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



17EM 19.16 (ID # 7350)

#### **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 130. Last assessed to: Michael Bensaid, an unmarried man, District 5. [\$6,363 - Fund 65595 Excess Proceeds from Tax Sale]

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

- 1. Approve the claim from First Citizens Bank & Trust Company for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 341141020-6;
- 2. Deny the claim from the City of Menifee, Code Enforcement Division;
- 3. Authorize and direct the Auditor-Controller to issue a warrant to First Citizens Bank & Trust Company in the amount of \$6,363.00, 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.

**ACTION:Policy** 

MINUTES OF THE BOARD OF SUPERVISORS

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

Nays:

None

Absent:

None

Date:

February 5, 2019

XC:

Treasurer, Auditor

19.16

Kecia Harper

Page 1 of 3

ID# 7350

#### 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	\$6,363	\$0	\$6,363	\$0
NET COUNTY COST	\$0	\$ 0	\$0	\$0
SOURCE OF FUNDS:	Fund 65595 Excess Proc	ande from Tay Sala	Budget Adjus	stment: N/A
	Tuna 00000 Excess Fioc	eeus IIOIII Tax Sale.	For Fiscal Ye	<b>ar:</b> 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.

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

- 1. Claim from First Citizens Bank & Trust Company based on an Abstract of Judgment recorded February 27, 2012 as Instrument No. 2012-0084408.
- 2. Claim from the City of Menifee, Code Enforcement Division based on a Notice of Pendency recorded November 26, 2013 as Instrument No. 2013-0555580.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that First Citizens Bank & Trust Company be awarded excess proceeds in the amount of \$ \$6,363.00. Since the amount claimed by First Citizens Bank & Trust Company exceeds the amount of excess proceeds available, there are no funds available for consideration for the claim from the City of Menifee, Code Enforcement Division. 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 lien holder.

#### ATTACHMENTS (if any, in this order):

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

ATTACHMENT A. Claim FirstBank
ATTACHMENT B. Claim Menifee

lyst 1/30/2019

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

To: Don Kent, Treasurer-Tax Collector	RECEIVED
Re: Claim for Excess Proceeds	2017 FEB 27 AM 2: 36
TC 207 Item 130 Assessment Number: 341141020-6	RIVERSIDE COUNTY TREAS-TAX COLLECTOR
Assessee: BENSAID, MICHAEL	INEAS III.
Situs: 29034 PASEO JUANITA CANYON LAKE 92587	
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 cl. \$\frac{1,069,346,24}{from the sale of the above mentioned real property. I/We owner(s) [check in one box] at the time of the sale of the property as is e Document No, recorded on A copy of this orightful claimants by virtue of the attached assignment of interest. I/We have li of documentation supporting the claim submitted.  NOTE: YOUR CLAIM WILL NOT BE CONSIDERED UNLESS THE DOCUME	were the lienholder(s), property videnced by Riverside County Recorder's document is attached hereto. I/We are the sted below and attached hereto each item
Please refer to judgment filed 12/15/11 with California, County of Riverside, Inclusion	Superior Court of
No payments have been received. The full is	odgment amount is still owed
If the property is held in Joint Tenancy, the taxsale process has severed this have to sign the claim unless the claimant submits proof that he or she is enclaimant 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	County State of Colonado
y COC on behalf of	
Signature of Claimant Fryst-Citizens Bank Signature of Claimant	
T. Clay Cain & Trust Company	
Print Name its Vice President Print Name	
Street Address Street Address	
Denver, CO 80202	
City, State, Zip City, State, Zip	
720 - 956 - 6575 Phone Number Phone Number	
Phone Number Phone Number	

COUNTY OF RIVERSIDE TREASURER - TAX COLLECTOR County Administrative Center-4th Floor 4080 Lemon Street, P.O. Box 12005 Riverside, CA 92502-2205



