

**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. 176, Item 475.
Last assessed to: James S. Whitehouse M.D. Trustee of the James S. Whitehouse M.D. Inc., Pension Plan as to an
(Continued on Page 2)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 811141011-4;
- 2) Approve the claim from Ann M. Exley, Trustee of the Exley Family Trust, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 811141011-4;

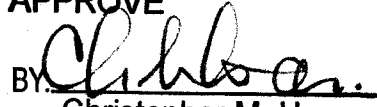
(Continued on Page 2)

BACKGROUND: (Continued on Page 2)


Don Kent, Treasurer-Tax Collector

FINANCIAL DATA	Current F.Y. Total Cost:	\$84,699.59	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	N/A
	Annual Net County Cost:	\$	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: 
 County Executive Office Signature Christopher M. Hans

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

Consent Policy
 Consent Policy

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

9.35

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SUBJECT: (Continued)

undivided 36.4% interest, James Curty and Myrtle W. Curty, Trustees under Trust Agreement dated July 13, 1988, as to an undivided 16.0% interest, Sidney T. Exley and Ann M. Exley, Trustees of the Exley Family Trust as to an undivided 12.0% interest, Patricia A. Tozzer, Trustee for the Tozzer Family Trust as to an undivided 14.0% interest, Betty V. DeCamp as Trustee and Subsequent Trustee of the DeCamp Family Trust dated December 22, 1987, as to an undivided 5.6% interest, Bruno Bakey and Marie Bakey husband and wife as joint tenants as to an undivided 8.0% interest and Arrowhead Trust, Custodian FBO Donald Eddy, M.D. IRA, as to an undivided 8.0% interest.

RECOMMENDED MOTION: (Continued)

- 3) Approve the claim from Fiserv Trust Company, Trustee FBO Donald Eddy, M.D. IRA, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 811141011-4;
- 4) Approve the claim from Linda L. Larson, Successor Trustee of the Bruno C. and Marie R. Bakey Family Trust, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 811141011-4;
- 5) Approve the claim from Betty V. DeCamp Regis AKA Betty V. DeCamp, Trustee of the DeCamp Family Trust, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 811141011-4;
- 6) Deny the claims from Vicki Denise Allen, Donald Curty AKA Don Curty, Doris Fillhart, Charles Curty, Janet Moyle, James Saunders, Miriam Pearce, Jackie Pastori and Deborah Pearce;
- 7) Deny the claims from Diana Lee Utzinger, Shaun Bakey and David Bakey;
- 8) Deny the claim from Theresa M. Plantz;
- 9) Authorize and direct the Auditor-Controller to issue warrants to Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988 in the amount of \$27,322.46, Ann M. Exley, Trustee of the Exley Family Trust in the amount of \$20,491.84, Fiserv Trust Company, Trustee FBO Donald Eddy, M.D. IRA in the amount of \$13,661.22, Linda L. Larson, Successor Trustee of the Bruno C. and Marie R. Bakey Family Trust in the amount of \$13,661.22 and Betty V. DeCamp Regis AKA Betty V. DeCamp, Trustee of the DeCamp Family Trust in the amount of \$9,562.85, 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)

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.

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

- 1) Claim from Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988 based on a Trustee's Deed recorded May 18, 1990 as Instrument No. 184050, the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988 and the death certificates of James Oliver Curty and Myrtle W. Curty.
- 2) Claim from Ann M. Exley, Trustee of the Exley Family Trust based on an Authorization for Agent to Collect Excess Proceeds dated June 17, 2006, a Trustee's Deed recorded May 18, 1990 as Instrument No. 184050, the Exley Family Trust and the death certificate of Sidney Thomas Exley, Jr.
- 3) Claim from Fiserv Trust Company, Trustee FBO Donald Eddy, M.D. IRA based on a Quitclaim Deed recorded December 24, 2002 as Instrument No. 2002-772861.
- 4) Claims from Diana Lee Utzinger, Linda L. Larson, Shaun Bakey and David Bakey based on a Trustee's Deed recorded May 18, 1990 as Instrument No. 184050, the Last Will and Testament of Bruno C. Bakey and Marie R. Bakey, the Bruno C. and Marie R. Bakey Family Trust and the death certificates of Bruno Clifford Bakey and Marie Rebecca Bakey.
- 5) Claim from Betty V. DeCamp Regis AKA Betty V. DeCamp, Trustee of the DeCamp Family Trust based on Trustee's Deed recorded May 18, 1990 as Instrument No. 184050 and the DeCamp Family Trust dated December 22, 1987.
- 6) Claims from Vicki Denise Allen, Donald Curty AKA Don Curty, Doris Fillhart, Charles Curty, Janet Moyle, James Saunders, Miriam Pearce, Jackie Pastori and Deborah Pearce based on a Trustee's Deed recorded May 18, 1990 as Instrument No. 184050, the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988 and the death certificates of James Oliver Curty and Myrtle W. Curty.
- 7) Claim from Theresa M. Plantz based on a Grant Deed recorded July 2, 2002 as Instrument No. 2002-364109.

Pursuant to Section 4675 (a) & (c) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988 be awarded excess proceeds in the amount of \$27,322.46, Ann M. Exley, Trustee of the Exley Family Trust be awarded excess proceeds in the amount of \$20,491.84, Fiserv Trust Company, Trustee FBO Donald Eddy, M.D. IRA be awarded excess proceeds in the amount of \$13,661.22, Linda L. Larson, Successor Trustee of the Bruno C. and Marie R. Bakey Family Trust be awarded excess proceeds in the amount of \$13,661.22 and Betty V. DeCamp Regis AKA Betty V. DeCamp, Trustee of the DeCamp Family Trust be awarded excess proceeds in the amount of \$9,562.85. The claims from Vicki Denise Allen, Donald Curty AKA Don Curty, Doris Fillhart, Charles Curty, Janet Moyle, James Saunders, Miriam Pearce, Jackie Pastori, Deborah Pearce, Diana Lee Utzinger, Shaun Bakey, David Bakey and Theresa M. Plantz be denied since they were unable to substantiate their claims. Since there are no other claimants the excess proceeds in the amount of \$86,065.73 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.