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



FROM: Riverside County Assessor-County Clerk-Recorder

SUBMITTAL DATE: March 31, 2016

SUBJECT: Receive and File Outcome of Claim for Property Tax Refund made by East of Madison, LLC [District All] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file Report on Claim for refund filed by East of Madison, LLC,

BACKGROUND:

<u>Summary</u>

On November 13, 2015, the Clerk of the Board, Assessment Appeals Division received claims for refund from East of Madison, LLC for the 2013-2014 tax years for parcel number 767-680-017-2. On or about November 20, 2015, the claims for refund were provided to the Assessor's Office.

East of Madison filed a request for reassessment with the Assessment Appeals Board challenging the base year value assessment established in 2012, and the resulting values in 2013, and 2014. (continued on page 2)

PETER ALDANA

Assessor-County Clerk-Recorder

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\$ \$	\$	Consent N Policy
	Budge	t Adjustment:
	For Fis	scal Year:
1.2	12	

APPROVE

County Executive Office Signature

Samuel Wong

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: 5

Agenda Number:

2-1

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA FORM 11: RECEIVE AND FILE OUTCOME OF CLAIM FOR PROPERTY TAX REFUND Made by East

of Madison, LLC [District All] [\$0]

DATE: March 31, 2016

PAGE: 2 of 2

BACKGROUND: Summary (continued)

After the Assessor's Office reviewed the 2012, 2013 and 2014 assessments for the property owned by East of Madison, the parties agreed on a stipulated assessed value. On November 3, 2015, East of Madison, with the agreement of the Assessor, withdrew the application for reassessment based on the agreed property values. This Claim for Refund was filed ten days later.

The Tax Collector and Auditor have confirmed that the refund issued to East of Madison, LLC on January 15, 2016 and provided the attached warrant. At this time all of the issues underlying the claim have been resolved.

This receive and file action fulfills the requirement of the "Process for Handling Claims for Refund of Tax Payment." It advises the Board of Supervisors that the claim for refund and its underlying issue has been resolved. No further action is required.

Impact on Citizens and Businesses

N/A

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

Attachments:

Claim for Refund Warrant Roll Change Refunds History



Colin Fraser Tel 949,732,6663 Fax 949,732,6501 frasercw@gtlaw.com

November 10, 2015

VIA US MAIL & FACSIMILE (951) 955-1070

Honorable Board of Supervisors County of Riverside 4080 Lemon Street Riverside, CA 92501

Re:

Claim for Refund of Claimant East of Madison, LLC

APN: 767-680-017-2 Tax Years: 2013 & 2014

Dear Members of the Board:

This firm represents Claimant East of Madison, LLC ("Madison").

Claim

Madison hereby claims a refund of property taxes assessed by the Riverside County Assessor ("Assessor"), and collected by the Riverside County Tax Collector, for the 2013 and 2014 tax years relative to Assessor's Parcel Number 767-680-017-2 ("Subject Property"). This Claim for Refund is made pursuant to California Revenue and Taxation Code sections 5096 et seq.

The Assessor agreed, on November 3, 2015, to change the base year value of the Subject Property from \$2,300,000 to \$1,400,000. The Assessor agreed that the \$1,400,000 base year value will relate back to May 14, 2012, the date Madison acquired the Subject Property. The Assessor acknowledged this agreement and provided adjusted values for subsequent years in the attached Request for Withdrawal, which was prepared and signed by the Assessor. (Exhibit A.)

The total principal amount of taxes to be refunded, exclusive of statutory interest, claimed by Madison is \$23,489.66, broken down as follows:

William Filling

OC 287484440v1

GREENBERG TRAURIG, LLP = ATTORNEYS AT LAW = WWW.GTLAW.COM

316] Michelson Drive Suite 1000 Irvine, CA 92612 Tel 949.732.6500 Fax 949.732.6501

