

ID# 1912

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

717  
(1912)



**SUBMITTAL DATE:  
AUG 03 2016**

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

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 203, Item 18. Last assessed to: 3535 Banbury Condominium Association. District 1 [\$100,225]. Fund 65595 Excess Proceeds from Tax Sale.

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

1. Approve the claim from 3535 Banbury Condominium Association, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 138111078-0;

(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 May 5, 2015 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 18, 2015. 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 22, 2015, 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	\$ 100,225	\$ 0	\$ 100,225	\$ 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> 16/17

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

BY: *Stephanie Persi*  
Stephanie Persi

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
DATE 8/3/16  
BY: GREGORY P. PRIAMOS

Departmental Concurrence

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

Prev. Agn. Ref.: District: 1 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. 203, Item 18. Last assessed to: 3535 Banbury Condominium Association. District 1 [\$100,225]. Fund 65595 Excess Proceeds from Tax Sale.

**DATE: AUG 03 2016**

**PAGE: Page 2 of 2**

**RECOMMENDED MOTION:**

2. Authorize and direct the Auditor-Controller to issue a warrant to 3535 Banbury Condominium Association in the amount of \$100,225.19, 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 one claim for excess proceeds:

1. Claim from 3535 Banbury Condominium Association based on a Trustee's Deed Upon Sale recorded June 28, 2011 as Instrument No. 2011-0282851.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that 3535 Banbury Condominium Association be awarded excess proceeds in the amount of \$100,225.19. 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**

Excess proceeds are being released to the last assessee of the property.

**ATTACHMENTS (if needed, in this order):**

A copy of the Excess Proceeds Claim form 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**

**2016 FEB 22 PM 4: 58**

**Re: Claim for Excess Proceeds**

**RIVERSIDE COUNTY  
TREAS-TAX COLLECTOR**

TC 203 Item 18 Assessment No.: 138111078-0

Assessee: 3535 BANBURY CONDOMINIUM ASSN

Situs: 3535 BANBURY DR NO 78 RIVERSIDE 92505

Date Sold: May 5, 2015

Date Deed to Purchaser Recorded: June 18, 2015

Final Date to Submit Claim: June 20, 2016

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 100,225.19 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. 2011-0282851; recorded on June 28, 2011. 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.**

1. County of Riverside Treasurer - Tax Collector Letter

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2. Filed Statement of Information for 3535 Banbury Condominium Association

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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 16 day of February, 2016 at San Diego, CA  
County, State

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

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

Sam Bower, CFO of 3535 Banbury Condominium Assn.  
Print Name

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

5505 Cancha de Golf  
Street Address

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

Rancho Santa Fe  
City, State, Zip

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

858-755-0216  
Phone Number

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

## **INSTRUCTIONS FOR FILING CLAIM**

(See Claim Form on Reverse Side)

The California Revenue and Taxation Code, Section 4675, states in part (paraphrased):

For the purposes of this article, parties of interest and their order of priority are:

(a) First, lienholders of record prior to the recordation of the tax deed to the purchaser in the order of their priority; and

(b) Then, any person with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If you consider yourself to be a party of interest in the sale of tax-defaulted property as defined above, please fill out the reverse of this form stating how you have determined your status as a party of interest. If you need help in filling out the form, please contact our office by telephone at 951-955-3336, mail, or in person.

You must attach copies of documents to support your claim as follows:

1. In case (a), attach a copy of your trust deed or other evidence of lien or security interest, along with a statement under penalty of perjury setting forth the original amount of the lien or interest, the total amount of payments received reducing the original amount of the lien or interest, and the amount still due and payable as of the date of the sale of the tax defaulted property by the Tax Collector.

2. In case (b), attach copies of any other documents (e.g., deed, certified death certificate, will, court order, etc.) supporting your claim.