Satellite Offices

Palm Desert Office 38-686 El Cerrito Rd Palm Desert, CA 92211

Temecula Office 40935 County Center Dr, Suite C Temecula, CA 92591



7114 7344 2820 2554 6775

951-955-3900 951-955-3990 - Fax www.countytreasurer.org E-mail: ttc@rivcottc.org



FIRST-CITIZENS BANK & TRUST COMPANY C/O FOX JOHNS LAZAR PEKIN & WEXLER, AP - CASE# RIC 10-022753 ATTN: GEORGE C. LAZAR 525 B STREET, SUITE 1500 SAN DIEGO CA 92101-4417

August 10, 2016

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

Assessment Number 341141020-6 TC: 207 ITEM: 130
Situs Address: 29034 PASEO JUANITA CANYON LAKE 92587
Assessee: BENSAID, MICHAEL
Date Sold: May 24, 2016
Deed to Purchaser Recorded: July 14, 2016

Final Date to Submit Claim: July 14, 2017

#### Dear Sir or Madame:

The property referenced above was declared subject to the Tax Collector's power of sale for non-payment of taxes and later sold. Parties of Interest, as defined in Section 4675 of the California Revenue and Taxation Code (e.g., the last assessee and any lienholders of record), have a right to file a claim for any excess proceeds that remain after the tax liens and the costs of the sale have been satisfied. Our records indicate that you may be a party of interest, and we have enclosed a claim form for your convenience. Please note that your claim must be filed within one year from the date the deed to the purchaser was recorded (shown above). By law, we cannot accept claims after the one year period from this recording date. Claims submitted will be evaluated by our legal counsel and awarded in accordance with state law. The submission of a claim merely initiates that review.

The enclosed form is relatively simple and we must stress that most applicants will be able to fill it out without help. However, if you need help, please feel free to contact our office by mail, telephone or in person and we will help you without charge. You may telephone us at (951) 955-3336.

If you prefer to have an agent file your claim for you, or if you should decide to sell your claim (often referred to as "assignment") so that the purchaser of the claim may receive the funds, please advise us and we will send the proper form.

In addition, please note that the statutory procedures and the County's internal procedures dictate that most claims will not be processed until at least twenty (20) months following the date of recordation of the tax deed.

Sincerely,

DON KENT TREASURER-TAX COLLECTOR TAX SALE OPERATIONS

#### **CLAIM FORM INSTRUCTIONS**

The California Revenue and Taxation Code, Section 4675, states in part (paraphrased):

For the purposes of this article, parties of interest and their order of priority are:

- (a) First, lienholders of record prior to the recordation of the tax deed to the purchaser in the order of their priority; and
- (b) Then, any person with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If you consider yourself to be a party of interest in the sale of tax-defaulted property as defined above, please fill out the claim form provided stating how you have determined your status as a party of interest. If you need help in filling out the form, please contact our office by telephone at 951-955-3336, mail, or in person.

You must attach copies of documents to support your claim as follows:

- 1. In case (a), attach a copy of your trust deed or other evidence of lien or security interest, along with a statement under penalty of perjury setting forth the original amount of the lien or interest, the total amount of payments received reducing the original amount of the lien or interest, and the amount still due and payable as of the date of the sale of the tax defaulted property by the Tax Collector.
- 2. In case (b), attach copies of any other documents (e.g., deed, certified death certificate, will, court order, etc.) supporting your claim.

PLEASE NOTE: By law, claims cannot be processed until one year has passed from the date of the deed to the purchaser. In order to receive consideration by the Riverside County Board of Supervisors, claims must be filed ON OR BEFORE THE EXPIRATION OF ONE YEAR following the date of the recording of the deed to the purchaser. Please see the "Date Deed to Purchaser Recorded" appearing on the enclosed notice. The Tax Collector will submit a recommendation to the County Board of Supervisors as to what disposition should be made on your claim. Following the Board's review, the claim will either be approved or denied. The Clerk of the Board of Supervisors will notify you of the action taken by the Board. Should the claim be approved, the Auditor-Controller will issue a County warrant in payment. By law, the Auditor-Controller cannot issue a warrant in payment of the approved claim until 90 days following the action taken by the Board.

