

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE 6/29/15

Departmental Concurrence

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

564A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
JUN 29 2015

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 189, Item 482. Last assessed to: Keith Montague, a married man as his sole and separate property as to undivided 1/2 interest and Mike Howard, a single man, as to an undivided 1/2 interest, as joint tenants in common. District 4 [\$0].

RECOMMENDED MOTION: That the Board of Supervisors:
 1. Deny the claim from Letty Van Der Vegt, Attorney for Napa County Child Support Services for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 665163022-3;
 (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 15, 2011 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 18, 2011. 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 2, 2011, 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	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Budget Adjustment: N/A
 For Fiscal Year: 15/16

C.E.O. RECOMMENDATION: APPROVE
 BY: *Samuel Wong 7/13/15*
 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: 4 Agenda Number:

9-19

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 189, Item 482. Last assessed to: Keith Montague, a married man as his sole and separate property as to undivided ½ interest and Mike Howard, a single man, as to an undivided ½ interest, as joint tenants in common. District 4 [\$0].

DATE: JUN 29 2015

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RECOMMENDED MOTION:

2. Deny the claim from the State of California, Employment Development Department;
3. Deny the claims, unless an appeal has been filed in Superior Court, pursuant to the California Revenue and Taxation Code Section 4675.
4. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$743.89 to the county general fund pursuant to Revenue and Taxation Code Section 4674.

BACKGROUND:

Summary (continued)

Revenue and Taxation Code 4676 (b) states that the county shall make reasonable effort to obtain the name and last known mailing address of the parties of interest. Then, if the address of the party of interest cannot be obtained, the county shall publish notice of the right to claim excess proceeds in a newspaper of general circulation in the county as per Revenue and taxation Code 4676 (c). The Treasurer-Tax Collector's Office has made it a policy to take the following actions to locate the rightful party of the excess proceeds.

- Examined title reports to notify all parties of interest attached to the parcel.
- Researched all last assessee's through the County's Property Tax System for any parties of interest.
- Used Accurint (people finder) to notify any new addresses that may be listed for our parties of interest.
- Advertised in newspapers for three consecutive weeks in the Desert Sun, Palo Verde Valley Times and the Press Enterprise referring any parties of interest to file a claim for the excess proceeds.
- Sent out a certified mailing within 90 days as required by Revenue and Taxation Code 4675.

According to Revenue and Taxation Code 4675 (a) Any party of interest in the property may file with the county a claim for the excess proceeds, in proportion to his or her interest held with others of equal priority in the property at the time of the sale, at any time prior to the expiration of the one year following the recordation of the Tax Collector's deed to the Purchaser, which was recorded on May 18, 2011.

The Treasurer-Tax Collector has received two claims for excess proceeds:

1. Claim from Letty Van Der Vegt, Attorney for Napa County Child Support Services based on an Abstract of Support Judgment recorded August 12, 2003 as Instrument No. 2003-612209.
2. Claim from the State of California, Employment Development Department based on an Abstract of Judgment recorded May 11, 2009 as Instrument No. 2009-0235190.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that the claims from Letty Van Der Vegt, Attorney for Napa County Child Support Services and the State of California, Employment Development Department be denied since the liens filed are not against our last assessee. Since there are no other claimants the unclaimed excess proceeds in the amount of \$743.89 will be transferred to the county general fund. 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

The excess proceeds are being transferred to the county general fund.

ATTACHMENTS (if needed, in this order):

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

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY
(SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

To: Don Kent, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 189 Item 482 Assessment No.: 665163022-3

Assessee: MONTAGUE, KEITH & HOWARD, MIKE

Situs:

Date Sold: March 15, 2011

Date Deed to Purchaser Recorded: May 18, 2011

Final Date to Submit Claim: May 21, 2012

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$18,937.11 from the sale of the above mentioned real property. I/We were the lienholder(s), property owner(s) [check in one box] at the time of the sale of the property as is evidenced by Riverside County Recorder's Document No. 2003-612208 recorded on 8/12/03. A copy of this document is attached here to. I/We are the rightful claimants by virtue of the attached assignment of interest. I/We have listed below and attached hereto each item of documentation supporting the claim submitted.

NOTE: YOUR CLAIM WILL NOT BE CONSIDERED UNLESS THE DOCUMENTATION IS ATTACHED.

If the property is held in Joint Tenancy, the taxsale process has severed this Joint Tenancy, and all Joint Tentants will have to sign the claim unless the claimant submits proof that he or she is entitled to the full amount of the claim, the claimant may only receive his or her respective portion of the claim.

I/We affirm under penalty of perjury that the foregoing is true and correct.