FORM APPROVED COUNTY COUNSE

INE BELL-VALDEZ

ALBANY **AMSTERDAM** ATLANTA

AUSTIN

BOSTON CHICAGO

DALLAS DELAWARE

DENVER

FORT LAUDERDALE HOUSTON

LAS VEGAS LONDON*

LOS ANGELES

MIAMI MILAN**

NEW JERSEY

NEW YORK ORANGE COUNTY

ORLANDO

PALM BEACH COUNTY

PHILADELPHIA **PHOENIX**

ROME**

SACRAMENTO SAN FRANCISCO

SHANGHAI

SILICON VALLEY

TALLAHASSEE

TAMPA

TYSONS CORNER

WASHINGTON, D.C. WHITE PLAINS

*OPERATES AS GREENBERG TRAURIG MAHER ILP

Year	Base Year Value	Corrected Base Year Value	Taxes Paid	Corrected Taxes Due	Refund Claimed
2013	\$2,346,000	\$1,428,000	\$29,826.50	\$18,123.32	\$11,703.18
2014	\$2,356,650	\$1,434,483	\$30,039.42	\$18,252.94	\$11,786.48
Total ¹		I		36:	\$23,489.66

Madison also claims accrued statutory interest on the principal amount of the taxes subject to this claim for refund.

Madison paid the taxes as and when due as set forth on the schedule of tax payments attached hereto as Exhibits B and C.

Grounds for Claim

This Claim for Refund is submitted pursuant to Revenue and Taxation Code section 5096, which provides in pertinent part:

Any taxes paid before or after delinquency shall be refunded if they were: . . .

- (b) Erroneously or illegally collected.
- (c) Illegally assessed or levied.

The Assessor agreed that the base year value for the Subject Property was erroneous when it was established in May 2012. The sale prices of comparable properties demonstrated that the value should be reduced to \$1,400,000 to reflect its market value. In this case, the taxes subject to this Claim for Refund were illegally assessed or levied and thus void because they were based on an erroneous base value.

Best regards,

Colin Fraser

Attorney for East of Madison, LLC

cc: Tim Farley (TFarley@asrclkrec.com)

OC 287484440v1

EXHIBIT A



PETER ALDANA **COUNTY OF RIVERSIDE** SESSOR- COUNTY CLERK-RECORDER

Assessor P.O. Box 12004 Riverside, CA 92502-2204 Riverside, CA 92502-0751 (951) 955-6200

County Clerk-Recorder P.O. Box 751 (951) 486-7000

www.rlversideacr.com www.riversidemxinfo.com

November 02, 2015

GREENBERG TRAURIG LLP CRIS, ONEALL 3161 MICHELSON DR STE 1000 IRVINE, CA 92612

RE: Assessment Appeal No(s): 13-04571

Assessment No(s): 767680017-2

Dear Agent:

After further review and discussion with you regarding this matter, we have resolved the issues relating to your above-referenced Assessment Appeal. Accordingly, the Appeal Application should be withdrawn.

Enclosed please find an Assessment Appeals Board Request for Withdrawal. Please sign the form and either:

Return the original copy in the enclosed envelope to the following: 1.

> County of Riverside, Clerk of the Board Attn: Ms. Agnes Koda, Deputy Clerk of the Board P.O. Box 1628 Riverside, CA 92502-1628

Fax the original copy to the Clerk of the Board's Office, Attn: Ms. Agnes Koda, fax number (951) 955-1409 or email to aab@rcbos.org.

If the Withdrawal is not received by the Clerk's office prior to the scheduled hearing on your Application, you will run the risk that your Application will be denied for failure to appear.

If you have any questions regarding this matter, please contact the Clerk of the Board at (951) 955-1060 option 3.

Sincerely,

PETER ALDANA

ASSESSOR-CLERK-RECORDER

ASSESSMENT APPEALS BOARD REQUEST FOR WITHDRAWAL

Riverside County Assessment Appeals Board 1st Floor, County Administrative Center

P.O. BOX 1628

Riverside, California 92502-1628

			•	H	EARING DATE:	11/03/2015
Subject:	Assessment Appeal	s Applica	tion No(s).	13-045	71	
	Applicant Name:	EAS	T OF MAD	JSON ype or print)		
Со	- Agent Name (if appl	icable):		, CRIS / I	Fraser, Colin	
	Mailing Address:	and the second	MICHELS (Street) NE, CA 92	***************************************	STE 1000	
		2	(City, Sta	discourse in the		المسين
	Assessment No.:	767	680017-2	Parcel No.:	76768001	7-2
		*****	V 187 12		A CAN CONTRACTOR	
(Attach supplemental	sheet for	additional asse	essments)	unid	
Clerk of th					ssment	
Appeals Bo		equost is	si, a noaning se	[V]		
	(Applicant Signature)			(Agent Sig	nature)	**************************************
ASRLTRIJ	(Dated)		- · · · · · · · · · · · · · · · · · · ·	(Dated)	-	

