

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

133A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
AUG 08 2012

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 179, Item 176.
Last assessed to: John Georges, DG Properties, LP.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Duane V. Chamlee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 575200034-0;
- 2) Deny the claim from Norman Minkow;

(Continued on page two)

BACKGROUND: (Continued on page two)

Don Kent, Treasurer-Tax Collector

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 17,555.62	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ 0.00	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0.00	For Fiscal Year:	2012-13

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:
Karen L. Johnson

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

BY: Dale A. Gardner DATE: 8/8/12
Departmental Concurrence

Consent Policy
 Consent Policy

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

Prev. Agn. Ref.: | **District:** 3/3 | **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.16

BOARD OF SUPERVISORS

Form 11:

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RECOMMENDED MOTION: (Continued)

- 3) Deny the claim from John Georges;
- 4) Authorize and direct the Auditor-Controller to issue a warrant to Duane V. Chamlee in the amount of \$17,555.62, 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 17, 2008 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 12, 2008. 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 9, 2008, 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 three claims for excess proceeds:

- 1) Claim from Duane V Chamlee based on a Short Form Deed of Trust and Assignment of Rents recorded March 6, 2001 as Instrument No. 2001-089289.
- 2) Claim from Norman Minkow based on a Deed of Trust with Assignment of Rents recorded June 3, 2005 as Instrument No. 2005-0442607.
- 3) Claim from John Georges based on a Quitclaim Deed recorded June 1, 2005 as Instrument No. 2005-0436509.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Duane V Chamlee be awarded excess proceeds in the amount of \$17,555.62. Since the claim from Duane V Chamlee exceeds the amount of excess proceeds available there are no monies available for consideration for the claims from Norman Minkow and John Georges. 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.