

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



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

**SUBMITTAL DATE:**

**AUG 02 2010**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 179, Item 40.  
Last assessed to: Marlene S. Collins, as Surviving Trustee under the Collins Family Living Trust dated 1/26/98.

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

- 1) Approve the claim from Global Discoveries, Ltd., assignee for Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 327100015-1;
- 2) Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, Ltd., assignee for Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98 in the amount of \$9,544.67, no sooner than ninety days from the date of this order, unless pursuant to the California Revenue and Taxation Code Section 4675, an appeal has been filed in Superior Court.

**BACKGROUND:** (Continued on page two)

Don Kent, Treasurer-Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$9,544.67	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2010-11

<b>SOURCE OF FUNDS:</b> Fund 65595 Excess Proceeds from Tax Sale	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

**APPROVE**

BY:   
Christopher M. Hans

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 8/2/10  
DALE A. GARDNER  
Departmental Concurrence

Consent     Policy  
 Consent     Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Buster, Tavaglione, Stone, Benoit and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** September 14, 2010  
**xc:** Treasurer, Auditor

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

Dept's Recomm.:  
 Per Exec. Ofc.:

**9.65**

BOARD OF SUPERVISORS

Form 11:

Page 2

**BACKGROUND:** (Continued)

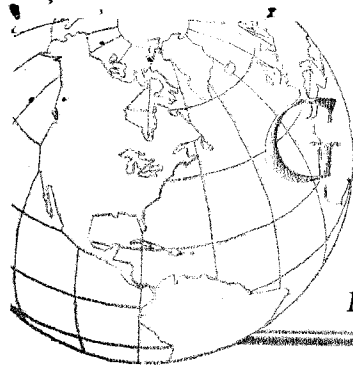
In accordance with Section 3691 et seq. of the California Revenue and Taxation Code, and with prior approval of the Board of Supervisors, the Tax Collector conducted the March 17, 2008 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 12, 2008. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on June 9, 2008, 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.

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

- 1) Claim from Global Discoveries, Ltd., assignee for Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98 based on an Assignment of Right to Collect Excess Proceeds dated May 3, 2008, a Quit Claim Deed recorded August 26, 1999 as Instrument No. 1999-385226 and the Collins Family Living Trust dated 1/26/98.

Pursuant to Section 4675 (a) & (b) of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., assignee for Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98 be awarded excess proceeds in the amount of \$9,544.67. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.



# GLOBAL DISCOVERIES, LTD.

1120 13th Street, Suite A, Modesto, CA 95354

Phone (209) 593-3900 or (800) 370-0372 • Fax (209) 549-9299 • [www.globaldiscoveries.com](http://www.globaldiscoveries.com)

## CLAIM SUMMARY

To: Riverside County Treasurer and Tax Collector

Assessors Parcel Number: 327-100-015-1  
Last Assessee: COLLINS MARLENE S  
Sale Date: 3/17/2008  
Tax Sale Number: TC179  
Item Number: 40

RECEIVED  
2008 JUN 11 AM 9:58  
RIVERSIDE COUNTY  
TREAS - TAX COLLECTOR

Dear Treasurer/Tax Collector:

1. Claimant(s): Global Discoveries, Ltd.

The following proof of claim(s) for excess proceeds and documents are attached:

1. Deed to Marlene S. Collins, as Surviving Trustee under the Collins Family Living Trust dated 1/26/98
2. Certification of Trust
3. Assignment of Excess Proceeds signed by Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98
4. Claim Form(s) signed by Global Discoveries
5. Photo ID for Assignor, Marlene Sue Collins

Upon approval, claimant(s) request that the Treasurer and Tax Collector issue its warrant(s) as follows:

- One warrant in the amount of \$10,033.00 or 100% of the claimant's share of the excess proceeds made payable to Global Discoveries, Ltd. and mailed to P.O. Box 1748, Modesto, California 95353-1748.

Please address questions regarding the attached claim(s) to Jed Byerly, Chief Operating Officer, at (209) 593-3913, or e-mail to [jed@globaldiscoveries.com](mailto:jed@globaldiscoveries.com).

The Client(s) and the staff of Global Discoveries, Ltd., thank you in advance for your timely review and approval of the attached claim(s).



DOC # 1999-385228

08/28/1998 04:000 Fee:10.00

Page 1 of 4

Recorded in Official Records  
County of Riverside

Gary L. Orse  
Assessor, County Clerk & Recorder



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO  
Marlene S. Collins  
1545 Bellefontaine Dr.  
Riverside, CA 92506

MAIL TAX STATEMENTS TO  
same as above

M	S	U	PAID	DATE	BY	FORM	NO. OF	TYPE	REC
	1		4			✓			
A	R	L							SC

TRA - 88

QUIT CLAIM DEED

M SC

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:

CONSIDERATION LESS THAN \$100

Documentary transfer tax is \$

- ( ) computed on full value of property conveyed, or
- ( ) computed on full value less value of liens and encumbrances remaining at time of sale.
- ( ) Unincorporated area: ( ) City of \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Marlene S. Collins

hereby REMISES, RELEASES AND QUITCLAIMS to Marlene S. Collins, as Surviving Trustee under the COLLINS FAMILY LIVING TRUST dated 1/26/98

the following described real property in the County of Riverside, State of California:

See legal descriptions contained in Exhibit "A" attached hereto and incorporated herein by reference.

