

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS DATE: 1/16/16

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

130A



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

**SUBMITTAL DATE:**  
**JAN 11 2016**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 196, Item 192. Last assessed to: Gidman I. Dingman and Mildred B. Dingman, husband and wife, as joint tenants with right of survivorship. District 5 [\$0].

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

- Deny 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 350222010-3; (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 April 29, 2013 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 20, 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 July 17, 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	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b>	<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 Samuel Wong

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: \_\_\_\_\_ District: 5 \_\_\_\_\_ Agenda Number: \_\_\_\_\_

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

**FORM 11:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 196, Item 192. Last assessed to: Gidman I. Dingman and Mildred B. Dingman, husband and wife, as joint tenants with right of survivorship. District 5 [\$0].

**DATE:** JAN 11 2016

**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 \$495.00 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 June 20, 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. 2011-0443172.

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 denied since they were unable to substantiate their claim. Since there are no other claimants the unclaimed excess proceeds in the amount of \$495.00 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 is 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 196 Item 192 Assessment No.: 350222010-3

Assessee: DINGMAN, GIDMAN I & MILDRED B

Situs:

Date Sold: April 29, 2013

Date Deed to Purchaser Recorded: June 20, 2013

Final Date to Submit Claim: June 20, 2014

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 465.50 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. 2011-0443172; recorded on 10/16/2011. 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.**

NOTICE OF NONCOMPLIANCE

---

---

---

---

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 21<sup>ST</sup> day of JULY, 2013 at RIVERSIDE, CALIFORNIA  
County, State

AVIBAIL BARRON  
Signature of Claimant

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

AVIBAIL BARRON  
Print Name

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

29714 HAVIN RD.  
Street Address

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

MENIFEE, CA 92586  
City, State, Zip

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

951-672-6777  
Phone Number

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

40

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

COPY



### CITY OF MENIFEE CODE ENFORCEMENT DIVISION

## NOTICE OF NONCOMPLIANCE

In the matter of the Property of )  
DINGMAN, GIDMAN I & MILDRED B )

Case No. CE-11-1153

**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 350-222-010 and having a legal description of LOT 10 BLK B MB 012/027 LAKE ELSINORE LODGE, 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)



2011-0443172  
10/06/2011 03:35P  
2 of 2

**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 Division  
 C/O Aviegail Barron/Wayne O'Gara  
 29714 Haun Road  
 Menifee, CA 92586

August 20, 2015

City of Menifee, Code Enforcement  
 C/O Aviegail Barron/Wayne O'Gara  
 29714 Haun Road  
 Menifee, CA 92586

FD 191-192

(Postage label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X *J. Wagner*  Address

B. Received by (Printed Name) *J. Wagner* C. Date of Delivery *8/24*

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 1558 7448

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15

Re: APN: 350222010-3  
 TC 196 Item 192  
 Date of Sale: April 29, 2013

To Whom It May Concern:

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"/> Original Note/Payment Book  |
| <input type="checkbox"/> Notarized Statement of different/misspelled   | <input checked="" type="checkbox"/> <b>Updated Statement of Monies Owed (as of date of tax sale)</b> |
| <input type="checkbox"/> Notarized Statement Giving Authorization to claim on behalf of                              | <input type="checkbox"/> Articles of Incorporation (if applicable Statement by Domestic Stock)       |
| <input type="checkbox"/> Certified Death Certificate 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"/> Copy of Marriage Certificate for  | <input type="checkbox"/> Other -   |

Please send in all documents within 30 days (**September 21, 2015**). If you should have any questions, please contact me at the number listed below.

Sincerely,

Jennifer Pazicni  
 Tax Sale Operations Unit  
 (951) 955-3336  
 (951) 955-3990 Fax  
[jpazicni@co.riverside.ca.us](mailto:jpazicni@co.riverside.ca.us)

**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 Division  
 C/O Aviegail Barron/Wayne O'Gara  
 29714 Haun Road  
 Menifee, CA 92586

2. Article Number

(Transfer from service label)

7003 2260 0004 1558 9480

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Agent  
 Addressee

B. Received by (Printed Name)

Vanessa Francis - 10/11

C. Date of Delivery

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

September 28, 2015

City of Menifee, Code Enforcement  
 C/O Aviegail Barron/Wayne O'Gara  
 29714 Haun Road  
 Menifee, CA 92586

EP 196-192

Re: APN: 350222010-3  
 TC 196 Item 192  
 Date of Sale: April 29, 2013

To Whom It May Concern:

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

\_\_\_ Notarized Statement Giving Authorization to claim on behalf of

\_\_\_ Certified Death Certificate for

\_\_\_ Copy of Birth Certificates for

\_\_\_ Copy of Marriage Certificate for

\_\_\_ Original Note/Payment Book

Updated Statement of Monies Owed (as of the date of the tax sale)

\_\_\_ Articles of Incorporation (if applicable Statement by Domestic Stock)

\_\_\_ Court Order Appointing Administrator

\_\_\_ Deed (Quitclaim/Grant etc...)

\_\_\_ Other -

**If your documentation is not received within 15 days (October 13, 2015), your claim will be denied.**

If you should have any questions, please contact me at the number listed below.

Sincerely,

Jennifer Pazicni  
 Tax Sale Operations Unit  
 (951) 955-3336  
 (951) 955-3990 Fax  
[jpazicni@co.riverside.ca.us](mailto:jpazicni@co.riverside.ca.us)