

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

Departmental Concurrence

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

533
A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
NOV 03 2014

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 189, Item 67. Last assessed to: Raul Martinez, a single man. District 5/5 [\$35,587] Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Raul Martinez, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 309210055-5;
 (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 15, 2011 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 18, 2011. 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 2, 2011, 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
 Don Kent
 Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 35,587	\$ 0	\$ 35,587	\$ 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 12/2/14*
 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: 5/5

Agenda Number:

9-18

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 189, Item 67. Last assessed to: Raul Martinez, a single man. District 5/5 [\$35,587] Fund 65595 Excess Proceeds from Tax Sale.

DATE: NOV 03 2014

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RECOMMENDED MOTION:

2. Deny claim from Eli S. Rodriguez;
3. Deny claim from John Hine Temecula Mazda aka JHCH, Temecula, Inc.;
4. Deny claim from Vijay S. Desai, Esq., attorney for Fortis Capital II LLC, Law Office of Curtis O. Barnes;
5. Authorize and direct the Auditor-Controller to issue a warrant to Raul Martinez in the amount of \$35,587.39 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 Raul Martinez based on a Grant Deed recorded March 10, 2004 as Instrument No. 2004-0168163.
2. Claim from Eli S. Rodriguez based on a notarized statement.
3. Claim from John Hine Temecula Mazda aka JHCH, Temecula, Inc. based on an Abstract of Judgment recorded on March 19, 2009 as Instrument No. 2009-0131776.
4. Claim from Vijay S. Desai, Esq., attorney for Fortis Capital II LLC, Law Office of Curtis O. Barnes based on an Abstract of Judgment recorded on August 24, 2010 as Instrument No. 2010-0404188.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that Raul Martinez be awarded excess proceeds in the amount of \$35,587.39. The claim from Eli S. Rodriguez be denied due to the claim being received after the May 21, 2012 deadline. The claim from John Hine Temecula Mazda aka JHCH, Temecula, Inc. be denied because the lien filed is not associated with our last assessee. The claim for Vijay S. Desai, Esq., attorney for Fortis Capital II LLC Law Office of Curtis O. Barnes be denied because the lien filed is not associated with our last assessee. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.

Impact on Citizens and Businesses

Excess proceeds are being released to the last assessee of the property.

ATTACHMENTS (if needed, in this order):

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