

FORM APPROVED COUNTY COUNSEL
BY: Gregory P. Priamos DATE 6/2/16

Departmental Concurrence

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

179



FROM: Don Kent, Treasurer-Tax Collector

SUBMITTAL DATE:

JUN 02 2016

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 199, Item 398. Last assessed to: Celestino Chavez and Ernestina G. Chavez, husband and wife, as joint tenants. District 4 [\$3,495]. Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Bank of America, N.A. for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 764220024-5;
- (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, 2014 public auction sale. The deed conveying title to the purchasers at the auction was recorded March 21, 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 April 22, 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	\$ 3,495	\$ 0	\$ 3,495	\$ 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: 16/17

C.E.O. RECOMMENDATION:

APPROVE

BY:
Samuel Wong

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

9-12

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 199, Item 398. Last assessed to: Celestino Chavez and Ernestina G. Chavez, husband and wife, as joint tenants. District 4 [\$3,495]. Fund 65595 Excess Proceeds from Tax Sale.

DATE: JUN 02 2016
PAGE: Page 2 of 2

RECOMMENDED MOTION:

2. Authorize and direct the Auditor-Controller to issue a warrant to Bank of America, N.A. in the amount of \$3,495.36, 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 \$3,495.36 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 additional addresses.
- Used Accurint (people finder) to notify any new addresses that may be listed for our last assessees.
- 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 March 21, 2014.

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

1. Claim from Bank of America, N.A. based on an Abstract of Judgment recorded January 7, 2005 as Instrument No. 2005-0017471.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Bank of America, N.A. be awarded excess proceeds in the amount of \$3,495.36. Since there are no other claimants the unclaimed excess proceeds for Celestino Chavez's portion in the amount of \$3,495.36 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 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 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 199 Item 398 Assessment No.: 764220024-5

Assessee: CHAVEZ, CELESTINO & ERNESTINA G

Situs: 58205 HARRY RAU RD THERMAL 92274

Date Sold: February 4, 2014

Date Deed to Purchaser Recorded: March 21, 2014

Final Date to Submit Claim: March 23, 2015

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 17,949.26 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. 2005-0017471, recorded on 1-7-2005. 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.

Abstract of Judgment recorded on January 7, 2005

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 27th day of May, 2014 at Los Angeles, California
County, State

Signature of Claimant

Daniel A. Heald @ Hemar, Rouso & Heald, LLP
for Claimant Bank of America

Signature of Claimant

Print Name

Print Name

15910 Ventura Blvd., 12th Flr
Street Address

Street Address

Encino, CA 91436
City, State, Zip

City, State, Zip

(818) 501-3800
Phone Number

Phone Number

SCO 8-21 (1-99)

RECEIVED
2014 MAY 30 AM 11:43
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

EJ-001

DOC # 005-0017471

01/07/2005 08:00A Fee:15.00

Page 1 of 2

Recorded in Official Records
County of Riverside

Assessor, County Clerk & Recorder



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): TEL NO.:
☒ Recording requested by and return to: (818) 501-3800
 DANIEL A. HEALD/Bar No. 114306
 HEMAR, ROUSSO & HEALD, LLP
 15910 Ventura Blvd.
 12th Floor
 Encino, CA 91436
☒ ATTORNEY FOR ☒ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside
 STREET ADDRESS: 4050 Main Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Riverside, CA 92501-3703
 BRANCH NAME: Riverside Court

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PLAINTIFF: BANK OF AMERICA, N.A., a national banking association
 DEFENDANT: ERNESTINA CHAVEZ, an individual; DOES 1-100, inclusive

M
LC

ABSTRACT OF JUDGMENT ☐ Amended

CASE NUMBER:

RIC411830

FOR COURT USE ONLY

1. The ☒ judgment creditor ☐ assignee of record
 applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

Ernestina Chavez, an individual
 50110 Kenmore Street
 Coachella, CA 92236

NOTIFICATION MAILED
 USA POSTAL SERVICE

b. Driver's license No. and state:

c. Social security No.:

☒ Unknown

☐ Unknown

d. Summons or notice of entry of sister-state judgment was personally served or
 mailed to (name and address): Ernestina Chavez, an individual
 50110 Kenmore Street, Coachella, CA 92236

e. ☐ Original abstract recorded in this county:

(1) Date:

(2) Instrument No.:

f. ☐ Information on additional judgment debtors is
 shown on page two.

Date: December 16, 2004

Daniel A. Heald

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

2. a. ☒ I certify that the following is a true and correct abstract
 of the judgment entered in this action.

b. ☐ A certified copy of the judgment is attached.