Dated Jan. 4, 1999

*Marlene S. Collins*  
Marlene S. Collins

STATE OF CALIFORNIA)

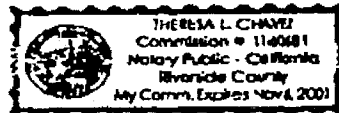
)SS.

COUNTY OF RIVERSIDE)

On January 4, 1999 before me, Theresa L. Chavez,  
the undersigned, a Notary Public in and for said County and State, duly  
commissioned and sworn, personally appeared MARLENE S. COLLINS/DANA  
NA personally known to me - or - ✓ 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 his/her/their signature(s)  
on the instrument, the person(s), of the entity upon behalf of which the  
person(s) acted, executed the same.

WITNESS my hand and official seal.

*Theresa L. Chavez*  
Signature of Notary Public



19990313

8 26 99

SECURITY UNDER TITLE INS. CO.  
NOTARIAL PUBLIC DIVISION  
1514 Nevada Boulevard, Suite 200  
Brea, CA 92603

RIVERSIDE

EXHIBIT "A"

Parcel 1:

The following described real property in the County of Riverside, State of California:

Lots 7 and 32 Block 12 of Riverview ADD Tr 3 MB 7/5 Exc Por to Spur  
PR Also For Vac Alley Adj  
APN: 04-04-001-69

Parcel 2:

The following described real property in the County of Riverside, State of California:

Assessors Map # 39 AMB 1/45 N 1/2 Lot 10  
APN: 544-110-014-0

Parcel 3:

The following described real property in the County of Riverside, State of California:

Assessors Map #13 AMB 1/17 Lot 30  
APN: 383-040-011-6

Parcel 4:

The following described real property in the County of Riverside, State of California:

Por of Lot 23 Moreno AC MB 11/53 Beg 165 ft N of SW Cor Th W 25 ft  
X E 132 ft Meas Fr LA of Hubbard St  
APN: 475-070-007-4

Parcel 5:

The following described real property in the County of Riverside, State of California:

Por Lot 53 Moreno Ac MB 11/53 Beg SW Cor S 1/2 Th E 140 ft X N 35 ft  
M/L  
APN: 475-240-005-7

Parcel 6:

The following described real property in the County of Riverside, State of California:

E 1/2 of N 1/2 of W 1/2 SW 1/4 of S 1/2 of W 1/2 of E 1/2 of NE 1/4  
Being Arb Par #1 Section 2 Township 5 South Range 3 West San  
Bernardino Base and Meridian  
APN: 327-100-014-0

Parcel 7:

The following described real property in the County of Riverside, State of California:

W 1/2 of S 1/5 of N 1/2 of SW 1/4 of S 1/2 of W 1/2 of E 1/2 of NE  
1/4 Being Arb Par #2 Section 2 Township 5 South Range 3 West San  
Bernardino Base and Meridian  
APN: 327-100-015-1



1999-385226  
03/13/2008 10:21 AM  
2 of 4

MOONLINE

8 26 99

SECURITY UNDERWRITERS CO.  
INDEPENDENT DIVISION  
2014 Nevada Boulevard, Suite 200  
San Francisco, CA 94107

RIVERSIDE

MCDUNNULC

8 26 99

SECURITY UNION TITLE INS CO  
MCDUNNULC DIVISION  
1918 Howard Boulevard, Suite 200  
Santa Ana, Orange, CA 92701

RIVERSIDE

**Parcel 8:**

The following described real property in the County of Riverside, State of California:

For Lot 32 of Resub of Glen Avon Hts MB 10/100 Reg 165 ft S of Int C/L Ben Nevia Blvd & W Lot Ln Th S 75 ft X E 100 ft APN: 170-065-017-4

**Parcel 9:**

The following described real property in the County of Riverside, State of California:

For Lot 132 Fairhaven Farms MB 6/2 Reg 75 ft E of SW Cor Lot 132, N 330 ft, E 25 ft N/L N 49.83 ft, E 15 ft, S 379.67 ft, W to POB exc EC APN: 165-040-009-7

**Parcel 10:**

The following described real property in the County of Riverside, State of California:

E 1/2 of Par 8 R/S 21/55 in NW 1/4 of Section 1 Township 35 Range 4E San Bernardino Base and Meridian APN: 665-030-027-7

**Parcel 11:**

The following described real property in the County of Riverside, State of California:

The SW 1/4 of The SE 1/4 of The SE 1/4 & The E 1/2 of The NW 1/4 of The SE 1/4 of The SE 1/4 of Section 19 Township 7 South Range 11 East San Bernardino Base and Meridian APN: 719-220-013-5

**Parcel 12:**

The following described real property in the County of Riverside, State of California:

N 1/2 of N 1/2 of N 1/2 of SW 1/4 of NW 1/4 of NE 1/4 Section 33 Township 7 South Range 15 East San Bernardino Base and Meridian APN: 859-310-014-7

**Parcel 13:**

The following described real property in the County of Riverside, State of California:

W 1/2 of NW 1/4 of SE 1/4 of NE 1/4 Section 33 Township 7 South Range 15 East San Bernardino Base and Meridian APN: 859-310-025-7

**Parcel 14:**

The following described real property in the County of Riverside, State of California:

N 1/2 of SE 1/4 of NE 1/4 of NE 1/4 Section 33 Township 7 South Range 15 East San Bernardino Base and Meridian APN: 859-310-035-6

1999-0038226  
03/20/2008 10:21 AM  
3 of 4

M O U N T A I N

8 26 99

SECURITY UNION TITLE INS. CO.  
MORTGAGE SERVICE DIVISION  
-9011 The Wood Building, Suite 200  
San Francisco, CA 94129

RIVERSIDE

**Parcel 15:**

The following described real property in the County of Riverside, State of California:

For N 1/2 of NW 1/4 of NE 1/4 of NE 1/4 of Section 25 Township 5 South Range 8 East San Bernardino Base and Meridian Lying SW of SW 1/4 of Southern Calif Edison Transmission R/W Exc Por to St  
APN: 603-200-803-4

**Parcel 16:**

The following described real property in the County of Riverside, State of California:

For Southern Calif Edison Transmission R/W in N 1/2 of NW 1/4 of NE 1/4 of NE 1/4 of Section 25 Township 5 South Range 8 East San Bernardino Base and Meridian Exc Por to St  
APN: 603-200-804-5

1999-353226

03/13/2008 10:21 AM 4 of 4

**CERTIFICATION OF TRUSTEE UNDER TRUST  
(California Probate Code Section 18100.5)**

I (we), Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98, being of legal age, hereby declares:

1. The Trust is in full force and effect and has not been revoked, terminated or otherwise amended in any manner which would cause the representations in this Certification to be incorrect.
2. The following named trustee(s) is/are fully empowered to act for said Trust and is/are properly exercising his/her/their authority under said Trust, and that no trustee(s) other than the undersigned trustee is necessary under the Trust to sign the Assignment of Right to Collect Excess Proceeds:
3. To the best of my knowledge, there are no claims, challenges of any kind or cause of action alleged, contesting or questioning the validity of the Trust or the trustee's authority to act for the Trust.
4. This Declaration is prepared and executed pursuant to California Probate Code Section 18100.5.

✓ Signed under penalty of perjury, this 3 day of May, 2008

✓ Signature: Marlene Sue Collins Trustee Date: 5-3-08  
Marlene Sue Collins, Surviving Trustee  
under the Collins Family Living Trust dated 1/26/98

**CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC**

State of Ohio

County of Butler

On 5-3-08 before me, Marlene R Corbin notary, personally appeared  
(Date) (here insert name and title of the officer)

Marlene Sue Collins, 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.

Marlene R Corbin (seal)  
Signature of Notary Public



ASSIGNMENT OF RIGHT TO COLLECT EXCESS PROCEEDS

To expedite processing of this claim, we would strongly suggest you use this form. For this form to be valid it must be completed in its entirety and documentation establishing the assignor as a "party of interest" must be provided at the time this document is filed with the Treasurer-Tax Collector. PLEASE SEE REVERSE SIDE OF THIS DOCUMENT FOR FURTHER INSTRUCTIONS.

As a party of interest (defined in Section 4675 of the California Revenue and Taxation Code), I, the undersigned, do hereby assign to GLOBAL DISCOVERIES, LTD. my right to apply for and collect the excess proceeds which you are holding and to which I am entitled from the sale of assessment number 327-100-015-1, Tax Sale Number, Item 40 sold at public auction on 3/17/2008. I understand that the total of excess proceeds available for refund is \$ 10,033.00+/-, and that I AM GIVING UP MY RIGHT TO FILE A CLAIM FOR THEM. FOR VALUABLE CONSIDERATION RECEIVED I HAVE SOLD THIS RIGHT OF COLLECTION (assignment) TO THE ASSIGNEE. I certify under penalty of perjury that I have disclosed to the assignee all facts of which I am aware relating to the value of this right I am assigning.

Marlene Sue Collins (Signature of Party of Interest/Assignor) (Date)

Marlene Sue Collins, Surviving Trustee under the Collins Family Living Trust dated 1/26/98 (Name Printed)

Tax ID/SS# [Redacted]

7485 Amy Beth Drive (Address)

West Chester, OH 45069 (City/State/Zip)

STATE OF CALIFORNIA OHIO )ss. COUNTY OF Butler )

(Area Code/Telephone Number)

On May 3, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Marlene Sue Collins who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within instrument and acknowledged to me that he/she/they executed the same. 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.

