

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

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

319A



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

**SUBMITTAL DATE:**

**JUL 28 2015**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 194, Item 55. Last assessed to: Albert H. Gettinger and Lottie M. Gettinger, joint tenants. District 5 [\$273] Fund 65595 Excess Proceeds from Tax Sale.

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

1. Approve the claim from the City of Menifee, Code Enforcement Division for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350281024-9; (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 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*  
 Don Kent  
 Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 273	\$ 0	\$ 273	\$ 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	
				For Fiscal Year: 15/16	

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

**APPROVE**

BY: *Samuel Wong 9/15/15*  
 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:

**9-28**

**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 55. Last assessed to: Albert H. Gettinger and Lottie M. Gettinger, joint tenants. District 5 [\$273] Fund 65595 Excess Proceeds from Tax Sale.

**DATE:** JUL 28 2015

**PAGE:** Page 2 of 2

**RECOMMENDED MOTION:**

2. Authorize and direct the Auditor-Controller to issue a warrant to the City of Menifee, Code Enforcement Division in the amount of \$273.00, 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;
3. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$240.81 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 April 1, 2013.

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

1. Claim from the City of Menifee, Code Enforcement Division based on a Notice of Non-Compliance recorded October 6, 2011 as Instrument No. 2011-0443202.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that the City of Menifee, Code Enforcement Division be awarded excess proceeds in the amount of \$273.00. Since there are no other claimants the unclaimed excess proceeds in the amount of \$240.81 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**

Excess proceeds are being released to a lien holder and 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 55 Assessment No.: 350281024-9

Assessee: GETTINGER, ALBERT H & LOTTIE M

Situs:

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 \$ 273.00 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. 2011-0443702 recorded on 10/06/2011. 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.

- RECORDED NOTICE OF NDN-COMPLIANCE
- CASE NOTES FOR CE-11-1149
- INVOICE SHOWING AMOUNT DUE

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 30th day of MARCH, 2013 at RIVERSIDE, CALIFORNIA  
County, State

[Signature]  
Signature of Claimant

\_\_\_\_\_  
Signature of Claimant

AVIBAIL BARRON  
Print Name

\_\_\_\_\_  
Print Name

29714 HAIN RD.  
Street Address

\_\_\_\_\_  
Street Address

MENIFEE, CA 92585  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

951-639-1368 EXT. 159  
Phone Number

\_\_\_\_\_  
Phone Number

PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

**City of Menifee Code Enforcement**

AND WHEN RECORDED MAIL TO:

**City of Menifee  
Code Enforcement  
29714 Haun Road  
Menifee, CA 92586**

DOC # 2011-0443202

10/06/2011 03:35P Fee:NC

Page 1 of 2

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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1			2						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
							T:	CTY	UNI
									605

Space above this line for recorder's use only

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C  
605

**Notice of Non Compliance**

Title of Document

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

When recorded please mail to:  
City of Menifee Code Enforcement Division  
29714 Haun Road  
Menifee, Ca 92586



## CITY OF MENIFEE CODE ENFORCEMENT DIVISION

### NOTICE OF NONCOMPLIANCE

In the matter of the Property of )  
GETTINGER,ALBERT H )

Case No. CE-11-1149

**NOTICE IS HEREBY GIVEN** to all persons, pursuant to Section 10 of Ordinance Number 725 of the City of Menifee, County of Riverside, State of California, that proceedings have been commenced with respect to violations of City of Menifee Municipal Code, 8.56.030 (ORD 695) described as Duty to abate hazardous vegetation 8.56.030. Such Proceedings are based upon the noncompliance of such real property, located at , MENIFEE, CA, and more particularly described as Assessor's Parcel Number 350-281-024 and having a legal description of LOT 50 BLK 4 MB 013/013 LAKE ELSINORE LODGE 3, Records of Riverside County, with the requirements of the City of Menifee Municipal Code, 8.56.030 (ORD 695).

The owner has been advised to immediately correct the above-referenced violation to avoid further action by the City of Menifee, which may include remediation or restoration to abate the public nuisance or other remedies available to the department by a court of competent jurisdiction. Any costs incurred by the City, including, but not limited to investigative, administrative and abatement costs and attorney's fees, may become a lien on the property. Further details regarding this notice may be obtained by addressing an inquiry to the Code Enforcement Division, 29714 Haun Road, Menifee, CA 92586, Attention Code Enforcement Officer Wayne O'Gara, 951-672-6777.

