

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

420 A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:

JUL 21 2014

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 181, Item 74. Last assessed to: Kiyoshi Yanagida, a married man sole and separate property. District 4/4 [\$0].

RECOMMENDED MOTION: That the Board of Supervisors:

1. Deny the claim from Desert Springs Villas Timeshare Association for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 010594977-2;

(continued on page two)

BACKGROUND:

Summary

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 November 17, 2008 public auction sale. The deed conveying title to the purchasers at the auction was recorded January 15, 2009. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on February 5, 2009, 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.

(continued on page two)

Don Kent
Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:

Budget Adjustment: N/A

For Fiscal Year: 14/15

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 Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: September 23, 2014
xc: Treasurer

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

9-1

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER
DATE: 7/21/14

A-30 ☐ Positions Added ☐ Change Order ☐
4/5 Vote ☐

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 181, Item 74. Last assessed to: Kiyoshi Yanagida, a married man sole and separate property. District 4/4 [\$0].

DATE:

PAGE: Page 2 of 2

RECOMMENDED MOTION:

2. Deny the claim, unless an appeal has been filed in Superior Court, pursuant to the California Revenue and Taxation Code Section 4675.

BACKGROUND:

Summary (continued)

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

1. Claim from Desert Springs Villas Timeshare Association based on a Notice of Delinquent Assessment recorded July 10, 2008 as Instrument No. 2008-0378783.

Pursuant to Section 4675 (a) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Desert Springs Villas Timeshare Association be denied since they were unable to substantiate their claim. Since there are no other claimants the excess proceeds in the amount of \$468.91 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.

Impact on Citizens and Businesses

Excess proceeds are being denied to the lien holder of the property and Pursuant to Section 4673.1 (2) of the California Revenue and Taxation Code, since there were no other claimants the remaining unclaimed excess proceeds are being transferred to the Auditor's office for apportionment.

Pursuant to Section 4673.1 (2) of the California Revenue and Taxation Code, the remaining balance of the proceeds to be distributed under this section shall be distributed to each tax fund in an amount bearing the same proportion to the balance remaining as the tax rate for each fund bears to the total tax rate applicable to the property for the fiscal year preceding that in which the property was sold.

ATTACHMENTS (if needed, in this order):

A Copy of Excess Proceeds Claim form and supporting documentation is attached.

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 181 Item 74 Assessment No.: 010594977-2

Assessee: YANAGIDA, KIYOSHI

Situs:

Date Sold: November 17, 2008

Date Deed to Purchaser Recorded: January 15, 2009

Final Date to Submit Claim: January 15, 2010

RECEIVED
TAX COLLECTOR
JAN 21 2010


I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 2,327.77 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. 2008-0378783; recorded on 7-10-2008. 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.

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 25 day of February, 2009 at POLK, Florida
County, State


Signature of Claimant

Signature of Claimant

Arthur Yurdin
Print Name

Print Name

US Highway 98 S.
Street Address

Street Address

Lakeland, FL. 33802
City, State, Zip

City, State, Zip

863-688-7700 ext. 4904.
Phone Number

Phone Number

DOC # 2008-0378783

07/10/2008 08:00A Fee: 18.00

Page 1 of 4

Recorded in Official Records

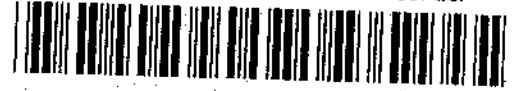
County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

Recording requested by
and when recorded mail to:

Marriott Resorts Hospitality
Corporation
Attn: COA Support Services
P.O. Box 8038
Lakeland, FL 33802



1803

Tax Parcel No. _____

Space Above for Recorder's Use

NOTICE OF DELINQUENT ASSESSMENT
(Desert Springs Villas)



In accordance with California Civil Code Section 1367 and Section 5.10 of the Declaration of Covenants, Conditions and Restrictions for Desert Springs Villas Timeshare Association, a California non-profit mutual benefit corporation, recorded on November 14, 1989, as Instrument No. 396934 of the Official Records of Riverside County, California, as amended and effective on the date of recordation of this Notice of Delinquent Assessment, the Desert Springs Villas Timeshare Association, a California non-profit mutual benefit corporation has a lien on the property described below in Paragraph 1, in the amount listed below in Paragraph 3.

