

**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, Item 305.

Last assessed to: Patricia F. Hannifin, an unmarried woman and Edwin Jack Williams, an unmarried man.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Patricia F. Hannifin and Edwin Jack Williams, last assessees for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 571210002-4;
- 2) Deny the claim from Global Discoveries, Ltd., assignee for Busmancor, Inc.;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to Patricia F. Hannifin and Edwin Jack Williams in the amount of \$29,227.23, 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

FINANCIAL DATA	Current F.Y. Total Cost:	\$29,227.23	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: 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:  7/6/10
DALEA GARDNER
DATE: 7/6/10
Departmental Concurrence

Consent Policy
 Consent Policy

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.32

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 two claims for excess proceeds:

- 1) Claim from Patricia F. Hannifin and Edwin Jack Williams based on a Quitclaim Deed recorded May 29, 1992 as Instrument No. 195281.
- 2) Claim from Global Discoveries, Ltd., assignee for Busmancor, Inc. based on an Assignment of Right to Collect Excess Proceeds dated November 29, 2006 and a Deed of Trust with Assignment of Rents recorded March 27, 1990 as Instrument No. 108787.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that Patricia F. Hannifin and Edwin Jack Williams be awarded excess proceeds in the amount of \$29,227.23. The claim from Global Discoveries, Ltd., assignee for Busmancor, Inc. be denied since they were unable to substantiate their claim and at the time the claim was filed and at all relevant times since Busmancor, Inc. 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.