LTERM: ASTCP198 DATE: 11/02/15 TIME: 10:41:51 PAGE; RCHANGE

601 ROLL CHG INPUT FORM 201300201511027676800171

ASMT# 767680017-2 YR 2013 EFF DATE 07 01 2013 (D) R&T CODE 51.50 AREA indres

PRCL# 767680017-2 ASMT TIE

(I)R&T CODE

TAXCODE: CUR> 0-00 NEW> PASSWORD

TRA: CUR> 020-161 NEW>

VALUE TYPE LND

APRSL READS 2346000

SHOULD READ 1428000

ACTION đ

TOTAL

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1428000

(D) RSN: Base year value reduction due to new sales info received

(I)RSN:

APR: 425 EXM: 11-02-2015

REV:

MSG:

506: 5151: TAKE:

PRORATE DT:

ETAL

ASSESSEE:

M/N: MAIL ST

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CITY/ST

LTERM: ASTCP198 DATE: 11/02/15 TIME: 10:43:59 PAGE: RCHANGE

601 ROLL CHG INPUT FORM 201400201511027676800171

ASMT# 767680017-2 YR 2014 EFF DATE 07 01 2014 (D)R&T CODE 51.50 AREA indres

PRCL# 767680017-2 ASMT TIE

(I)R&T CODE

TRA: CUR> 020-205 NEW> TAXCODE: CUR> 0-00 NEW> PASSWORD

VALUE TYPE

APRSL READS

SHOULD READ

ACTION

LND

2356650

1434483

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TOTAL

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(D) RSN: Base year value rrduction due to new sales info received

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ASSESSEE:

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PRCL# 767680017-2 ASMT TIE

(I) R&T CODE

PASSWORD

TAXCODE: CUR> 0-00 NEW>

TRA: CUR> 020-205 NEW>

VALUE TYPE LND

APRSL READS 2403735

SHOULD READ 1463143

ACTION đ

TOTAL

2403735

1463143

(D) RSN: Base year value reduction due to new sales info received

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11-02-2015

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506; 5151;

TAKE: PRORATE DT:

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ASSESSEE: M/N:

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SUPVALUE POSTING DOCUMENT

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EXHIBIT B



RIVERSIDE COUNTY SECURED PROPERTY TAX BILL For Fiscal Year July 1, 2013 through June 30, 2014

Offices in Riverside, Palm Springs and Temecula Visit our website; www.riversidetaxinfo.com

IMPORTANT INFORMATION ON REVERSE SIDE

4080 Leman St (1st Floor) Riverside, California (P.O. Box 12005, Riverside, CA 92502-2205)

Telephone: (951) 955-3900 or, from area codes 951 and 760 only toll free: 1 (877) RIVCOTX (748-2689)

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Property 75768 Data	30017-2 .93 ACRES IN LOT 55 MB 388/057 TR 33076-1	5570656566	SEO017-2
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		0	00/10/2012

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UNPAID PRIOR-YEAR TAXES

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SEND THIS STUB WITH YOUR 2nd INSTALLMENT PAYMENT

RIVERSIDE COUNTY 2013-2014 SECURED PROPERTY TAX BILL PARTIAL PAYMENTS ARE NOT ACCEPTED 767680017-2 Bill Number 000487519

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Pay taxes online by eCheck or by eredit card

www.riversidetaxinfo.com
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(If over \$25,000, see Item #1 on reverse)

ADD 10% penalty

IN INSTALLMENT AMOUNT

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1st installation

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Pay taxes online by eCheek or by credit eard

CHECK

WSA Contenience Fee

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www.riversidemxinfo.com Mailing instructions on the reverse side:

EXHIBIT C



Tax bill requested by

11 TAX LIMIT PER PROP 13

COACHELLA VALLEY UNIFIED SCHOOL DESERT COMMUNITY COLLEGE

COACHELLA VALLEY WATER DISTRICT

LA QUINTA LLD COACHELLA VALLEY MOSQUITO & RIFA

CVWD AVAILABILITY-DOMESTIC SA35 CVWD AVAILABILITY-SEWER ID55

JANUARY 1, 2014

EAST OF MADISON PO BOX 1482

CHARGES LEVIED BY TAXING AGENCIES (See Item #4 on reverse)

