

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



ITEM
9.19
(ID # 2721)

FROM : TREASURER-TAX COLLECTOR:

MEETING DATE:
Tuesday, January 24, 2017

SUBJECT: TREASURER-TAX COLLECTOR: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 203, Item 591. Last assessed to: Lupe B. Vargas. District 4 [\$144,850-Fund 65595 Excess Proceeds from Tax Sale].

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Gary E. Devlin, agent for Bank of America, N.A. for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 680323016-3;
2. Approve the claim from Julieta Holguin, heir to the Estate of Lupe B. Vargas, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 680323016-3;
3. Deny the claim from Matthew J. Kumar, attorney for Galaxy International Purchasing, LLC;
4. Authorize and direct the Auditor-Controller to issue warrants to Gary E. Devlin, agent for Bank of America, N.A. in the amount of \$25,312.33 and Julieta Holguin, heir to the Estate of Lupe B. Vargas in the amount of \$119,538.57, 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.


Don Kent, Treasurer-Tax Collector 12/19/2016

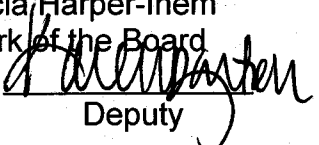
FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 144,850	\$ 0	\$ 144,850	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale.			Budget Adjustment:	No
			For Fiscal Year:	16/17

C.E.O. RECOMMENDATION:

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington and Ashley
Nays: None
Absent: Tavaglione
Date: January 24, 2017
xc: Treasurer

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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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 May 5, 2015 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 18, 2015. 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 22, 2015, 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.

The Treasurer-Tax Collector has received three claims for excess proceeds:

1. Claim from Gary E. Devlin, agent for Bank of America, N.A. based on an Authorization for Agent to Collect Excess Proceeds dated March 28, 2016 and a Short Form Deed of Trust recorded May 3, 2007 as Instrument No. 2007-0299728.
2. Claim from Julieta Holguin, heir to the Estate of Lupe B. Vargas based on a Grant Deed recorded April 18, 1962 as Instrument No. 35713, an Affidavit-Death of Joint Tenant recorded February 20, 1969 as Instrument No. 16819, an Affidavit for Collection of Personal Property Probate Code 13100-13116 dated October 13, 2016 and a death certificate for Lupe B. Vargas.
3. Claim from Matthew J. Kumar, attorney for Galaxy International Purchasing, LLC based on an Abstract of Judgment recorded May 2, 2013 as Instrument No. 2013-0208310.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Gary E. Devlin, agent for Bank of America, N.A. be awarded excess proceeds in the amount of \$25,312.33 and Julieta Holguin, heir to the Estate of Lupe B. Vargas be awarded excess proceeds in the amount of \$119,538.57. The claim from Matthew J. Kumar, attorney for Galaxy International Purchasing, LLC be denied since the lien filed is not associated with our last assessee. 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 Residents and Businesses

Excess proceeds are being released to a Deed of Trust holder and the heir to the last assessee of the property.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim Devlin

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ATTACHMENT B. Claim Holquin

ATTACHMENT C. Claim Kumar