

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



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


**SUBMITTAL DATE:**  
AUG 02 2010

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Items 476 and 478  
Last assessed to: James S. Whitehouse M.D. Trustee for 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 claims from Carl Wolnisty AKA Carl Wolnisty M.D., Trustee for the Carl Wolnisty M.D. Inc., Defined Pension Plan, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 2) Approve the claims from Harold W. McCoy and Peggy C. McCoy, Trustees of the Harold W. and Peggy C. McCoy Revocable Living Trust, dated July 19, 1990, last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;

**BACKGROUND:** (Continued on page two)

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

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$142,232.54	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: 8/2/10  
Departmental Concurrence

Consent     Policy  
 Consent     Policy

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

**9.36**

**BOARD OF SUPERVISORS**

Form 11:

Page 2

**SUBJECT: (Continued)**

undivided 22.65% interest, Carl Wolnisty M.D. Trustee for the Carl Wolnisty M.D. Inc., Defined Pension Plan, as to undivided 11.32% interest; Harold W. McCoy and Peggy C. McCoy, Trustees of the Harold W. and Peggy C. McCoy, Revocable Living Trust, dated July 19, 1990, as to undivided 11.32% interest; Patricia A. Tozzer, Trustee for the Tozzer Family Trust as to an undivided 9.43% interest; Theresa A. Plantz, a married woman, as her sole and separate property, as to undivided 9.43% interest; Robert J. Lasagna and Catherine M. Lasagna, Co-Trustees of the Lasagna Family Trust dated December 6, 1988, as to undivided 9.43% interest; Elavumkel Joseph Mathew and Moonjaly Rosy Mathew, husband and wife as joint tenants, as to undivided 9.43% interest; Carl L. McCoy, Trustee of the Carl L. McCoy Revocable Living Trust, dated May 17, 1990, as to undivided 7.55% interest; Kenneth W. Hindman and Marie E. Hindman, Trustees of the Hindman Family Trust dated June 22, 1987, as to undivided 5.67% interest and James Curty and Myrtle W. Curty, Trustees of the James Curty and Myrtle W. Curty Family Trust dated July 13, 1988, as to an undivided 3.77% interest.

**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.

**RECOMMENDED MOTION: (Continued)**

- 3) Approve the claims from Theresa A. Plantz AKA Theresa M. Plantz, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 4) Approve the claims from James L. Lasagna and Gloria V. Roberts, Successor Co-Trustees of the Lasagna Family Trust dated December 6, 1988, heirs to last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 5) Approve the claims from Elavumkel Joseph Mathew and Moonjaly Rosy Mathew, last assessees for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 6) Approve the claims from Carl L. McCoy, Trustee of the Carl L. McCoy Revocable Living Trust, dated May 17, 1990, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 7) Approve the claims from Patricia S. Seegraves and James A. Hindman, Successor Co-Trustees of the Hindman Family Trust dated June 22, 1987, heirs to last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 8) Approve the claims from Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Family Trust dated July 13, 1988, heir to last assessee's for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 811142005-2 & 811260013-4;
- 9) Deny the claims from Kenneth A. Hindman, Kaye Marie Hindman, Anita H. Barnes, Mary Travis and John Spencer Hindman;

BOARD OF SUPERVISORS

Form 11:

Page 3

**RECOMMENDED MOTION:** (Continued)

- 10) Authorize and direct the Auditor-Controller to issue warrants to Carl Wolnisty AKA Carl Wolnisty M.D., Trustee for the Carl Wolnisty M.D. Inc., Defined Pension Plan in the amount of \$23,705.42, Harold W. McCoy and Peggy C. McCoy, Trustees of the Harold W. and Peggy C. McCoy Revocable Living Trust, dated July 19, 1990 in the amount of \$23,705.42, Theresa A. Plantz AKA Theresa M. Plantz in the amount of \$19,747.54, James L. Lasagna, Successor Co-Trustee of the Lasagna Family Trust dated December 6, 1988 in the amount of \$9,873.77, Gloria V. Roberts, Successor Co-Trustee of the Lasagna Family Trust dated December 6, 1988 in the amount of \$9,873.77, Elavumkel Joseph Mathew and Moonjaly Rosy Mathew in the amount of \$19,747.54, Carl L. McCoy, Trustee of the Carl L. McCoy Revocable Living Trust, dated May 17, 1990 in the amount of \$15,810.60, Patricia S. Seegraves, Successor Co-Trustee of the Hindman Family Trust dated June 22, 1987 in the amount of \$5,936.83, James A. Hindman, Successor Co-Trustee of the Hindman Family Trust dated June 22, 1987 in the amount of \$5,936.82 and Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Family Trust dated July 13, 1988 in the amount of \$7,894.83, 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 seventeen claims for excess proceeds:

- 1) Claims from Carl Wolnisty AKA Carl Wolnisty M.D., Trustee for the Carl Wolnisty M.D. Inc., Defined Pension Plan based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323 and the Carl Wolnisty M.D. Inc. Defined Pension Plan.
- 2) Claims from Harold W. McCoy and Peggy C. McCoy, Trustees of the Harold W. and Peggy C. McCoy Revocable Living Trust, dated July 19, 1990 based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323 and the Harold W. and Peggy C. McCoy Revocable Living Trust, dated July 19, 1990.
- 3) Claims from Theresa A. Plantz AKA Theresa M. Plantz based on a Grant Deed recorded July 2, 2002 as Instrument No. 2002-364109.
- 4) Claims from James L. Lasagna and Gloria V. Roberts, Successor Co-Trustees of the Lasagna Family Trust dated December 6, 1988 based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323, the Lasagna Family Trust dated December 6, 1988 and the death certificates of Robert Joseph Lasagna and Catherine Mary Lasagna.
- 5) Claims from Elavumkel Joseph Mathew and Moonjaly Rosy Mathew based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323.
- 6) Claims from Carl L. McCoy, Trustee of the Carl L. McCoy Revocable Living Trust, dated May 17, 1990 based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323 and the Carl L. McCoy Revocable Living Trust, dated May 17, 1990.
- 7) Claims from Patricia S. Seegraves and James A. Hindman, Successor Co-Trustees of the Hindman Family Trust dated June 22, 1987 based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323, the Hindman Family Trust dated June 22, 1987 and the death certificates of Kenneth William Hindman and Marie E. Hindman.
- 8) Claims from Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Revocable Trust Agreement dated July 13, 1988 based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323, 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.
- 9) Claims from Kenneth A. Hindman, Kaye Marie Hindman, Anita H. Barnes, Mary Travis and John Spencer Hindman based on a Grant Deed recorded September 1, 1994 as Instrument No. 340323, the Hindman Family Trust dated June 22, 1987 and the death certificates of Kenneth William Hindman and Marie E. Hindman.

BOARD OF SUPERVISORS

Form 11:

Page 4

Pursuant to Section 4675 (a) & (c) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that Carl Wolnisty AKA Carl Wolnisty M.D., Trustee for the Carl Wolnisty M.D. Inc., Defined Pension Plan be awarded excess proceeds in the amount of \$23,705.42, Harold W. McCoy and Peggy C. McCoy, Trustees of the Harold W. and Peggy C. McCoy Revocable Living Trust, dated July 19, 1990 be awarded excess proceeds in the amount of \$23,705.42, Theresa A. Plantz AKA Theresa M. Plantz be awarded excess proceeds in the amount of \$19,747.54, James L. Lasagna, Successor Co-Trustee of the Lasagna Family Trust dated December 6, 1988 be awarded excess proceeds in the amount of \$9,873.77, Gloria V. Roberts, Successor Co-Trustee of the Lasagna Family Trust dated December 6, 1988 be awarded excess proceeds in the amount of \$9,873.77, Elavumkel Joseph Mathew and Moonjaly Rosy Mathew be awarded excess proceeds in the amount of \$19,747.54, Carl L. McCoy, Trustee of the Carl L. McCoy Revocable Living Trust, dated May 17, 1990 be awarded excess proceeds in the amount of \$15,810.60, Patricia S. Seegraves, Successor Co-Trustee of the Hindman Family Trust dated June 22, 1987 be awarded excess proceeds in the amount of \$5,936.83, James A. Hindman, Successor Co-Trustee of the Hindman Family Trust dated June 22, 1987 be awarded excess proceeds in the amount of \$5,936.82 and Betty Myers, Successor Trustee of the James Curty and Myrtle W. Curty Family Trust dated July 13, 1988 be awarded excess proceeds in the amount of \$7,894.83. The claims from Kenneth A. Hindman, Kaye Marie Hindman, Anita H. Barnes, Mary Travis and John Spencer Hindman be denied since they were unable to substantiate their claims. Since there are no other claimants the excess proceeds in the amount of \$67,179.33 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.