

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

119A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
AUG 08 2012

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 185, Item 249.
Last assessed to: Deep Canyon Tennis Club Owners Association.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Deep Canyon Tennis Club Owners Association, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 628152003-1;

(Continued on Page 2)

BACKGROUND: (Continued on page two)


Don Kent, Treasurer-Tax Collector

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 84,521.71	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

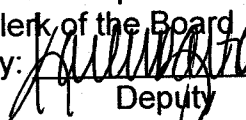
BY: 
Karen L. Johnson

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

9.30

FORM APPROVED COUNTY COUNSEL
BY:  8/8/12
DALE A. GARDNER DATE
Departmental Concurrence

Consent ☒ Policy ☒
Consent ☐ Policy ☐

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 Deep Canyon Tennis Club Owners Association in the amount of \$84,521.71, 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 16, 2010 public auction sale. The deed conveying title to the purchasers at the auction was recorded April 26, 2010. 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 3, 2010, 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 Deep Canyon Tennis Club Owners Association based on a Trustee's Deed upon Lien Sale recorded November 25, 2009 as Instrument No. 2009-0610485.

Pursuant to Section 4675 (a) of the California Revenue and Taxation Code, it is the recommendation of this office that Deep Canyon Tennis Club Owners Association be awarded excess proceeds in the amount of \$84,521.71. 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 185 Item 249 Assessment No.: 628152003-1

Assessee: DEEP CANYON TENNIS CLUB OWNERS ASSN

Situs: 72804 TONY TRABERT LN PALM DESERT

Date Sold: March 16, 2010

Date Deed to Purchaser Recorded: April 26, 2010

Final Date to Submit Claim: April 26, 2011

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of (100%) ~~\$100% of the Proceeds~~ 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. 2009-0610485, recorded on 11/25/09. 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 24 day of January, 2011 at Riverside, California
County, State

Jennifer L. James
Signature of Claimant
for Deep Canyon Tennis Club Owners Assoc.

Jennifer L. James
Print Name

44-875 Deep Canyon Road
Street Address Suite 3

Palm Desert, CA 92260
City, State, Zip

760-836-1036
Phone Number

Signature of Claimant

Print Name

Street Address

City, State, Zip

Phone Number

WHEN RECORDED MAIL TO:

EPSTEN GRINNELL & HOWELL, APC
9980 CARROLL CANYON ROAD 2ND FLOOR
SAN DIEGO CA 92131

DOC # 2009-0610485

11/25/2009 08:00A Fee:15.00

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



Trust No. 1171430-01

Loan No. XXXXXXXXXXXX TEN



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MAIL TAX STATEMENT TO:

Same as above

RECORDING REQUESTED BY
FIRST AMERICAN TITLE COMPANY
AS AN ACCOMODATION ONLY

Documentary Transfer Tax \$0.00

~~X~~Grantee was/was not the foreclosing lien holder.
consideration \$0.00

unpaid debt \$22,576.94

non exempt amount \$

___ Computed on the consideration or value of the property conveyed.

___ Computed on the consideration or value less liens or encumbrances remaining at time of sale.

[Signature]
Declarant's Signature

APN: 628-152-003-1 TRA: 018006

680
1

3885051-LS

TRUSTEE'S DEED UPON LIEN SALE

CAL-WESTERN RECONVEYANCE CORPORATION (herein called trustee)

does hereby grant and convey, but without covenant or warrant, express or implied to
DEEP CANYON TENNIS CLUB OWNERS ASSOCIATION

(herein called Grantee) the real property in the County of RIVERSIDE, State of California, described as follows:
PARCEL 1: AN UNDIVIDED 1/36TH INTEREST IN AND TO LOT A OF PARCEL MAP NO. 11680, AS SHOWN
BY PARCEL MAP ON FILE IN BOOK 47 PAGES 33 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY,
CALIFORNIA; MORE COMPLETELY DESCRIBED IN ATTACHED EXHIBIT A.

