

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

132A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

AUG 08 2012

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 179, Items 230 and 231.
Last assessed to: Imperial Valley Truck and Parts Sales, Inc.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from the State of California, Board of Equalization for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcels 723311006-1 and 723311008-3;

(Continued on Page 2)

BACKGROUND: (Continued on page two)

Don Kent, Treasurer-Tax Collector

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 50,292.50	In Current Year Budget:	NO
Current F.Y. Net County Cost:	\$ 0.00	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0.00	For Fiscal Year:	2012-13

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:
Karen L. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley 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 25, 2012
xc: Treasurer, Auditor

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.17

FORM APPROVED COUNTY COUNSEL

BY: DATE: 8/8/12
DALE A. GARDNER Departmental Concurrence

Policy

☒

Consent

☐

Policy

☒

Consent

☐

Dept't Recomm.:

Per Exec. Ofc.:

BOARD OF SUPERVISORS

Form 11:

Page 2

RECOMMENDED MOTION: (continued)

- 2) Authorize and direct the Auditor-Controller to issue a warrant to the State of California, Board of Equalization in the amount of \$50,292.50, 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)

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 the State of California, Board of Equalization based on a Notice of State Tax Lien recorded July 5, 2001 as Instrument No. 2001-308938 and a Notice of State Tax Lien recorded August 19, 2002 as Instrument No. 2002-457827.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that the State of California, Board of Equalization be awarded excess proceeds in the amount of \$50,292.50. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion.

EP179	Item230	\$ 25,146.25
EP179	Item231	<u>\$ 25,146.25</u>
TOTAL		\$ 50,292.50

STATE BOARD OF EQUALIZATION

450 N STREET MIC: 55, SACRAMENTO, CALIFORNIA
(P. O. BOX 942879, SACRAMENTO, CA 94279-0055)
TELEPHONE (916) 322-8426
FAX (916) 327-0615
www.boe.ca.gov

June 20, 2008

Paul McDonnell, Treasurer-Tax Collector
Post Office Box 12005
Riverside, CA 92502-2205

Attn: Tax Enforcement Unit

TC179

Items 230; 231



BETTY T. YEE
First District, San Francisco

BILL LEONARD
Second District, Ontario/Sacramento

MICHELLE STEEL
Third District, Rolling Hills Estates

JUDY CHU, Ph.D.
Fourth District, Los Angeles

JOHN CHIANG
State Controller

RAMON J. HIRSIG
Executive Director

RIVERSIDE COUNTY
TREAS - TAX COLLECTOR

2008 JUN 24 AM 10:06

RECEIVED

Imperial Valley Truck & Parts Sales, Inc.

Account No. SR FH 25-617809

Certificate Nos. BE-1174024

BE-1180298

BE-1180536

Dear Mr. McDonnell:

In your letter dated June 9, 2008, you informed the State Board of Equalization that you are holding surplus funds from the foreclosure sale of property owned by Imperial Valley Truck & Parts Sales, Inc.

Imperial Valley Truck & Parts Sales, Inc. owes the State Board of Equalization \$1,277,735.41 with interest calculated to March 17, 2008, the date of the foreclosure sale. Notice of State Tax Lien (copy of document attached) secures the full amount.

Therefore, the State Board of Equalization makes claim to any surplus proceeds, with our interest substantiated by Certificate Nos. BE-1174024, BE-1180298 & BE-1180536 as mentioned above. Thank you for your cooperation.

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

Sincerely,

Becky Britt

Becky Britt
Senior Tax Representative

RECORDING REQUEST BY
**STATE OF CALIFORNIA
BOARD OF EQUALIZATION**

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055

DOC # 2001-308938

07/05/2001 08:00A Fee:NC

Page 1 of 1

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
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A	R	L			COPY	LONG	REFUND	NCHG	EXAM

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with
Section 7150 of Division 7 of
Title 1 of the Government Code)

**M
AK**

RIVERSIDE
33

Certificate No. BE-1174043

Account No. (s) SR-FH -025617809

The State Board of Equalization of the State of California, hereby certifies that the following named taxpayer(s)
IMPERIAL VALLEY TRK-PART SALES
A CORPORATION DOING BUSINESS AS PACIFIC FREIGHTLINER TRUCK

whose last known address was 12208 INDUSTRY ROAD, LAKESIDE, CA 92040-2040

is (are) liable to the State of California for amounts due from and required to be paid by said taxpayer(s) and duly levied and determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6.

