

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



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

**SUBMITTAL DATE:**

**JUL 28 2010**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 179, Item 198.  
Last assessed to: George Budaeff and St. Herman's Pastoral School and St. Vladimir's Seminary.

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

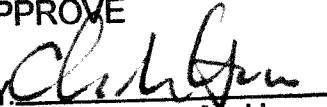
- 1) Deny the claim from Jeremy R. McCarty for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 657021027-0;
- 2) Deny the claim, unless pursuant to the California Revenue and Taxation Code Section 4675, an appeal has been filed in Superior Court.

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

  
Don Kent, Treasurer-Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	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

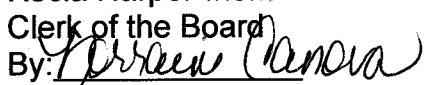
<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**  
 APPROVE  
 BY:   
 County Executive Office Signature Christopher M. Hans

**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

FORM APPROVED COUNTY COUNSEL  
 BY: Dale A. Gardner 7/27/10 DATE: 7/27/10  
 Department of Concurrence  
 Dept's Recomm.:  
 Per Exec. Ofc.:

Consent  
 Policy  
 Consent  
 Policy

**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.

---

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

- 1) Claim from Jeremy R. McCarty based on Testamentary Letters for the Estate of Alexandra Budaeff.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that Jeremy R. McCarty be denied since he was unable to substantiate his claim. Since there are no other claimants the excess proceeds in the amount of \$5,974.40 will remain unclaimed. 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.

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY  
(SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

To: Paul McDonnell, Treasurer and Tax Collector

Re: Claim for Excess Proceeds

TC 179 Item 198 Assessment No.: 657021027-0

Assessee: ST HERMANS PASTORAL SCHOOL & ST VLADIMIRS SEMINARY

Situs: NONE

Date Sold: March 17, 2008

Date Deed to Purchaser Recorded: May 12, 2008

Final Date to Submit Claim: May 12, 2009

RECEIVED  
2009 MAR -3 PM 12:41  
RIVERSIDE COUNTY  
TREAS - TAX COLLECTOR

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ \_\_\_\_\_ 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. \_\_\_\_\_; recorded on \_\_\_\_\_. 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the property is held in Joint Tenancy, the taxsale process has severed this Joint Tenancy, and all Joint Tentants 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 23rd day of December, 2008 at Novato, California  
County, State

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

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

Jeremy R. McCarty  
\_\_\_\_\_  
Print Name

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

C/O McCarty & Lieberman  
1615 Hill Road, Suite 1  
\_\_\_\_\_  
Street Address

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

Novato, Ca 94947  
\_\_\_\_\_  
City, State, Zip

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

(415) 897-2226  
\_\_\_\_\_  
Phone Number

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, number, and address):

REBECCA MC CARTY PETTY, 172645  
MC CARTY & LIEBERMAN  
3923 Grand Avenue  
Oakland, CA 94610

TELEPHONE AND FAX NO

(510) 595-3276  
Fax (510) 595-0255

FOR COURT USE ONLY

**FILED**  
San Francisco County Superior Court

JUN 29 1999

ALAN CARLSON, Clerk

BY: Philomena Dias  
Deputy Clerk

ATTORNEY FOR (Name): JEREMY R. MC CARTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: CIVIC CENTER COURTHOUSE  
MAILING ADDRESS: 400 McAllister Street  
CITY AND ZIP CODE: San Francisco, CA 94102  
BRANCH NAME:

ESTATE OF (Name):

ALEXANDRA BUDAEFF

DECEDENT

LETTERS

- TESTAMENTARY
- OF ADMINISTRATION WITH WILL ANNEXED
- OF ADMINISTRATION
- SPECIAL ADMINISTRATION

CASE NUMBER:

272144

LETTERS

1.  The last will of the decedent named above having been proved, the court appoints (name):  
JEREMY R. MC CARTY
  - a.  executor.
  - b.  administrator with will annexed.
2.  The court appoints (name):
  - a.  administrator of the decedent's estate.
  - b.  special administrator of decedent's estate
    - (1)  with the special powers specified in the Order for Probate.
    - (2)  with the powers of a general administrator.
    - (3)  letters will expire on (date):
3.  The personal representative is authorized to administer the estate under the Independent Administration of Estates Act  with full authority  with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
4.  The personal representative is not authorized to take possession of money or any other property without a specific court order.