LA-QUINTA-CA-92247-1482-

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Property

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Owner,

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For Fiscal Year July 1, 2014 through June 30, 2015

Offices in Riverside, Palm Desert and Temecula Visit our website: www.countytreasurenorg

IMPORTANT INFORMATION ON REVERSE SIDE 767680017-2 .93 ACRES IN LOT 55 MB 388/057 TR 33076-1

EAST OF MADISON

Loan Identification

(760) 848-1007

(760) 773-2513 (760) 198-2661

(866) 807-6864

(866) 807-6864

(760) 391-9600-(760) 391-9600

ASE ICEEPTOP PORTION FOR YOUR RECORDS

4080 Lemon St (1st Floor) Riverside, California (P.O. Box 12005, Riverside, CA 92502-2205)

Telephone: (951) 955-3900 or, from area codes 951 and 760 only toll free: 1 (877) RIVCOTX (748-2689)

> ASSESSMENT NUMBER 767680017-2

Bill Number 020-205 000481648

O 09/17/2014
All questions about ownership, values or exemptions must be directed to the Riverside County Assessor at (951) 955-6200.

UNPAID PRIOR-YEAR TAXES (See liem #6 on reverse) --- NONE

LAND 2,356,650 STRUCTURES TRADE FIXTURES TREES & VINES BUSINESS PERSONAL PROPERTY **FULL VALUE** 2,356,650 EXEMPTIONS **NET VALUE** 2,356,650 1,27244 \$29,986.94 TAX RATE PER \$100 VALUE TAXES & Fixed Charges

\$30,039.42 TOTAL AMOUNT
If over \$50,000, see
liem #1 on reverse \$15,019.71 \$15,019.71

Add 10% Add 10% penalty plus cost nfter 04/10/2015 penalty after 12/10/2014 \$15,019.71

\$15,019.71

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Muhiple Hills

AMOUNT

23566.50 3515.88

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30.00

RIVERSIDE COUNTY 2014-2015 SECURED PROPERTY TAX BILL PARTIAL PAYMENTS ARE NOT ACCEPTED

ASSESSMENT NUMBER 767680017-2 000481648

Check here for a change of mailing address.
Please provide all corrections on the reverse side.

INSTALLMENT conhot be paid u

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Pay taxes online by eCheck or by credit card CHECK ____

VISA' - Convenience Fee www.countytreasurer.org

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DUE NOVEMBER 1, 2014 PAY BY DECEMBER 10, 2014 \$15,019.71 IF PAID AFTER DECEMBER 10, 2014 \$1,501.95 DELINQUENT IN INSTALLMENT AMOUNT (If over \$25,000, see Item #1 on reverse)

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RIVERSIDE COUNTY 2014-2015 SECUILED PROPERTY TAX BILL PARTIAL PAYMENTS ARE NOT ACCEPTED 093014 ASSESSMENT NUMBER 767680017-2 000481648

Check here for a change of mailing address.
Please provide all corrections on the reverse side.

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Pay taxes online by eCheck or by credit card VISA" - Convenience Fee

ww.countytreasuror.org



Print this item

Close Window

Routing:

Account:

Item:

Reference:

Date Posted:

121000497

2740018313

503287903 6848816 01/26/2016

Amount: 12,384.45 Type: Debit

HIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK—HOLD TO LIGHT TO VERIFY WATERMARK Riverside County Treasurer of Riverside, California UNION BANK Void 6 Months from Date Lisued 01/15/2016 ****TWELVE THOUSAND THREE HUNDRED AND EIGHTY-FOUR AND 45 / 100 DOLLAR**** EAST OF MADISON LLC #0503287903# #121000497# 2740018313#

