

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE: 7/28/15

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

318A



**SUBMITTAL DATE:
 JUL 28 2015**

FROM: Don Kent, Treasurer-Tax Collector

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 194, Item 52. Last assessed to: A. Levy. District 5 [\$0].

RECOMMENDED MOTION: That the Board of Supervisors:
 1. Deny the claim from Stephen Zeller, attorney for Baxter Credit Union for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350244047-5;
 (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 February 4, 2013 public auction sale. The deed conveying title to the purchasers at the auction was recorded April 1, 2013. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on April 24, 2013, 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	\$ 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 9/14/15
 Samuel Wong
 County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: _____ District: 5 Agenda Number: _____

9-27

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 194, Item 52. Last assessed to: A. Levy. District 5 [\$0].

DATE: JUL 28 2015

PAGE: Page 2 of 2

RECOMMENDED MOTION:

2. Deny the claim, unless an appeal has been filed in Superior Court, pursuant to the California Revenue and Taxation Code Section 4675.
3. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$22.15 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 Accurant (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 April 1, 2013.

The Treasurer-Tax Collector has received one claim for excess proceeds:

1. Claim from Stephen Zeller, attorney for Baxter Credit Union based on an Abstract of Judgment recorded October 20, 2010 as Instrument No. 2010-0502774.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Stephen Zeller, attorney for Baxter Credit Union be denied since the lien filed is not associated with our last assessee. Since there are no other claimants the unclaimed excess proceeds in the amount of \$22.15 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 claimant 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):

A copy of the Excess Proceeds Claim form 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 194 Item 52 Assessment No.: 350244047-5

Assessee: LEVY, A

Situs: 28655 WILLIAMS DR, CANYON LAKE CA 92587

Date Sold: February 4, 2013

Date Deed to Purchaser Recorded: April 1, 2013

Final Date to Submit Claim: April 1, 2014

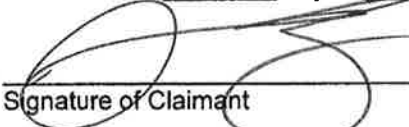
I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 16,860.47 from the sale of the above mentioned real property. I/We were the lienholder(s), property owner(s) [check in one box] at the time of the sale of the property as is evidenced by Riverside County Recorder's Document No. 2010-0502774; recorded on 10/20/10. 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 Tenants 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 20 day of November, 2013 at _____
County, State



Signature of Claimant

Stephen Zeller

Print Name

110 E. Wilshire Ave Ste 212

Street Address

Fullerton, CA 92832

City, State, Zip

714-446-6686

Phone Number

Signature of Claimant

Print Name

Street Address

City, State, Zip

Phone Number

ACKNOWLEDGMENT

State of California
County of Orange)

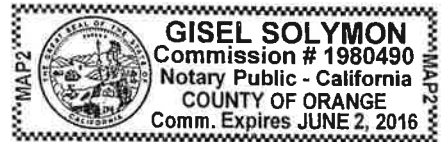
On 11/20/13 before me, Gisel Solymon, Notary Public
(insert name and title of the officer)

personally appeared Stephen S. Zeller
who proved to me on the basis of satisfactory evidence to be the pers on(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the pers on(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Gisel Solymon* (Seal)



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Interest Calculation	
Principal	\$13,327.82
Annual Percentage Rate	10.00%
Interest (One Year)	1,332.78
Days per Year	365
Interest (Day)	3.65
Elapsed Days from 7/29/10 to 2/4/13	921.00
Interest for Period 7/29/10 to 2/4/13	3,361.65

Principal: \$13,327.82
Interest: \$ 3,361.65
Costs: \$ 171.00

Total: \$16,860.47

09-19003-0 Mendez

RECORDING REQUESTED BY
AND
WHEN RECORDED MAIL TO:

NAME: WINN LAW GROUP, APC

ADDRESS: PO BOX 1216
FULLERTON, CA 92832

DOC # 2010-0502774
10/20/2010 08:00A Fee:26.00
Page 1 of 3
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

AJR



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TITLE(S)

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ABSTRACT OF JUDGMENT

BAXTER CREDIT UNION vs. AZUCENA M MENDEZ

30-201000362713

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name, Address, State Bar number, and telephone number): WINN Law Group, APC
 [X] Recording requested by and return to: (714) 446-6686
 BRIAN N. WINN (SBN 86770) JOHN E. GORDON (SBN 180053)
 NAOMI S. RUST (SBN 240597) STELIOS A. HARRIS (SBN 242116)
 STEPHEN S. ZELLER (265664) (7112-01)
 File No. 09-19003-0-AJD-TL
 110 E. WILSHIRE AVENUE, STE 212 FULLERTON, CA 92832
 ATTORNEY FOR [X] JUDGMENT CREDITOR [] ASSIGNEE OF RECORD
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
 STREET ADDRESS: 1275 NO. BERKELEY AVE.
 MAILING ADDRESS: 1275 NO. BERKELEY AVE.
 CITY AND ZIP CODE: FULLERTON, CA 92832-1206
 BRANCH NAME: NORTH JUSTICE CENTER DISTRICT, LIMITED

FOR RECORDER'S USE ONLY

PLAINTIFF: BAXTER CREDIT UNION
 DEFENDANT: AZUCENA M MENDEZ, et al.