Marlene R. Corbin, Notary Public In and for the State of Ohio My Commission Expires March 27, 2013

(This area for official seal)

I, the undersigned, certify under penalty of perjury that I have disclosed to the party of interest (assignor), pursuant to Section 4675 of the California Revenue and Taxation Code, all facts of which I am aware relating to the value of the right he is assigning, that I have disclosed to him the full amount of excess proceeds available, and that I HAVE ADVISED HIM OF HIS RIGHT TO FILE A CLAIM ON HIS OWN WITHOUT ASSIGNING THAT RIGHT.

Jed Byerly (Signature of Assignee)

Jed Byerly, Chief Operating Officer (Name Printed)

Tax ID/SS# 77-0558969

Global Discoveries, Ltd. (Address)

STATE OF CALIFORNIA )ss. COUNTY OF Stanislaus )

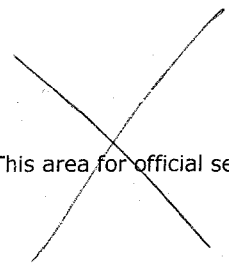
P.O. Box 1748 Modesto, California 95353-1748 (City/State/Zip) Phone: (209) 593-3913

On May 3, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared \*\*\*Jed Byerly\*\*\* 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. 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.

Marlene R. Corbin (Signature of Notary)

Marlene R. Corbin, Notary Public In and for the State of Ohio My Commission Expires March 27, 2013



See attached page for acknowledgment of Jed Byerly's signature. (This area for official seal)

[REDACTED]

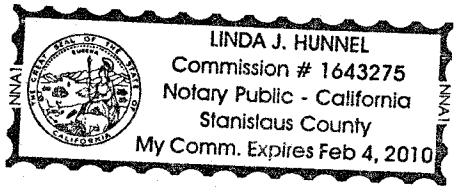
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Stanislaus

On June 3, 2008 before me, Linda J. Hunnel, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Jed Byerly  
Name(s) of Signer(s)



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 Linda J. Hunnel  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Assignment of Right to Collect Express Proceeds

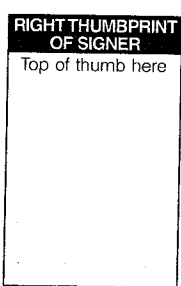
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: Marlene Sue Collins

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

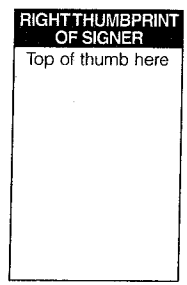
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY**

To: Riverside County Treasurer and Tax Collector

Assessor's Parcel No: 327-100-015-1

Tax Sale Number: TC179

Item Number: 40

Date of Sale: 3/17/2008

The undersigned claimant, Global Discoveries, Ltd., claims \$10,033.00+/- or 100% of the claimant's share of the actual amount of excess proceeds from the sale of the property referenced above.

Global Discoveries, Ltd., claims its status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code based upon the attached documentation:

Please refer to Claim Summary and attached Documents

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 3rd day of June, 2008 at Modesto, California.

By: Jed Byerly  
Jed Byerly, Chief Operating Officer  
Global Discoveries, Ltd. Tax ID # 77-0558969  
P.O. Box 1748  
Modesto, CA 95353-1748  
(209) 593-3913

**CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC**

State of California )

County of Stanislaus )

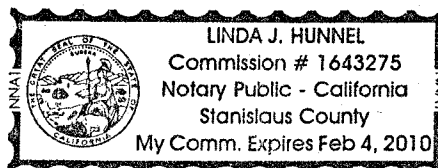
On June 3 2008 before me, Linda J. Hunnel Notary Public, personally appeared  
(Date) (here insert name and title of the officer)

Jed Byerly, 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.

Linda J. Hunnel (seal)  
Signature of Notary Public



## Taylor, Desiree

---

**From:** Taylor, Desiree  
**Sent:** Thursday, April 01, 2010 8:32 AM  
**To:** 'amy.elmer@gd-ltd.com'; 'linda.hunnel@gd-ltd.com'  
**Subject:** EP179 Item40

Hello Ladies,

I am going to need the following documents to complete your claim:

1. A copy of the Collins Family Living Trust dated 1/26/98

All documentation should be received no later than May 3, 2010. If you have any questions please contact me at the number listed below.

Thank you,

*Desiree D. Taylor*

County of Riverside Treasurer-Tax Collector

Tax Enforcement Unit

951-955-3842 (phone)

951-955-3990 (fax)

Mail Stop #1110

[ddtaylor@co.riverside.ca.us](mailto:ddtaylor@co.riverside.ca.us)

<http://www.countytreasurer.org>

April 5, 2010

VIA CERTIFIED MAIL

Desiree Taylor  
Treasurer & Tax Collector  
RIVERSIDE COUNTY  
4080 Lemon St. 4th Floor  
Riverside, CA 92502

APN: 327-100-015-1  
TC179 Item 40

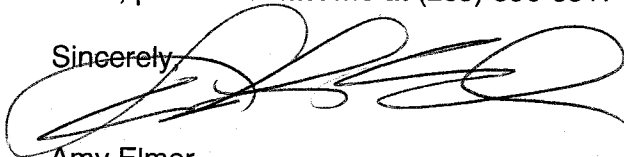
Dear Ms. Taylor:

Per your request, enclosed, please find the following documentation to support our claim for the above referenced parcel:

- *Copy of the Collins Family Living Trust dated 1/26/98.*

The enclosed information should assist in perfecting our claim. If there is anything further that you may need, please contact me at (209) 593-3917 or (800) 710-1703. Thank you for your time and patience.