#### MAIL COMPLETED FORMS TO:

Don Kent, Treasurer-Tax Collector Post Office Box 12005 Riverside. CA 92502-2205

Attention: Excess Proceeds

Form Adopted for Mandatory Use Judicial Council of California EJ-001 [Rev. January 1, 2008] ABSTRACT OF JUDGMENT—CIVIL

AND SMALL CLAIMS

Page 1 of 2

12. a. x

Legal Solutions & Plus

I certify that this is a true and correct abstract of

the judgment entered in this action.

A certified copy of the judgment is atti

Page 1 of 2 Code of Civil Procedure, §5, 488 480, 874, 700 190

This abstract issued on (date):

JAN 26 2012

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	Judgment creditor (name and address):				
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11	VC., a California corporation; et al.		CO EITTEIN THOLO	, 100 10-022100	
	FENDANT: MICHAEL BENSAID, an inc	lividual: RENSA	IN ENTERPRISES	RIC 10-022753	-
ne	tate banking corporation				

Order: Non-Order Search Doc: RV:2012 00084408

**JUDGMENT** 

EXHIBIT F

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			[JUDGMENT]			- 2 -

and these costs were necessarily incurred in this case.

Date: December 19, 2011

George C. Lazar

(TYPE OR PRINT NAME)

(Proof of service on reverse)

**MEMORANDUM OF COSTS (SUMMARY)** 



Code of Civil Procedure, **55** 1032, 1033.5

SHORT TI	TLE: FIRST CITIZENS BANK v. BENSAID	CASE NUMBER:
		RIC 10-022753
	PROOF OF X. MAILING PE	RSONAL DELIVERY
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	ime of mailing or personal delivery, I was at least 18 years of age	
	dence or business address is (specify): 525 B Street, Suite 15d ego, CA 92101	<b>20</b>
3. I mailed	t or personally delivered a copy of the Memorandum of Costs (Sur	nmary) as follows (complete either a or b):
8. X	Mail. I am a resident of or employed in the county where the ma	lling occurred.
	(1) I enclosed a copy in an envelope AND	
	correspondence for mailing. On the same day that of	
	(2) The envelope was addressed and mailed as follows:	
	(a) Name of person served: Michael Bensaid	Bensaid Enterprises
	(b) Address on envelope: 12393 Doherty St.	
	Riverside, cA 92503	
	(c) Date of mailing: December 19, 2011	
	(d) Place of mailing (city and state): San Diego, CA	
b	Personal delivery. I personally delivered a copy as follows:  (1) Name of person served:  (2) Address where delivered:	
	(3) Date delivered: (4) Time delivered:	
declare ur	nder penalty of perjury under the laws of the State of California the	t the foregoing is true and correct.
Date: Dec	cember 19, 2011	
George C	(TYPE OR PRINT NAME)	GIGNATURE OF DECLERANTS

2. A copy of the judgment, decree, or order is attached to this notice.

Date: March 03, 2012

George C. Lazar (TYPE OR PRINT NAME OF X ATTORNEY

PARTY WITHOUT ATTORNEY)

Page 1 of 2



PLAINTIFF/PETITIONER: FIRST-CITIZENS BANK & TRUST COMP

CASE NUMBER:

DEFENDANT/RESPONDENT: MICHAEL BENSAID, an individual;

