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



ITEM 19.2 (ID # 6954)

#### **MEETING DATE:**

Tuesday, February 5, 2019

FROM: TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 207, Item 151. Last assessed to: Jose L. Escamilla Jr. a single man as to an undivided ½ interest and Robert G. Caronna and Farzaneh Frances Caronna, husband and wife as joint tenants, as to an undivided ½ interest; all as tenants in common, District 1. [\$0]

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

- 1. Deny the claim from Effie F. Anastassiou, attorney for AFCM, Inc., for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 347280041-7;
- 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 \$3,198.79 to the county general fund pursuant to Revenue and Taxation Code Section 4674.

**ACTION:**Policy

MINUTES OF THE BOARD OF SUPERVISORS

1/24/2019

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

Ayes:

Jeffries, Spiegel, Washington, Perez and Hewitt

Navs:

None

Absent:

None

Date:

February 5, 2019

Assistant Treasurer-Tax Collector

XC:

Treasurer

19.2

Kecia Harper

Clerk of the

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS			Budget Adjus	stment: N/A
contact of Fonds.		For Fiscal Ye	ear: 18/19	

C.E.O. RECOMMENDATION: Approve

#### **BACKGROUND:**

#### <u>Summary</u>

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 24, 2016 public auction sale. The deed conveying title to the purchasers at the auction was recorded July 14, 2016. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on August 10, 2016, 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.

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.

- 1. Examined title reports to notify all parties of interest attached to the parcel.
- 2. Researched all last assessees through the County's Property Tax System for any additional addresses.
- 3. 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.
- 5. 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

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

of the one year following the recordation of the Tax Collector's deed to the Purchaser, which was recorded on July 14, 2016.

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

1. Claim from Effie F. Anastassiou, attorney for AFCM, Inc. based on an Abstract of Judgment recorded June 27, 2013 as Instrument No. 2013-0310468.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Effie F. Anastassiou, attorney for AFCM, Inc. be denied since at the time the claim was filed and at all relevant times since, the company was SOS/FTB suspended which deprives it of all rights, privileges, and powers and it has no right or authority to file an administrative claim for the excess proceeds. Since there are no other claimants, the unclaimed excess proceeds in the amount of \$3,198.79 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 Residents and Businesses**

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

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim AFCM

Page 3 of 3 ID#6954 19.2

### CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY

RECEIVED

Don Kent, Treasurer-Tax Collector To: 2016 AUG 30 AM 7: 54 Re: Claim for Excess Proceeds TC 207 Item 151 Assessment Number: 347280041-7 Assessee: ESCAMILLA, JOSE L JR & CARONNA, ROBERT G & CARONNA, FARZANEH FRANCES Situs: NONE Date Sold: May 24, 2016 Date Deed to Purchaser Recorded: July 14, 2016 Final Date to Submit Claim: July 14, 2017 I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of from the sale of the above mentioned real property. I/We were the X 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. 2013-0310468 recorded on 6/27/2013 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. 1. Abstract of Judgment - Highlighted 2. Court Judgment - Highlighted; and 3. Judgment Calculations of amount due as of 8/24/2016. No amount has been paid on the Judgment to date. 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 24th day of August 2016 at Monterey County, California County, State AFCM, Inc. Signature of Claimant Signature of Claimant Effie F. Anastassiou, Attorney Print Name Print Name 242 Capitol Street Street Address Street Address Salinas, CA 93901 City, State, Zip