PERIOD	ASSESSMENT DATE	TAX	INTEREST	PENALTY	TOTAL
04/01/88 06/30/92	04/04/99	\$42,983.15	\$506,013.53	\$145,930.73	\$694,927.41
07/01/92 12/31/93	04/02/00		\$182,079.25	\$86,466.62	\$268,545.87
TOTAL		\$42,983.15	\$688,092.78	\$232,397.35	\$963,473.28

Additional interest accrues after June 30, 2001, at the modified adjusted rate established pursuant to Section 6591.5 of the Revenue and Taxation Code.

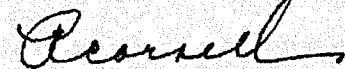
The State Board of Equalization further certifies that it has complied with all the provisions of the above-cited law, act, or ordinance in its determination of the amounts required to be paid.

The liability above set forth is a lien upon all real property and rights to such property, including all after-acquired property and rights to property belonging to the above-named taxpayer(s).



Dated June 26, 2001
At Sacramento, California

The State Board of Equalization has caused this
Notice to be issued in its name by its representative
thereunto duly authorized by resolution of said Board.

By 
R. Cornell, Authorized Representative

RECORDING REQUEST BY
STATE OF CALIFORNIA
BOARD OF EQUALIZATION

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
 PO BOX 942879
 SACRAMENTO, CALIFORNIA 94279-0055

DOC # 2002-457827

08/19/2002 08:00A Fee:NC

Page 1 of 1

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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EB

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with
 Section 7150 of Division 7 of
 Title 1 of the Government Code)

RIVERSIDE
 33

Account No. (s) SR-FH -025617809

Certificate No. BE- 1180536

The State Board of Equalization of the State of California, hereby certifies that the following named taxpayer(s)
IMPERIAL VALLEY TRUCK & PART SALES INC.
 A CORPORATION DOING BUSINESS AS PACIFIC FREIGHTLINER TRUCK
 Address 397 E HWY 80, El Centro, Ca 92243
 California Corporation Number: C0544551

whose last known address was 12208 INDUSTRY ROAD, LAKESIDE, CA 92040-2040

is (are) liable to the State of California for amounts due from and required to be paid by said taxpayer(s) and duly levied and determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6.

PERIOD	ASSESSMENT DATE	TAX	INTEREST	PENALTY	TOTAL
04/01/88 06/30/92	04/04/99	\$39,820.80	\$510,692.75	\$145,930.73	\$696,444.28
07/01/92 12/31/93	04/02/00		\$182,073.98	\$86,466.34	\$268,540.32
04/01/00 06/30/00	12/01/01	\$69,052.84	\$15,421.80	\$6,905.28	\$91,379.92
01/01/01 03/31/01	12/21/01	\$64,900.96	\$8,974.16	\$6,490.10	\$80,365.22
TOTAL		\$173,774.60	\$717,162.69	\$245,792.45	\$1,136,729.74

Additional interest accrues after July 31, 2002, at the modified adjusted rate established pursuant to Section 6591.5 of the Revenue and Taxation Code.

The State Board of Equalization further certifies that it has complied with all the provisions of the above-cited law, act, or ordinance in its determination of the amounts required to be paid.

The liability above set forth is a lien upon all real property and rights to such property, including all after-acquired property and rights to property belonging to the above-named taxpayer(s).



Dated August 06, 2002
 At Sacramento, California

The State Board of Equalization has caused this Notice to be issued in its name by its representative thereunto duly authorized by resolution of said Board. The agency has adopted the use of a facsimile signature as shown below.

By *R. Cornell*
 R. Cornell, Authorized Representative

RECORDING REQUEST BY
**STATE OF CALIFORNIA
BOARD OF EQUALIZATION**

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055

004084

DOC # 2002-0577728

JUL 10, 2002 10:33 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 0.00



2002-0577728

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with
Section 7150 of Division 7 of
Title 1 of the Government Code)

SAN DIEGO
37

Certificate No. BE- 1180298

Account No. (s) SR-FH -025617809

The State Board of Equalization of the State of California, hereby certifies that the following named taxpayer(s)
IMPERIAL VALLEY TRK-PART SALES
A CORPORATION DOING BUSINESS AS PACIFIC FREIGHTLINER TRUCK

whose last known address was 12208 INDUSTRY ROAD, LAKESIDE, CA 92040-2040

is (are) liable to the State of California for amounts due from and required to be paid by said taxpayer(s) and duly levied and determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6.

PERIOD	ASSESSMENT DATE	TAX	INTEREST	PENALTY	TOTAL
04/01/00 06/30/00	12/01/01	\$69,052.84	\$14,903.90	\$6,905.28	\$90,862.02
TOTAL		\$69,052.84	\$14,903.90	\$6,905.28	\$90,862.02

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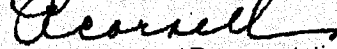
The State Board of Equalization further certifies that it has complied with all the provisions of the above-cited law, act, or ordinance in its determination of the amounts required to be paid.

