

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS 7/28/15  
 DATE

Departmental Concurrence

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

318A



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

**SUBMITTAL DATE:**  
**JUL 28 2015**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 194, Item 52. Last assessed to: A. Levy. District 5 [\$0].

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

- Deny the claim from Stephen Zeller, attorney for Baxter Credit Union for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 350244047-5;  
 (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 February 4, 2013 public auction sale. The deed conveying title to the purchasers at the auction was recorded April 1, 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 April 24, 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)

*[Signature]*  
 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>	Budget Adjustment: N/A
	For Fiscal Year: 15/16

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

BY: Samuel Wong 9/14/15  
 Samuel Wong

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Benoit and Ashley  
 Nays: None  
 Absent: Washington  
 Date: September 22, 2015  
 xc: Treasurer

Kecia Harper-Ihem  
 Clerk of the Board  
 By: [Signature]  
 Deputy

Prev. Agn. Ref.: | District: 5 | Agenda Number:

9-27

- 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. 194, Item 52. Last assessed to: A. Levy, District 5 [\$0].

**DATE:** JUL 28 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.
3. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$22.15 to the county general fund pursuant to Revenue and Taxation Code Section 4674.

**BACKGROUND:**

**Summary (continued)**

Revenue and Taxation Code 4676 (b) states that the county shall make reasonable effort to obtain the name and last known mailing address of the parties of interest. Then, if the address of the party of interest cannot be obtained, the county shall publish notice of the right to claim excess proceeds in a newspaper of general circulation in the county as per Revenue and Taxation Code 4676 (c). The Treasurer-Tax Collector's Office has made it a policy to take the following actions to locate the rightful party of the excess proceeds.

- Examined title reports to notify all parties of interest attached to the parcel.
- Researched all last assessee's through the County's Property Tax System for any parties of interest.
- Used Accurint (people finder) to notify any new addresses that may be listed for our parties of interest.
- Advertised in newspapers for three consecutive weeks in the Desert Sun, Palo Verde Valley Times and the Press Enterprise referring any parties of interest to file a claim for the excess proceeds.
- Sent out a certified mailing within 90 days as required by Revenue and Taxation Code 4675.

According to Revenue and Taxation Code 4675 (a) Any party of interest in the property may file with the county a claim for the excess proceeds, in proportion to his or her interest held with others of equal priority in the property at the time of the sale, at any time prior to the expiration of the one year following the recordation of the Tax Collector's deed to the Purchaser, which was recorded on April 1, 2013.

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

1. Claim from Stephen Zeller, attorney for Baxter Credit Union based on an Abstract of Judgment recorded October 20, 2010 as Instrument No. 2010-0502774.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Stephen Zeller, attorney for Baxter Credit Union be denied since the lien filed is not associated with our last assessee. Since there are no other claimants the unclaimed excess proceeds in the amount of \$22.15 will be transferred to the county general fund. 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**

The excess proceeds are being transferred to the county general fund.

**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 194 Item 52 Assessment No.: 350244047-5

Assessee: LEVY, A

Situs: 28655 WILLIAMS DR, CANYON LAKE CA 92587

Date Sold: February 4, 2013

Date Deed to Purchaser Recorded: April 1, 2013

Final Date to Submit Claim: April 1, 2014

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 16,860.47 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. 2010-0502774 ; recorded on 10/20/10 . 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.**

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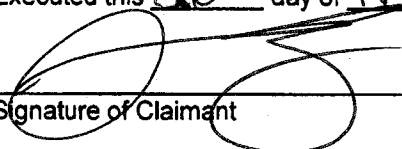
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If the property is held in Joint Tenancy, the taxsale process has severed this Joint Tenancy, and all Joint Tenants will have to sign the claim unless the claimant submits proof that he or she is entitled to the full amount of the claim, the claimant 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 20 day of November, 2013 at \_\_\_\_\_  
County, State

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

Stephen Zeller  
\_\_\_\_\_  
Print Name

110 E. Wilshire Ave Ste 212  
\_\_\_\_\_  
Street Address

Fullerton, CA 92832  
\_\_\_\_\_  
City, State, Zip

714-446-6686  
\_\_\_\_\_  
Phone Number

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

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

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

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

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

## ACKNOWLEDGMENT

State of California  
County of Orange )

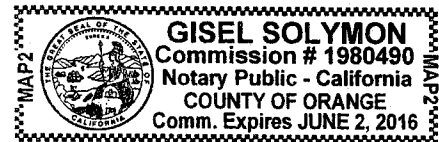
On 11/20/13 before me, Gisel Solymon, Notary Public  
(insert name and title of the officer)

personally appeared Stephen S. Zeller  
who proved to me on the basis of satisfactory evidence to be the pers on(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 pers on(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Cali fornia that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Gisel Solymon* (Seal)



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Interest Calculation	
Principal	\$13,327.82
Annual Percentage Rate	10.00%
Interest (One Year)	1,332.78
Days per Year	365
Interest (Day)	3.65
Elapsed Days from 7/29/10 to 2/4/13	921.00
<b>Interest for Period 7/29/10 to 2/4/13</b>	<b>3,361.65</b>

Principal: \$13,327.82  
Interest: \$ 3,361.65  
Costs: \$ 171.00  
-----  
Total: \$16,860.47

09-19003-0 Mendez

RECORDING REQUESTED BY  
AND  
WHEN RECORDED MAIL TO:

NAME: WINN LAW GROUP, APC

ADDRESS: PO BOX 1216  
FULLERTON, CA 92832

DOC # 2010-0502774  
10/20/2010 08:00A Fee:26.00  
Page 1 of 3  
Recorded in Official Records  
County of Riverside  
Larry W. Ward  
Assessor, County Clerk & Recorder