Sincerely,



Amy Elmer  
Manager of Claims Processing

Enclosure

9862/cs

**Certified Receipt # 7008 1830 0003 7498 4600**

RECEIVED  
2010 APR 20 PM 12: 17  
RIVERSIDE COUNTY  
TREAS - TAX COLLECTOR

COPY

THE COLLINS FAMILY  
LIVING TRUST

This declaration of trust is made by OLIVER COLLINS and MARLENE S. COLLINS, hereafter called "Settlors" or "Trustees" depending on the context. They hereby declare that they have set aside or transferred or will transfer to themselves as Trustees the property listed in Schedule A attached hereto and that they hold that property and will hold any other property of the trust estate in trust for the purposes and on the terms set forth in this declaration.

ARTICLE I  
(The Trust Estate)

**Trust estate.** The "trust estate" consists of property (plus the proceeds and undistributed income of the property) that is listed in Schedule A and that is hereafter transferred to the trust by the Settlers or their wills, or as insurance proceeds or pension benefits, or (if acceptable to the Trustees) from any other person or source.

**Trust estate is community property.** All property listed in Schedule A and any property subsequently added to the trust estate by Settlers (unless the contrary is expressly stated and this declaration is appropriately amended) is and shall remain the community property of the Settlers during their joint lifetime.

ARTICLE II  
(Power to Revoke and Amend)

A. **Revocation.** During the Settlers' joint lifetime this trust may be revoked, in whole or in part, by an instrument in

writing signed by both Settlers jointly or by either Settlor alone; if a Settlor who signs is not a Trustee, the instrument shall be delivered to one or more of the Trustees. On revocation, the Trustees shall deliver the trust estate or the revoked portion thereof to the Settlers as the community property of both Settlers.

**B. Amendment.** During the Settlers' joint lifetime the terms of this trust may be amended, with respect to all or any part of the trust estate or terms, only by an instrument in writing signed by both Settlers; if neither Settlor is a Trustee, the instrument shall be delivered to a Trustee.

**C. Survivor's power.** After the death of the first Settlor to die, the Surviving Settlor may, in whole or in part, revoke or amend this Trust. Such revocation or amendment shall be made only by an instrument in writing signed by the Surviving Settlor; if the Surviving Settlor is not a Trustee, the instrument shall be delivered to a Trustee.

**D. Disability of Settlor(s).** All of the Settlers' powers to revoke and amend are personal to them and, in the event of disability, may be exercised on a Settlor's behalf only: by a conservator with court approval; or by the holder of a durable power of attorney for the purpose of making gifts or taking other actions that are authorized by express provision of the durable power; furthermore, the disability of one Settlor shall not prevent exercise by the other Settlor of his or her power of revocation for the purpose of holding some or all of the property as community property outside the trust estate.



E. If this trust is revoked with respect to all or a major portion of the trust estate, the Trustees shall be entitled to retain assets that may reasonably be required for the payment of liabilities (including Trustees' fees) properly incurred in administering the trust, unless indemnified by a Settlor against loss or expense.

**ARTICLE III**  
**(Distribution of Income and Principal**  
**During Settlers' Joint Lifetime)**

A. As long as both Settlers are alive, the Trustees shall pay to either or both of the Settlers (as their community property) or apply for their benefit and care, in quarter-annual or more frequent installments, the net income of the trust and also as much of the principal of the trust estate as the Trustees deem appropriate for the Settlers' support, comfort, health, care and general welfare, taking into account their accustomed standard of living and other resources reasonably available to them for these purposes.

B. If both Settlers are under disability, the Trustees may withhold any income payments that are directed to be made by the above paragraph; the Trustees shall then make such payments from the income and principal of the trust as the Trustees deem appropriate for the Settlers' support, comfort, health, care and general welfare. Any income not distributed shall be accumulated and added to the principal of the trust estate.

C. In the event property used by the Settlers for residential purposes is part of the trust estate the Settlers may continue to occupy such property without payment of any rent, and the Trustees

shall pay all expenses in connection therewith.

**ARTICLE IV**  
**(Following Death of One Settlor)**

A. On the death of the first Settlor to die the Trustees shall pay to or apply for the benefit of the Surviving Settlor, in quarter-annual or more frequent installments, all of the net income of the Trust and as much of the Trust principal as the Trustees deem appropriate for the Surviving Settlor's support, comfort, health and general welfare in his or her accustomed manner of living, taking account of his or her other resources known to the Trustees and reasonably available for these purposes.