**NOTICE IS FURTHER GIVEN** in accordance with § 17274 and § 24436.5 of the California Revenue and Taxation Code, that a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year affected by these proceedings.

CITY OF MENIFEE CODE ENFORCEMENT DIVISION  
By: Wayne O'Gara   
Code Enforcement Officer

#### ACKNOWLEDGEMENT

State of California )  
County of Riverside)

On September 30, 2011 before me, Julie Woodruff, Notary Public, personally appeared Wayne O'Gara who proved to me on the basis of satisfactory evidence to be the person(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 person(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: \_\_\_\_\_

(Signature of Notary Public)



**Code Enforcement Case: CE-11-1149**

Entered on: 09/29/2011 09:22 AM

Printed on: 05/30/2013

Topic: Hazardous Vegetation

Status: Closed

Due Date: 10/29/11

Assigned To: Wayne O'Gara

Initiated by: Fire

Hearing Date:

Hearing Time:

**Permit**

Permit #: Business name: License #:

**Property Location**

Occupant Name:

Address: ,

Phone:

APN : 350-281-024

Cell #:

**Owner Information**

Owner Name: GETTINGER,ALBERT H

Address: 5502 BLACKTHORNE AVE

LAKEWOOD, CA 90712-1704

Phone:

Cell #:

**Actions**

Action	By	Date	Time	Hours	Note/Observation
Case Notes	Aviegail Barron	09/27/2010		0.00	Vendor abatement
Notice of Noncompliance	Aviegail Barron	09/29/2011	9:22 am	0.00	Send to (Owner), (Proof of Service), Notary Name(Julie Woodruff, 1929215,May 30,2015)
Case Notes	Aviegail Barron	10/19/2011	9:31 am	0.00	Returned Cert Mail & POS added to case file as attachment

**Violations**

#	Violation Type	Grouping	Due Date	Status	Closed Date
	Duty to Abate Hazardous Vegetation 8.56.030			Open	
1	Corrections Required:The requirements of this section shall be satisfied if there is cleared pursuant to the requirements set forth in a notice of violation and order to abate by the method described in said notice: (1) A one hundred (100) foot wide strip of land at the boundary of an unimproved parcel adjacent to a roadway; and/or (2) A one hundred (100) foot wide strip of land around structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the unimproved parcel depending upon the location of the structure on the improved parcel). (3) All branches must be trimmed to at least 8 feet above ground level to reduce ladder fuel effect.				

**Fees**

Fee Type	Date	Charges	Payments	Details
Abatement	09/27/2010	273.00		City Invoice #0278
		<b>273.00</b>	<b>0.00</b>	

**Inspection Notes**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Findings: \_\_\_\_\_





**CITY OF MENIFEE  
CODE ENFORCEMENT DIVISION**

29714 Haun Road, Menifee, CA 92586  
Ph: (951) 672-6777  
Fax: (951) 679-3843

## INVOICE - Invoice Number: 13-00016

May 30, 2013

GETTINGER, ALBERT H  
5502 BLACKTHORNE AVE  
LAKEWOOD, CA 90712-1704

RE:  
APN: 350-281-024  
Case No: CE-11-1149  
Officer: Wayne O'Gara

Date	Fee Name	Description	Amount Due/Paid
09/27/2010	Abatement	City Invoice #0278	(\$ 273.00)
		** DUE UPON RECEIPT **	

TOTAL FEES DUE: **\$ 273.00**

To avoid a delay in processing your payment, please return a copy of this invoice or write the invoice number on your check or money order.

Make check or money order payable to: "City of Menifee."

Mail your payment to:  
City of Menifee  
29714 Haun Rd.  
Menifee, CA 92586



## Jacquez, Jason

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**From:** Avie Barron <abarron@cityofmenifee.us>  
**Sent:** Monday, February 09, 2015 1:45 PM  
**To:** Taxsale, TaxCollector  
**Subject:** RE: APN 350-281-024

Good afternoon,

In regards to the property (APN 350-281-024) located in the City of Menifee, the outstanding balance of \$273.00 has yet to be paid. No monies have been received from the property owner or any interested parties to reconcile the balance due.

If you have any further questions or need any additional information, please contact me directly.

