

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

332A



**FROM:** Don Kent, Treasurer/Tax Collector

**SUBMITTAL DATE:**

**JAN 27 2015**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 185, Item 146. Last assessed to: Joseph D. Gillespie Sr. and Agnes Roe Gillespie, husband and wife as joint tenants. District 3 [\$0].

**RECOMMENDED MOTION:** That the Board of Supervisors:

- Deny the claim from A&F Investment Legacy LLC, agent for Joseph P. Gillespie for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 438091021-0;  
(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	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> 14/15

**C.E.O. RECOMMENDATION:** APPROVE

BY: 3/12/15  
Samuel Wong

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
 Nays: None  
 Absent: None  
 Date: March 24, 2015  
 xc: Treasurer

Kecia Harper-Ihem  
Clerk of the Board  
By: Deputy

Prev. Agn. Ref.: | District: 3 | Agenda Number:

**9-21**

FORM APPROVED COUNTY COUNSEL 1/27/15  
DATE  
BY: GREGORY P. PRIAMOS

Departmental Concurrence

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

**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 146. Last assessed to: Joseph D. Gillespie Sr. and Agnes Roe Gillespie, husband and wife as joint tenants. District 3 [\$0].

**DATE:** JAN 27 2015

**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 A&F Investment Legacy LLC, agent for Joseph P. Gillespie based on an Authorization for Agent to Collect Excess Proceeds dated November 1, 2010 and a Grant Deed recorded on November 6, 1975 as Instrument No. 138016.

Pursuant to Section 4675 (a) & (c) of the California Revenue and Taxation Code, it is the recommendation of this office that A&F Investment Legacy LLC, agent for Joseph P. Gillespie be denied since the claimant is not associated with the last assessee. Since there are no other claimants the excess proceeds in the amount of \$46,888.96 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**

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 the Excess Proceeds Claim form and supporting documentation are 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 185 Item 146 Assessment No.: 438091021-0

Assessee: GILLESPIE JOSEPH D ESTATE OF

Situs: 3742 WALNUT PARK WAY HEMET

Date Sold: March 16, 2010

Date Deed to Purchaser Recorded: April 26, 2010

Final Date to Submit Claim: April 26, 2011

RECEIVED  
2010 NOV 31 PM 5:12  
RIVERSIDE COUNTY  
TREAS - TAX COLLECTOR

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$40,888.90 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. 138016; recorded on NOV 6 1975. 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.

- (1) CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY
- (2) AUTHORIZATION FOR AGENT TO COLLECT EXCESS PROCEEDS
- (3) COPY OF GRANT DEED USED TO TAKE TITLE

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 1<sup>ST</sup> day of NOVEMBER, 2010 at RIVERSIDE, CA  
County, State

Donté Flencil  
Signature of Claimant

\_\_\_\_\_  
Signature of Claimant

DONTÉ FLENCIL/A+F INVESTMENT LEGACY LLC  
Print Name

\_\_\_\_\_  
Print Name

1607 E LINCOLN AVE SUITE C  
Street Address

\_\_\_\_\_  
Street Address

ORANGE, CA, 92865  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

714-392-0453  
Phone Number

\_\_\_\_\_  
Phone Number

AUTHORIZATION FOR AGENT TO COLLECT EXCESS PROCEEDS

To expedite processing of this claim, we would strongly suggest you use this form. For this form to be valid it must be completed in its entirety and documentation establishing the assignor's claim as a "party of interest" must be provided at the time this document is filed with the Treasurer-Tax Collector. PLEASE SEE REVERSE SIDE OF THIS DOCUMENT FOR FURTHER INSTRUCTIONS.

As a party of interest (defined in Section 4675 of the California Revenue and Taxation Code), I, the undersigned, do hereby make **A & F Investment Legacy LLC**, my agent to apply for and collect the excess proceeds which you are holding and to which I am entitled from the sale of assessment number **438091021-0** sold at public auction on **March 16<sup>th</sup>, 2010**. I understand that I AM NOT SELLING MY RIGHT TO THE REFUND, but merely naming an agent for collection purposes for my convenience.