CASE NUMBER:
 30-201000362713

**ABSTRACT OF JUDGMENT - CIVIL [] Amended
 AND SMALL CLAIMS**

FOR COURT USE ONLY

1. The [X] judgment creditor [] assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address
 AZUCENA M MENDEZ AKA AZUCENA MENDEZ
 21485 Salix Ave
 Moreno Valley, California 92557-8622

b. Driver's license No and State: [] Unknown

c. Social Security No.: [] Unknown

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): AZUCENA M MENDEZ AKA AZUCENA MENDEZ
 220 E Chapman Ave Apt 37 Placentia, Ca. 92870

2. [X] Information on additional judgment debtors is shown on page 2.

4. [] Information on additional judgment creditors is shown on page 2.

3. Judgment creditor (name and address)
 BAXTER CREDIT UNION, 340 N. Milwaukee Ave.
 Vernon Hills, IL 60061-1533

5. [] Original abstract recorded in this county:
 a. Date:
 b. Instrument No.:

Date: August 25, 2010

[] Brian N. Winn [] John E. Gordon [] Naomi S. Rust

[X] Stelios A. Harris [] Stephen S. Zeller

(TYPE OR PRINT NAME)



(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
 \$ 15,515.49

10. [] An [] execution [] attachment lien is endorsed on the judgment as follows:

7. All judgment creditors and debtors are listed on this abstract.

a. Amount: \$

8. a. Judgment entered on (date): July 29, 2010

b. In favor of (name and address):

b. Renewal entered on (date):

9. [] This judgment is an installment judgment.

11. A stay of enforcement has

a. [X] not been ordered by the court.

b. [] been ordered by the court effective until (date):

12. a. [X] I certify that this is a true and correct abstract of the judgment entered in this action

b. [] A certified copy of the judgment is attached.



ALAN CARLSON

This abstract issued on (date):

SEP 22 2010

Clerk, by  Deputy

PLAINTIFF: BAXTER CREDIT UNION
DEFENDANT: AZUCENA M MENDEZ, et al.

CASE NUMBER:
30-201000362713

NAME AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS

16. _____ Name and last known address _____

_____ Name and last known address _____

CARLOS MENDEZ
21485 Salix Ave
Moreno Valley, California 92557-8622

Driver's license No. & state: Unknown
Social Security No.: Unknown
Summons was personally served at or mailed to (*address*):

SAME AS ABOVE

Driver's license No. & state: Unknown
Social Security No.: Unknown
Summons was personally served at or mailed to (*address*):

18. _____ Name and last known address _____

19. _____ Name and last known address _____

Driver's license No. & state: Unknown
Social Security No.: Unknown
Summons was personally served at or mailed to (*address*):

Driver's license No. & state: Unknown
Social Security No.: Unknown
Summons was personally served at or mailed to (*address*):

20. _____ Name and last known address _____

21. _____ Name and last known address _____

Driver's license No. & state: Unknown
Social Security No.: Unknown
Summons was personally served at or mailed to (*address*):

Driver's license No. & state: Unknown
Social Security No.: Unknown
Summons was personally served at or mailed to (*address*):

22. Continued on Attachment 22.

76144-52

WINN LAW GROUP

BRIAN N. WINN

POST OFFICE BOX 1216
FULLERTON, CALIFORNIA 92836

LAURA MCCARTHY HOALST
JOHN E. GORDON
STEPHEN S. ZELLER
CASEY M. JENSEN

A PROFESSIONAL CORPORATION

TELEPHONE: (714) 446-6686
Toll Free Telephone: 866-494-6674
FAX: (714) 446-6680

THE CHAPMAN BUILDING
110 E. WILSHIRE AVE, SUITE 212
FULLERTON, CA 92832-1109

E-MAIL: Info@winnlawgroup.com

November 20, 2013

Don Kent, Treasurer- Tax Collector
Attn.: Excess Proceeds
PO BOX12005
Riverside, CA 92502-2205

RE: **Assessee:** Levy, A
Assessment No.: 350244047-5 Item: 52
Situs Address: 28655 Williams Dr. Canyon Lake, CA 92587
Our File No. 09-19003
Trustee's Sale Date: February 4, 2013

Dear to whom it may concern, :

Please see our Claim for Excess Proceeds that is attached regarding the above mentioned property. Thank you for your professional courtesy and cooperation in this matter. Should you have any questions or comments, please do not hesitate to call me.

Sincerely,
Winn Law Group, APC



Leslie Sotelo
714-446-6686, Ext. 263