

1/12/15

DATE

BY: GREGORY P. PRIAMOS

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

331A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JAN 12 2015

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 182, Item 221. Last assessed to: Luvorne Jones Jeffery 50% interest and Kimberly Pumphery, a married woman as her sole and separate property. District 5 [\$25,477] Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the three claims from the County of Riverside, Treasurer Tax-Collector for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 541133018-2; (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, 2009 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 05, 2009. 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, 2009, 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 | \$ 25,477 | \$ 0 | \$ 25,477 | \$ 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* 3/12/15
Samuel Wong

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: 5

Agenda Number:

9-20

Departmental Concurrence

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 182, Item 221. Last Assessed to: Luvorne Jones Jeffery 50% interest and Kimberly Pumphery, a married woman as her sole and separate property. District 5 [\$25,477] Fund 65595 Excess Proceeds from Tax Sale.

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RECOMMENDED MOTION:

2. Approve the claim from Global Discoveries, Ltd. assignee for Armando Williams for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 541133018-2;
3. Approve the claim from the City of Banning for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 541133018-2;
4. Approve the claim from Barbara J. Cole AKA Barbara Jean Cole, heir to the Estate of Luvorne Jones Jeffery, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 541133018-2;
5. Deny the claim from Tressie Jones;
6. Deny the claim from the John De Hart, attorney for Armando Williams;
7. Authorize and direct the Auditor-Controller to issue warrants to the County of Riverside, Treasurer-Tax Collector in the amount of \$4,575.37, Global Discoveries, Ltd. assignee for Armando Williams in the amount of \$12,739.00, the City of Banning in the amount of \$2,120.00, and Barbara J. Cole AKA Barbara Jean Cole in the amount of \$6,043.62 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 eight claims for excess proceeds:

1. Claim from the County of Riverside, Treasurer-Tax Collector based on a Certificate of Lien recorded January 11, 2006 as Instrument No. 2006-0026385.
2. Claim from the County of Riverside, Treasurer-Tax Collector based on a Certificate of Lien recorded January 11, 2006 as Instrument No. 2006-0026387.
3. Claim from Global Discoveries, Ltd. assignee for Armando Williams based on an Assignment of Right to Collect Excess Proceeds dated May 21, 2009, a Short Form Deed of Trust and Assignment of Rents recorded June 27, 2007 as Instrument No. 2007-0417388, and a Lost Note Affidavit dated May 21, 2009.
4. Claim from the County of Riverside, Treasurer-Tax Collector based on a Certificate of Lien recorded April 30, 2008 as Instrument No. 2008-0221484.
5. Claim from the City of Banning based on Notice of Abatement/Assessment Lien recorded November 04, 2008 as Instrument No. 2008-0586448.
6. Claim from Barbara J. Cole AKA Barbara Jean Cole, heir to the Estate of Luvorne Jones Jeffery based on an Order Determining Succession to Real Property recorded September 30, 1991 as Instrument No. 337981, an Affidavit for Collection of Personal Property Pursuant to California Probate Code 13100-13116 dated November 18, 2014, and the death certificate of Luvorne Jeffery.
7. Claim from Tressie Jones, heir to the Estate of Luvorne J. Jeffery based on based on an Order Determining Succession to Real Property recorded September 30, 1991 as Instrument No. 337981, an Affidavit for Collection of Personal Property Pursuant to California Probate Code 13100-13116 dated November 18, 2014, and the death certificate of Luvorne Jeffery.
8. Claim from John De Hart, attorney for Armando Williams based on a Short Form Deed of Trust with Assignments of Rents recorded June 27, 2007 as Instrument No. 2007-0417388.

Pursuant to Section 4675 (a) & (b) & (e) & (f) of the California Revenue and Taxation Code, it is the recommendation of this office that the County of Riverside, Treasurer-Tax Collector be awarded excess proceeds in the amount of \$4,575.37, Global Discoveries, Ltd. assignee for Armando Williams be awarded excess proceeds in the amount of \$12,739.00, the City of Banning be awarded excess proceeds in the amount of \$2,120.00, and Barbara J. Cole AKA Barbara Jean Cole, heir to the Estate of Luvorne Jones Jeffery be awarded excess proceeds in the amount of \$6,043.62. The claim from Tressie Jones be denied since it has been determined that Tressie Jones was not a party of interest since Barbara J. Cole aka Barbara Jean Cole was the heir to the Estate of Luvorne Jones Jeffery through probate code 6402 and so there are no funds for consideration for the claim from Tressie Jones. The claim from John De Hart, attorney for Armando Williams be denied since Armando Williams had previously assigned his right to claim excess proceeds to Global Discoveries, Ltd.

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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 beneficiary of the deed of trust, and the heir of the last assessee of the property.

ATTACHMENTS (if needed, in this order):

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