

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**

345A



**FROM:** Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:**

**JAN 27 2015**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 192, Item 229. Last assessed to: Ronald Cascante, an unmarried man. District 1 [\$16,023] Fund 65595 Excess Proceeds from Tax Sale.

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the claim from Pensco Trust Company Inc. Custodian FBO Jeffrey E. Deis IRA for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 323080074-5;

(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 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	\$ 16,023	\$ 0	\$ 16,023	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b> Fund 65595 Excess Proceeds from Tax Sale	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> 14/15

**C.E.O. RECOMMENDATION:** APPROVE

BY: 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: 1 | Agenda Number:

9-34

**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 229. Last assessed to: Ronald Cascante, an unmarried man. District 1 [\$16,023] Fund 65595 Excess Proceeds from Tax Sale.

**DATE:** JAN 27 2015  
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**RECOMMENDED MOTION:**

2. Deny the claim from the Riverside County Code Enforcement Department;
3. Deny the claim from Nicole Pauline Deis;
4. Deny the claim from Flores Bail Bonds;
5. Deny the claim from Global Discoveries, Ltd., assignee for Carlos Mendoza;
6. Authorize and direct the Auditor-Controller to issue a warrant to Pensco Trust Company Inc. Custodian FBO Jeffrey E. Deis IRA in the amount of \$16,023.57 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 Pensco Trust Company Inc. Custodian FBO Jeffrey E. Deis IRA based on an Assignment of Deed of Trust recorded March 24, 2006 as instrument No. 2006-0210741 and a Deed of Trust recorded March 15, 2006 as Instrument No. 2006-0183349.
2. Claim from the Riverside County Code Enforcement Department based on Notices of Noncompliance recorded September 20, 2004 as Instrument No. 2004-0746493 and March 28, 2008 as Instrument No. 2008-0153918.
3. Claim from Nicole Pauline Deis based on a Deed of Trust recorded March 15, 2006 as Instrument No. 2006-0183349.
4. Claim from Flores Bail Bonds based on a Deed of Trust recorded December 22, 2009 as Instrument No. 2009-0656310.
5. Claim from Global Discoveries, assignee for Carlos Mendoza based on an Assignment of Right to Collect Excess Proceeds dated April 18, 2013 and an Abstract of Judgment-Civil and Small Claims recorded March 8, 2012 as Instrument No. 2012-0108227.

Pursuant to Section 4675 (a) & (b) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Pensco Trust Company Inc. Custodian FBO Jeffrey E. Deis IRA be awarded excess proceeds in the amount of \$16,023.57. Since the amount claimed by Pensco Trust Company Inc. Custodian FBO Jeffrey E. Deis IRA exceed the amount of excess proceeds available there are no funds available for consideration for the claims from Nicole Pauline Deis, Flores Bail Bonds, and Global Discoveries, Ltd., assignee for Carlos Mendoza. The claim from the Riverside County Code Enforcement Department be denied since releases of Notice of Noncompliance have been recorded October 31, 2012 as Instrument Nos. 2012-0520816 and 2012-0520817 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 lienholder and the beneficiary on the deed of trust of the property.

**ATTACHMENTS (if needed, in this order):**

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