I also understand that the total of excess proceeds available for refund is \$ **46,888.96** and that I have a right to file a claim for this refund on my own, without the help of an agent. For valuable consideration received my agent is appointed to act on my behalf.

*Joseph P. Gillespie*  
(Signature of Party of Interest)

Joseph P. Gillespie  
(Name Printed)

1357 A. So. State St.  
(Address)

STATE OF CALIFORNIA )ss.  
COUNTY OF RIVERSIDE )

SAN JACINTO CA, 92583  
(City/State/Zip)

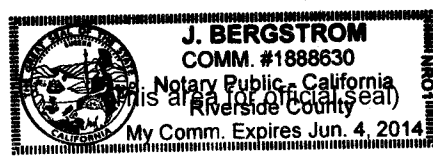
951-654-4999  
(Area Code/Telephone Number)

On Nov 1, 2010, before me, J. BERGSTROM, Notary Public, personally appeared JOSEPH D GILLESPIE, 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.

*J. Bergstrom*  
(Signature of Notary)



I, the undersigned, certify under penalty of perjury that I have disclosed to the party of interest, pursuant to Section 4675 of the California Revenue and Taxation Code, the full amount of excess proceeds available and ADVISED HIM OF HIS RIGHT TO FILE A CLAIM ON HIS OWN, WITHOUT THE HELP OF AN AGENT.

*Donte Flenoil*  
(Signature of Agent)

DONTE FLENOIL  
(Name Printed)

1607 E. LINCOLN AVE SUITE # C  
(Address)

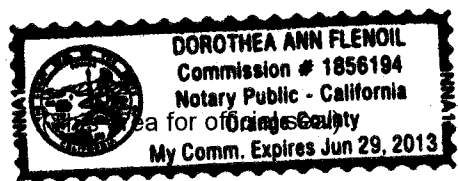
STATE OF CALIFORNIA )ss.  
COUNTY OF ORANGE )

ORANGE, CA, 92865  
(City/State/Zip)

On Nov 22, 2010 Dorothea A. Flenoil, before me, the undersigned, a Notary Public in and for said State, personally appeared Donte Flenoil, 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.

WITNESS my hand and official seal.

*Dorothea Ann Flenoil*  
(Signature of Notary)



138016

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND UNLESS OTHER TITLE SHOWS OTHERWISE MAIL TAX STATEMENTS TO:

Name: Mr. & Mrs. Joseph D. Gillespie, Sr.  
 Address: 41876 Walnut Park Way  
 Hemet, Ca. 92343

Title Order No. Escrow No. 17062-M

**PAID**  
 Dr. Transfer Tax  
 W. D. BALOGH  
 RIV. CO. RECORDER

RECEIVED FOR RECORD  
 NOV 6 1975  
 AT 9:00 CLOCK A.M.  
 BY DEPT. OF  
 SUPERIOR COURTS  
 Book 1975, Page 138016  
 Recorder of Superior Courts  
 of Riverside County, California  
*L. W. D. Balogh*  
 REC 1-7

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### GRANT DEED

The undersigned declares that the documentary transfer tax is \$ 13.00 and is  
 computed on the full value of the interest or property conveyed, or is  
 computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land,  
 fragments or realty is located in  
 unincorporated area  city of \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Lee L. Williamson, a widow and Jean P. Williamson, a married man, mother and son

herby GRANT(S) to <sup>D. Sr. Son</sup> Joseph/Gillespie/ and Agnes/Gillespie, husband and wife as JOINT TENANTS

the following described real property in the unincorporated area  
 county of Riverside state of California:

Lot 23 of Walnut Park Subdivision, as shown by map on file in Book 31  
 pages 11 and 12 of Maps, Riverside County Records.

