

**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. 177, Item 57.

Last assessed to: Maria C. Marcellino Trustee of the Marcellino Family Trust dated 6/6/90 F/B/O The Marcellino Family.

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

- 1) Approve the claim from Lolita Harper, assignee for Joanne Marcellino, Successor Trustee of the Marcellino Family Trust, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 170140018-2;
- 2) Authorize and direct the Auditor-Controller to issue a warrant to Lolita Harper, assignee for Joanne Marcellino, Successor Trustee of the Marcellino Family Trust in the amount of \$36,352.10, 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)

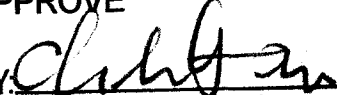
  
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Don Kent, Treasurer-Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$36,352.10	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's Recomm.:  
 Per Exec. Ofc.:

**Prev. Agn. Ref.:**

**District: 2**

**Agenda Number:**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**9.38**

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 12, 2007 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 3, 2007. 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 4, 2007, 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 one claim for excess proceeds:

- 1) Claim from Lolita Harper, assignee for Joanne Marcellino, Successor Trustee of the Marcellino Family Trust based on an Assignment of Rights to Claim Excess Proceeds from Sale of Tax-Defaulted Property dated April 16, 2007, a Individual Grant Deed recorded June 15, 1990 as Instrument No. 220605, the Restated Declaration of Trust of the Marcellino Family Trust dated 6/6/90 and the death certificate of Maria Carmela Marcellino.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Lolita Harper, assignee for Joanne Marcellino, Successor Trustee of the Marcellino Family Trust be awarded excess proceeds in the amount of \$36,352.10. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.