

FORM APPROVED COUNTY COUNSEL 11/17/14
 BY: GREGORY P. PRIAMOS DATE

Departmental Concurrence

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

543 A



**SUBMITTAL DATE:
 NOV 17 2014**

FROM: Don Kent, Treasurer/Tax Collector

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 192, Item 599. Last assessed to: Erika Marie Garcia, a single woman. District 5/5 [\$42,782] Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:
 1. Approve the claim from Erika Marie Garcia, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 400380041-6;
 (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 20, 2012 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 11, 2012. 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 6, 2012, 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	\$ 42,782	\$ 0	\$ 42,782	\$ 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:

9-28

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 192, Item 599. Last assessed to: Erika Marie Garcia, a single woman. District 5/5 [\$42,782] Fund 65595 Excess Proceeds from Tax Sale.

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RECOMMENDED MOTION:

2. Deny the claim from David Sean Dufek, attorney for CACH, LLC;
3. Authorize and direct the Auditor-Controller to issue a warrant to Erika Marie Garcia in the amount of \$42,782.56 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 two claims for excess proceeds:

1. Claim from Erika Marie Garcia based on a Grant Deed recorded February 27, 2004 as Instrument No. 2004-0139078.
2. Claim from the David Sean Dufek, attorney for CACH, LLC based on an Abstract of Judgment recorded January 21, 2010 as Instrument No. 2010-0026769.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Erika Marie Garcia be awarded excess proceeds in the amount of \$42,782.56. The claim from David Sean Dufek, attorney for CACH, LLC be denied since the lien filed is not associated with our assessee. The Tax Collector requests approval of the above recommended 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 last assessee of the property.

ATTACHMENTS (if needed, in this order):

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