

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



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

JUL 06 2010

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Items 148 and 149.
Last assessed to: Harold Peters, Jr. and Lenora J. Peters, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Deny the claims from the Law Offices of Philip A. Putman AKA Excess Proceeds Services LLC, assignee for Paul H. Peters AKA Harold Peters III, heir to Harold Peters, Jr., last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 375231045-4 and 375231046-5;
- 2) Deny the claims from Phillip A. Putman AKA Philip A. Putman, assignee for Lenora Peters AKA Lenora J. Peters, last assessee;
- 3) Deny the claims from the Law Offices of Philip A. Putman, assignee for Jahmal Peters, heir to Harold Peters, Jr., last assessee;
- 4) Deny the claims, 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

| | | | | |
|---------------------------|-------------------------------|------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | 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 |

| | | |
|-------------------------|----------------------------------|--------------------------|
| SOURCE OF FUNDS: | 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

Prev. Agn. Ref.:

District: 1

Agenda Number:

9.28

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY: 
DALE A. GARDNER
DATE: 7/6/10
Departmental Concurrence

Consent
 Policy
 Consent
 Policy

Dept's Recomm.:
 Per Exec. Ofc.:

BOARD OF SUPERVISORS

Form 11:

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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 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.

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

- 1) Claims from the Law Offices of Philip A. Putman AKA Excess Proceeds Services LLC, assignee for Paul H. Peters AKA Harold Peters III based on an Assignment of Rights to Claim Excess Proceeds from Sale of Tax Deeded Property and Declaration dated December 1, 2006, a Corporation Grant Deed recorded February 15, 1980 as Instrument No. 31795, an Affidavit Section 13101-Probate Code and the death certificate of Harold Washington Peters, Jr.
- 2) Claims from Phillip A. Putman AKA Philip A. Putman, assignee for Lenora Peters AKA Lenora J. Peters based on Assignment's of Right to Collect Excess Proceeds dated May 22, 2008 and a Corporation Grant Deed recorded February 15, 1980 as Instrument No. 31795, an Affidavit Section 13101-Probate Code and the Dissolution of Marriage filed July 14, 1988.
- 3) Claims from the Law Offices of Philip A. Putman, assignee for Jahmal Peters based on Assignment's of Right to Collect Excess Proceeds dated October 16, 2008, a Corporation Grant Deed recorded February 15, 1980 as Instrument No. 31795 an Affidavit Section 13101-Probate Code and the death certificate of Harold Washington Peters, Jr.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that the Law Offices of Philip A. Putman AKA Excess Proceeds Services LLC, assignee for Paul H. Peters AKA Harold Peters III be denied since they were unable to substantiate their claims. The claims from Phillip A. Putman AKA Philip A. Putman, assignee for Lenora Peters AKA Lenora J. Peters and the Law Offices of Philip A. Putman, assignee for Jahmal Peters be denied since the claims were filed after the filing period. The Revenue and Taxation Code Section 4675 states that a claim must be received prior to the expiration of one year following the recordation of the Tax Collector's Deed to the Purchaser, which was on May 3, 2006. Since there are no other claimants the excess proceeds in the amount of \$16,131.20 will remain unclaimed. 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.

| | | |
|--------------|---------|--------------------|
| EP176 | Item148 | \$ 8,065.60 |
| EP176 | Item149 | <u>\$ 8,065.60</u> |
| TOTAL | | \$16,131.20 |