The liability above set forth is a lien upon all real property and rights to such property, including all after-acquired property and rights to property belonging to the above-named taxpayer(s).



Dated July 02, 2002
At Sacramento, California

The State Board of Equalization has caused this Notice to be issued in its name by its representative thereunto duly authorized by resolution of said Board. The agency has adopted the use of a facsimile signature as shown below.

By 
R. Cornell, Authorized Representative

RECORDING REQUEST BY
**STATE OF CALIFORNIA
BOARD OF EQUALIZATION**

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055

004119

DOC # 2002-0673320

AUG 09, 2002 8:39 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 0.00



2002-0673320

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with
Section 7150 of Division 7 of
Title 1 of the Government Code)

SAN DIEGO
37

Account No. (s) SR-FH -025617809

Certificate No. BE-1180536

The State Board of Equalization of the State of California, hereby certifies that the following named taxpayer(s)
IMPERIAL VALLEY TRUCK & PART SALES INC.
A CORPORATION DOING BUSINESS AS PACIFIC FREIGHTLINER TRUCK
Address 397 E HWY 80, El Centro, Ca 92243
California Corporation Number: C0544551

whose last known address was 12208 INDUSTRY ROAD, LAKESIDE, CA 92040-2040
is (are) liable to the State of California for amounts due from and required to be paid by said taxpayer(s) and duly levied and
determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6.

PERIOD	ASSESSMENT DATE	TAX	INTEREST	PENALTY	TOTAL
04/01/88 06/30/92	04/04/99	\$39,820.80	\$510,692.75	\$145,930.73	\$696,444.28
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04/01/00 06/30/00	12/01/01	\$69,052.84	\$15,421.80	\$6,905.28	\$91,379.92
01/01/01 03/31/01	12/21/01	\$64,900.96	\$8,974.16	\$6,490.10	\$80,365.22
TOTAL		\$173,774.60	\$717,162.69	\$245,792.45	\$1,136,729.74

Additional interest accrues after July 31, 2002, at the modified adjusted rate established pursuant to Section 6591.5 of the Revenue and Taxation Code.

The State Board of Equalization further certifies that it has complied with all the provisions of the above-cited law, act, or ordinance in its determination of the amounts required to be paid.

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Dated August 06, 2002
At Sacramento, California

The State Board of Equalization has caused this Notice to be issued in its name by its representative thereunto duly authorized by resolution of said Board. The agency has adopted the use of a facsimile signature as shown below.

By 
R. Cornell, Authorized Representative

RECORDING REQUEST BY
**STATE OF CALIFORNIA
BOARD OF EQUALIZATION**

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055

0222160593



COPY

FILED
SACRAMENTO, CA
AUG 08, 2002 AT 1700
BILL JONES
SECRETARY OF STATE

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with
Section 7150 of Division 7 of
Title 1 of the Government Code)

SECRETARY OF STATE
95

Certificate No. BE-1180536

Account No. (s) SR-FH -025617809

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rights to property belonging to the above-named taxpayer(s).



Dated August 06, 2002
At Sacramento, California

The State Board of Equalization has caused this
Notice to be issued in its name by its representative
thereunto duly authorized by resolution of said
Board. The agency has adopted the use of a
facsimile signature as shown below.

By 
R. Cornell, Authorized Representative

RECORDING REQUEST BY
**STATE OF CALIFORNIA
BOARD OF EQUALIZATION**

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055

0218960199



**FILED
SACRAMENTO, CA
JUL 05, 2002 AT 1700
BILL JONES
SECRETARY OF STATE**

NO1

(
Section 7150 of Division 7 of
Title 1 of the Government Code)

COPY

SECRETARY OF STATE
95

Certificate No. BE- 1180298

Account No. (s) SR-FH -025617809

The State Board of Equalization of the State of California, hereby certifies that the following named taxpayer(s)
IMPERIAL VALLEY TRK-PART SALES
A CORPORATION DOING BUSINESS AS PACIFIC FREIGHTLINER TRUCK

whose last known address was 12208 INDUSTRY ROAD, LAKESIDE, CA 92040-2040

is (are) liable to the State of California for amounts due from and required to be paid by said taxpayer(s) and duly levied and determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6.

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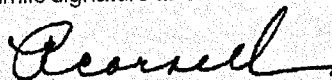
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Dated July 02, 2002
At Sacramento, California

The State Board of Equalization has caused this Notice to be issued in its name by its representative thereunto duly authorized by resolution of said Board. The agency has adopted the use of a facsimile signature as shown below.