AJR



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SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

31-

**TITLE (S)**

**M**  
707

ABSTRACT OF JUDGMENT

BAXTER CREDIT UNION vs. AZUCENA M MENDEZ

30-201000362713

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, State Bar number, and telephone number): WINN Law Group, APC  
 Recording requested by and return to: (714) 446-6686  
 BRIAN N. WINN (SBN 86770) JOHN E. GORDON (SBN 180053)  
 NAOMI S. RUST (SBN 240597) STELIOS A. HARRIS (SBN 242116)  
 STEPHEN S. ZELLER (265664) (7112-01)  
 File No. 09-19003-0-AJD-TL  
 110 E. WILSHIRE AVENUE, STE 212 FULLERTON, CA 92832  
 ATTORNEY FOR  JUDGMENT CREDITOR  ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
 STREET ADDRESS: 1275 NO. BERKELEY AVE.  
 MAILING ADDRESS: 1275 NO. BERKELEY AVE.  
 CITY AND ZIP CODE: FULLERTON, CA 92832-1206  
 BRANCH NAME: NORTH JUSTICE CENTER DISTRICT, LIMITED

FOR RECORDER'S USE ONLY

PLAINTIFF: BAXTER CREDIT UNION  
 DEFENDANT: AZUCENA M MENDEZ, et al.

CASE NUMBER:  
 30-201000362713

**ABSTRACT OF JUDGMENT - CIVIL  Amended  
 AND SMALL CLAIMS**

FOR COURT USE ONLY

1. The  judgment creditor  assignee of record applies for an abstract of judgment and represents the following:  
 a. Judgment debtor's  
 Name and last known address  
 AZUCENA M MENDEZ AKA AZUCENA MENDEZ  
 21485 Salix Ave  
 Moreno Valley, California 92557-8622  
 b. Driver's license No and State:  Unknown  
 c. Social Security No.:  Unknown  
 d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): AZUCENA M MENDEZ AKA AZUCENA MENDEZ  
 220 E Chapman Ave Apt 37 Placentia, Ca. 92870

2.  Information on additional judgment debtors is shown on page 2.  
 3. Judgment creditor (name and address)  
 BAXTER CREDIT UNION, 340 N. Milwaukee Ave.  
 Vernon Hills, IL 60061-1533

4.  Information on additional judgment creditors is shown on page 2.  
 5.  Original abstract recorded in this county:  
 a. Date:  
 b. Instrument No.:

Date: August 25, 2010

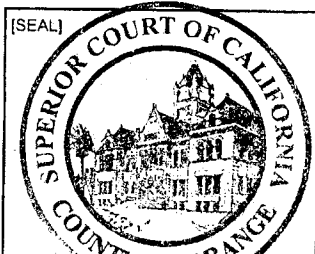
Brian N. Winn  John E. Gordon  Naomi S. Rust  
 Stelios A. Harris  Stephen S. Zeller  
 (TYPE OR PRINT NAME)



(SIGNATURE OF APPLICANT OR ATTORNEY)

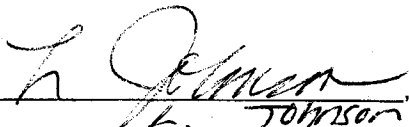
6. Total amount of judgment as entered or last renewed:  
 \$ 15,515.49  
 7. All judgment creditors and debtors are listed on this abstract.  
 8. a. Judgment entered on (date): July 29, 2010  
 b. Renewal entered on (date):  
 9.  This judgment is an installment judgment.

10.  An  execution  attachment lien is endorsed on the judgment as follows:  
 a. Amount: \$  
 b. In favor of (name and address):  
 11. A stay of enforcement has  
 a.  not been ordered by the court.  
 b.  been ordered by the court effective until (date):  
 12. a.  I certify that this is a true and correct abstract of the judgment entered in this action  
 b.  A certified copy of the judgment is attached.



ALAN CARLSON

This abstract issued on (date):  
 SEP 22 2010

Clerk, by  Deputy





TC194-02

# WINN LAW GROUP

BRIAN N. WINN

POST OFFICE BOX 1216  
FULLERTON, CALIFORNIA 92836

LAURA MCCARTHY HOALST  
JOHN E. GORDON  
STEPHEN S. ZELLER  
CASEY M. JENSEN

A PROFESSIONAL CORPORATION

TELEPHONE: (714) 446-6686  
Toll Free Telephone: 866-494-6674  
FAX: (714) 446-6680

THE CHAPMAN BUILDING  
110 E. WILSHIRE AVE, SUITE 212  
FULLERTON, CA 92832-1109

E-MAIL: [Info@winlawgroup.com](mailto:Info@winlawgroup.com)

November 20, 2013

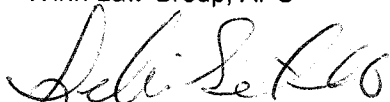
Don Kent, Treasurer- Tax Collector  
Attn.: Excess Proceeds  
PO BOX12005  
Riverside, CA 92502-2205

RE: **Assessee:** Levy, A  
**Assessment No.:** 350244047-5 Item: 52  
**Situs Address:** 28655 Williams Dr. Canyon Lake, CA 92587  
**Our File No.** 09-19003  
**Trustee's Sale Date:** February 4, 2013

Dear to whom it may concern, :

Please see our Claim for Excess Proceeds that is attached regarding the above mentioned property. Thank you for your professional courtesy and cooperation in this matter. Should you have any questions or comments, please do not hesitate to call me.

Sincerely,  
Winn Law Group, APC

  
Leslie Sotelo  
714-446-6686, Ext. 263