3. Judgment creditor (name and address): Bank of America, N.A., a
 national banking association, c/o Hemar, Rouso & Heald,
 LLP, 15910 Ventura Boulevard, 12th Floor, Encino, CA 91436

4. Judgment debtor (full name as it appears in judgment):
 ERNESTINA CHAVEZ, an individual

6. Total amount of judgment as entered or last renewed:
 \$ 17,949.26

7. ☐ An ☐ execution lien ☐ attachment lien
 is endorsed on the judgment as follows:

a. Amount: \$

b. In favor of (name and address):

5. a. Judgment entered on
 (date): October 21, 2004

b. Renewal entered on
 (date):

This abstract issued on (date):

JAN 03 2005

8. A stay of enforcement has

a. ☒ not been ordered by the court.

b. ☐ been ordered by the court effective until
 (date):

9. ☐ This judgment is an installment judgment.

Clerk, by _____, Deputy

I SIRACUSA



PLAINTIFF: BANK OF AMERICA, N.A., a national banking association DEFENDANT: ERNESTINA CHAVEZ, an individual; DOES 1- 100, inclusive	CASE NUMBER: RIC411830
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INFORMATION ON ADDITIONAL JUDGMENT DEBTORS

10. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____	14. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____
11. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____	15. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____
12. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____	16. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____
13. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____	17. _____ Name and last known address _____ Driver's license No. & state: <input type="checkbox"/> Unknown Social security No.: <input type="checkbox"/> Unknown Summons was personally served at or mailed to (address): _____

18. ☐ Continued on Attachment 18.



2005-0017471
 01/07/2005 08:00A
 2 of 2

HEMAR, ROUSSO & HEALD, LLP

ATTORNEYS AT LAW
15910 VENTURA BOULEVARD
12TH FLOOR

ENCINO, CALIFORNIA 91436-2829

(818) 501-3800

FAX (818) 501-2985

SUSAN K. BREEN
OF COUNSEL

*ALSO ADMITTED IN UTAH
*ALSO ADMITTED IN NEVADA
**ALSO ADMITTED IN ILLINOIS

RICHARD P. HEMAR
MARTIN J. ROUSSO
DANIEL A. HEALD
STEPHEN E. JENKINS
WAYNE R. TERRY
JENNIFER W. CRASTZ
MARY A. LAZARAN
ROBERT V. MCKENDRICK*
MARTINA A. PORTER
SANDRA I. TIBERI*
JEANNINE DEL MONTE-KOWAL
PETER J. VEIGUELA**
NATHAN H. HARRIS
IRWIN M. WITTLIN
RAFFI KHATCHADOURIAN
PAUL N. ANDONIAN*
NINETTE R. WASSEF
PAMELA L. COX
MARY M. PARK
WILLIAM J. SEXTON
BRENDA BARTON-LEMAY
SUSAN A. GRUSKIN
MATTHEW E. VOSS

IN REPLY REFER TO:

3452-20040228/mlw

May 28, 2014

Mr. Don Kent
Treasurer-Tax Collector
P.O. Box 12005
Riverside, CA 92502-2205

RE: Bank of America vs. Ernestina Chavez
Re: Excess Proceeds
Assessment No: 764220024-5
Our Reference No.: 3452-20040228/mlw

Dear Mr. Kent:

Enclosed please find the completed Claim for Excess Proceeds From the Sale of Tax-Defaulted Property with a copy of the Abstract of Judgment recorded on January 7, 2005 in Riverside County.

Please process the claim and forward the excess funds entitled to our client to the above address. Please make the check payable to Hemar, Roussso & Heald, LLP.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

LAW OFFICES OF
HEMAR, ROUSSO & HEALD, LLP

By: 

Daniel A. Heald

DAH/pcm

Finley, Sandy

From: Patty Maher <pmaher@hrhlaw.com>
Sent: Wednesday, September 30, 2015 10:04 AM
To: Finley, Sandy
Cc: Lina Wilbert
Subject: Bank of America vs. Ernestina Chavez (TC 199 Item 398 Assessment No.: 764220024-5)

Sandy,

This email is sent to advise that our claim still remains for the amount of \$17,949.26.

Thank you.

Patricia

*Patricia C. Maher, Legal Assistant
Hemar, Rousso & Heald, LLP
15910 Ventura Blvd., 12th Floor
Encino, CA 91436
(818) 501-3800, ext. 163
pmaher@hrhlaw.com*

Refer to File Number: 2-40228:LW:mk

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, LIMITED JURISDICTION

Defendants.