RIC 10-022753

## PROOF OF SERVICE BY FIRST-CLASS MAIL

	NOTICE OF ENTRY	OF JUDGMENT OR ORDER
(N tin	OTE: You cannot serve the Notice of Entry of Judgm a notice must complete this proof of service.)	ent or Order if you are a party in the action. The person who serv
<b>,1.</b>	l am at least 18 years old and not a party to this action place, and my residence or business address is (specific 525 B Street, Suite 1500 San Diego, CA 92101	on. I am a resident of or employed in the county where the mailing too ify):
2.	I served a copy of the Notice of Entry of Judgment or C fully prepaid and (check one):	
	a deposited the sealed envelope with the Unit	ed States Postal Service.
	deposited in the ordinary course of business	d processing for mailing, following this business's usual practices, a day correspondence is placed for collection and mailing, it is with the United States Postal Service.
3.	The Notice of Entry of Judgment or Order was mailed: a. on (date): March 03, 2012	
	b. from (city and state): San Diego, CA 92101	
4.	The envelope was addressed and mailed as follows:	
	a. Name of person served: Michael Bensaid	c. Name of person served:
	Street address: 12393 Doherty St.	Street address:
	City: Riverside	City:
	State and zip code: CA 92503	State and zip code:
	b. Name of person served: Bensaid Enterprises	d. Name of person served:
	Street address: 12393 Doherty St.	Street address:
	City: Riverside	City:
	State and zip code: CA 92503	State and zip code:
	Names and addresses of additional persons sen	red are attached. (You may use form POS-030(P).)
5.	Number of pages attached 2	
dec	clare under penalty of perjury under the laws of the Stat	a of California that the foresting in the and assent
Date	e: March 03, 2012	and contenting that the inhadolish is find and contact.
<u> Эео</u>	orge C. Lazar	$\rightarrow$ /11/ $\mu$ C . $\bigcirc$
	(TYPE OR PRINT NAME OF DECLARANT)	(SIGNATURE OF DECLARANT)
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[ORDER ON MOTION FOR ATTORNEY'S FEESI

Good cause appearing,

IT IS HEREBY ORDERED that Plaintiff First-Citizens Benk & Trust Company is awarded attorney's fees from Defendents Michael Bensaid, an individual and Bensaid Enterprises, Inc., a California corporation, in the amount of Highteen Thousand, Eight Hundred Fifty Dollars and Fifty Cents (\$18,850.50).

Paulette Durand Barkley
Commission of the Superior Court

[ORDER ON MOTION FOR ATTORNEY'S PEES]

-2-

ATTOMASY OD DATE:	MC-0
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  George C. Lazar	FOR COURT USE ONLY
FOX JOHNS LAZAR PEKIN & WEXLER APC	
525 B Street, Suite 1500	
San Diego, California 92101-4417 Bar No. 061847	
	<u> </u>
TELEPHONE NO.: 877.272.3734 FAX NO. (Optional): 877.227.0150  E-MAIL ADDRESS (Optional): glazar@foxjohns.com	
ATTORNEY FOR (Name): First-Citizens Bank & Trust Company	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE	
STREET ADDRESS: 4050 Main Street	
MALING ADDRESS: POSt Office Box 431	
CITY AND ZIP CODE: Riverside, CA 92501	
BRANCH NAME: WESTERN RIVERSIDE DIVISION	
PLAINTIFF/PETITIONER: FIRST-CITIZENS BANK & TRUST COMPANY, a North	
Calonia state Danking Corporation	
DEFENDANT/RESPONDENT: MICHAEL BENSAID, an individual: BENSAID	
ENTERPRISES, INC., a California corporation	
FACSIMILE TRANSMISSION COVER SHEET	CASE NUMBER: RIC 10-022753
TO THE COURT: 951,777,3111	NIC 10-022/33
Please file the following transmitted documents in the order listed below:	
Document name	· 
Notice of Entry of Order	No. of pages
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Processing instructions consisting of: pages are also transmitted.	
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Fee required Filing fee Fax fee (Cal. Rules of Court, rule 10.815)	
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VISA MASTERCARD Account No.:	Expiration date:
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b Attorney account (Cal. Rules of Court, rule 2.304). Please charge my acc	count no.:
	Page 1 of 1
rm Adopted for Narrishtory Use Judicial Council of California FACSIMILE TRANSMISSION COVER SHEET	Legal Cal Rules of Court, rule 2:304
IC-005 [Rev. January 1, 2007] (Fax Filing)	Solutions

