

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

343A



FORM APPROVED COUNTY COUNSEL
DATE 1/28/15
BY: GREGORY P. PRIAMOS

FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

JAN 28 2015

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 192, Item 122. Last assessed to: Diamond Brothers Eight, LLC, a California Limited Liability Company. District 1 [\$17,708] 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 243150031-7;
(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
Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 17,708	\$ 0	\$ 17,708	\$ 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
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: _____ District: 1 Agenda Number: _____

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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 122. Last assessed to: Diamond Brothers Eight, LLC, a California Limited Liability Company. District 1 [\$17,708] Fund 65595 Excess Proceeds from Tax Sale.

DATE: JAN 28 2015
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RECOMMENDED MOTION:

2. Approve the claim from American Pacific Homes, Inc. as manager for Diamond Brothers Eight, LLC for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 243150031-7;
3. Deny the claim from Kenneth Cooper, attorney for Homebuyers Guide Real Estate Inc.;
4. Authorize and direct the Auditor-Controller to issue warrants to the Riverside County Treasurer-Tax Collector in the amount of \$415.20 and American Pacific Homes, Inc. as manager for Diamond Brothers Eight, LLC in the amount of \$17,292.80 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 three claims for excess proceeds:

1. Claim from the Riverside County Treasurer-Tax Collector based on a Certificate of Lien recorded April 25, 2008 as Instrument No. 2008-0210076.
2. Claim from American Pacific Homes, Inc. as manager for Diamond Brothers Eight, LLC based on a Grant Deed recorded March 14, 2001 as Instrument No. 2001-104666, a Limited Liability Company Certificate of Cancellation filed December 6, 2004, and a Corporation, Limited Liability Company or Limited Liability Partnership Assumption of Tax Liability dated December 2, 2004.
3. Claim from Kenneth Cooper, attorney for Homebuyers Guide Real Estate Inc. based on an Abstract of Judgment recorded January 14, 2002 as Instrument No. 2002-022942.

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 \$415.20 and American Pacific Homes, Inc. as manager for Diamond Brothers Eight, LLC be awarded excess proceeds in the amount of \$17,292.80. The claim from Kenneth Cooper, attorney for Homebuyers Guide Real Estate Inc. be denied since the lien was recorded more than ten years prior to the tax sale and is no longer valid. 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 a lien holder and last assessee of the property.

ATTACHMENTS (if needed, in this order):

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