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Print this item

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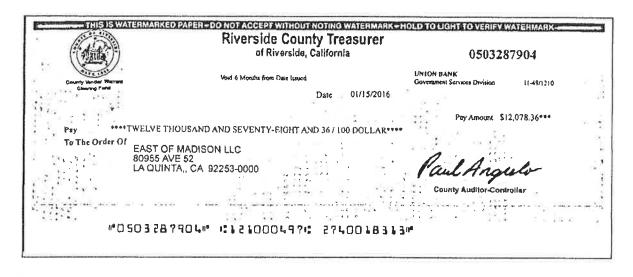
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Amount: 12,078.36 Type: Debit

2740018313 503287904 6848814 01/26/2016



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ROLL CHANGE REFUNDS HISTORY

index#:	20130055635 asmnt#: 767680017-2 taxyr: 2013 Date_created: 11/05/2015	Updated: 3/28/2016	research: (
total_refund:	\$12,384.45	conveyance Type:	0
refund_amt:	\$11,650.72 interest_amt: \$733.73 jv_fund_nbr:	conveyance Num:	5220451
warrant_nbr:	003287903 warrant_dt: 20160115 warrant_amt: \$12,384.45	Conveyance Year:	2012
payee:	EAST OF MADISON LLC Current Assessee: EAST OF MADISON		
addr1:			
addr2:	80955 AVE 52		
addr3:	LA QUINTA, CA zip: 92253 0000 Research Name: EAS	T OF MADISON LLC	
rtcode:	005150 Research Address1:		
colnbr1:	20130127325 12/43/2013 Research Address2: 809	55 AVE 52	
colnbr2;	20130286128 04/41/2014 Research City/State: LA C	UINTA, CA	
tc_comment:	Research Zip Code: 922	53	
aud_comment:	researched: Y titco:		
tosend:	CS tcsend_dt: 12/31/2015 aud_release: ASH aud_release_dt: 01/13/2016		
status_msg:	061 - WARRANT ISSUED / REFUND CLAIM COMPLETED		
SendLet: X	Letter Date: 11/25/2015 Due Date: 1/11/2016 Response_Recd: 12/24/2015 Intere	st: Y Y OR N	
Send_Auditor:	prior contracted driven and the contract of th		
Researched By	Shannon Perez Date: \\\ 11/25/2015 Research Approval Approved B	Courtney Smith	D
Released By:	Shannon Perez Date: 12/31/2015 Release Approval Approved By	/: Debi Taylor	Di

INQRFSUM

REFUND SUMMARY 03/28/16 11:04:14 PAGE 1 LTERM: TXTCP052

INDEX NBR: 2013 - 0055635 ASMT NBR: 767680017-2 TAX YEAR: 2013

TOTAL REFUND: 12,384.45 JV NBR: 130-16013023RF1 PV NBR: 2013-0055635RF8 REFUND AMT: 11,650.72 INTEREST AMT: 733.73 5151 FLAG: Y

WARRANT NBR: 03287903 WARRANT DATE: 01/15/2016 WARRANT AMT: 12,384.45

PAYEE:

EAST OF MADISON LLC

JV FUND NBR: 7469

ADDRESS:

80955 AVE 52

R/T CODE: 51.50

C/ST/ZIP: LA QUINTA, CA

922530000

TC SEND: CS 12/31/2015

1ST TAX COLL NBR: 20130127325 12/43/2013

AU RLSE: ASH 01/13/2016

2ND TAX COLL NBR: 20130286128 04/41/2014

TC COMMENT: AU COMMENT:

SPLIT: 1 OF 1

PAGE (T/B/F/L): _

061 - WARRANT ISSUED / REFUND CLAIM COMPLETED

PF1=MENU PF2=ENTER PF3/4=INQ PF5/6=UPDATE PF7/8=TC CLAIM PF9=STATUS HISTORY

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		Back To Payment Inc	ĬŤı¸ŬĀ			
Bank Name:	UNION BANK	Pymnt Ref ID:	03287903			
Bank Account #	2740018313	Accounting Date:	01/15/2016			
		Payment Date:	01/15/2016			
Pay Cycle:	PROPTX Seq Num: 2247	Days Outstanding:				
Vendor Name:	EAST OF MADISON LLC	Payment Clear Date	01/26/2016			
Address:	80855 AVE 52	Reconcile Date:	01/27/2016			
		Value Date:	01/15/2016			
	LA QUINTA, CA 92263-0000 USA					
Payment Amour	t; 12,384.45 USD Payment CHK Method;					
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ACCRC MA	2470 1 01/13/2016 787680017-220130055635RF816013		12,384,451	12,384 45:USD		
Notify					383	