**PLEASE NOTE:** We cannot, by law, begin processing of claims until one year has passed from the date of the deed to the purchaser. In order to receive consideration by the Riverside County Board of Supervisors, claims must be filed **ON OR BEFORE THE EXPIRATION OF ONE YEAR** following the date of the recording of the deed to the purchaser. Please see the "Date Deed to Purchaser Recorded" appearing on the attached notice (Form 117-170). The Tax Collector will submit a recommendation to the County Board of Supervisors as to what disposition should be made on your claim. Following the Board's review, the claim will either be approved or denied. The Clerk of the Board of Supervisors will notify you of the action taken by the Board. Should the claim be approved, the Auditor-Controller will issue a County warrant in payment. By law, the Auditor-Controller cannot issue a warrant in payment of the approved claim until 90 days following the action taken by the Board.

### **MAIL COMPLETED FORMS TO:**

Don Kent, Treasurer-Tax Collector  
Post Office Box 12005  
Riverside, CA 92502-2205

Attention: Excess Proceeds

County Administrative Center- 4th Floor  
4080 Lemon Street, P.O. Box 12005  
Riverside, CA 92502-2205  
(951) 955-3900  
(951) 955-3990 - Fax

E-mail: [ttc@co.riverside.ca.us](mailto:ttc@co.riverside.ca.us)  
[www.countytreasurer.org](http://www.countytreasurer.org)



**COUNTY OF RIVERSIDE  
TREASURER-TAX COLLECTOR**

Palm Desert Office  
38-686 El Cerrito Road  
Palm Desert, CA 92211

Temecula Office  
40935 County Center Drive, Suite C  
Temecula, CA 92591

July 22, 2015

3535 BANBURY CONDOMINIUM ASSN C/O PACIFICA REAL ESTATE SERVICES  
ATTN: 3535 BANBURY CONDOMINIUM ASSOCIATION  
RE: PACIFICA REAL ESTATE SERVICES, INC.  
5505 CANCHA DE GOLF  
RANCHO SANTA FE, CA 92091  
Re: EXCESS PROCEEDS FROM SALE OF TAX DEFAULTED PROPERTY

Assessment No.: 138111078-0      Item: 18  
Situs Address: 3535 Banbury Dr No 78 Riverside 92505  
Assessee: 3535 Banbury Condominium Assn  
Date Sold: May 5, 2015  
Date Deed to Purchaser Recorded: June 18, 2015  
Final Date to Submit Claim: June 20, 2016

Dear Sir or Madame:

The property referenced above was declared subject to the Tax Collector's power of sale for non-payment of taxes and later sold. Parties of Interest, as defined in Section 4675 of the California Revenue and Taxation Code (e.g., the last assessee and any lienholders of record), have a right to file a claim for any excess proceeds that remain after the tax liens and the costs of the sale have been satisfied. Our records show that you may be a party of interest, and we are enclosing for your convenience a claim form and a return envelope. Please note that your claim must be filed within one year of the date the deed to the purchaser was recorded (shown above). By law, we cannot accept claims after one year from this recording date. Claims submitted will be evaluated by our legal counsel and awarded in accordance with state law. The submission of a claim merely initiates that review.

The enclosed form is relatively simple and we must stress that most applicants will be able to fill it out without help. However, if you need help, please feel free to contact our office by mail, telephone or in person and we will help you without charge. You may telephone us at (951) 955-3336.

If you prefer to have an agent file your claim for you, or if you should decide to sell your claim (often referred to as "assignment") so that the purchaser of the claim may receive the funds, please advise us and we will send the proper form.

Please note also that the statutory procedures and the County's internal procedures dictate that most claims will not be processed until at least twenty (20) months following the date of recordation of the tax deed.

Sincerely,

DON KENT  
TREASURER-TAX COLLECTOR

By Jennifer Pazicni  
Deputy

RECORDING REQUESTED BY  
FIRST AMERICAN TITLE INSURANCE COMPANY  
WHEN RECORDED MAIL TO

WHEN RECORDED MAIL TO:  
Pacifica Real Estate Services  
5505 Cancha De Gold  
Rancho Santa Fe, CA 92091

MAIL TAX STATEMENTS TO

Same as Above

DOC # 2011-0282851  
06/28/2011 10:08A Fee:31.00  
Page 1 of 3  
Recorded in Official Records  
County of Riverside  
Larry M. Ward  
Assessor, County Clerk & Recorder



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Title Order No. 4472938

Our File No. 71700 Account No.