City, State, Zip

Phone Number

831-754-2501 Phone Number

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, State Bar number, and	1		0	5/27/	2013	02:5	4P Fa	046 •:31,	00 0
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Anastassiou & Associates	1		Ass	essor	Cour	ty ci	erk &	Record	der
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PLAINTIFF: AFCM, Inc. and FO-Farmer's Outlet, Inc.			CASE	NUMBER:				:	
DEFENDANT: Elite Global Farming and Logistics, Inc.,	et al.			4:11	-cv-04	677-0	CW-E	DL	
ABSTRACT OF JUDGMENT—CIVIL					FOR COU	RT USE O	NLY		-
AND SMALL CLAIMS	Amended								
The judgment creditor assignee of record			1.						
applies for an abstract of judgment and represents the following:			ļ: · · · · · ·						
a. Judgment debtor's  Name and last known address			l ·						
The state of the s									
Elite Global Farming and Logistics, Inc., c/o			ľ						
Richard Escamilla, Sr., 18 Essex Circle, Salinas,									
CA 93906			]						
b. Driver's license no. [last 4 digits] and state:	✓ Unkno		1						
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mailed to (name and address): Clife Global Farming and	Logistics In	1C., C/	o Sano	ira Re	galad	o, per	son		
apparently in charge of office at 635 S. Sanborn Pla	ce, Suite 6, S	alinas	s, CA	9390	1	T 4 .5.7	. T. 10E1		
Information on additional judgment debtors is shown on page 2. 4. □	information	on add	itional	iudame					
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Judgment creditor (name and address): 5.	□ Original abs	rtract re	cordec	i in this	county	r.		*	
AFCM, Inc., 1604 East Holton Road, Holtville, CA 92250	a. Date:	الواج تي.	*						
	b. Instrumen	nt No.:		า					
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All judgment creditors and debtors are listed on this abstract.		nount :				-schifi			
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PLAINTIFF: 'AFCM, Inc. and FO-Farmer's Outlet, Inc.	CASE NUMBER:			
DEFENDANT: Elite Global Farming and Logistics, Inc., et a	al. 4:11-cv-04677-CW-EDL			
AMES AND ADDRESSES OF ADDITIONAL, JUDGMENT CREDITO 3. Judgment creditor (name and address):	PRS:  14. Judgment creditor (name and address):			
5. Continued on Attachment 15.				
FORMATION ON ADDITIONAL JUDGMENT DEBTORS:				
Name and last known address	17. Name and last known address			
Richard Escamilla, Sr., 18 Essex Circle, Salinas, CA 93905	Jose Escamilla, 48970 Cochran Drive, Indio, C. 92201-7514			
Driver's license no. [last 4 digits] and state: Unknown	Driver's license no. [last 4 digits] and state:			
Social security no. [last 4 digits]:	Social security no. [last 4 digits]:			
Summons was personally served at or malled to (address):	Summons was personally served at or mailed to (eddres			
8. Name and last known address	19. Name and last known aridress			
Stephen Wyrick, 113 Best Road, Hollister, CA, 95023	Richard Escamilla, Jr., P.O. Box 4545, Salinas, CA 93912			
Driver's license no. [last 4 digits]	Delivered Hannan on Place 4 divides			
and state: Unknown	Driver's license no. [last 4 digits] and state:  Unknow			
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3376 Cienega Road, Hollister, CA 95023	635 S. Sanborn Place, Suite 6, Salinas, CA 93901			
0. Continued on Attachment 20.				

#### PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 242 Capitol Street, Salinas, California 93901.

On the date set forth below, I caused the following document(s) entitled:

#### ABSTRACT OF JUDGMENT

to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the following means:

BY MAIL. By placing each envelope (with postage affixed thereto) in the U.S. Mail at the law offices of Anastassiou & Associates, Salinas, California addressed as shown below. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.

ELITE GLOBAL FARMING AND LOGISTICS, INC. c/o Richard Escamilla, Sr. 18 Essex Circle, Salinas, CA 93906

RICHARD ESCAMILLA, SR. 18 Essex Circle Salinas, CA 93906

Judgement Debtor

Judgment Debtor

JOSE ESCAMILLA 48970 Cochran Drive Indio, CA 92201-7514

STEPHEN WYRICK 113 Best Road Hollister, CA 95023

**Judgment Debtor** 

Judgement Debtor

RICHARD ESCAMILLA, JR. P.O Box 4545 Salinas, CA 93912

**Judgment Debtor** 

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 20, 2013 at Salinas, California.

Dania Valdez // Anastassiou & Associates

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

AFCM, INC, a California corporation; FO-FARMER'S OUTLET, INC, a California corporation;

No. C 11-04677 CW

JUDGMENT

Plaintiff,

V.

ELITE GLOBAL FARMING AND LOGISTICS, INC, a California corporation; JOSE ESCAMILLA, an individual; JOHN CREIGHTON, an individual; STEPHEN WYRICK, an individual; KENT CURLEY, an individual; DAVID GATTIS, an individual; AMBER RIGOR, an individual; RICHARD ESCAMILLA, SR., an individual; and RICHARD ESCAMILLA, JR., an individual,

#### Defendants.

For the reasons set forth in Magistrate Judge Laporte's Report and Recommendation Re Motion for Default Judgment filed July 10, 2012, and adopted by this Court,

### IT IS HEREBY ORDERED AND ADJUDGED

That default judgment is entered against Elite Global Farming and Logistics, Inc., Richard Escamilla, Sr., Jose Escamilla, Stephen Wyrick, and Richard Escamilla, Jr. Plaintiffs AFCM, Inc., and FO-Farmer's Outlet, Inc shall recover from Defendants Elite Global Farming and Logistics, Inc, Richard Escamilla, Sr., Jose Escamilla, Stephen Wyrick, and Richard Escamilla, Jr. as follows:

(1) Plaintiff AFCM shall recover from Defendants Elite Global

Farming and Logistics, Inc., Richard Escamilla, Sr., Jose
Escamilla, Stephen Wyrick, and Richard Escamilla, Jr., jointly and
severally, the sum of \$182,972.85 under the crop services
agreement; (2) Plaintiff AFCM shall recover from Defendant Elite
Global Farming and Logistics, Inc. the sum of \$140,935.04 under the
weeding services agreement; (3) Plaintiff AFCM shall recover from
Defendants Elite Global Farming and Logistics, Inc., and Richard
Escamilla, Sr., jointly and severally, the sum of \$5,116.83 under
the pipe repair agreement; and (4) Plaintiff FO-Farmer's Outlet,
Inc. shall recover from Defendants Elite Global Farming and
Logistics, Inc., and Richard Escamilla, Sr., jointly and severally,
in the amount of \$53,603.07 under the packaging agreement with
interest thereon as provided by 28 U.S.C. § 1961, and costs of
action.

