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



SUBMITTAL DATE:

JUN 0 2 2016

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 199, Item 398. Last assessed to: Celestino Chavez and Ernestina G. Chavez, husband and wife, as joint tenants. District 4 [\$3,495]. Fund 65595 Excess Proceeds from Tax Sale.

RECOMMENDED MOTION: That the Board of Supervisors:

FROM: Don Kent, Treasurer-Tax Collector

1. Approve the claim from Bank of America, N.A. for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 764220024-5; (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, 2014 public auction sale. The deed conveying title to the purchasers at the auction was recorded March 21, 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 April 22, 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)

Treasurer-Tax Collector

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)	
COST	\$ 3,495	\$ 0	\$ 3,495	\$ 0	Consent □ Policy X	
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent - Policy	
SOURCE OF FUN	DS: Fund 65595 I	Excess Proceeds from	om Tax Sale	Budget Adjustr	ment: N/A	
				For Fiscal Year	: 16/17	
C.E.O. RECOMME	NDATION:	APPROVE	0.	"		

County Executive Office Signature

Treasurer

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.				
Ayes:	Jeffries, Washington, Benoit and Ashley			
Nays:	None	Kecia Harper-Ihem		
Absent:	Tavaglione	Clerk of the Board		
Date:	July 12, 2016	Clerk of the Board		

4/5 Vote

Positions Added

Change Order

□ Prev. Agn. Ref.:

XC:

District: 4

Agenda Number:

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

FORM 11: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 199, Item 398. Last assessed to: Celestino Chavez and Ernestina G. Chavez, husband and wife, as joint tenants. District 4 [\$3,495]. Fund 65595 Excess Proceeds from Tax Sale.

DATE: JUN 0 2 2016 PAGE: Page 2 of 2016

RECOMMENDED MOTION:

- 2. Authorize and direct the Auditor-Controller to issue a warrant to Bank of America, N.A. in the amount of \$3,495.36, 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 \$3,495.36 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 additional addresses.
- Used Accurint (people finder) to notify any new addresses that may be listed for our last assessees.
- 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 March 21, 2014.

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

1. Claim from Bank of America, N.A. based on an Abstract of Judgment recorded January 7, 2005 as Instrument No. 2005-0017471.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Bank of America, N.A. be awarded excess proceeds in the amount of \$3,495.36. Since there are no other claimants the unclaimed excess proceeds for Celestino Chavez's portion in the amount of \$3,495.36 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 claimants by certified mail.

Impact on Citizens and Businesses

Excess proceeds are being released to a lien holder 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		ngeniğ Nago (<u> </u>	
Re: Claim for Excess Proceeds		EAS	YWA THE	20
TC 199 Item 398 Assessment No.: 764220024-5		PSH A	ĀΥ 30	C
Assessee: CHAVEZ, CELESTINO & ERNESTINA G		200 300 300 300 300 300 300 300 300 300		CEIVED
Situs: 58205 HARRY RAU RD THERMAL 92274		COUNT	AM 11: 43	m
Date Sold: February 4, 2014		NOT:	£3	0
Date Deed to Purchaser Recorded: March 21, 2014				
Final Date to Submit Claim: March 23, 2015				
I/We, pursuant to Revenue and Taxation Code S 17,949.26 from the sale of the above mention property owner(s) [check in one box] at the tir Recorder's Document No. 2005–0017471; recorder I/We are the rightful claimants by virtue of the attachereto each item of documentation supporting the claimants.	ned real property. I/We were the $\begin{bmatrix} x \\ \end{bmatrix}$ lienholding from the sale of the property as is evidend on $\frac{1-7-2005}{}$. A copy of this document of interest. I/We have liented assignment of interest.	older(s), nced by	Rivers	ide County
NOTE: YOUR CLAIM WILL NOT BE CONSIDERED	UNLESS THE DOCUMENTATION IS AT	rache!) .	
Abstract of Judgment recorded on Ja				
				_
If the property is held in Joint Tenancy, the taxsale prehave to sign the claim unless the claimant submits proclaimant may only receive his or her respective portion I/We affirm under penalty of perjury that the foregoing Executed this 27 day of May	roof that he or she is entitled to the full a of the claim.	mount o	pint Te	enants will claim, the
Signature of Claimant Daniel A. Heald @ Hemar, Rousso & Heald, if for Claimant Bank of America	Signature of Claimant LLP			
Print Name	Print Name			-
15910 Ventura Blvd., 12th Flr Street Address	Street Address			
Encino, CA 91436 City, State, Zip	City, State, Zip	746 - 11		_
(818) 501–3800 Phone Number	Phone Number			_
		900 9 3	4 (4 00)	

