

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



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

JUL 06 2010

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 179, Item 263.
Last assessed to: John A. Carr.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from John A. Carr, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 906211006-9;
- 2) Authorize and direct the Auditor-Controller to issue a warrant to John A. Carr in the amount of \$13,568.43, 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

FINANCIAL DATA	Current F.Y. Total Cost:	\$13,568.43	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

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

C.E.O. RECOMMENDATION:

APPROVE

BY: 


Christopher M. Hans

County Executive Office Signature

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

Prev. Agenda Ref. ATTACHMENTS FILED WITH THE CLERK OF THE BOARD | **District: 3**

Agenda Number:

9.88

FORM APPROVED COUNTY COUNSEL

BY: 
DALE A. GARDNER

DATE: 7/6/10
Departmental Concurrence

Consent Policy

Consent Policy

Dept's Recomm.:

Per Exec. Ofc.:

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 John A. Carr based on a Judgment recorded May 31, 2000 as Instrument No. 2000-206023.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that John A. Carr be awarded excess proceeds in the amount of \$13,568.43. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.

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

To: Don Kent, Treasurer and Tax Collector

Re: Claim for Excess Proceeds

TC 179 Item 263 Assessment No.: 906211006-9

Assessee: CARR, JOHN A

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 JAN 30 AM 11:08
RIVERSIDE COUNTY
TREAS - TAX COLLECTOR

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$13,568.43 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. 206023; recorded on 05/31/2008. 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.

Judgment
SUPERIOR COURT OF THE STATE OF CALIFORNIA
to JOHN A. CARR EXECUTED 5-12-2008

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 30 day of JANUARY, 2009 at RIVERSIDE COUNTY CALIFORNIA
County, State

Signature of Claimant

Signature of Claimant

Print Name

Print Name

Street Address

Street Address

City, State, Zip

City, State, Zip

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, mail, or in person—our telephone number is (951) 955-3842. 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, 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 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 cannot issue you 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: Tax Enforcement Unit

RV2000020623

DOC # 2000-206023

05/31/2009 03:08 PM Fee:18.00

Page 1 of 4

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

John A. Carr
P.O. Box 4606
Carlsbad, Ca. 92018
4606

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					6				1b
A	R	L				COPY	LINK	REFUND	NOTE

21

TRA:

DIT:

Judgment

Title of Document

C
LB

5 31 00

THIS AREA FOR
RECORDER'S
USE ONLY

THIS MICROFILM COPYRIGHTED
1987 BY SECURITY UNION TITLE
INSURANCE COMPANY
MICROGRAPHICS DIVISION

RIVERSIDE

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

STC-6210 09/04 (Rev 0-01)

1 JOHN A. CARR
2 P O Box 4506
3 Carlsbad, CA 92018-4506
4 (760) 729-0111

FILED
SUPERIOR COURT
MAY 12 2000
[Signature]

4 IN PRO PER

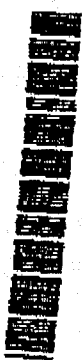
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE
10 MAIN BRANCH

12 JOHN A. CARR,
13 Plaintiff,
14 vs.

CASE NO. RIC 334800
HON.
DEPT. 10
JUDGMENT

15 ROBERT W. HORTON; and all
16 other persons, known or unknown,
17 claiming any legal or equitable
18 right, title, estate, lien, or
19 interest in the real property
20 described in the Complaint adverse
21 to Plaintiff's ownership, or any
22 cloud on Plaintiff's title thereto,
23 and DOES 1 to 50, inclusive,
24 Defendants.

2000-280023
05/21/2009 09:58 AM
2 of 4



23 This case came on regularly for hearing in the above-
24 entitled court. Declarations and documentary evidence were
25 presented by Plaintiff. The default of Defendants having been
26 duly entered, and upon the application of Plaintiff, and good
27 cause shown thereto,

28 NOW THEREFORE, IT IS ADJUDGED, ORDERED AND DECREED that:

- 1 - JUDGMENT

REC'D COMM

5 31 00

FILED BY SECURITY UNIT
INSURANCE CLAIMS UNIT
MICROFILM DIVISION

RIVERSIDE

REC'D COMM

5 31 00

THIS MICROFILM COPYRIGHTED
1997 BY SECURITY UNION TITLE
INSURANCE COMPANY
MICROFILMS DIVISION

RIVERSIDE

1 1. As of this date, JOHN A. CAHR, Plaintiff herein, is the
2 sole owner of the title in fee simple in the following real
3 property, to wit:


4 All that certain real property, located in the
5 unincorporated area of the County of Riverside,
6 State of California, described as follows:

7 Lot 16 in Block 31 of Marrieta Townsite as
8 shown by Map of the Temecula Land Water Company
9 showing the subdivision of a portion of
10 Temecula Rancho on file in Book 8, Page 359 of
11 Maps records of San Diego County, California:
12 EXCEPTING therefrom one-sixteenth of all oil
13 and mineral rights, as reserved by Allen Clark,
14 a single man, in Deed recorded December 14, 1928
15 in Book 793 Page 129 of Deeds, Records of
16 Riverside County, California.

17 The property is identified and referred to as Riverside
18 County Assessor's Parcel No. 906 211 006-9.

19 2. Defendants ROBERT W. HORTON; and all other persons, known
20 or unknown, claiming any legal or equitable right, title, estate,
21 lien or interest in the real property described in the Complaint,
22 adverse to Plaintiff's ownership, or any cloud on Plaintiff's
23 title thereto, the Defendants herein, own no legal or equitable
24 right, title, estate, interest, or lien whatsoever in the subject
25 property.

26 Date: S-12-Case


JOHN F. EYTINGER
JUDGE OF THE SUPERIOR COURT



2668-266823
05/31/2008 09 004
3 of 4

REC'D COMM


5 31 00

THIS MICROFILM CERTIFIED
1997 BY SECURITY LIAISON TITLE
INSURANCE COMPANY

RIVERSIDE

This must be in red to be a
"CERTIFIED COPY"

Each document to which this certificate
is attached is certified to be a full,
true and correct copy of the original
on file and of record in my office.



ARTHUR A. SIMS, CLERK Riverside
Superior Court, County of Riverside,
State of California

MAY 18 2000

Date:



Certification must be in red to be a
"CERTIFIED COPY"



2000-206823
05/18/2000 03:09 PM
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