

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

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

298 A



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

**SUBMITTAL DATE:**  
**AUG 14 2015**

**SUBJECT:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 200, Item 188. Last assessed to: Kelly P. Morgan, a single man and Shawna Legat, a single woman as joint tenants. District 1 [\$62,871] Fund 65595 Excess Proceeds from Tax Sale.

**RECOMMENDED MOTION:** That the Board of Supervisors:  
 1. Approve the claim from Kelly Patrick Morgan, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 381331001-8;  
 (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, 2014 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 20, 2014. 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 16, 2014, 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	\$ 62,871	\$ 0	\$ 62,871	\$ 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 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: *Kecia Harper-Ihem*  
 Deputy

Prev. Agn. Ref.: | District: 1 | Agenda Number:

**9-70**

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

Departmental Concurrence

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

**FORM 11:** Recommendation for Distribution of Excess Proceeds for Tax Sale No. 200, Item 188. Last assessed to: Kelly P. Morgan, a single man and Shawna Legat, a single woman as joint tenants. District 1 [\$62,871] Fund 65595 Excess Proceeds from Tax Sale.

**DATE:** AUG 14 2015

**PAGE:** Page 2 of 2

**RECOMMENDED MOTION:**

2. Authorize and direct the Auditor-Controller to issue a warrant to Kelly Patrick Morgan in the amount of \$62,871.11, 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;
3. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$62,871.11 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 Accurant (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 June 20, 2014.

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

1. Claim from Kelly Patrick Morgan based on a Grant Deed recorded January 15, 2004 as Instrument No. 2004-0029806.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Kelly Patrick Morgan be awarded excess proceeds in the amount of \$62,871.11. Since there are no other claimants the unclaimed excess proceeds in the amount of \$62,871.11 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**

Excess proceeds are being released to the last assessee and transferred to the county general fund.

**ATTACHMENTS (if needed, in this order):**

A copy of the 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-Tax Collector

Re: Claim for Excess Proceeds

TC 200 Item 188 Assessment No.: 381331001-8

Assessee: MORGAN, KELLY P & LEGAT, SHAWNA

Situs: 1475 MORRO WAY LAKE ELSINORE 92530

Date Sold: April 29, 2014

Date Deed to Purchaser Recorded: June 20, 2014

Final Date to Submit Claim: June 22, 2015

RECEIVED  
2014 JUL 24 PM 4:34  
RIVERSIDE COUNTY  
TREAS-TAX COLLECTOR

0 We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 63,119.00 from the sale of the above mentioned real property. 0 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. 2006-0079615; recorded on 2/1/2006. 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.**

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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 21 day of JULY, 2014 at ORANGE, CA  
County, State

K. Morgan  
Signature of Claimant

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

KELLY PATRICK MORGAN  
Print Name

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

13 BARBADOS DRIVE  
Street Address

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

ALISO VIEJO, CA 92656  
City, State, Zip

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

949-874-8803  
Phone Number

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

UNITED TITLE COMPANY

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:  
KELLY P. MORGAN  
SHAWNA LEGAT  
1475 MORRO WAY  
LAKE ELSINORE, CA 92530

DOC # 2004-0029806

01/15/2004 08:00A Fee:10.00  
Page 1 of 2 Doc T Tax Paid  
Recorded in Official Records  
County of Riverside  
Gary L. Orso  
Assessor, County Clerk & Recorder



M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
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A.P.N.: 381-331-001-8 TRA #: 005-001. Order No.: 50313693-62

Escrow No.: 16088-MP

GRANT DEED

10

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS: COUNTY \$ 203.50  
[ X ] computed on full value of property conveyed, or  
[ ] computed on full value less value of liens or encumbrances remaining at time of sale,  
[ ] unincorporated area; [ X ] City of LAKE ELSINORE, and



FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,  
CLYDE GAY, AS TRUSTEE OF THE GAY FAMILY TRUST U/D/T 12/1/88

hereby GRANT(S) to KELLY P. MORGAN, a Single man and SHAWNA LEGAT, a Single Woman as Joint Tenants

the following described property in the City of LAKE ELSINORE, County of Riverside State of California;

LOT 1, OF TRACT 11048-1, IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 97 PAGES 65 AND 66, OF MAPS, RIVERSIDE COUNTY RECORDS, SAID PROPERTY IS SITUATED IN THE CITY OF ELSINORE.

*Clyde Gay Trustee*  
CLYDE GAY

Document Date: January 6, 2004

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

SS 255-36-1205

On JANUARY 14, 2004 before me, MARILYN PRICE  
personally appeared CLYDE GAY

personally known to me (or upon reasonable basis of other 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.

Signature *Marilyn Price*  
MARILYN PRICE

This area for official notarial seal.



Mail Tax Statements to: SAME AS ABOVE or Address Noted Below

Public Record

Government Code 27361.7

I Certify Under Penalty of Perjury That The Notary Seal  
On The Document To Which This Statement Is Attached  
Reads As Follows:

Name of Notary: MARILYN PRICE

Commission No: 1276976

Date Commission Expires: SEPT 15, 2004

County: RIVERSIDE

By PAUL HORTON

Date: 1-14-04