the state of the s	
PLAINTIFF: BANK OF AMERICA, N.A., a nat	ional case NUMBER:
_banking association DEFENDANT: ERNESTINA CHAVEZ, an individ	ual: DOES 1- RIC411830
100, inclusive	uuli, Bollo 1 11101111919
100, inclusive	
INFORMATION ON ADDITIONAL JUDGMENT DEBTORS	
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10. Name and last known address	Traine and less known ageness
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Social security No.: Unknown	Social security No.: Unknown Summons was personally served at or mailed to (address):
Summons was personally served at or mailed to (address):	Sulfillions was personally served at or mailed to (address).
11. Name and last known address	15. Name and last known address
4	/ TV
	1863 (47. 1)
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Social security No.:	Social security No.: Unknown
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Social security No.: Unknown	Social security No.: Unknown Summons was personally served at or mailed to (address):
Summons was personally served at or mailed to (address):	Summons was personally served at a manual to passes y
* *	
	17. Name and last known address
13. Name and last known address	17. Name and last known address
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Driver's license No. & state:	Driver's license No. & state: Unknown
Social security No.: Unknown	Social security No.: Unknown
Summons was personally served at or mailed to (address):	Summons was personally served at or mailed to (address):
2 27	2005-0017471
40 Construed on Attachment 19	2 of 2
18. Continued on Attachment 18.	

HEMAR, ROUSSO & HEALD, LLP

ATTORNEYS AT LAW

15910 VENTURA BOULEVARD

12TH FLOOR

ENCINO, CALIFORNIA 91436-2829

(818) 501-3800

FAX (818) 501-2985

SUSAN K, BREEN

*ALSO ADMITTED IN UTAH

*ALSO ADMITTED IN NEVADA

**ALSO ADMITTED IN ILLINOIS

IN REPLY REFER TO:

3452-20040228/mlw

May 28, 2014

Mr. Don Kent Treasurer-Tax Collector P.O. Box 12005 Riverside, CA 92502-2205

RE.

RICHARD P. HEMAR

MARTIN J. ROUSSO DANIEL A. HEALD

STEPHEN E, JENKINS

JENNIFER W. CRASTZ

ROBERT V. McKENDRICK*

WAYNE R. TERRY

MARY A. LAZARAN

MARTINA A. PORTER
SANDRA I. TIBERI°
JEANNINE DEL MONTE-KOWAL

PETER J. VEIGUELA**
NATHAN H. HARRIS
IRWIN M. WITTLIN
RAFFI KHATCHADOURIAN

PAUL N. ANDONIAN°
NINETTE R. WASSEF
PAMELA L. COX
MARY M. PARK
WILLIAM J. SEXTON
BRENDA BARTON-LEMAY
SUSAN A. GRUSKIN
MATTHEW E. VOSS

Bank of America vs. Ernestina Chavez

Re: Excess Proceeds

Assessment No: 764220024-5

Our Reference No.: 3452-20040228/mlw

Dear Mr. Kent:

Enclosed please find the completed Claim for Excess Proceeds From the Sale of Tax-Defaulted Property with a copy of the Abstract of Judgment recorded on January 7, 2005 in Riverside County.

Please process the claim and forward the excess funds entitled to our client to the above address. Please make the check payable to Hemar, Rousso & Heald, LLP.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

LAW OFFICES OF

HEMAR, ROUSSO & HEALD, LLP

By: __

Daniel A. Heald

DAH/pcm

Finley, Sandy

From:

Patty Maher <pmaher@hrhlaw.com>

Sent:

Wednesday, September 30, 2015 10:04 AM

To:

Finley, Sandy

Cc:

Lina Wilbert

Subject:

Bank of America vs. Ernestina Chavez (TC 199 Item 398 Assessment No.: 764220024-5)

Sandy,

This email is sent to advise that our claim still remains for the amount of \$17,949.26.

Thank you.

Patricia

Patricía C. Maher, Legal Assistant Hemar, Rousso & Heald, LLP 15910 Ventura Blvd., 12th Floor Encíno, CA 91436 (818) 501-3800, ext. 163 pmaher@hrhlaw.com

1	DANIEL A. HEALD, SBN 114306 GEORGE T. GOST, SBN 166475
2	LAW OFFICES OF HEMAR, ROUSSO & HEALD, LLP 15910 Ventura Boulevard
3	12 th Floor Encino, California 91436
4	(818) 501-3800
5	Refer to File Number: 2-40228:LW:mk
6	Attorneys for Plaintiff
7	
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA
9	COUNTY OF RIVERSIDE, LIMITED JURISDICTION
10	
11	BANK OF AMERICA, N.A., a national) Case No. RIC 411830
12	banking association, DECLARATION RE AUTHORITY OF
13	Plaintiff, HEMAR, ROUSSO & HEALD LLP TO CLAIM EXCESS FUNDS ON BEHALF OF
14	vs.) BANK OF AMERICA
15	ERNESTINA CHAVEZ, an individual; DOES) 1-100, inclusive,
16	Defendants.
17	I Devial A Heald devlare of fallows:
18	I, Daniel A. Heald, declare as follows:
19	1. I am a partner in the Law Office of Hemar, Rousso & Heald, LLP ('HRH") attorneys
20	of record for Plaintiff, Bank of America ("BOA") in the above captioned matter.
21	2. We were retained by the Plaintiff Bank of America to file a lawsuit for the purpose of
22	collecting a debt due from Ernestina Chavez ("Chavez") to BOA.
23	3. On April 23, 20014, our law firm filed a Complaint for Money with the Superior
24	Court of Riverside County against Chavez.
25	4. A Judgment was obtained against Chavez in favor of BOA on October 21, 2004, in
26	the sum of \$17,949.26.
27	5. On January 7, 2005, an Abstract of Judgment was recorded in the County of
28	Riverside, bearing recording number 2005-00117471. A true and correct copy of the Abstract of
	EALIGED ON THE DEDUCTION AND ALCH ADDRESS AS ATTION OF A PER ADDRESS AS

DECLARATION RE AUTHORITY OF HEMAR, ROUSSO & HEALD LLP TO CLAIM EXCESS FUNDS ON BEHALF OF BANK OF AMERICA

I declare penalty of perjury that the foregoing is true and correct. Executed this <u>Month</u> day of October 2015.