#### TRANSMISSION VERIFICATION REPORT

TIME : 83/03/2012 13:29 NAME : GEORGE LAZAR FAX : 6772270150 TEL : 8772723734 SER.W: 00087J980789

DATE, TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

03/03 13:27 19517773111 00:01:37 05 OK FINE ECM

	MC-005
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar member, and address):  George C. Lezer	FOR COURT USE ONLY
FOX JOHNS LAZAR PEKIN & WEXLER, APC 525 B Street, Sulte 1500 San Diego, California 92101-4417 Bar No. 061847	
TELEPHONE NO.: 877.272.3734 FAX NO. (Optional): 877.227.0150  E-MAIL ADDRESS (Optional): glazar@foxjohns.com  ATTORNEY FOR PRINCE: First-Citizens Bank & Trust Company	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE	* .
STREET ADDRESS: 4050 Main Street	
WALING ADDRESS: Post Office Box 431	
CITY AND ZP CODE: RIVERSIDE, CA 92501  EXCHICH NAME: WESTERN RIVERSIDE DIVISION	
PLAINTIFF/PETITIONER: FIRST-CITIZENS BANK & TRUST COMPANY, a North Carolina state banking corporation	
DEFENDANT/RESPONDENT: MICHAEL BENSAID, an individual; BENSAID ENTERPRISES, INC., a California corporation	
FACSIMILE TRANSMISSION COVER SHEET	CASE MARKER: RIC 10-022753

TO THE COURT: 951.777.3111

1. Pisase file the following transmitted documents in the order listed below:

<u>Document name</u>

Notice of Entry of Order

No. of pages

#### Romero, Jennifer

From:

Cain, Clay <clay cain@firstcitizens.com>

Sent:

Wednesday, April 18, 2018 2:35 PM

To:

Romero, Jennifer

Cc:

Cain, Clay

Subject:

Excess Proceeds - Michael Bensaid

**Attachments:** 

FCB Articles of Incorporation.pdf; Michael Bensaid : Judgment Payoff Letter:

4.18.18.pdf

Ms. Romero,

Thank you for your call yesterday concerning First Citizens' claim of excess proceeds from the sale of tax-defaulted property previously belonging to Michael Bensaid. Attached, please find the Bank's Articles of Incorporation together with an Updated Statement of Monies Owed. Please confirm receipt and let me know of any questions or requests for additional information.

Kind regards, Clay Cain

Clay Cain | VP + Credit Resolution Officer
SBA Credit Resolution | First Citizens Bank | NMLS #: 813821
FCB Mail Code: FCC-978 | 700 17th Street, Suite 1000 | Denver, CO 80202

720.956.6575 phone 866.407.3918 fax



Note: Our unit within the Bank deals predominantly in loans and related agreements. It is not uncommon for our communications to contemplate proposed changes to certain terms of such loans. Accordingly please be advised that no agreement, commitment, promise, consent, offer, approval, representation, concession, statement, or warranty made in any such communication shall constitute a binding obligation on Bank, and no enforceable rights or liabilities, either express or implied, shall arise by reason thereof unless and until any agreement reached between the recipient of this e-mail or anyone else and Bank is reduced to writing and signed by such person and an authorized officer of Bank before it is binding on any party.

This electronic mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the electronic mail to the intended recipient, be advised that you have received this electronic mail in error and that any use, dissemination, forwarding, printing, or copying of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender by return mail.

Visit us online at www.firstcitizens.com or call 1-888-FC DIRECT (1.888.323.4732). First Citizens Bank. Forever First?

Member FDIC.

#### ARTICLES OF INCORPORATION

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OF

THAD EURE SECRETARY OF STATE HORTH CAROLINA

### NEW FIRST-CITIZENS BANK & TRUST COMPANY

This is to certify that we, the undersigned, of the age of at least twenty-one (21) years, do hereby execute and acknowledge these Articles of Incorporation, pursuant to Chapter 53, General Statutes of North Carolina, entitled "Banks", and do hereby associate ourselves together for the purpose of forming a banking corporation, and to that end do hereby set forth the following:

