

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



FROM: Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:
JUL 21 2014**

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 185, Item 167.

Last assessed To: Shauna Rivera, Sandra O'Niel and Travis Lear. District 3/3 [\$46,675] Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from the State of California, Franchise Tax Board for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 454090003-9;

(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 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.

(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	\$ 46,675	\$ 0	\$ 46,675	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale

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, Auditor

Kecja Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

9-11

FORM APPROVED COUNTY COUNSEL
BY:
DALE A. GARDNER
County Counsel

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. 185, Item 167. Last assessed To: Shauna Rivera, Sandra O'Neil and Travis Lear. District 3/3 [\$46,675] Fund 65595 Excess Proceeds from Tax Sale.

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RECOMMENDED MOTION:

2. 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 parcel 454090003-9;
3. Approve the claim from Christopher R. Mallicoat for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 454090003-9;
4. Approve the claim from Siegfried C. Ringwald for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 454090003-9;
5. Approve the claim from Global Discoveries Ltd., assignee for Shauna Marie Rivera AKA Shauna Rivera, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 454090003-9;
6. Approve the claim from Global Discoveries Ltd., assignee for Sandra O'Neil AKA Sandra O'Neil, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 454090003-9;
7. Approve the claim from Global Discoveries Ltd., assignee for Travis Lear, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 454090003-9;
8. Deny the claim from Nationwide Asset Recovery Services, agent for Louis M. Malin;
9. Deny the claim from Nationwide Asset Recovery Services, agent for Gerald Lance Johannsen;
10. Deny the claim from Nationwide Asset Recovery Services, agent for Cheryl L. Caballero;
11. Deny the claim from Bruce Allen Ayers;
12. Deny the claim from Dannielle Marie Shaw;
13. Deny the claim from Shann Pustejovsky;
14. Deny the claim from Cathleen Rae Myers;
15. Authorize and direct the Auditor-Controller to issue warrants to the State of California, Franchise Tax Board in the amount of \$4,328.04, the State of California, Board of Equalization in the amount of \$2,067.18, Christopher R. Mallicoat in the amount of \$10,736.50, Siegfried C. Ringwald in the amount of \$5,498.00, Global Discoveries, Ltd. assignee for Shauna Marie Rivera AKA Shauna Rivera in the amount of \$8,015.35, Global Discoveries, Ltd., assignee for Sandra O'Neil AKA Sandra O'Neil in the amount of \$8,015.35, Global Discoveries, Ltd., assignee for Travis David Lear AKA Travis Lear in the amount of \$8,015.34, no sooner than ninety days from the date of this order, 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 fourteen claims for excess proceeds:

1. Claims from the State of California, Franchise Tax Board based on a Notice of State Tax Lien recorded January 30, 2004 as Instrument No. 2004-0070740.
2. Claim from the State of California, Board of Equalization based on a Notice of State Tax Lien recorded on May 03, 2007 as Instrument No. 2007-0297598 and a Notice of Extension of State Tax Lien recorded January 19, 2010 as Instrument No. 2010-0021899.
3. Claim from Christopher R Mallicoat based on an Order Settling First and Final Report and Account of Administrator, Granting Petitions and for Final Distribution recorded March 12, 2010 as Instrument No. 2010-0115466.
4. Claim from Siegfried C. Ringwald based on an Order Settling First and Final Report and Account of Administrator, Granting Petitions and for Final Distribution recorded March 12, 2010 as Instrument No. 2010-0115466.
5. Claim from Global Discoveries Ltd., assignee for Shauna Marie Rivera AKA Shauna Rivera based on an Assignment of Right to Collect Excess Proceeds dated April 21, 2010 and an Order Settling First and Final Report and Account of Administrator, Granting Petitions and for Final Distribution recorded March 12, 2010 as Instrument No. 2010-0115466 and the death certificate of Anna Dawn Ayers.