B. If the Surviving Settlor is under disability, the Trustees may withhold income payments that are directed by the above paragraph A and shall instead pay to or apply for the benefit and care of the Surviving Settlor as much of the trust income and principal as the Trustee deems appropriate for the same purposes stated above, any income not so distributed to be added to the principal of the Trust.

C. In the event property used by the Surviving Settlor for residential purposes is part of the trust estate, the Surviving Settlor shall have the right to continue to occupy such property without payment of any rent, and the Trustees shall pay all expenses in connection therewith. The Surviving Settlor may in his or her discretion direct the Trustees to sell any such property and replace it with or rent or lease another residence selected by the Surviving Settlor of comparable value or as may be suitable for the Surviving Settlor's circumstances, and the Trustees shall then be

responsible for payment of the expenses of the property replacing the former residence. Such payment shall be charged to principal or income of the trust estate as may be appropriate.

**ARTICLE V  
(Distribution of Trust on  
Surviving Settlor's Death)**

On the death of the Surviving Settlor, the trust established by this declaration of trust, together with any additions thereto (including additions by reason of the Surviving Settlor's death), and with any undistributed income, shall then be administered and distributed by the Trustees as follows:

A. The Trustees shall respect and comply with any directions given and provisions made by the Surviving Settlor's will for the payment of debts of the Surviving Settlor and the expenses and other obligations of his or her estate, and for the payment and allocation of any death taxes resulting from his or her death. To the extent these matters are not covered by the Surviving Settlor's will, the Trustees may in their discretion, pay any debts, last illness and funeral expenses of the Surviving Settlor and the administration expenses and other obligations of his or her estate.

B. Surviving Settlor's power to appoint remainder of Trust. The Trustees shall distribute or retain the remaining trust estate (including undistributed income) of the Trust to or for such one or more persons and entities, without limitation and including the Surviving Settlor's own estate, as he or she may appoint by specific reference to this power (or to powers of appointment generally) in his or her last will, the appointment may be outright

or in trust, in present or future interests, or in any combination of these, and upon such terms, conditions and new powers of appointment as he or she may provide. Any portion not effectively appointed by the Surviving Settlor shall be distributed or retained as provided below in paragraph C of this article.

C. Out of the unappointed trust estate the sum of \$50,000 shall be paid to the Settlers' daughter, MARLA SUZANNE ALLEN, and the residue of the trust estate shall be divided into three equal shares, one for each of the children of the Settlers, MARY ELIZABETH GRIFFITH-DOUGHTY, ERIC CLARK COLLINS and MARLA SUZANNE ALLEN.

(1) Marla's share shall be distributed to her free of trust if she is then surviving, and if not, to her then living issue by right of representation, or if there are none, shall be added to the other shares.

(2) The share set aside for Elizabeth shall be held in a separate trust by the trustee during Elizabeth's lifetime. During the continuance of the trust, the trustee shall distribute the net income to Elizabeth in quarter-annual, or more frequent installments, together with as much of the trust principal as the trustee deems appropriate in the trustee's discretion. The trustee may in the trustee's discretion use part or all of Elizabeth's trust to purchase an annuity for her benefit with or without a refund feature and may, in the trustee's discretion, terminate the trust if the principal is of insufficient value to justify continuation of the trust or if for other reasons the trustee deems

continuation of the trust unnecessary. On termination of the trust, the balance of the trust, if any, shall be distributed to Elizabeth if she is then surviving, or if not, to her then surviving issue by right of representation, or failing such, shall be distributed by right of representation to the then living issue of the Settlers; provided, that any portion which would otherwise be distributed to a person for whom a trust is then in effect pursuant hereto, shall be added to that trust.

(3) The share set aside for Eric shall be held in a separate trust by the trustee during Eric's lifetime. During the continuance of the trust, the trustee shall distribute the net income to Eric in quarter-annual, or more frequent installments, together with as much of the trust principal as the trustee deems appropriate in the trustee's discretion. The trustee may in the trustee's discretion use part or all of Eric's trust to purchase an annuity for his benefit with or without a refund feature and may, in the trustee's discretion, terminate the trust if the principal is of insufficient value to justify continuation of the trust or if for other reasons the trustee deems continuation of the trust unnecessary. On termination of the trust, the balance of the trust, if any, shall be distributed to Eric if he is then surviving, or if not, to his then surviving issue by right of representation, or failing such, shall be distributed by right of representation to the then living issue of the Settlers; provided, that any portion which would otherwise be distributed to a person for whom a trust is then in effect pursuant hereto, shall be added

to that trust.

(4) If distribution is to be made to any person under age 21, the trustee may make such distribution to some person selected by the trustee as custodian until age 21 under the California Uniform Transfers to Minors Act or similar legislation of another state.

D. Any trust created by this declaration or by the exercise of any power of appointment in this declaration shall, unless terminated earlier, terminate 21 years after the death of the last survivor of the Settlers and all of their descendants who are living at the death of the Settlor who is first to die; and the trust estate shall then be distributed to the primary beneficiary for whom the trust was established, if there is such a beneficiary, or by right of representation to those of the Settlor's descendants who are then entitled or authorized to receive income distributions from the trust.

