

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE 11/3/14

Departmental Concurrence

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

531
A



**SUBMITTAL DATE:
 NOV 03 2014**

FROM: Don Kent, Treasurer/Tax Collector

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 185, Item 151. Last assessed to: Dennis Wyatt, an unmarried man; Valerie Wood and Fred Wyatt, legal guardian of Lisa Pacheco as their interest may appear on record. District 3/3 [\$22,067] Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from All-Mobile Bail Bonds for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 446173009-2;

(continued on page two)

BACKGROUND:

Summary

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 16, 2010 public auction sale. The deed conveying title to the purchasers at the auction was recorded April 26, 2010. 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 3, 2010, 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.

(continued on page two)

Don Kent
 Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 22,067	\$ 0	\$ 22,067	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale	Budget Adjustment: N/A
	For Fiscal Year: 14/15

C.E.O. RECOMMENDATION:

APPROVE

BY:
 Samuel Wong

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Positions Added
 Change Order

A-30
 4/5 Vote

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

9-16

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 185, Item 151. Last assessed to: Dennis Wyatt, an unmarried man; Valerie Wood and Fred Wyatt, legal guardian of Lisa Pacheco as their interest may appear on record. District 3/3 [\$22,067] Fund 65595 Excess Proceeds from Tax Sale.

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RECOMMENDED MOTION:

2. Approve the claim from the State of California, Franchise Tax Board for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 446173009-2;
3. Approve the claim from Global Discoveries, Ltd., assignee for Natalie Wyatt, heir to the Estate of Dennis Leroy Wyatt AKA Dennis Wyatt for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 446173009-2;
4. Approve the claim from Global Discoveries, Ltd., assignee for Valerie J. Wood AKA Valerie Wood for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 446173009-2;
5. Authorize and direct the Auditor-Controller to issue warrants to All-Mobile Bail Bonds in the amount of \$2,211.88, the State of California, Franchise Tax Board in the amount of \$1,957.04, Global Discoveries, Ltd., assignee for Natalie Wyatt, heir to the Estate of Dennis Leroy Wyatt AKA Dennis Wyatt in the amount of \$13,485.36 and Global Discoveries, Ltd., assignee for Valerie J. Wood AKA Valerie Wood, heir to the Estate of Debra Godinez in the amount of \$4,413.57, no sooner than ninety days from the date of this order, unless an appeal has been filed in Superior Court, pursuant to the California Revenue and Taxation Code Section 4675.

BACKGROUND:

Summary (continued)

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

1. Claim from All-Mobile Bail Bonds based on a Deed of Trust recorded September 4, 2007 as Instrument No. 2007-0563045.
2. Claim from the State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded on October 30, 2008 as Instrument No. 2008-0577957 and an Order to Withhold Personal Income Tax.
3. Claim from Global Discoveries, Ltd., assignee for Natalie Wyatt, heir to the Estate of Dennis Leroy Wyatt AKA Dennis Wyatt based on an Assignment of Right to Collect Excess Proceeds dated September 22, 2010, a Grant Deed recorded June 5, 1998 as Instrument No. 231458, a Grant Deed recorded March 10, 2010 as Instrument No. 2010-0109853, an Affidavit Under California Probate Code Section 13101 and the death certificate of Dennis Leroy Wyatt.
4. Claim from Global Discoveries, Ltd., assignee for Valerie J. Wood AKA Valerie Wood, based on an Assignment of Right to Collect Excess Proceeds dated January 12, 2011, a Corrected Order Settling First Account and Report of Administrator and Granting Petition for Allowance of Attorney's Fees and Commissions and for Final Distribution recorded January 14, 2003 as Instrument No. 2003-027758.

Pursuant to Section 4675 (a) & (b) & (e) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that All-Mobile Bail Bonds be awarded excess proceeds in the amount of \$2,211.88, the State of California, Franchise Tax Board be awarded excess proceeds in the amount of \$1,957.04, Global Discoveries, Ltd., assignee for Natalie Wyatt, heir to the Estate of Dennis Leroy Wyatt AKA Dennis Wyatt be awarded excess proceeds in the amount of \$13,485.36, Global Discoveries, Ltd., assignee for Valerie J. Wood AKA Valerie Wood, heir to the Estate of Debra Godinez be awarded excess proceeds in the amount of \$4,413.57. Since there are no other claimants the excess proceeds in the amount of \$4,413.57 will remain unclaimed. Supporting documentation has been provided. The Tax Collector requests approval of the above recommend motion. Notice of this recommendation was sent to the claimants by certified mail.

Impact on Citizens and Businesses

Excess proceeds are being released to the lien holders, the last assessee, and heirs to the last assessee of the property and Pursuant to Section 4673.1 (2) of the California Revenue and Taxation Code, since there were no other claimants the remaining unclaimed excess proceeds are being transferred to the Auditor's office for apportionment.

Pursuant to Section 4673.1 (2) of the California Revenue and Taxation Code, the remaining balance of the proceeds to be distributed under this section shall be distributed to each tax fund in an amount bearing the same proportion to the

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balance remaining as the tax rate for each fund bears to the total tax rate applicable to the property for the fiscal year preceding that in which the property was sold.

ATTACHMENTS (if needed, in this order):

Copies of the Excess Proceeds Claim forms and supporting documentation are attached.