Thank you



Avie Barron | Code Enforcement Technician  
29714 Haun Rd., Menifee, CA 92586  
Direct Line: 951-639-1368 ext. 159  
Fax: 951-723-3877

JON CHRISTENSEN  
ASSISTANT TREASURER-TAX COLLECTOR

DEBBIE BASHE  
INFORMATION TECHNOLOGY OFFICER

GIOVANE PIZANO  
INVESTMENT MANAGER

KIEU NGO  
FISCAL MANAGER



DON KENT  
TREASURER

GARY COTTERILL  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

MATT JENNINGS  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

MELISSA JOHNSON  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

ADRIANNA GOMEZ  
ADMINISTRATIVE SERVICES MANAGER I

October 23, 2014

CITY OF MENIFEE, CODE ENFORCEMENT  
C/O AVIEGAIL BARRON  
29714 HAUN RD.  
MENIFEE, CA 92585

Re: Apn: 350281024-9  
TC 194 Item 55  
Date of Sale: February 4<sup>th</sup>, 2013

Dear Ms. Barron:

This office is in receipt of your claim for excess proceeds from the above-mentioned tax sale. The documentation you have provided is insufficient to establish your claim.

**Please submit the necessary proof to establish your right to claim the excess proceeds. The document(s) listed below may assist the Tax Collector in making the determination.**

- Notarized Affidavit for Collection of Personal Property under California Probate Code 13100
- Notarized Statement of different/misspelled name
- Notarized Statement Giving Rights to Collect/Claim on behalf of *The City of Menifee*
- Certified Death Certificates for
- Copy of Birth Certificates for
- Copy of Marriage Certificate for
- Original Note/Payment Book
- Updated Statement of Monies Owed (as of dated of tax sale)
- Articles of Incorporation (if applicable Statement by Domestic Stock)
- Court Order Appointing Administrator
- Deed (Quitclaim/Grant etc...)
- Other -

If you should have any questions

Sincerely,

*Jason Jacquez*

Jason Jacquez  
Tax Sale Operations  
(951) 955-3827  
(951) 955-3990 Fax

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF MENIFEE,  
CODE ENFORCEMENT  
C/O AVIEGAIL BARRON  
29714 HAUN RD.  
MENIFEE, CA 92585

EP TC194-55

RIVE

2. Article Number  
(Transfer from service label)

7003 2260 0004 1562 0114

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  Addressee
- B. Received by (Printed Name) *Vanesa Franco*
- C. Date of Delivery *10/27*
- D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type
- Certified Mail  Express Mail
  - Registered  Return Receipt for Merchandise
  - Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

November 26, 2014

CITY OF MENIFEE, CODE ENFORCEMENT  
C/O AVIEGAIL BARRON  
29714 HAUN RD.  
MENIFEE, CA 92585

Re: Apn: 350281024-9 **FINAL NOTICE**  
TC 194 Item 55  
Date of Sale: February 4<sup>th</sup>, 2013

Dear Ms. Barron:

This office is in receipt of your claim for excess proceeds from the above-mentioned tax sale. The documentation you have provided is insufficient to establish your claim.

**Please submit the necessary proof to establish your right to claim the excess proceeds. The document(s) listed below may assist the Tax Collector in making the determination.**

- |  |  |
|--|--|
| <input type="checkbox"/> Notarized Affidavit for Collection of Personal Property under California Probate Code 13100           | <input type="checkbox"/> Copy of Marriage Certificate for Original Note/Payment Book           |
| <input type="checkbox"/> Notarized Statement of different/misspelled name  | <input checked="" type="checkbox"/> Updated Statement of Monies Owed (as of dated of tax sale) |
| <input checked="" type="checkbox"/> Notarized Statement Giving Rights to Collect/Claim on behalf of <i>The City of Menifee</i> | <input type="checkbox"/> Articles of Incorporation (if applicable Statement by Domestic Stock) |
| <input type="checkbox"/> Certified Death Certificates for  | <input type="checkbox"/> Court Order Appointing Administrator                                  |
| <input type="checkbox"/> Copy of Birth Certificates for  | <input type="checkbox"/> Deed (Quitclaim/Grant etc...)   |
|  | <input type="checkbox"/> Other -   |

**If your documentation is not re**

If you should have any questions,

Sincerely,

*Jason Jacquez*

Jason Jacquez  
Tax Sale Operations  
(951) 955-3827  
(951) 955-3990 Fax

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF MENIFEE,  
CODE ENFORCEMENT  
C/O AVIEGAIL BARRON  
29714 HAUN RD.  
MENIFEE, CA 92585

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  
 Address

B. Received by (Printed Name) *Vonee Strano* C. Date of Delivery *12/1*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7003 2260 0004 1562 0251