This conveyance is made pursuant to the authority and powers vested in said Trustee, as Trustee, or Successor Trustee,
or Substituted Trustee, under that certain Declaration of Covenants, Conditions, and Restrictions recorded August 23,
1973, as Instrument No. 73-111187 in book XX, page XX, of Official Records in the Office of the Recorder of
RIVERSIDE County, California for

DEEP CANYON TENNIS CLUB OWNERS ASSOCIATION

and pursuant to the Notice of Delinquent Assessment recorded July 17, 2007, as instrument no. 2007-0462628, book
XX, page XX of Official Records of said county, whereas

CYNTHIA J VASSALO

is/are shown as the record owner(s) of the property herein above described.

TRUSTEE'S DEED UPON LIEN SALE

Trust No. 1171430-01

Loan No. XXXXXXXXXXXX TEN

Trustee, having complied with all applicable statutory requirements of the State of California and performed all duties required by said Declaration of Covenants, Conditions and Restrictions, including, among other things, as applicable, the mailing of copies of notices or the publication of a copy of the notice of default or the personal delivery of the copy of the notice of default or the posting of copies of the notice of sale or the publication of a copy thereof.

At the time and place fixed in the notice of lien sale, said trustee did sell said property above described at public auction on August 04, 2009 to said Grantee, being the highest bidder therefore, for \$.00 cash, lawful money of the United States, in full satisfaction pro tanto of the indebtedness then secured by said Declaration of Covenants, Conditions and Restrictions.

Cal-Western Reconveyance Corporation
as trustee

Dated: November 12, 2009

Signature/By

Wendy V. Perry, A.V.P.

State of
County of

California
San Diego

On NOV 18 2009 before me, Nicole M. Genet

a Notary Public, personally appeared Wendy V. Perry, A.V.P.

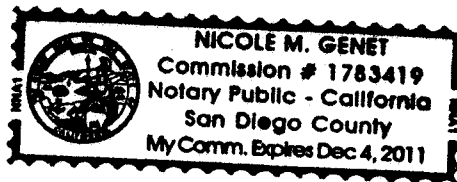
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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

(Seal)

Signature

Nicole M. Genet



1783419

exp. 12.4.11

Exhibit A

PARCEL 1: AN UNDIVIDED 1/36TH INTEREST IN AND TO LOT A OF PARCEL MAP NO. 11680, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 47 PAGES 33 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; EXCEPTING THEREFROM EACH AND ALL OF THE UNITS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN, RECORDED MARCH 30, 1978 AS INSTRUMENT NO. 60539 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; ALSO EXCEPTING THEREFROM EASEMENTS FOR STORAGE AND VEHICULAR PARKING OVER PORTIONS OF THE COMMON AREA DESIGNATED ON SAID CONDOMINIUM PLAN AS "PATIO" AND "PATIO BALCONY" AND EASEMENT FOR INGRESS AND EGRESS OVER THOSE PORTIONS OF THE COMMON AREA DESIGNATED ON SAID CONDOMINIUM PLAN AS "STAIRWAY".

PARCEL 2: UNIT VII-3 AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN RECORDED MARCH 30, 1978 AS INSTRUMENT NO. 60539 OF OFFICIAL RECORDS COUNTY, CALIFORNIA.

PARCEL 3: AN EXCLUSIVE EASEMENT ON EXCLUSIVE EASEMENTS APPURTENANT TO SAID UNITS FOR STORAGE AND VEHICULAR PARKING, PATIO PURPOSES AND, IF APPLICABLE, INGRESS AND EGRESS OVER THOSE PORTIONS OF HE COMMON AREA DESIGNATED ON SAID CONDOMINIUM PLAN AS "RESTRICTED COMMON AREA" FOR SAID UNIT; SAID CONDOMINIUM PLAN BEING RECORDED MARCH 30, 1978 AS INSTRUMENT NO. 60539 OF OFFICIAL RECORDS, OF RIVERSIDE COUNTY, CALIFORNIA.