

FORM APPROVED COUNTY COUNSEL 7/14/15  
 BY: GREGORY P. PRIAMOS DATE

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

769A



**SUBMITTAL DATE:**  
 JUL 14 2015

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

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 196, Item 639. Last assessed to: Larry J. Burge and Mary C. Burge, Trustee(s) of The Larry and Mary Burge Trust dated 1-16-2009. District 4 [\$18,464] Fund 65595 Excess Proceeds from Tax Sale.

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

1. Approve the claim from Larry J. Burge and Mary C. Burge, Trustees, last assessees for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 694100020-8;

(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 April 29, 2013 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 20, 2013. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on July 17, 2013 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*  
 Don Kent

Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 18,464	\$ 0	\$ 18,464	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b> Fund 65595 Excess Proceeds from Tax Sale	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> 15/16

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

BY: *Samuel Wong*  
 Samuel Wong

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Washington and Benoit  
 Nays: None  
 Absent: Ashley  
 Date: August 18, 2015  
 xc: Treasurer, Auditor

Kecia Harper-Ihem  
 Clerk of the Board  
 By: *Cecilia Ihem*  
 Deputy

Prev. Agn. Ref.: | District: 4 | Agenda Number:

9-20

- 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. 196, Item 639. Last assessed to: Larry J. Burge and Mary C. Burge, Trustee(s) of The Larry and Mary Burge Trust dated 1-16-2009. District 4 [\$18,464] Fund 65595 Excess Proceeds from Tax Sale.

**DATE:** 11/14/2015

**PAGE:** Page 2 of 2

**RECOMMENDED MOTION:**

2. Authorize and direct the Auditor-Controller to issue a warrant to Larry J. Burge and Mary C. Burge, Trustees in the amount of \$18,464.24, 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 one claim for excess proceeds:

1. Claim from Larry J. Burge and Mary C. Burge, Trustees based on a Quitclaim Deed recorded March 3, 2009 as Instrument No. 2009-0102595.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Larry J. Burge and Mary C. Burge, Trustees be awarded excess proceeds in the amount of \$18,464.24. 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 released to the last assesses of the property.

**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-Tax Collector

Re: Claim for Excess Proceeds

TC 196 Item 639 Assessment No.: 694100020-8

Assessee: BURGE, LARRY J TR & MARY C TR

Situs: 35582 CANTEEN THOUSAND PALMS 92276

Date Sold: April 29, 2013

Date Deed to Purchaser Recorded: June 20, 2013

Final Date to Submit Claim: June 20, 2014

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 18,464.24 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. 2009-0102595 recorded on 3/3/2009. A copy of this document is attached here to. 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 Tenants 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 5th day of August, 2013 at San Bernardino, CA  
County, State

[Signature]  
Signature of Claimant

Mary C. Burge  
Signature of Claimant

Larry J. Burge  
Print Name

Mary C. Burge  
Print Name

6456 Richard Drive  
Street Address

6456 Richard Drive  
Street Address

Yucca Valley, CA 92284  
City, State, Zip

Yucca Valley Ca 92284  
City, State, Zip

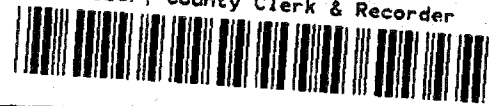
(760) 567-6533  
Phone Number

(760) 567-6533  
Phone Number

RECORDING REQUESTED BY:  
 LARRY J. BURGE and MARY C. BURGE  
 WHEN RECORDED, MAIL TO:  
 LARRY J. BURGE and MARY C. BURGE  
 6456 RICHARD DR.  
 YUCCA VALLEY, CA 92284

DOC # 2009-0102595  
 03/03/2009 08:00A Fee:9.00  
 Page 1 of 1

Recorded in Official Records  
 County of Riverside  
 Larry W. Ward  
 Assessor, County Clerk & Recorder



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APN # 653-620-027-3

**QUITCLAIM DEED**

The undersigned grantor(s) declare(s): This conveyance transfers the grantor's interest into a Revocable Living Trust R & T 11930. Not pursuant to a sale. There is no consideration for this transfer and is excluded from reappraisal under Proposition 13, I. E., California Const. 13 A, Section 1, et, seq. (Documentary Transfer Tax -0-)

LARRY J. BURGE and MARY C. BURGE, Husband and Wife as Community Property

hereby REMISES, RELEASES and QUITCLAIMS to: LARRY J. BURGE and MARY C. BURGE Trustee(s) of THE LARRY AND MARY BURGE TRUST Dated 1-16-2009

the following described real property in the City of THOUSAND OAKS, County of RIVERSIDE, State of CALIFORNIA LOT 53 OF TRACT NO. 16293, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ONFILE IN BOOK 116 PAGES 51 TO 56 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; AND AMENDED BY CERTIFICATE OF CORRECTION, RECORDED MAY 7, 1991 AS INSTRUMENT NO. 151563, OFFICIAL RECORDS

Common Address: 35582 CANTEEN, THOUSAND PALMS, CA

DATED: 1-16-09

*Larry J. Burge*  
 LARRY J. BURGE

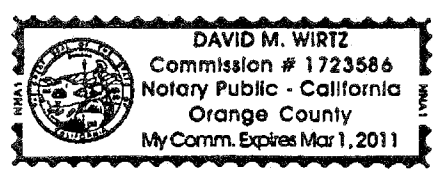
STATE OF CALIFORNIA )  
 County of San Bernardino ) ss.

*Mary C. Burge*  
 MARY C. BURGE

On, 1-16-09, before me, David M. Wirtz, "Notary Public", Personally appeared LARRY J. BURGE and MARY C. BURGE 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 this instrument the person(s), or the entity upon behalf of which 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 (THIS AREA FOR OFFICIAL NOTARY STAMP)

WITNESS my hand and official seal



Signature David M. Wirtz  
 Mail Tax Statements to:

LARRY J. BURGE and MARY C. BURGE, 6456 RICHARD DR., YUCCA VALLEY, CA 92284

TITLE SEARCH NEITHER REQUESTED OR DONE - PREPARED FROM INFORMATION SUPPLIED BY GRANTOR(S).

**JON CHRISTENSEN**  
ASSISTANT TREASURER-TAX COLLECTOR

**DEBBIE BASHE**  
INFORMATION TECHNOLOGY OFFICER

**GIOVANE PIZANO**  
INVESTMENT MANAGER

**KIEU NGO**  
FISCAL MANAGER



**DON KENT**  
TREASURER

**GARY COTTERILL**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**MATT JENNINGS**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**MELISSA JOHNSON**  
CHIEF DEPUTY TREASURER-TAX COLLECTOR

**ADRIANNA GOMEZ**  
ADMINISTRATIVE SERVICES MANAGER I

January 7, 2015

Larry J. Burge  
Mary C. Burge  
6456 Richard Drive  
Yucca Valley, CA 92284

Re: APN: 694100020-8

Situs: 35582 Canteen, Thousand Palms, CA 92276

TC 196, Item 639

Date of Sale: April 29, 2013

To Whom It May Concern:

This office is in receipt of your claim for excess proceeds from the above-mentioned tax sale.

**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"/> Original Note/Payment Book  |
| <input type="checkbox"/> Notarized Statement of different/misspelled name  | <input type="checkbox"/> Updated Statement of Monies Owed (up to the date of tax sale)         |
| <input type="checkbox"/> Notarized Statement Giving Authorization to Certified Death Certificates for                | <input type="checkbox"/> Articles of Incorporation (if applicable Statement by Domestic Stock) |
| <input checked="" type="checkbox"/> Copy of the Larry and Mary Burge Trust   | <input type="checkbox"/> Court Order Appointing Administrator                                  |
| <input type="checkbox"/> Copy of Marriage Certificate for  | <input type="checkbox"/> Deed (Quitclaim/Grant etc...)   |
|  | <input type="checkbox"/> Other --  |

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

Sincerely,

*Shawana Green*

Shawana Green  
Tax Sales Operation  
(951) 955-3947  
(951) 955-3990 Fax

**RIVERSIDE COUNTY TREASURER-TAX COLLECTOR**

\*\*\*\*\*

4080 LEMON STREET, 4TH FLOOR \* P.O. BOX 12005 \* RIVERSIDE, CALIFORNIA 92502  
WWW.RIVERSIDETAXINFO.COM \* (951) 955-3900 \* 1(877) 748-2689 \* FAX (951) 955-3923

# **DECLARATION OF TRUST**

## *OVERVIEW OF PERTINENT INFORMATION*

### **I. SETTLORS OF: THE LARRY AND MARY BURGE TRUST**

LARRY J. BURGE  
MARY C. BURGE

### **II. INITIAL TRUSTEE(S) OF: THE LARRY AND MARY BURGE TRUST**

LARRY J. BURGE  
MARY C. BURGE

### **III. SUCCESSOR TRUSTEE(S):**

In the event of the death or incapacitation of the above named Trustee(s), the below named individuals are appointed to serve in line of succession as successor trustee(s), as specified in the declaration of trust.

1. FIRST AMERICAN TRUST, F.S.B.

### **IV. TRUST PROPERTY**

Initial corpus of all assets listed on Schedule A.

# DECLARATION OF TRUST

Named

## THE LARRY AND MARY BURGE TRUST

This Declaration of Trust is made by LARRY J. BURGE and MARY C. BURGE, husband and wife, as Settlers, and LARRY J. BURGE and MARY C. BURGE, husband and wife, as Trustees. The Settlers hereby transfer and assign to the Trustees certain property (the "Trust Estate" described in Schedule A and any Addendum to Schedule A attached to this instrument) in trust, to be held, administered, and distributed as provided in this instrument.

**THE PRIMARY BENEFICIARIES** of this trust estate are the Settlers, husband and wife as named above.

**THE EFFECTIVE DATE** of this trust declaration shall be the date that we both sign this instrument.

### I. GENERAL PURPOSE AND FACT

A. **PURPOSE:** This trust was created to hold the Settlers combined estate and provide continuity of management of the estate, both during the Settlers lifetimes and upon the Settlers deaths and to avoid probate of the estate. During the lives of the Settlers, all trust benefits shall accrue to the Settlers. At the death of a Settlor, any property remaining outside the trust may pass to the trust estate through provisions of the deceased Settlers Last Will and Testament (Pour-Over Will). After the death of both Settlers, all trust benefits shall pass to their beneficiaries as provided herein.

B. **THIS TRUST IS REVOCABLE AND AMENDABLE** by the Settlers as provided under the terms of this declaration.

C. **BENEFICIAL INTEREST:** The Settlers have intentionally omitted naming any successor beneficiaries of this declaration of trust except those that are named herein. There shall be no other beneficiaries unless the Settlers die without any living descendants.

D. **ESTATE TAX CONSIDERATIONS:** If the Settlers combined estate exceeds the maximum federal estate tax exemption, currently fixed by statute at Two Million Dollars (\$2,000,000.00) or more, this trust with its A-B trust provision is intended to minimize the adverse effects of estate taxes.

E. **USE OF IRS EMPLOYER TAX IDENTIFICATION NUMBER:** The Settlers shall use either or both of their Social Security Numbers. Upon the death of a spouse, the surviving spouse's Trust A remains revocable and shall be identified by using the Surviving Spouse's Social Security Number. Decedent's Trust B becomes irrevocable, and the assets in that Trust should be identified using an

**IN WITNESS WHEREOF:**

**WE THE UNDERSIGNED** Settlers have read the provisions of this Declaration of Trust, and understand the provisions herein, including provisions respecting our rights to enter into contracts with each other in accordance with community property and separate property laws, and it is our intent to enter into this Declaration of Trust as written.

**THEREFORE**, the provisions of this Declaration of Trust shall bind the undersigned Settlers, and the undersigned Trustee(s), as well as any Successor Trustees assuming the role of Trustee hereunder, and all beneficiaries of this Trust and their successors and assigns.

Dated & Signed at Yuca Valley, CA 1/16/2009

**SETTLORS:**

**TRUSTEE(S):**

Larry J. Burge  
LARRY J. BURGE

Larry J. Burge  
LARRY J. BURGE

Mary C. Burge  
MARY C. BURGE

Mary C. Burge  
MARY C. BURGE

**NOTARY PUBLIC  
STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO**

)  
)SS  
)

On, 1-16-09, before me, David M. Wirtz  
"Notary Public", Personally appeared LARRY J. BURGE and MARY C. BURGE 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 this instrument the person(s), or the entity upon behalf of which 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:

Signature David M. Wirtz