- 1. The name of this corporation is New First-Citizens Bank & Trust Company.
- 2. The location of the corporation's principal office in this state shall be in Raleigh, Wake County, North Carolina.
- 3. The period of duration of this corporation shall be unlimited.
- 4. The purposes for which this corporation is organized and the nature of the business to be transacted, promoted and carried on are as follows:
- (a) To engage in the business of establishing, maintaining and operating a bank of discount and deposit, known as a commercial bank, and to conduct and transact generally the business of a commercial bank and to do all things and exercise all powers and perform all functions which a commercial bank is authorized or empowered to do, exercise or perform under and by virtue of the laws of the State of North Carolina, or which it may be by law hereafter authorized to do, exercise or perform; to deal in commercial paper, to lend money on personal security or on the security of real or personal property, to discount and negotiate promissory notes, drafts, bills of exchange, commercial paper or other evidences of indebtedness or to buy

and sell exchange, gold and silver coin and bullion, foreign coins or bills of exchange, and to do all things in this paragraph set forth as such commercial bank and insofar as is consistent with the laws of the State of North Carolina.

- To engage in the business of establishing, maintaining and operating a savings bank, and to do, conduct and transact generally the business of a savings bank, and to do all things, exercise all powers and perform all functions which a savings bank is authorized or empowered to do, exercise or perform under and by virtue of the laws of the State of North Carolina, or which it may be by law hereafter authorized to do, exercise or perform; to accumulate, invest and loan the funds of its depositors and the proceeds thereof; to receive deposits of money and to loan, invest and collect the same with interest; to repay depositors with or without interest; to invest such funds in such property, securities and obligations as are or may be prescribed or permitted by the laws of the State of North Carolina, to declare and pay dividends on its general deposits, and at stipulated rates of interest on deposits made for a stated period, or upon special terms, and to do all of the things in this paragraph set forth as such savings bank, and insofar as is consistent with the laws of the State of North Carolina.
- (c) To engage in the business of establishing, maintaining and operating a trust company, and to do, conduct and transact generally the business of a trust company and to do all things, exercise all powers and perform all functions which a trust company is authorized and empowered to do, exercise or perform under and by virtue of the laws of the State of North Carolina, or which it may be, by law, hereafter authorized to do, exercise or perform; to take, receive and hold in trust, property, both real and personal, for individuals, firms, companies, associations or corporations,

and to accept and execute trusts of every description which may committed to it by any person, executor, guardian, administrator, administrator with the will annexed, trustee, assignee, receiver, by any corporation, by any state or the United States, or by the courts of this or any other state or of the United States; to accept the employment of and to act as executor of any last will and testament and as administrator, or administrator with the will annexed of the estates of deceased persons, and as assignee, receiver, trustee and depository in all such matters, and in a legal manner to attend to the management and settlement of estates, guardianships, assigneeships and receiverships, and to act as trustee, agent or attorney for individuals, firms, companies, associations or corporations, and to attend to any and all manner of trusts; to act as agent for the purpose of registering or countersigning the certificates of stock, bonds or other indebtedness of any corporation, company, association, municipality, public authority, on such terms as may be agreed upon, to act as transfer agent and registrar of certificates, stocks or bonds to purchase, hold, sell and take such property, real and personal, as may be mortgaged, pledged and hypothecated or conveyed to it in trust, or for its benefit for money loaned in pursuance of its regular business, and as may be purchased by it at sales under mortgages, pledges, hypothecations or deeds of trust made for its benefit for money so loaned or as may be conveyed to it by borrowers of money in satisfaction or in discharge of loans made thereon; to purchase, hold, own and sell such personal property as may be legally done under the Constitution and laws of the State of North Carolina; and to do all of the things in this paragraph set forth as such trust company in such manner as is consistent with the laws of the State of North Carolina.

(d) To conduct the business of a safe deposit company, and, in the conduct of such safe deposit company

business, to store and hold for others, personal property and securities with or without compensation, and to maintain vaults and safes and receptacles therein for the storage, safekeeping and safedepositing of personal property and securities, and to rent and hire such safes and receptacles to others upon such terms and conditions as the corporation may deem advisable.