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6. Claim from Global Discoveries Ltd., assignee for Sandra O'Neil AKA Sandra O'Neil based on an Assignment of Right to Collect Excess Proceeds dated May 10, 2010 and an Order Settling First and Final Report and Account of Administrator, Granting Petitions and for Final Distribution recorded March 12, 2010 Instrument No. 2010-0115466 and the death certificate of Anna Dawn Ayers.
7. Claim from Global Discoveries Ltd., assignee for Travis Lear based on an Assignment of Right to Collect Excess Proceeds dated June 28, 2010 and an Order Settling First and Final Report and Account of Administrator, Granting Petitions and for Final Distribution recorded March 12, 2010 as Instrument No. 2010-0115466 and the death certificate of Anna Dawn Ayers.
8. Claim from Nationwide Asset Recovery Services, agent for Louis M. Malin based on Authorization for Agent to Collect Excess Proceeds dated May 28, 2010, a Deed of Trust with Assignment of Rents recorded February 24, 1987 as Instrument No. 50233 and re-recorded on March 3, 1987 as Instrument No. 58837 and death certificate of Eve May Malin.
9. Claim from Nationwide Asset Recovery Services, agent for Gerald Lance Johannsen based on Authorization for Agent to Collect Excess Proceeds dated July 16, 2010, a Deed of Trust with Assignment of Rents recorded February 24, 1987 as Instrument No. 50233 and re-recorded on March 3, 1987 as Instrument No. 58837 and death certificate of Harriette Lawson Johannsen and Earl Frank Johannsen.
10. Claim from Nationwide Asset Recovery Services, agent for Cheryl L. Caballero based on Authorization for Agent to Collect Excess Proceeds dated August 28, 2010, a Deed of Trust with Assignments of Rents recorded February 24, 1987 as Instrument No. 50233 and re-recorded March 3, 1987 as Instrument No. 58837 and the death certificate of Karen Lou Durst.
11. Claim from Bruce Allen Ayers based on a death certificate of Bruce Albert Ayers.
12. Claim from Dannielle Marie Shaw based on Report of Status of Administration filed October 11, 2001 and the death certificate of Bruce Albert Ayers.
13. Claim from Shann Pustejovsky based on Information to Heirs and Devisees and the death certificate of Bruce Albert Ayers.
14. Claim from Cathleen Rae Myers based on the death certificate for Bruce Albert Ayers.

Pursuant to Section 4675 (a) & (b) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that the State of California, Franchise Tax Board be awarded excess proceeds in the amount of \$4,328.04, the State of California, Board of Equalization be awarded excess proceeds in the amount of \$2,067.18, Christopher R. Mallicoat be awarded excess proceeds in the amount of \$10,736.50, Siegfried C. Ringwald be awarded excess proceeds in the amount of \$5,498.00, Global Discoveries, Ltd., assignee for Shauna Marie Rivera AKA Shauna Rivera be awarded excess proceeds in the amount of \$8,015.35, Global Discoveries, Ltd., assignee for Sandra O'Neil AKA Sandra O'Neil be awarded excess proceeds in the amount of \$8,015.35 and Global Discoveries, Ltd., assignee for Travis Lear be awarded excess proceeds in the amount of \$8,015.34. The claims from Nationwide Asset Recovery Services, agent for Louis M. Malin, Gerald Lance Johannsen and Cheryl L. Caballero be denied since a Full Reconveyance was recorded March 4, 1998 as Instrument No. 078373. The claims from Bruce Allen Ayers, Dannielle Marie Shaw, Shann Pustejovsky and Cathleen Rae Myers be denied since the Estate of Bruce Albert Ayers was not a party of interest at the time of the sale. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion. Notice of this recommendation was sent to the claimants by certified mail.

Impact on Citizens and Businesses

Excess proceeds are being released to the lien holders and the last assessees of the property.

ATTACHMENTS (if needed, in this order):

Copies of the Excess Proceeds Claim forms and supporting documentation are attached.

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD