

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



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JUN 24 2010

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 177, Item 137.
Last assessed to: Herman D. Hurst and Dolly E. Hurst, husband and wife as joint tenants.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from David S. Halper, DBA Timezone, agent for Patricia A. Hurst, Executrix to the Estate of Herman D. Hurst, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 375262005-4;
- 2) Deny the claim from Prodigy Investments, LLC;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to David S. Halper, DBA Timezone, agent for Patricia A. Hurst, Executrix to the Estate of Herman D. Hurst in the amount of \$15,314.41, 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:	\$15,314.41	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: 
DALEA GARDNER
DATE: 6/24/10
Departmental Concurrence

Consent Policy
 Consent Policy

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

Prev. Agn. Ref.: ATTACHMENTS FILED **District: 1** **Agenda Number:**

WITH THE CLERK OF THE BOARD

9.44

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.

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

- 1) Claim from David S. Halper, DBA Timezone, agent for Patricia A. Hurst, Executrix to the Estate of Herman D. Hurst based on an Agent Agreement/Authority to Act dated April 6, 2007, a Joint Tenancy Grant Deed recorded December 5, 1962 as Instrument No. 112493, a Declaration under Probate Code Section 13101, Testamentary Letters filed July 16, 1996, the Last Will and Testament of Herman D. Hurst and the death certificates of Dolly Evelyn Hurst and Herman D. Hurst.
- 2) Claim from Prodigy Investments, LLC based on a Grant Deed recorded March 9, 2007 as Instrument No. 2007-0163945.

Pursuant to Section 4675 (a) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that David S. Halper, DBA Timezone, agent for Patricia A. Hurst, Executrix to the Estate of Herman D. Hurst be awarded excess proceeds in the amount of \$15,314.41. The claim from Prodigy Investments, LLC be denied since Lawrence Hurst did not have legal authority to transfer the property to Prodigy Investments, LLC. 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.