1. The property (the "Property") against which the lien is imposed is described on Exhibit "A", attached hereto and incorporated herein by reference.
2. The record owner of the Property DE*9797*13*B is
KIYOSHI YANAGIDA, A MARRIED MAN, AS SOLE AND SEPARATE PROPERTY
1-14-2 NISHI-SHIRAOKA-MACHI
MINAMI SAITAMA GUN, ST 349-0205 JAPAN
3. The total amount due under this assessment lien is **One Thousand One Hundred Eighty-Two and 46/100 s Dollars (\$1,182.46)**, which is comprised of the following sums, plus interest as set forth in Item 3.f.:

- a. The following delinquent assessment:

Delinquent Basic Assessment
for the period from January 1, 2008
to December 31, 2008;

\$916.91

Plus interest commencing
2/17/2008, @ 18% per annum

- b. The following costs incurred in collecting the delinquent assessment in the following amounts:

(1) Attorneys' fees. \$175.00

c. Late charges. \$25.00

d. Interest. \$65.55
e. TOTAL CHARGES. \$1,182.46


4. The name and address of the trustee authorized to enforce the lien by sale is:

First American Title Insurance Company
3625 Fourteenth Street
Riverside, CA 92501-3876

Date: **June 17, 2008**

MARRIOTT RESORTS HOSPITALITY CORPORATION, a
South Carolina Corporation, as Managing Agent for DESERT
SPRINGS VILLAS TIMESHARE ASSOCIATION, a California
non-profit mutual benefit corporation, and on behalf of all
Owners, as Agent.

(Corporate Seal)

By 
Art Yurdin, Maintenance Fee Manager
of Collections and Dispositions

STATE OF FLORIDA

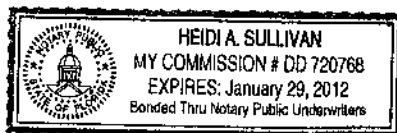
COUNTY OF POLK


Before me personally appeared Art Yurdin, as Maintenance Fee Manager of Collections and Dispositions, of MARRIOTT RESORTS HOSPITALITY CORPORATION, a South Carolina Corporation, as Managing Agent for DESERT SPRINGS VILLAS TIMESHARE ASSOCIATION, a California non-profit mutual benefit corporation, and on behalf of all Owners, as Agent, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the within instrument.

WITNESS my hand and official seal.

Date: **June 17, 2008**

(Notary's Seal)




Heidi A. Sullivan
Notary Public, State of Florida at Large
My Commission Number: DD 720768
My Commission Expires: 1/29/2012

"EXHIBIT A"

A Timeshare Estate, as defined in Business and Professions Code 11003.5, being comprised of Parcels A and B and commonly referred to as Timeshare Interest Number(s) 9797-RED-13-Every Year.

PARCEL A:

An undivided one -fifty first (1/51st) interest in Parcels 1 through 5, inclusive:

PARCEL 1:

An undivided 1/16th interest in and to Lot 2 of Tract No. 23904-5 as per map recorded in Book 221, Pages 1 through 2, inclusive, of Maps, in the Office of the County Recorder of Riverside County, California, ("the Tract").

