

**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 142.
Last assessed to: Mary Ann Le Lansky and Ross S. LeLansky and Gilbert H. Lee, Trustees, under Trust Agreement dated September 13, 1988.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Global Discoveries, Ltd. assignee for David P. Garrett and Linda Garrett, Successor Co-Trustees of the Ross S. LeLansky Revocable Trust, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 375312033-3;
- 2) Deny the claim from Prodigy Investments, LLC;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, Ltd. assignee for David P. Garrett and Linda Garrett, Successor Co-Trustees of the Ross S. LeLansky Revocable Trust in the amount of \$7,814.41, 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)

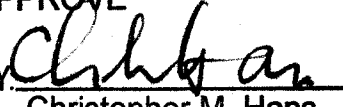


Don Kent, Treasurer-Tax Collector

FORM APPROVED COUNTY COUNSEL
BY Wendy A. Gardner 6/24/10
DALE A. GARDNER DATE
Departmental Concurrence

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|-----------------------|-------------------------------|------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$7,814.41 | 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

Consent Policy
 Consent Policy

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

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 Global Discoveries, Ltd. assignee for David P. Garrett and Linda Garrett, Successor Co-Trustees of the Ross S. LeLansky Revocable Trust based on Assignment's of Right to Collect Excess Proceeds dated April 22, 2008, a Grant Deed recorded February 18, 1931 as Instrument No. 1101, Book No. 10 Page No. 346, the Declaration of Trust of Ross S. LeLansky Revocable Trust, an Amendment #1 to Declaration of Trust and the death certificates of Mary LeLansky and Ross Stickland LeLansky.
- 2) Claim from Prodigy Investments, LLC based on a Grant Deed recorded March 9, 2007 as Instrument No. 2007-0162347.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd. assignee for David P. Garrett and Linda Garrett, Successor Co-Trustees of the Ross S. LeLansky Revocable Trust be awarded excess proceeds in the amount of \$7,814.41. The claim from Prodigy Investments, LLC be denied since Gilbert H. Lee 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.