Dated at Oakland, California, this 7th day of August, 2012.

RICHARD W. WIEKING Clerk of Court

By:

Deputy Clerk

AFCM, Inc., et al. v. Elite Global Farming and Logistics, Inc., et al. Case No. CV-11-04677-CW-EDL

Today's date: 8/7/2012 \$50.13 10.00% Percentage \$182,972.85 JOSE ESCAMILLA 1,478 Judgement date: \$74,091.47 \$257,064.32 \$18,297.29 Total New Judgement Amount Original Judgment Amount Interest Rate (daily) Number of days Total Interest Annual Rate

Salinas Office EFFIE F. ANASTASSIOU EffieEsq@SalinasAgLaw.com

Pismo Beach Branch Office

1035 Longview Avenue Pismo Beach, CA\* Tel. (805)773-0750 Fax (805) 773-0751

\*All correspondence must be sent to Salinas Office

# Anastassiou & Associates Attorneys at Law



SalinasAqLaw.com

Courier: 242 Capitol Street
Salinas, CA 93901
Mailing: P.O. Box 2210, Salinas, CA 93902
Tel. (831) 754-2501
Fax: (831) 754-0621

Of Counsel - Salinas STEPHEN J. BEALS SteveEsq@SalinasAqLaw.com

Of Counsel - Santa Maria RICHARD C. BRENNEMAN brenneman@bjalaw.net Tel. (805) 922-4553 Fax (805) 928-7262

### MEMORANDUM

Via Certified Mail, Return Receipt:

DATE:

August 24, 2016

TO:

Don Kent, Treasurer-Tax Collector

**ATTN: Excess Proceeds** 

P.O. Box 12005

Riverside, CA 92502-2205

FROM:

Anthony A. Piedra, Legal Assistant

Anastassiou & Associates

RE:

Claim for Excess Proceeds:

TC 207 Item 151

Assessment Number: 347280041-7

Enclosed please find Claimant, AFCM, Inc.'s Claim for Excess Proceeds regarding the above referenced Assessment Number.

Please advise our office if you have any questions.

Thank you.

Enclosures as stated. cc: Client

F:\AFC\Pleadings\Judgment Enforcement\Excess Proceeds re Sale of Jr.'s House\08.24.16 Memo to Tax Collector re Claim form.wpd

#### Alex Padilla California Secretary of State



# Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Wednesday, April 4, 2018. Please refer to document <u>Processing Times</u> for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

### C2987230 AFCM, INC.

Registration Date:

Jurisdiction:

Entity Type:

**Entity Address:** 

**Entity Mailing Address:** 

Status:

Agent for Service of Process:

04/27/2007

CALIFORNIA

DOMESTIC STOCK

SOS/FTB SUSPENDED

THOMAS ANGULO

1331 EAST BARBARA WORTH DRIVE

**HOLTVILLE CA 92250** 

1604 HOLTON ROAD

**HOLTVILLE CA 92250** 

1604 HOLTON ROAD

**HOLTVILLE CA 92250** 

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- \* Indicates the information is not contained in the California Secretary of State's database.
  - If the status of the corporation is "Surrender," the agent for service of process is automatically revoked.
     Please refer to California Corporations Code <u>section 2114</u> for information relating to service upon corporations that have surrendered.
  - For information on checking or reserving a name, refer to Name Availability.
  - If the image is not available online, for information on ordering a copy refer to <u>Information Requests</u>.
  - For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to <u>Information Requests</u>.
  - For help with searching an entity name, refer to <u>Search Tips</u>.
  - For descriptions of the various fields and status types, refer to <u>Frequently Asked Questions</u>.

**Modify Search** 

**New Search** 

**Back to Search Results** 

Alex Padilla California Secretary of State



# Business Search - Entity Detail

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### C2483712 FO-FARMER'S OUTLET, INC.

Registration Date:

Jurisdiction:

**Entity Type:** 

**Entity Address:** 

**Entity Mailing Address:** 

Status:

Agent for Service of Process:

11/13/2002

CALIFORNIA

DOMESTIC STOCK

SOS SUSPENDED

**THOMAS ANGULO** 

1604 E HOLTON RD HOLTVILLE CA 92250

1604 E HOLTON RD

**HOLTVILLE CA 92250** 

PO BX 274

**HOLTVILLE CA 92250** 

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REGISTRATION	11/13/2002	

<sup>\*</sup> Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked.
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**Modify Search** 

**New Search** 

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