HEMAR, ROUSSO & HEALD LLP

BY: Daniel A. Weald, Esq.,

Attorneys for Bank of America

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed by document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On October 16, 2015, before me, Tammy Dunn, Notary Public, personally appeared Daniel A. Heald, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

TAMMY DUNN Commission # 1976663 Notary Public - California Los Angeles County

My Comm. Expires May 26, 2016

(Seal)

	SENDER: COMPLETE THIS SE	ECTION	COMPLETE THIS SECTION ON DELIVERY		
	 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X Probate Probable B. Réceived by (Printed Name) C. Date of Delive Robert Percez O-13-19		
	Article Addressed to:		D. Is delivery address different from item 1?		
October 7, 2015	Bank of America C/O Hemar, Rousso & Heald Attn: Daniel A. Heald 15910 Ventura Blvd., 12 th F		3. Service Type		
Bank of America C/O Hemar, Rousso & Heald, LI	Encino, CA 91436		Certified Mail		
Attn: Daniel A. Heald	EP 199-398		4. Restricted Delivery? (Extra Fee) ☐ Yes		
15910 Ventura Blvd., 12 th Floor Encino, CA 91436	Article Number (Transfer from service label)	7003 2	260 0004 1558 9626		
Re: APN: 764220024-5 TC 199 Item 398 Date of Sale: February 4 To Whom It May Concern: This office is in receipt of your c documentation you have provide Please submit the necessary prodocument(s) listed below may a	laim for excess proceeds fror d is insufficient to establish your right to	your claim. to claim the exce	ess proceeds. The		
Notarized Affidavit for Coll Personal Property under Cal Probate Code 13100Notarized Statement of different/misspelled XNotarized Statement Givin Authorization to Hemar, I LLP to claim on behalf of AmericaCertified Death Certificate for Copy of Birth Certificates for	lifornia ng Rousso & Heald, Bank of Cor	Original Note, Updated State (as of date of the Articles of Inc.) Statement by Inc. Court Order A	iage Certificate for /Payment Book ement of Monies Owed tax sale) corporation (if applicable Domestic Stock) Appointing Administrator tim/Grant etc)		
Please send in all documents with contact me at the number listed b		<u>)15</u>). If you shou	ıld have any questions, please		
0' 1					

Sincerely,

Jennifer Pazicni Tax Sale Operations Unit (951) 955-3336 (951) 955-3990 Fax jpazicni@co.riverside.ca.us

Bank of America C/O Hemar, Rousso & Heald, LLP Attn: Daniel A. Heald 15910 Ventura Blvd., 12 th Floor Encino, CA 91436	PS Form 3811	
Re: APN: 764220024-5 TC 199 Item 398 Date of Sale: February 4, 2014	3811, April 2015 PSN	
To Whom It May Concern:	N 7530-	
This office is in receipt of your claim for excess proceeds from the documentation you have provided is insufficient to establish your	8	
Please submit the necessary proof to establish your right to cla		

Please submit the necessary proof to establish your right to cl	1
document(s) listed below may assist the Tax Collector in mak	j

Notarized Affidavit for Collection of		C(
Personal Property under California		C(
Probate Code 13100	4	Oı
Notarized Statement of		U
different/misspelled		(a:
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Rousso & Heald, LLP to claim on behalf		C(§
of Bank of America.		Dt 2
Certified Death Certificate for		Otl
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T484 (4) 9 30 5 N 30 00 000 000 000 000		<u>ੂੰ</u> ਵਾਲਤਵਾਰ ਨਾਲਤ
If your documentation is not received within 15 d	ays (April 1.,

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

Sincerely,

Jennifer Pazicni Tax Sale Operations Unit (951) 955-3336 (951) 955-3990 Fax jpazicni@co.riverside.ca.us

Final Notice

7015 Encino, CA 91436 Attn: Daniel A. Heald Bank of America C/O Hemar, Rousso & Heald, LLP L5910 Ventura Blvd.,

Service Type Adult Signature	D. Is delivery address different from item 1? If YES, enter delivery address below:	B. Received by (Printed Name) Control Person	× Kint My
☐ Priority Mail Express ☐ Registered Mail™ ☐ Recistored Mail Best	m 1? ☐ Yes¹ w: ☐ No	C. Date of Deliv	☐ Addres

Attach this card to the back of the mailpiece

Article Addressed to:

Print your name and address on the reverse