TRUSTEE'S DEED UPON SALE

APN 138-111-078 T.R.A. No.

The undersigned grantor declares:

- 1) The Grantee herein was the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with costs was ..... \$10,757.17
- 3) The amount paid by the grantee at the trustee sale was ..... \$10,757.17
- 4) The documentary transfer tax is ..... \$0.00
- 5) Said property is in - Riverside.

and FCI LENDER SERVICES, INC.

(herein called Trustee), as the duly appointed Trustee under the Notice of Delinquent Assessment hereinafter described, does hereby grant and convey, but without warranty, express or implied, to

3535 Banbury Condominium Association

(herein called Grantee), all of its right, title and interest in and to that certain property situated in the County of Riverside, State of California, described as follows:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF.

RECORDING REQUESTED BY  
FIRST AMERICAN TITLE COMPANY  
AS AN ACCOMMODATION ONLY

RECITALS:

This conveyance is made pursuant to the powers granted to association claimant and conferred upon appointed Trustee by the provisions of the Declaration of Covenants, Conditions and Restrictions Recorded on 11/22/2005 as doc #2005-0969677, County of Riverside and pursuant to California Civil Code Sections 1366, 1367, 2924 et. seq. and that certain Notice of Delinquent Assessment Recorded on 02/11/2010, as Instrument # 2010-0065639 of Official Records of Riverside County, California.

The name of the owner of the property (trustor) was ANTONIO LOPEZ.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the Office of the Recorder of said County.

Our File No. 71700  
Account No.  
Title Order No. 4472938

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default and the posting and publication of copies of the Notice of a Sale have been complied with.

Said property was sold by said Trustee at public auction on 03/24/2011 at the place named in the Notice of Sale, in the County of Riverside, California, in which the property is situated. Grantee being the highest bidder at such sale, became the purchaser of said property and paid therefore to said Trustee the amount bid being \$10,757.17 in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Notice of Delinquent Assessment.

DATE: 03/24/2011

FCI Lender Services, Inc., as Trustee

  
TERI SNYDER, EXEC. VICE PRESIDENT

STATE OF California

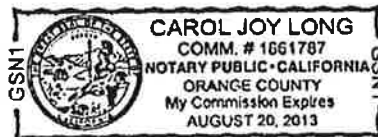
COUNTY OF Orange

On 3/24/11 before me, CAROL JOY LONG, Notary Public, personally appeared TERI SNYDER 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.

  
Notary Public Signature



ORDER NO: 4472938  
REFERENCE NO: 71700  
TITLE OFFICER: MARIE CRUZ  
PRODUCT TYPE: TSG-HOA

## EXHIBIT "A"

THE LAND REFERRED TO IN THIS GUARANTEE IS SITUATED IN THE STATE OF CALIFORNIA, CITY OF RIVERSIDE, COUNTY OF RIVERSIDE AND IS DESCRIBED AS FOLLOWS:

A CONDOMINIUM UNIT COMPOSED OF:

PARCEL 1:

AN UNDIVIDED FRACTIONAL INTEREST AS TENANT IN COMMON IN AND TO THE BUILDING ENVELOPE IN WHICH THE LIVING UNIT DESCRIBED IN PARCEL 2 BELOW IS LOCATED EQUAL TO THE RECIPROCAL OF THE NUMBER OF LIVING UNITS WITHIN THAT BUILDING ENVELOPE; BEING A PORTION OF LOTS 1 AND 2 OF TRACT NO. 18368, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 132, PAGES 83 AND 84 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY;

EXCEPTING THEREFROM EACH LIVING UNIT LOCATED WITHIN SUCH BUILDING ENVELOPE, AS SHOWN ON THE CONDOMINIUM PLAN DESCRIBED IN PARCEL 2 BELOW;