Executed this 7 day of July, 2011 at NAPA, CA
County, State

Letty van der Vegt
Signature of Claimant

Signature of Claimant

LETTY VAN DER VEGT
Print Name

Print Name

929 PARKWAY MALL #247
Street Address

Street Address

NAPA, CA 94559
City, State, Zip

City, State, Zip

707-253-6008
Phone Number

Phone Number

AS ATTORNEY FOR NAPA
CHILD SUPPORT SERVICES
550 Fr. 17400 et seq.

DOC # 2003-612209

08/12/2003 08:00A Fee:NC

Page 1 of 2

Recorded in Official Records
County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

LETTY K. VAN DER VEGT
CHIEF ATTORNEY ***
NAPA COUNTY CHILD SUPPORT SERVICES
P.O. BOX 5720
NAPA, CA 94581

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

mc



ABSTRACT OF SUPPORT JUDGMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <input checked="" type="checkbox"/> Recording requested by and return to: LETTY K. VAN DER VEGT CHIEF ATTORNEY *** NAPA COUNTY CHILD SUPPORT SERVICES P.O. BOX 5720 NAPA, CA 94581		0022174 BATCH	FOR RECORDER'S USE ONLY
TELEPHONE NO.: (707) 253-4251 <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> JUDGMENT CREDITOR <input checked="" type="checkbox"/> ASSIGNEE OF RECORD		COUNTY: 33	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA STREET ADDRESS: 1111 THIRD STREET MAILING ADDRESS: 825 BROWN STREET CITY AND ZIP CODE: NAPA, CA 94559 BRANCH NAME: NAPA COUNTY SUPERIOR COURT			
PETITIONER/PLAINTIFF: COUNTY OF NAPA RESPONDENT/DEFENDANT: MICHAEL HOWARD OTHER PARENT:			CASE NUMBER: NSC74688

Lien notice mailed to _____
at address shown _____
(Government Code 27297.5)

Per Government Code §6103.9, Exempt from Recording Fees

ATTORNEY FOR PARTY WITHOUT ATTORNEY (Name and Address):
 Recording requested by and return to
LETTY K. VAN DER VEGT
CHIEF ATTORNEY
NAPA COUNTY CHILD SUPPORT SERVICES
P.O. BOX 5720
NAPA, CA 94581

0022174 BATCH

FOR RECORDER'S USE ONLY

TELEPHONE NO.: (707) 253-4251

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

COUNTY: 33

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA
 STREET ADDRESS: 1111 THIRD STREET
 MAILING ADDRESS: 825 BROWN STREET
 CITY AND ZIP CODE: NAPA, CA 94559
 BRANCH NAME: NAPA COUNTY SUPERIOR COURT

PETITIONER/PLAINTIFF: COUNTY OF NAPA
 RESPONDENT/DEFENDANT: MICHAEL HOWARD
 OTHER PARENT:

ABSTRACT OF SUPPORT JUDGMENT

CASE NUMBER:
NSC74688

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 0022174-0002
 0022174-0002



1. The judgment creditor assignee of record applies for an abstract of a support judgment and represents the following:

a. Judgment debtor's
 Name and last known address

MICHAEL HOWARD
9920 MICHAEL WAY
MORENO VALLEY, CA 92557

b. Driver's license No. and state: CA

c. Social security number: unknown

d. Birth date: 06/05/1967 unknown

FOR COURT USE ONLY

Date: 07-14-2003

LETTY K. VAN DER VEGT

(TYPE OR PRINT NAME)

Letty K. van der Vegt
 (SIGNATURE OF APPLICANT OR ATTORNEY)

2. I CERTIFY that the judgment entered in this action contains an order for payment of spousal, family, or child support.
3. Judgment creditor (name):
NAPA
NAPA COUNTY CHILD SUPPORT SERVICES
 whose address appears on this form above the court's name.
4. The support is ordered to be paid to the following county officer (name and address):
NAPA
NAPA COUNTY CHILD SUPPORT SERVICES
P.O. BOX 5720
NAPA, CA 94581
5. Judgment debtor (full name as it appears in judgment):
MICHAEL HOWARD
6. a. A judgment was entered on (date): 12-09-1997
 b. Renewal was entered on (date):
 c. Renewal was entered on (date):
7. An execution lien is endorsed on the judgment as follows:
 a. Amount: \$
 b. In favor of (name and address):
8. A stay of enforcement has
 a. not been ordered by the court.
 b. been ordered by the court effective until (date):
9. This is an installment judgment.

COURT EXECUTIVE OFFICER

Clerk, by *[Signature]*, Deputy

ISEALI

This abstract issued on
 (date): 7-24-03

NAPA COUNTY DEPARTMENT OF CHILD SUPPORT
SERVICES
929 PARKWAY MALL STE 247
NAPA CA 94559-2647

DON KENT, TREASURER-TAX COLLECTOR
ATTN: TAX SALE OPERATIONS UNIT
PO BOX 12005
RIVERSIDE, CA 92502-2205