

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

520  
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**FROM:** Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:**  
OCT 23 2012

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 177, Item 325.  
Last assessed to: Brawley Ice Company, a corporation.

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

- 1) Approve the claim from Wells Fargo Bank, N.A. for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 845131016-5;

(Continued on page two)

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

Don Kent, Treasurer/Tax Collector

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 10/23/12  
DATE: 10/23/12  
Departmental Concurrence

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$75,107.75	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2012-13
<b>SOURCE OF FUNDS:</b> 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**

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

9.6

**BOARD OF SUPERVISORS**

Form 11:

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**RECOMMENDED MOTION:** (Continued)

- 2) Deny the claim from Global Discoveries, Ltd., assignee for Brawley Ice Company;
- 3) Authorize and direct the Auditor-Controller to issue a warrant to Wells Fargo Bank, N.A. in the amount of \$75,107.75, 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 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 two claims for excess proceeds:

- 1) Claim from Wells Fargo Bank, N.A. based on an Abstract of Judgment recorded March 24, 2003 as Instrument No. 2003-203352.
- 2) Claim from Global Discoveries, Ltd., assignee for Brawley Ice Company based on an Assignment of Right to Collect Excess Proceeds dated May 18, 2007 and a Corporation Grant Deed recorded December 31, 1941 as Instrument No. 1851.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Wells Fargo Bank, N.A. be awarded excess proceeds in the amount of \$75,107.75. Since the amount claimed by Wells Fargo Bank, N.A. exceeds the amount of excess proceeds available no monies are available for consideration for the claim from Global Discoveries, Ltd., assignee for Brawley Ice Company. 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.