

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



**FROM:** Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:**

**JUN 23 2010**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 174, Item 56.  
Last assessed to: AVA, INC., a California Corporation.

**RECOMMENDED MOTION:** That the Board of Supervisors:

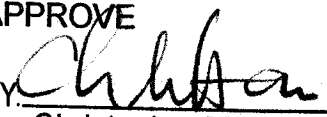
- 1) Approve the claim from James David Faught, agent for William H. Hughes for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350222007-1;
- 2) Deny the claim from AVA, INC.;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to James David Faught, agent for William H. Hughes in the amount of \$14,451.04, 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:** (Continued on page two)

  
\_\_\_\_\_  
Don Kent, Treasurer-Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$14,451.04	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010-11

<b>SOURCE OF FUNDS:</b> Fund 65595 Excess Proceeds from Tax Sale	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
\_\_\_\_\_  
Christopher M. Hans  
**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY:  DALE A. GARDNER DATE: 6/23/10  
Departmental Concurrence

Consent     Policy  
 Consent     Policy

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

**Prev. Agn. Ref.:** 9/15/09 Agenda 9.15 | **District:** 3 | **Agenda Number:**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**9.19**

BOARD OF SUPERVISORS

Form 11:

Page 2

**BACKGROUND:** (Continued)

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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The Treasurer-Tax Collector has received two claims for excess proceeds:

- 1) Claim from James David Faight, agent for William H. Hughes, based on an Authorization for Agent to Collect Excess Proceeds dated February 25, 2008, an Application for and Renewal of Judgment recorded January 3, 2003 as Instrument No. 2003-004249 and Performance Contract Professional Services dated August 26, 2006.
- 2) Claim from AVA, INC. based upon a Quitclaim Deed recorded May 30, 1985 as Instrument No. 133991.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that the Board of Supervisor's reconsider it's order issued on September 15, 2009 on agenda item 9.15 based on new evidence provided by the claimant James David Faight, agent for William H. Hughes and award the excess proceeds in the amount of \$14,451.04. The claim from AVA, INC. be denied since at the time the claim was filed and at all relevant times since the corporation was suspended which deprives it of all rights, privileges, and powers and it has no right or authority to file an administrative claim for the excess proceeds. 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.