EXCEPTING AND RESERVING FROM SAID PARCEL 1 THE FOLLOWING:

- (a) Units 9781, 9783, 9785, 9787, 9881, 9883, 9885, 9887, 9791, 9793, 9795, 9797, 9891, 9893, 9895 and 9897 as shown on that certain Condominium Plan recorded on August 20, 1990 as Instrument No. 308890 in the Office of the County Recorder of Riverside County, California (the "Condominium Plan");
- (b) Non-exclusive rights of ingress, egress, use and enjoyment, subject to the provisions of the Declaration of Covenants, Conditions and Restrictions (Desert Springs Villas Condominiums) recorded on November 14, 1989 as Instrument No. 396933, in the Office of the County Recorder of Riverside County, as amended (the "Condominium Declaration"), over the Common Area (as defined in the Condominium Declaration) of Lot 2 of the Tract; and
- (c) Non-exclusive rights of possession over all Exclusive Use Common Areas located on Lot 2 of the Tract, as shown on the Condominium Plan.
- (d) All those certain easements referred to in Paragraphs 11.1 through 11.7, inclusive, of the Condominium Declaration.

EXCEPTING FROM SAID PARCEL 1 THE FOLLOWING:

ALL OIL, GAS AND OTHER PETROLEUM AND MINERAL SUBSTANCES IN AND UNDER ALL OF SAID FOREGOING LANDS DESCRIBED IN PARCELS 1 THROUGH 5 INCLUSIVE, WITH THE RIGHT TO MINE, EXCAVATE, DRILL FOR, REMOVE AND SELL THE SAME, ALL OF WHICH RIGHTS ARE LIMITED TO THAT PORTION OF THE LANDS LYING BELOW A DEPTH OF 500.00 FEET MEASURED FROM THE SURFACE OF SAID LANDS, WITHOUT THE RIGHT TO GO UPON OR USE THE SURFACE OF SAID LANDS, AS RESERVED BY PLAZA INVESTMENT COMPANY, A CALIFORNIA GENERAL PARTNERSHIP, AND WILLIAM BONE, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY, IN DEED RECORDED AUGUST 4, 1983 AS INSTRUMENT NO. 157881, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2:

Unit 9797 as shown on the Condominium Plan.

PARCEL 3:

Non-exclusive rights of ingress, egress, use and enjoyment, subject to the provisions of the Condominium Declaration, over the Common area of Lot 2 of the Tract as defined in the Condominium Declaration, as appurtenant to Parcels 1 and 2 described above.

PARCEL 4:

Exclusive rights of possession and occupancy of the patio(s) and balcony(ies) which adjoin the Unit described in Parcel 2 above, and non-exclusive right of possession and occupancy of the stairway leading to the Units, as shown on the Amended Condominium Plan described in Parcel 1 above, said patio(s), balcony(ies) and stairways constituting Exclusive Use Common Areas as defined in the Condominium Declaration, as appurtenant to Parcels 1 and 2 above.

PARCEL 5:

Non-exclusive easements and equitable rights of use and enjoyment of the "Master Association Property" as defined in that certain Master Declaration of Covenants, Conditions and Restrictions for Desert Springs Villas recorded on November 14, 1989 as Instrument No. 396932, in the Office of the County Recorder of Riverside County, as appurtenant to Parcels 1 and 2 above.

EXCEPTING FROM SAID PARCEL "A" AND RESERVING UNTO GRANTOR, its successors and assigns, (including all "Owners") the exclusive right to use and occupy said Parcel A during all "Use Periods" and "Service Periods" [as the quoted terms are defined in that certain Declaration of Covenants, Conditions and Restrictions for Desert Springs Villas dated November 13, 1989, and recorded November 14, 1989, as Instrument No. 396934, in the Office of the County Recorder of Riverside County, California (the "Timeshare Declaration")].

ALSO EXCEPTING FROM SAID PARCEL "A" AND RESERVING UNTO GRANTOR, its successors and assigns, all those certain easements referred to in Paragraphs 11.1 through 11.7, inclusive, of Article XI of the Condominium Declaration, and in Paragraph 2.5 of Article II of the Timeshare Declaration, together with the right to grant said easements to others.

