

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE 10/28/15

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

112A



**SUBMITTAL DATE:
 OCT 28 2015**

FROM: Don Kent, Treasurer-Tax Collector

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 194, Item 64. Last assessed to: Carla Dee Miller, Trustee of the Carla Dee Miller Family Living Trust, dated April 26, 2004. District 5 [\$134,831]. Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Global Discoveries, Ltd., assignee for PrimeSource Building Products, Inc., as successor in interest to Terminal Commercial Co., Inc. a Corporation DBA Pacific Steel & Supply for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 384180012-3;

(continued on page two)

BACKGROUND:

Summary

(continued on page two)

Departmental Concurrence

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	\$ 134,831	\$ 0	\$ 134,831	\$ 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: 15/16	

C.E.O. RECOMMENDATION: APPROVE

BY: *Samuel Wong 12/3/15*
 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: 5

Agenda Number:

9-4

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 64. Last assessed to: Carla Dee Miller, Trustee of the Carla Dee Miller Family Living Trust, dated April 26, 2004. District 5 [\$134,831]. Fund 65595 Excess Proceeds from Tax Sale.

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RECOMMENDED MOTION:

2. Approve the claim from the State of California, State Board of Equalization for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 384180012-3;
3. Approve the claim from Koistra & Associates, Inc. for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 384180012-3;
4. Approve the claim from the State of California, Franchise Tax Board for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 384180012-3;
5. Authorize and direct the Auditor-Controller to issue warrants to Global Discoveries, Ltd., assignee for PrimeSource Building Products, Inc., as successor in interest to Terminal Commercial Co., Inc. a Corporation DBA Pacific Steel & Supply in the amount of \$82,553.94, the State of California, State Board of Equalization in the amount of \$21,891.51, Koistra & Associates, Inc. in the amount of \$25,402.28 and to the State of California Franchise Tax Board in the amount of \$4,983.79, 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.
6. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$23,521.12 to the county general fund pursuant to Revenue and Taxation Code Section 4674.

BACKGROUND:

Summary (continued)

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.

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.

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

1. Claim from Global Discoveries, Ltd., assignee for PrimeSource Building Products, Inc., as successor in interest to Terminal Commercial Co., Inc. a corporation DBA Pacific Steel & Supply based on an Assignment of Right to Collect Excess Proceeds dated October 1, 2013 and an Abstract of Judgment recorded January 10, 2006 as Instrument No. 2006-0022198.
2. Claim from the State of California, State Board of Equalization based on a Notice of State Tax Lien recorded May 30, 2007 as Instrument No. 2007-0355895.
3. Claim from Koistra & Associates, Inc. based on an Abstract of Judgment recorded on July 16, 2008 as Instrument No. 2008-0389968.
4. Claim from the State of California, Franchise Tax Board based on an Order to Withhold Personal Income Tax dated August 13, 2015.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., assignee for PrimeSource Building Products, Inc., as successor in interest to Terminal Commercial Co., Inc. a corporation DBA Pacific Steel & Supply be awarded excess proceeds in the amount of \$82,553.94, the State of California, State Board of Equalization be awarded excess proceeds in the amount of \$21,891.51, Koistra & Associates, Inc. be awarded excess proceeds in the amount of \$25,402.28 and the State of California, Franchise Tax Board be awarded excess proceeds in the amount of \$4,983.79. Since there are no other claimants the unclaimed excess proceeds in the amount of \$23,521.12 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

Excess proceeds are being released to the lien holders and transferred to the county general fund.

ATTACHMENTS (if needed, in this order):

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