EXCEPTING THEREFROM THE EXCLUSIVE RIGHT TO POSSESSION AND USE OF ANY EXCLUSIVE USE AREA SHOWN ON CONDOMINIUM PLAN DESCRIBED IN PARCEL 2 BELOW;

FURTHER EXCEPTING THEREFROM ALL THE RIGHTS AND EASEMENTS SET FORTH IN THE AMENDED AND RESTATED DECLARATION OF RESTRICTIONS FOR RIVER OAKS RECORDED NOVEMBER 22, 2005, AS DOCUMENT NO. 2005-0969677 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, AND ANY PRESENTLY EXISTING OR FUTURE AMENDMENTS TO SAID AMENDED AND RESTATED DECLARATION OF RESTRICTIONS (THE "DECLARATION"), INCLUDING, BUT NOT LIMITED TO, THE EASEMENTS FOR INGRESS, EGRESS AND GENERAL UTILITY PURPOSES AND GRANTOR'S RIGHT AND EASEMENTS TO REFURBISH AND MARKET RESIDENCES AND REFURBISH RELATED IMPROVEMENTS; AND

FURTHER EXCEPTING THEREFROM ALL EXCEPTIONS AND RESERVATIONS OF RECORD.

PARCEL 2:

LIVING UNIT NO. 78 AS SHOWN UPON THE RIVER OAKS SUPERSEDING CONDOMINIUM PLAN RECORDED NOVEMBER 22, 2005, AS DOCUMENT NO. 2005-0969676 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA (THE "CONDOMINIUM PLAN").

EXCEPTING FROM PARCEL 2 ALL RIGHTS AND EASEMENTS SET FORTH IN THE DECLARATION.

PARCEL 3:

NON-EXCLUSIVE APPURTENANT EASEMENTS IN AND TO THE ASSOCIATION PROPERTY NOW OR HEREAFTER OWNED BY 3535 BANRURY CONDOMINIUM ASSOCIATION, A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION ("ASSOCIATION"), AS SET FORTH IN THE DECLARATION. "ASSOCIATION PROPERTY" IS DEFINED IN THE DECLARATION.

PARCEL 4:

THE EXCLUSIVE RIGHT TO USE ANY EXCLUSIVE USE AREA SHOWN ON THE CONDOMINIUM PLAN AS BEING APPURTENANT TO THE LIVING UNIT DESCRIBED IN PARCEL 2 ABOVE.



15-688221



# State of California Secretary of State

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## Statement of Information

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.  
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

**FILED**  
Secretary of State  
State of California

DEC 03 2015

21/20/PC

This Space for Filing Use Only

1. CORPORATE NAME  
3535 Banbury Condominium Association

2. CALIFORNIA CORPORATE NUMBER  
C2809357

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
		CA	

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
5505 Cancha de Golf	Rancho Santa Fe	CA	92091

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
Dan Rivetti	5505 Cancha de Golf	Rancho Santa Fe	CA	92091
6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
Frank Vahedi	3500 Buchanan Ave spc. 190	Riverside	CA	92503
7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
Samuel Bower	5505 Cancha de Golf	Rancho Santa Fe	CA	92091

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS  
Pacifica Real Estate Services, Inc. (C2564074)

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
5505 Cancha de Golf	Rancho Santa Fe	CA	92091

### Common Interest Developments

10.  Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

11/25/2015	Carla Delgado	Legal Clerk	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

## Business Entity Detail

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Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Tuesday, June 21, 2016. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	3535 BANBURY CONDOMINIUM ASSOCIATION
Entity Number:	02809357
Date Filed:	11/09/2005
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	5505 CANCHA DE GOLF
Entity City, State, Zip:	RANCHO SANTA FE CA 92091
Agent for Service of Process:	PACIFICA REAL ESTATE SERVICES, INC.
Agent Address:	5505 CANCHA DE GOLF
Agent City, State, Zip:	RANCHO SANTA FE CA 92091

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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