432520-3

SUBJECT TO: 1. Taxes for the fiscal year 1975-76.  
 2. Covenants, conditions, restrictions, reservations, easements, rights and  
 rights of way of record.

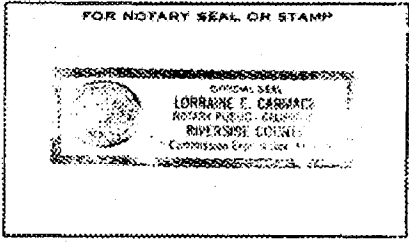
Dated: October 3, 1975

*Lee L. Williamson*  
 Lee L. Williamson

*Jean P. Williamson*  
 Jean P. Williamson

STATE OF CALIFORNIA  
 COUNTY OF Riverside } ss.  
 On October 3, 1975 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Lee L. Williamson and Jean P. Williamson known to me

to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.  
*Lorraine E. Carmack*  
 Signature of Notary  
 Lorraine E. Carmack



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY NO SHOWN, MAIL AS DIRECTED ABOVE

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City & State \_\_\_\_\_

1-1 (6.5) (Rev. 4-75) 8 ps.

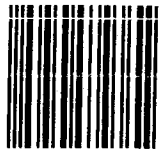
**END RECORDED DOCUMENT** **W. D. BALOGH, COUNTY RECORDER**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7010 0290 0003 4779 0692



U.S. POSTAGE  
PAID  
ORANGE, CA  
92863  
NOV 29 2010  
AMOUNT  
**\$6.15**  
00099900-19

1000 92501

TREASURER-TAX COLLECTOR  
DATA / MAILROOM  
DEC 01 2010  
RECEIVED

Riverside County Tax Collector  
Clo: Tax Sale Operations  
Attn: Desiree Taylor  
4080 Lemon St. Floor 4  
Riverside, CA 92501

RETURN RECEIPT  
REQUESTED



## Potenciano, Adrian

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**From:** Potenciano, Adrian  
**Sent:** Wednesday, July 31, 2013 11:24 AM  
**To:** ocdonte@gmail.com  
**Subject:** Excess Proceeds RE: Joseph D. Gillespie, Assessment # 438091021-0

Hello Donte,

I am in the middle of reviewing your file and we are needing some additional information.

- We need the a certified copies of the death certificates for Joseph D. Gillespie Sr. and Agnes Gillespie.
- We need copies of the Will(s) or Last Testaments.
- Was probate or an order of Final Distribution filed by the court?
- Were there any siblings?

If you have any questions, please feel free to contact me.

Regards,

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

March 21, 2014

Donte Flenoil  
5490 Bluebrook Lane Unit 17  
Yorba Linda, CA 92887-6400

RE: APN: 438091021-0  
EP 185-146  
Date of Sale: March 16, 2010

Dear Mr. Flenoil,

I am currently reviewing your claim for excess proceeds on the above mentioned property. My file shows that we attempted to contact you via email address [ocdonte@gmail.com](mailto:ocdonte@gmail.com) on July 31, 2013 requesting additional documentation. Unfortunately we will require the following documents to accurately consider your claim. Without these documents I may not be able to approve the claim.

- A Certified copies of the Death Certificates for Joseph D. Gillespie, Sr. and Agnes Gillespie
- Copies of the Will(s) or Last Testaments
- Any Probate documents and/or Order of Final Distribution filed by the court.
- Birth Certificate for Mr. Joseph P. Gillespie and any siblings he has.

Please send these documents by April 30, 2014. Once the documents are received, we will then proceed with your claim.

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

Sincerely,

*Jennifer Pazicni*

Jennifer Pazicni  
Riverside County Treasurer-Tax Collector's Office  
Tax Sale Operations/ Excess Proceeds  
951 955-3947  
[jpazicni@co.riverside.ca.us](mailto:jpazicni@co.riverside.ca.us)