

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 1/27/15

Departmental Concurrence

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

333A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

JAN 27 2015

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 185, Item 302. Last assessed to: RDS Villages, LLC District 4 [\$2,615] Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from the Riverside County Treasurer-Tax Collector for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 680452002-9;
 (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	\$ 2,615	\$ 0	\$ 2,615	\$ 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

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

9-22

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 302. Last assessed to: RDS Villages, LLC District 4 [\$2,615] Fund 65595 Excess Proceeds from Tax Sale.

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RECOMMENDED MOTION:

2. Deny the claim from the State of California, Franchise Tax Board;
3. Deny the claim from Rexel, Inc.;
4. Deny the claim from Pacific Western Bank;
5. Deny the claim from the Department of the Treasury, Internal Revenue Service;
6. Authorize and direct the Auditor-Controller to issue a warrant to Riverside County Treasurer-Tax Collector in the amount of \$2,615.35 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 five claims for excess proceeds:

1. Claim from the Riverside County Treasurer-Tax Collector based on a Certificate of Lien recorded on November 7, 2006 as Instrument No. 2006-0822158, a Certificate of Lien recorded on November 13, 2007 as Instrument No. 2007-0690132, and a Certificate of Lien recorded November 13, 2008 as Instrument No. 2008-0601727.
2. Claim from the State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded on November 26, 2007 as Instrument No. 2007-0711547.
3. Claim from Rexel, Inc. based on an Abstract of Judgment recorded on June 5, 2008 as Instrument No. 2008-0307236.
4. Claim from Pacific Western Bank based on an Abstract of Judgment recorded on March 23, 2009 as Instrument No. 2009-0137843.
5. Claim from the Department of the Treasury, Internal Revenue Service based on Notice of Federal Tax Lien recorded on July 29, 2009 as Instrument No. 2009-0393867.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that the Riverside County Treasurer-Tax Collector be awarded excess proceeds in the amount of \$2,615.35. Since the amount claimed by the Riverside County Treasurer-Tax Collector exceeds the amount of excess proceeds available there are no funds available for consideration for the claims from the State of California, Franchise Tax Board, Rexel, Inc., Pacific Western Bank, and the Department of the Treasury, Internal Revenue Service. 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.

Impact on Citizens and Businesses

Excess proceeds are being released to the lien holder of the property.

ATTACHMENTS (if needed, in this order):

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