AFFIRMATION

1.  PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
2.  INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3.  INSTITUTIONAL FIDUCIARY (name):

I solemnly affirm that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer. (Name and title):

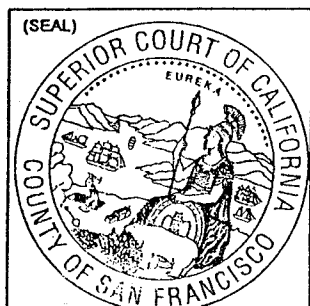
4. Executed on (date): 6-17-99  
at (place): Novato, California.

[Signature]  
(SIGNATURE)

CERTIFICATION

I certify that this document is a correct copy of the original on file-in-my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

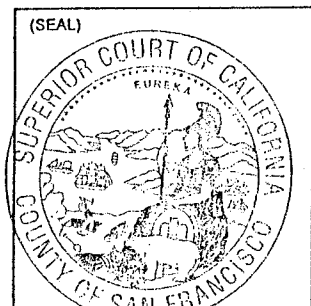
WITNESS, clerk of the court, with seal of the court affixed.



Date: JUN 29 1999

Clerk, by ALAN M. CARLSON

Philomena Dias  
(DEPUTY)  
PHILOMENA DIAS



Date: JUN 29 1999

Clerk, by ALAN M. CARLSON

Philomena Dias  
(DEPUTY)  
PHILOMENA DIAS

County Administrative Center- 4th Floor  
4080 Lemon Street, P.O. Box 12005  
Riverside, CA 92502-2205  
(951) 955-3900 (760) 863-8900  
(951) 955-3990 - Fax



Palm Springs Office  
997 E Tahquitz Canyon Way, Suite A  
Palm Springs, CA 92262

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

**COUNTY OF RIVERSIDE  
TREASURER AND TAX COLLECTOR**

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

June 9, 2008

ST HERMAN'S PASTORAL SCHOOL AND ST VLADIMIR'S SEMINARY  
C/O REBECCA MCCARTY PETTY MCCARTY AND LIEBERMAN  
3929 GRAND AVENUE  
OAKLAND, CA 94610

Re: EXCESS PROCEEDS FROM SALE OF TAX DEFAULTED PROPERTY

Assessment No.: 657021027-0      Item: 198  
Situs Address: None  
Assessee: St Hermans Pastoral School & St Vladimirs Seminary  
Date Sold: March 17, 2008  
Date Deed to Purchaser Recorded: May 12, 2008  
Final Date to Submit Claim: May 12, 2009

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 call upon our office by mail, telephone or in person and we will help you without charge. You may telephone us at (951) 955-3842.

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,

PAUL MCDONNELL  
TREASURER-TAX COLLECTOR

By Desiree Taylor  
Deputy

LAW OFFICES OF

McCARTY & LIEBERMAN

GARY R. LIEBERMAN

Elder Law Attorney  
Member National Academy  
of Elder Law Attorneys

JEREMY R. MCCARTY  
REBECCA MCCARTY PETTY  
OF COUNSEL

1615 Hill Road, Suite 1  
Novato, California 94947

Telephone (415) 897-2226  
Facsimile (415) 897-3335  
Toll Free (866) 410-3126

San Francisco Office  
3450 Geary Boulevard  
San Francisco, California  
(415) 751-3456

Alameda County  
3923 Grand Avenue  
Oakland, California  
(510) 595-3276

Sonoma County  
(707) 571-1054

By Appointment Only  
Sacramento, California

**PLEASE REPLY TO:**  
**NOVATO OFFICE**

February 26, 2009

Tax Collector and Treasurer  
County of Riverside  
P.O. Box 12005  
Riverside, California 92502-2205

Re: Excess Proceeds from Sale of Tax Defaulted Property  
Assessment No: 657021027-0 Item 198  
Estate of Alexandra Budaeff, deceased; San Francisco Superior Court 272144  
Situs Address: None  
Assessee: St. Herman's Pastoral School & St. Vladimirs Seminary  
Date Sold: March 17, 2008

Gentlemen:

Please be advised that this office represents Jeremy R. McCarty as Executor of the Will of the above-named decedent; a copy of Certified Letters Testamentary is enclosed.

Also enclosed please find a duly executed Claim for Excess Proceeds from the Sale of Tax-Defaulted Property.

Please process the claim at the earliest possible date. Please feel free to contact this office should you require any additional information or documentation.

Thank you.

Very truly yours,

Gary R. Lieberman  
Attorney at Law  
GRL/dd  
Encl.  
Cc: Client