**DECLARATION RE AUTHORITY OF
HEMAR, ROUSSO & HEALD LLP TO
CLAIM EXCESS FUNDS ON BEHALF OF
BANK OF AMERICA**

1. I am a partner in the Law Office of Hemar, Rousso & Heald, LLP ("HRH") attorneys of record for Plaintiff, Bank of America ("BOA") in the above captioned matter.
2. We were retained by the Plaintiff Bank of America to file a lawsuit for the purpose of collecting a debt due from Ernestina Chavez ("Chavez") to BOA.
3. On April 23, 20014, our law firm filed a Complaint for Money with the Superior Court of Riverside County against Chavez.
4. A Judgment was obtained against Chavez in favor of BOA on October 21, 2004, in the sum of \$17,949.26.
5. On January 7, 2005, an Abstract of Judgment was recorded in the County of Riverside, bearing recording number 2005-00117471. A true and correct copy of the Abstract of

Judgment is attached hereto marked Exhibit "1" and made a part hereof by this reference as though fully set forth. The recordation of the Abstract of Judgment created a lien on Chavez' real property.

6. On or about April 22, 2014, HRH, as attorneys' of record for BOA, received a Notice of Excess Proceeds in regard to a property sold on February 4, 2014, in the name of Ernestina Chavez and Celestino Chavez.

7. On or about May 27, 2014, we filed our claim for Excess proceeds on behalf of BOA as lienholders as evidenced by the Abstract of Judgment attached hereto as Exhibit "1".

8. Given the foregoing recitals, HRH, as attorneys of record representing BOA, are authorized to claim the excess funds for and on behalf of BOA.

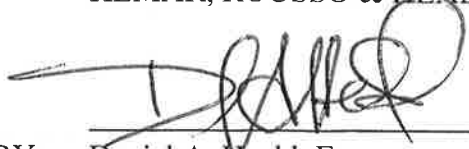
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1 I declare penalty of perjury that the foregoing is true and correct. Executed this 16 day of
2 October 2015.

3
4 HEMAR, ROUSSO & HEALD LLP

5 
6
7 BY: Daniel A. Meald, Esq.,
8 Attorneys for Bank of America
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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed by document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

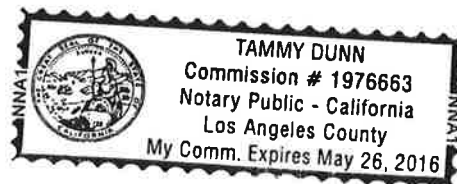
On October 16, 2015, before me, Tammy Dunn, Notary Public, personally appeared Daniel A. Heald, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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

Tammy Dunn



(Seal)

October 7, 2015

Bank of America
C/O Hemar, Rousso & Heald, LI
Attn: Daniel A. Heald
15910 Ventura Blvd., 12th Floor
Encino, CA 91436

Re: APN: 764220024-5
TC 199 Item 398
Date of Sale: February 4, 2014

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 Hemar, Rousso & Heald,
LLP to claim on behalf of Bank of
America.**

___ 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 date of tax sale)

___ Articles of Incorporation (if applicable
Statement by Domestic Stock)

___ Court Order Appointing Administrator

___ Deed (Quitclaim/Grant etc...)

___ Other -

Please send in all documents within 30 days (**November 9, 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

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:

Bank of America
C/O Hemar, Rousso & Heald, LLP
Attn: Daniel A. Heald
15910 Ventura Blvd., 12th Floor
Encino, CA 91436

2. Article Number
(Transfer from service label)

EP 199-398

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Signature] ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Robert Perez

C. Date of Delivery

10-13-15

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 9626

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15

March 29, 2016

Bank of America
C/O Hemar, Rousso & Heald, LLP
Attn: Daniel A. Heald
15910 Ventura Blvd., 12th Floor
Encino, CA 91436

Re: APN: 764220024-5
TC 199 Item 398
Date of Sale: February 4, 2014

To Whom It May Concern:

This office is in receipt of your claim for excess proceeds from the documentation you have provided is insufficient to establish your

Please submit the necessary proof to establish your right to claim document(s) listed below may assist the Tax Collector in making

- ☐ Notarized Affidavit for Collection of Personal Property under California Probate Code 13100
- ☐ Notarized Statement of different/misspelled
- ☒ **Notarized Statement from Bank of America Giving Authorization to Hemar, Rousso & Heald, LLP to claim on behalf of Bank of America.**
- ☐ Certified Death Certificate for

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If your documentation is not received within 15 days (April 13, 2016)

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

Final Notice

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. ■ 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.</p> <p>1. Article Addressed to:</p> <p>Bank of America C/O Hemar, Rousso & Heald, LLP Attn: Daniel A. Heald 15910 Ventura Blvd., 12th Floor Encino, CA 91436 <i>EP 199-398</i></p> <p>2. Article Number (Transfer from service label): 7015 0640 0006 1626 4622</p> <p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>		<p>A. Signature <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>Robert Perez</i></p> <p>C. Date of Delivery <i>4/1/16</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>		<p>Domestic Return Receipt</p>	