PARCEL B:

The exclusive right and easement to use and occupy an "Assigned Unit" and use the "Common Areas" other than the Limited Common Areas not appurtenant to such Assigned Unit and the "Common Furnishings" therein during a "Use Period" for a maximum of seven (7) nights (the number of timeshare interests purchased in each season is indicated): RED season each "Use Year", all in accordance with the Timeshare Declaration and the Rules and Regulations of the Desert Springs Villas Timeshare Association (the "Association"). (All quoted terms shall have the definitions ascribed thereto in the Timeshare Declaration).

SUBJECT TO non-delinquent real property taxes and assessments for the current fiscal year and all later years; and to all covenants, conditions, restrictions, reservations, exceptions, limitations, conditions, uses, rights, rights-of-way easements and other matters of record on the date hereof, including, without limitation, the Timeshare Declaration, the Condominium Declaration and the Master Declaration all of which are hereby incorporated by reference into the body of this instrument as if the same were fully set forth herein.

May 4, 2010

Desert Springs Villas Timeshare Association
Attn: Arthur Yurdin
US Highway 98S
Lakeland, FL 33802

Re: Apn: 010594977-2
TC 181 Item 74
Date of Sale: November 17, 2008

Dear Arthur Yurdin:

This office is in receipt of your claim for excess proceeds from the above mentioned tax sale. The documentation you have provided is insufficient to establish your claim.

Please submit the necessary proof to establish your right to claim the excess proceeds. The document(s) listed below may assist the Tax Collector in making the determination.

<input type="checkbox"/> Notarized Affidavit for Collection of Personal Property under California Probate Code 13100	<input type="checkbox"/> Copy of Marriage Certificate for Original Note/Payment Book
<input type="checkbox"/> Notarized Statement of different/mis spelled name	<input checked="" type="checkbox"/> Updated Statement of Monies Owed (as of dated of tax sale)
<input checked="" type="checkbox"/> Notarized Statement Giving Rights to Collect/Claim on behalf of Desert Springs Villas Timeshare Association	<input checked="" type="checkbox"/> Articles of Incorporation (if applicable Statement by Domestic Stock)
<input type="checkbox"/> Copy of Trust/Will (Complete) for	<input type="checkbox"/> Court Order Appointing Administrator
<input type="checkbox"/> Certified Death Certificates for	<input type="checkbox"/> Deed (Quitclaim/Grant etc...)
<input type="checkbox"/> Copy of Birth Certificates for	<input type="checkbox"/> Other --

If you should have any questions, please contact me at the number listed below.

Sincerely,

Desiree Taylor

Desiree Taylor
Tax Enforcement Unit
(951) 955-3842
(951) 955-3990 Fax

Potenciano, Adrian

From: Potenciano, Adrian
Sent: Tuesday, October 01, 2013 11:04 AM
To: 'karna.nooney@vacationclub.com'
Subject: FW: Message from WrkRm4BizHub
Attachments: SWrkRm4BizH13100110130.pdf

Hi Karna,

Attached is the copy of the claim that Arthur Yurdin had filed.

We are requesting an updated statement of monies owed through the sale date. This can be a simple email back, stating the amount that is owed through the November 17, 2008 and whether you have received any payments.

Thanks,

Adrian Potenciano
County of Riverside
Treasurer – Tax Collector
Tax Sale Operations Unit

Pazicni, Jennifer

From: Pazicni, Jennifer
Sent: Thursday, March 06, 2014 3:18 PM
To: 'karna.nooney@vacationclub.com'
Subject: EP 181-74 APN 010594977-2

Dear Karna,

I am currently working on you excess proceeds claim for APN 010594977-2 EP 181-74. Please send me an updated statement of money owed up until the sale date of the property November 17, 2008. I will also need some kind of documentation that you are able to claim the excess proceeds on behalf of Desert Springs Villas Timeshare Association. Please let me know if you have any questions.

Thank you,

Jennifer Pazicni
Riverside County Treasurer-Tax Collector's Office
Excess Proceeds/Tax Sale Operations
951 955-3947