument No. 214901 and the Judgment and Martial Settlement Agreement filed July 17, 2000.
- 2) Claim from San Diego County, Department of Child Support Services based on an Abstract of Support Judgment recorded November 4, 2002 as Instrument No. 2002-632009.
- 3) Claim from Naomi S. Briggs based on a Grant Deed recorded October 3, 1984 as Instrument No. 214901.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that David S. Halper DBA Timezone, agent for Michael A Briggs AKA Michael Alan Briggs be awarded excess proceeds in the amount of \$24,554.88. The claim from San Diego County, Department of Child Support Services is being denied since the Abstract of Judgment filed was not associated with our last assessee. The claim from Naomi S. Briggs is denied since within the Judgment and Martial Settlement Agreement the property was awarded to Michael Alan Briggs. 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.