

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

126A



**SUBMITTAL DATE:  
OCT 21 2015**

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

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 200, Item 127. Last assessed to: Back Bays Trust and Investment Property Trust dated May 9, 2011. District 1 [\$323]. Fund 65595 Excess Proceeds from Tax Sale.

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

1. Approve the claim from Back Bays Trust, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 347060063-7;

(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 April 29, 2014 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 20, 2014. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on July 16, 2014, 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	\$ 323	\$ 0	\$ 323	\$ 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> 15/16

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

**APPROVE**

BY:   
Samuel Wong

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
BY:  GREGORY P. PRIAMOS  
DATE: 10/21/15

Departmental Concurrence

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

Prev. Agn. Ref.:

District: 1

Agenda Number:

**9-18**

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

**FORM 11:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 200, Item 127. Last assessed to: Back Bays Trust and Investment Property Trust dated May 9, 2011. District 1 [\$323]. Fund 65595 Excess Proceeds from Tax Sale.

**DATE:** **OCT 21 2015**

**PAGE:** Page 2 of 2

**RECOMMENDED MOTION:**

2. Approve the claim from Investment Property Trust dated May 9, 2011, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 347060063-7
3. Authorize and direct the Auditor-Controller to issue warrants to Back Bays Trust in the amount of \$161.52 and Investment Property Trust dated May 9, 2011 in the amount of \$161.52, 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 two claims for excess proceeds:

1. Claim from Back Bays Trust based on a Tax Deed to Purchaser of Tax-Defaulted Property recorded December 12, 2001 as Instrument No. 2001-617532 and a Certification of Trust dated April 15, 2015.
2. Claim from Investment Property Trust dated May 9, 2011 based on a Judgment After Motion Pursuant to CCP 664.6 recorded June 14, 2011 as Instrument No. 2011-0263040, an Amended Judgment recorded March 20, 2012 as Instrument No. 2012-0128498 and a Certification of Trust dated April 15, 2015.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Back Bays Trust be awarded excess proceeds in the amount of \$161.52 and Investment Property Trust dated May 9, 2011 be awarded excess proceeds in the amount of \$161.52. 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 last assesseees of the property.

**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)

**RECEIVED**

To: Don Kent, Treasurer-Tax Collector

2015 APR 20 PM 2: 58

Re: Claim for Excess Proceeds

RIVERSIDE COUNTY  
TREAS-TAX COLLECTOR

TC 200 Item 127 Assessment No.: 347060063-7

Assessee: INVESTMENT PROP TRUST & BACK BAYS TRUST

Situs:

Date Sold: April 29, 2014

Date Deed to Purchaser Recorded: June 20, 2014

Final Date to Submit Claim: June 22, 2015

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$100% of the total 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. \_\_\_\_\_; recorded on \_\_\_\_\_. A copy of this document is attached hereto. 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.**

Amended Judgment (by the Superior Court) recorded on 3-20-2012 transferring interests to Investment Property Trust

Tax Deed Recorded 12-12-2001 (document number 2001-617532). SITL interests were transferred later on pursuant to above judgment. As of the date of the sale, the property was owned 50% by Investment Property Trust and 50% by Back Bays Trust

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 17th day of April, 2015 at Orange County, California  
County, State

Alvin Cox, Trustee  
Signature of Claimant

Alvin Cox, Trustee  
Signature of Claimant

Alvin Cox, Trustee of Investment Property Trust  
Print Name

Alvin Cox, Trustee of Back Bays Trust  
Print Name

360 E. First St. #768  
Street Address

360 E. First St. #768  
Street Address

Tustin, CA 92780  
City, State, Zip

Tustin, CA 92780  
City, State, Zip

714-726-4346  
Phone Number

714-726-4346  
Phone Number