By 
R. Cornell, Authorized Representative

RECORDING REQUEST BY
**STATE OF CALIFORNIA
BOARD OF EQUALIZATION**

AND WHEN RECORDED MAIL TO:

STATE BOARD OF EQUALIZATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055

DOC # 2001-0478669

JUL 12, 2001 8:14 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 0.00

3501



2001-0478669

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with
Section 7150 of Division 7 of
Title 1 of the Government Code)

SAN DIEGO
37

Certificate No. BE-1174024

Account No. (s) SR-FH -025617809

The State Board of Equalization of the State of California, hereby certifies that the following named taxpayer(s)
IMPERIAL VALLEY TRK-PART SALES
A CORPORATION DOING BUSINESS AS PACIFIC FREIGHTLINER TRUCK

whose last known address was 12208 INDUSTRY ROAD, LAKESIDE, CA 92040-2040
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determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6.

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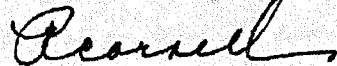
The State Board of Equalization further certifies that it has complied with all the provisions of the above-cited law, act, or ordinance in its determination of the amounts required to be paid.

The liability above set forth is a lien upon all real property and rights to such property, including all after-acquired property and rights to property belonging to the above-named taxpayer(s).



Dated June 22, 2001
At Sacramento, California

The State Board of Equalization has caused this
Notice to be issued in its name by its representative
thereunto duly authorized by resolution of said Board.

By 
R. Cornell, Authorized Representative

STATE OF CALIFORNIA

**STATE BOARD OF EQUALIZATION**

460 N STREET, MCIS5, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0055
TELEPHONE 916-323-4122 • FAX 916-327-0815
www.sos.ca.gov

BETTY T. YEE
First District, San Francisco

SEN. GEORGE RUNNER (RET.)
Second District, Lancaster

MICHELLE STEEL
Third District, Rolling Hills Estates

JEROME E. HORTON
Fourth District, Los Angeles

JOHN CHIANG
State Controller

KRISTINE CAZADO
Executive Director

July 12, 2012

Riverside County Office
4080 Lemon St.
Riverside, California 92501

Attn: Adrian Potenciano

Imperial Valley Trk-Part Sales
Item No. TC179 230, 231
Certificate No. BE-1174027, BE-
1180536, BE-1180298
Account No. SR FH 025617809

Mr. Potenciano

In your letter dated June 9, 2008, you advised that you are holding surplus funds from the foreclosure sale of property owned by Imperial Valley Trk-Part Sales.

Imperial Valley Trk-Part Sales owes the State Board of Equalization \$1,277,735.41 with interest calculated to March 17, 2008, the date of the foreclosure sale. Notice of State Tax Lien referenced above secures the full amount.

Therefore, the State Board of Equalization makes claim to any surplus proceeds, with our interest substantiated by Certificate Nos. BE-1180451, BE-1180536, and BE-1180298 as mentioned above. Thank you for your cooperation.

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

Sincerely,

Justin J. Horning
Business Taxes Representative
Special Operations Branch

JJH: 025617809:Surplus Letter.dot

FAX TRANSMITTAL COVER

NUMBER OF PAGES (including cover sheet):		DATE: July 11, 2012	
ORIGINAL: <input checked="" type="checkbox"/> To Follow by Regular Mail		<input type="checkbox"/> Will Not Follow by Regular Mail	
TO: Adrian		FROM: JUSTIN HORNING	
FIRM/ADDRESS: Riverside County		ADDRESS: 621 Capitol Mall	
TELEPHONE NUMBER:		TELEPHONE NUMBER: (916) 323-4122	
FAX NUMBER: 951-955-3990		FAX NUMBER: (916) 327-0615	
CC:			
RE:			

- ☐ The attached document does not contain any confidential information.
- ☒ The attached document contains confidential information.*
- ☐ The attached document contains confidential information and is subject to attorney/client privilege.*

COMMENTS:

***Notice:** The information contained in the attached facsimile message is private, confidential, or legally privileged. It is intended ONLY for the use of the person(s) specifically named herein as sender and recipient(s) of the communication. Any retention, display, dissemination, distribution, disclosure, publication or copying of the contents of the attached message by individuals OTHER than the sender or recipient of the said communication is strictly prohibited. If you have received this facsimile message in error, please immediately notify the SENDER (the State Board of Equalization) at sender's telephone number listed above, then immediately destroy or return the entire facsimile message by first class mail, without copying the message, and without disclosing its contents to any person other than the sender or recipient. Persons who copy or disclose such confidential information are subject to applicable legal penalties.