**ARTICLE VI**  
**(The Trustees and Their Powers)**

A. Successor Trustees. Upon the death, disability, or resignation of either of the Settlers, the remaining Settlor shall serve as sole Trustee; provided that a second Trustee may be appointed upon the request of a sole Trustee then serving.

(1) Selection of Trustees. Successor and additional Trustees may be selected by the Settlers (jointly or by one alone if the other is not competent) during their joint lifetime and by the Surviving Settlor alone. Under all other circumstances, and under the foregoing circumstances in the absence of a competent Settlor, the successor or additional Trustees, as needed for each

trust created by this declaration shall be the Settlor's daughter, MARLA, or if Marla shall fail or cease to serve, DONNA COLLINS-ENGLETT.

(2) Selection of Additional Successor Trustees by Successor Trustee. Any successor Trustee acting with respect to a trust for which the Settlor has not designated any other successor trustee, may designate additional successor trustees to serve in the event of the death, disability, or resignation of the successor trustee. Said designation shall be made in writing signed by the successor trustee and filed with this Declaration of Trust.

B. **Powers of the Trustee.** Except as otherwise specifically provided, the Trustee shall have all powers now or hereafter conferred upon trustees by applicable state law and also those appropriate to the orderly and effective administration of the trust or trusts under this declaration. In addition to any other powers conferred on the Trustees by law, the Trustees shall have the powers set forth in Chapter 2 (commencing with Section 16200) of Part 4 of Division 9 of the California Probate Code and shall be authorized to continue to hold any property acquired from the Settlor as long as the Trustees deem it advisable so to do, without regard to diversification requirements or whether such an investment would normally be considered suitable for a trust. No trustee appointed by Settlor shall be liable, other than for willful default or gross negligence. Any Trustee shall be entitled to reasonable compensation.

The Trustees shall have power to make divisions, allocations

(including to independent shares) or distributions in cash or in kind, including in undivided interests, by prorata or non-prorata division, or in any combination of these ways (with no obligation to take account of the tax basis of the assets) in the discretion of the Trustees; and there need be no physical division or segregation of various properties, trusts or trust estates or independent shares except as required for purposes of terminations, withdrawals or distributions, although separate records and accounts shall be maintained for undivided interests and for separate trusts and shares of the trust or trusts. Any beneficiary (including a Successor Trustee who is a beneficiary) may purchase property from the trust at fair market value thereof as determined by reasonable appraisal.

**ARTICLE VII**  
**(General Provisions)**

The interests of trust beneficiaries under this trust agreement shall not be transferable by voluntary assignment and, to the extent permissible by law, shall be free from execution, attachment, bankruptcy and other procedures for the satisfaction of creditor's claims.

**ARTICLE VIII**  
**(Disability)**

For purposes of this trust, disability may be evidenced by the certificate of a licensed physician not related by blood or marriage to the Settlor or any trustee or beneficiary of the trust, without any adjudication by a court (but subject to the right of any person interested to petition a court that no



disability exists).

ARTICLE IX  
(NAME)

This Trust may be referred to as "THE COLLINS FAMILY LIVING TRUST."

Executed at Riverside, California this 26th day of January 1998.

Oliver Collins  
Oliver Collins

Marlene S. Collins  
Marlene S. Collins

STATE OF CALIFORNIA)  
) SS.  
COUNTY OF RIVERSIDE)

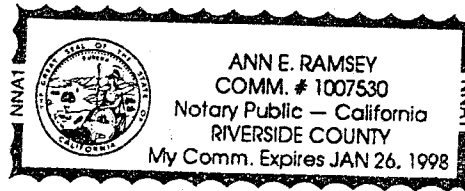
On \* January 26, 1998, before me, Ann E. Ramsey, the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared Oliver Collins and Marlene S. Collins

x personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this 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), of the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

Ann E. Ramsey  
Signature of Notary



SCHEDULE "A"

1. Real property in the County of Riverside, State of California, more commonly known as 1545 Bellefontaine Drive, Riverside, California, more particularly described as follows:

Lot 35 of Tract No. 2776, in the City of Riverside, County of Riverside, State of California, as shown by Map on file in Book 50, Pages 66 to 68, inclusive, of Maps, records of Riverside County, California.

