

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

131A



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

**SUBMITTAL DATE:**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 179, Item 250. AUG 07 2012  
Last assessed to: Emma Hilario & ADAD, LLC an Arkansas Limited Liability Co., each as to an undivided 1/2 interest as tenants in common.

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

- 1) Approve the claim from United Pacific Assets, LLC, assignee for Columbus and Chester, General Partnership, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 812161029-0;
- 2) Deny the claim from Thomas M. Coleman, General Partner for Columbus and Chester, General Partnership;
- 3) Deny the claim from Emma Hilario, last assessee;

(Continued on page two)

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

  
Don Kent, Treasurer-Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 188,784.11	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

<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:   
Karen L. Johnson

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY:  DALE A. GARDNER  
DATE: 8/7/12  
Departmental Concurrence

Policy  
 Consent  
 Policy  
 Consent

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

**Prev. Agn. Ref.:** | **District:** 4/4 | **Agenda Number:**

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- 4) Deny the claim from for ADAD, LLC, last assessee;
- 5) Deny the claim from Global Discoveries, Ltd, assignee for Ernest Oldham, trustee, for Investors of Capital Investment Fund, Inc. II;
- 6) Deny the claim from Ernest Oldham, trustee;
- 7) Deny the claim from Max J. Gradowitz and Martha Gradowitz;
- 8) Authorize and direct the Auditor-Controller to issue a warrant to United Pacific Assets, LLC, assignee for Columbus and Chester, General Partnership, in the amount of \$188,784.11, 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 filled 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.

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The Treasurer-Tax Collector has received seven claim(s) for excess proceeds:

- 1) Claim from United Pacific Assets, LLC, assignee for Columbus and Chester, General Partnership based on an Assignment of Rights to Collect Excess Proceeds dated January 15, 2009; a Deed of Trust recorded August 25, 1994 as Instrument No. 331531 and an Order Approving Settlement recorded November 30, 2006 as Instrument No. 2006-0880067.
- 2) Claim from Thomas M. Coleman, General Partner for Columbus and Chester, General Partnership based on a Deed of Trust recorded August 25, 1994 as Instrument No. 2004-331531 and an Order Approving Settlement recorded November 30, 2006 as Instrument No. 2006-088067.
- 3) Claim from Emma Hilario based on a Quitclaim Deed recorded March 14, 2008 as Instrument No. 2008-0127473; a Quitclaim Deed recorded March 17, 2008 as Instrument No. 2008-0128112 and a Substitution of Trustee and Full Reconveyance recorded April 12, 2010 as Instrument No. 2010-0166323.
- 4) Claim from ADAD, LLC based on a Quitclaim Deed recorded March 14, 2008 as Instrument No. 2008-0127473; a Quitclaim Deed recorded March 17, 2008 as Instrument No. 2008-0128112 and a Substitution of Trustee and Full Reconveyance recorded April 12, 2010 as instrument No. 2010-0166323.
- 5) Claim from Global Discoveries, Ltd., assignee for Ernest Oldham, trustee for Investors of Capital Investment Fund, Inc. II, based on an Assignment of Right to Collect Excess Proceeds dated April 15, 2008 and a Grant Deed recorded November 25, 2002 as Instrument No. 2002-695157.
- 6) Claim from Ernest Oldham, Trustee based on Deed of Trust and Assignment of Rents recorded March 14, 2008 as Instrument No. 2008-0127474.
- 7) Claim from Max J. Gradowitz and Martha Gradowitz based on a check copy dated February 25, 2001.

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(continued)

Pursuant to Section 4675 (a) & (b) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that United Pacific Assets, LLC, assignee for Columbus and Chester, General Partnership be awarded excess proceeds in the amount of \$188,784.11. The claim from Thomas M. Coleman, General Partner for Chester for Columbus, LP, be denied due to a Withdrawal of Claim for Excess Proceeds dated January 15, 2009. Since the claim from United Pacific Assets, LLC, assignee for Columbus and Chester, General Partnership exceeds the amount of excess proceeds available there are no monies available for consideration for the claims from Emma Hilario and ADAD, LLC. The claims from Global Discoveries, Ltd., assignee for Ernest Oldham, trustee for Investors of Capital Investment Fund, Inc. II and the claim from Max J. and Martha Gradowitz be denied since at the time of the sale the claimants were not parties of interest of said property. The Claim from Ernest Oldham, trustee be denied since the Deed of Trust has been paid in full and a Substitution of Trustee and Full Reconveyance was recorded April 12, 2010 as Instrument No. 2010-0166323. 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.