ROLL CHANGE REFUNDS HISTORY

Index#:	20140047439 asmnt#: 767680017-2 taxyr: 2014 Date_created: 11/05/2015	Updated: 3/28/2016 research:
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refund_amt:	\$11,734.01 interest_amt: \$344.35 jv_fund_nbr:	conveyance Num: 5220451
warrant_nbr:	003287904 warrant_dt: 20160115 warrant_amt: \$12,078.36	Conveyance Year: 2012
payee:	EAST OF MADISON LLC Current Assessee: EAST OF M	ADISON
addr1:		
addr2;	80955 AVE 52	
addr3:	LA QUINTA, CA zip: 92253 0000 Research Name:	EAST OF MADISON LLC
rtcode:	005150 Research Addres	s1:
colnbr1:	20140134382 12/42/2014 Research Addres	s2: 80955 AVE 52
colnbr2:	20146169997 04/10/2015 Research City/Sta	ate: LA QUINTA, CA
tc_comment:	Research Zip Coo	de: 92253
aud_comment:	researched: Y	titco:
tcsend:	CS tcsend_dt: 12/31/2015 aud_release: ASH aud_release_dt: 01/13/2016	and the second s
status_msg:	061 - WARRANT ISSUED / REFUND CLAIM COMPLETED	
SendLet: X	Letter Date: 11/25/2015 Due Date: 1/11/2016 Response_Recd: 12/24/2015	Interest: Y YORN
Send_Auditor:		
Researched By	Shannon Perez Date: 11/23/2015 Research Approval Approved	By: Courtney Smith
Released By:	Shannon Perez Date: 12/31/2015 Release Approval Approved	By: Debi Taylor D

| REFUND SUMMARY | 03/28/16 11:05:10 | PAGE | 1 | LTERM: TXTCP052 | INDEX NBR: 2014 - 0047439 | ASMT NBR: 767680017-2 | TAX YEAR: 2014 |

TOTAL REFUND: 12,078.36 JV NBR: 130-16013023RF1 PV NBR: 2014-0047439RF9 REFUND AMT: 11,734.01 INTEREST AMT: 344.35 5151 FLAG: Y WARRANT NBR: 03287904 WARRANT DATE: 01/15/2016 WARRANT AMT: 12,078.36

EAST OF MADISON LLC JV FUND NBR: 7469 PAYEE:

ADDRESS:

80955 AVE 52 R/T CODE: 51.50

922530000 C/ST/ZIP: LA QUINTA, CA

TC SEND: CS 12/31/2015 1ST TAX COLL NBR: 20140134382 12/42/2014 2ND TAX COLL NBR: 20146169997 04/10/2015 AU RLSE: ASH 01/13/2016

2ND TAX COLL NBR: 20146169997

TC COMMENT: AU COMMENT:

SPLIT: 1 OF 1 PAGE (T/B/F/L):

061 - WARRANT ISSUED / REFUND CLAIM COMPLETED

PF1=MENU PF2=ENTER PF3/4=INQ PF5/6=UPDATE PF7/8=TC CLAIM PF9=STATUS HISTORY

		A wear	र्ज्या Palisonsviza Paga http:
Vouchers F	or a Payment		
	Back Jo Plannent Industry		
Bank Name:	UNION BANK Pymnt Ref ID: 03287904		
Bank Account #:	2740018313 Accounting Date: 01/15/2018		
	Payment Date: 01/15/2016		
Pay Cycle:	PROPTX Seq Num: 2247 Days Outstanding:		
Vendor Name:	EAST OF MADISON LLC Payment Clear Date: 01/26/2016		
Address:	80966 AVE 52 Reconcile Date: 01/27/2016		
	Value Date: 01/15/2016		
	LA QUINTA, CA 92253-0000 USA		
Payment Amoun	: 12,078.36 USD Payment CHK Method:		
Description			
Dula III:			Persona
Business Vouc	>rID Advice Advice Date Invoice Number Sross Paid.	Amount Paid Amount Currency	Discount
ACCRC DEDU	91/1 1 01/13/2016 767680017-220140047439RF916013	12,078.36 12,078.36 USD	- H