2. Real property in the County of Riverside, State of California, more commonly known as 5244 Olivewood Ave., Riverside, California, more particularly described as follows:

All that portion of Lots 193 and 194 of the Lands of the Southern California Colony Association, as shown by Map on file in Book 7, Page(s) 3 of maps, San Bernardino County Records, described as follows:

Beginning at a point on the Easterly line of Olivewood Avenue, 318 feet Southerly from the Northerly line of said Lot 194;

Thence Easterly and parallel with the Northerly lines of said Lots 194 and 193 to a point on the Northwesterly line of the right of way of the San Pedro, Los Angeles and Salt Lake Railroad Company, as described in deed Recorded in Book 123, Page 214 of Deeds:

Thence running generally in a Southwesterly direction along the Northwesterly and Southwesterly lines of said right of way to the point of intersection with the Northerly line of the right of way of the Upper Canal of the Riverside Water Company;

Thence Southwesterly on said Northerly line of the right of way of said Upper Canal to its intersection with the Southerly line of Lot 194 of said Lands of Southern California Colony Association;

Thence Westerly on the Southerly line of said Lot 194 to a point 33 feet South 61° East from the Southwesterly corner of the Easterly half of said Lot 194;

Thence North 29° East on a line parallel with the Easterly line of said Lot 194, being along the Easterly line of Olivewood Avenue, to the point of beginning;

Excepting therefrom that portion thereof described as follows:

Beginning at a point on the Southeasterly line of Olivewood Avenue which bears South 28° 48' West a distance of 318.00 feet from its intersection with the Northeasterly line of said Lot 194;

Thence South 61° 12' East, parallel with the Northeasterly line of said Lot, a distance of 130.00 feet;

Thence South 28° 48' West, and parallel with the Southeasterly line of Olivewood Avenue, a distance of 195.00 feet;

Thence North 61° 12' West, a distance of 130.00 feet to a point on the Southeasterly line of Olivewood Avenue;

Thence North 28° 48' East, along the Southeasterly line of Olivewood Avenue, a distance of 195.00 feet to the point of beginning.

APN: 219-175-009

3. Real property in the County of Riverside, State of California, more commonly known as 6623 Magnolia Avenue, Riverside, California, more particularly described as follows:

That portion of Lots 7, 51 and 52 in Block 7 of Tibbet's Tract, in the City of Riverside, County of Riverside, State of California, as per map recorded in Book 4, Page(s) 91 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Southerly line of said Lot 51 in Block 7, with the Westerly line of the extension of Magnolia Avenue, as shown by deeds of record;

Thence Westerly along the South line of said Lot 51, to the Southwest corner of said Lot 51;

Thence Northerly along the West line of said Lot 51; to the Southeast corner of said Lot 7 in Block 7 of Tibbet's Tract;

Thence Westerly along the South line of said Lot 7, to a point 130 feet Easterly from the Southwest corner of said Lot 7;

Thence Northerly, parallel with the Easterly line of said Lot 7, 50 feet to the North line of said Lot 7;

Thence Easterly, along the North lines of Lots 7 and 52 of said Block 7, to the intersection of said North line of said Lot 52 with the Westerly line of Magnolia Avenue, as now located by deeds of record;

Thence Southerly, along the West line of Magnolia Avenue, across Lots 52 and 51, to the point of beginning.

The same being all said lots 51 and 52 lying Westerly of the West line of Magnolia Avenue as now located, and that portion of said Lot 7 Not included in deed for the other part of Lot 7, recorded in Book 563, Page 37, of Deeds, Riverside County Records.

APN: 225-202-014

4. Real property in the County of Riverside, State of California, more commonly known as 4158 14th St, Riverside, California, more particularly described as follows:

Lot 5 Fourteenth St TR Bk 9/9 Maps Riverside

5. Real property in the County of Riverside, State of California, more commonly known as 3836 2nd St, Riverside, California 92501, more particularly described as follows:

An undivided one-half interest in Lot 3 of Greenshaw's subdivision, as shown by map on file in Book 5 page 156 records of Riverside County, California.

6. Real property in the County of Riverside, State of California, more commonly known as 3200 Rubidoux Blvd., Riverside, California 92509, more particularly described as follows:

A portion of Lot 2 of ARTHUR PARKS TRACT, as shown by Map on file in Book 1, page 21 of Maps, Records of Riverside County, California, more particularly described as follows:

Beginning at a point on the Northwesterly line of said Lot 2, 1266.8 feet Northeasterly of the Southwest corner of said Lot 2; Thence South 59° 16' East 150 feet; Thence Southwesterly and parallel to the Northwesterly line of said lot 2, 130 feet Thence North 59° 16' West, 150 feet; Thence North 38° East along the Northwesterly line of said Lot 2 to the point of beginning;

EXCEPTING therefrom the Northeasterly 10 feet thereof for road purposes, and ALSO EXCEPTING therefrom that portion thereof included in Bloomington Boulevard as described in the Deed to the County of Riverside, recorded December 31, 1946 as

Instrument No. 4018 of Official Records. ALSO EXCEPT the Northwesterly 4 feet thereof as described in the Deed to the County of Riverside, recorded March 19, 1964 as Instrument No. 34400 of Official Records.

7. Real property in the County of Riverside, State of California, more commonly known as 4647-50 Jurupa Ave., Riverside, California, more particularly described as follows:

An undivided one-half interest in Parcel C & D of Record of Survey on file in Book 19 page 75 of Records of Survey, Riverside County Records. Excepting therefrom that portion as deeded to the City of Riverside by deed recorded September 28, 1962 as Instrument No. 91057; Also excepting therefrom any portion of the herein described property included within Jurupa Avenue.

APN: 218-160-050-1