- (e) To conduct the business of a commercial bank, savings bank, trust company and safe deposit company, as hereinbefore set forth, in and as separate or different departments of said corporation or bank, in the manner authorized by the laws of the State of North Carolina, or in any manner that may hereafter by authorized or required by said laws of the State of North Carolina.
- (f) To establish, maintain and conduct a branch or branches of a commercial bank, savings bank, trust company or safe deposit company, or any of said activities, in accordance with the laws of the State of North Carolina.
- (g) To combine the business of a commercial bank, savings bank, trust company and safe deposit company, or any of them, in the manner authorized by the laws of the State of North Carolina, or in any manner that may hereafter be authorized by the laws of the State of North Carolina.
- (h) To do all acts and things that a banking corporation, having a commercial department, savings department, trust department, or safe deposit department, or any of said departments or any other departments not hereinabove listed that may be authorized by the law of the State of North Carolina, may lawfully do, including, but without limitation, the following:
- (1) To acquire, buy, sell, lease, hire, import, export and otherwise deal in, at wholesale or retail, all types and kinds of merchandise, goods, wares, machinery and property of every description;

- (2) To own, acquire, buy, sell, lease or otherwise deal in or with real estate or interests therein; to subdivide, plat and develop same; to erect, build or construct buildings, plants or other structures; to mortgage, sell, lease or otherwise dispose of or deal with land, buildings or interests therein in which this corporation may be interested;
- (3) To invest, deal in or with, purchase, sell or otherwise handle and dispose of all types and kinds of stocks, bonds, securities, investment trusts, mutual funds, commodities, futures or other means of investment in any manner permitted by law, but not in violation of North Carolina General Statutes, Section 53-43(4);
- (4) To acquire the goodwill, rights, property, business and assets of any and all kinds of any individual, firm, association or corporation, and to pay for the same in cash, stock, bonds, debentures, securities or any property of the corporation, or otherwise, in any manner permitted by law, and to assume all debts; contracts or obligations of such business so acquired; to cause to be formed, merged, consolidated or reorganized, and to promote and aid, in any way permitted by law, the formation, merger, consolidation or reorganization of any corporation;
- (5) To acquire, lease, hold, use, sell, assign, let, grant licenses in respect of, mortgage, pledge or otherwise dispose of letters patent of the United States of America or any foreign country, patent rights, licenses, royalties, privileges, inventions, improvements, processes, formulae, copyrights, trademarks, trade names and brands relating to, or useful in connection with, any business of the corporation;
- (6) To engage in any other lawful activity, including but not limited to erecting, constructing, manufacturing, producing, repairing, servicing or storing any type of commodity, structure or livestock; to collect,

disseminate or otherwise utilize any information, advertising matter or similar item through any medium whatsoever; to enter into contracts with respect to, to furnish or to serve in, all types of management, advisory, promotional or representative capacities whatsoever; and,

To do any and all of the acts and things herein set as principal, factor, forth. contractor, partner or otherwise, either alone or in company with others; to act as attorney-in-fact, as escrow agent and as custodian of securities or other property for individuals, corporations, partnerships, associations and other persons, with power to register and hold any such securities or properties in the name of a nominee; and in general to carry on any other similar business which is incidental, conducive, convenient or proper to the attainment of the foregoing purposes or any of them, and which is not forbidden by law; and to exercise all or any of its corporate powers and rights in the State of North Carolina, and in any and all other states, territories, districts, colonies, possessions or dependencies of the United States of America, and in any foreign countries;

Provided, however, that in the event any of the foregoing purposes or activities of the corporation, as enumerated in subparagraphs (1) through (7), inclusive, is prohibited by the provisions of Chapter 53 of the General Statutes of North Carolina, or is in contravention of the law of North Carolina, or Federal law applying to banking corporations, then the corporation shall not by these Articles be authorized to enter into or conduct any such activity.

5. The amount of authorized capital stock of the corporation and the minimum amount of capital stock with which the corporation shall commence business shall be THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) divided into THREE THOUSAND (3,000) shares of common stock, each having a par value of ONE HUNDRED AND NO/100 DOLLARS (\$100.00) for which the

corporation shall have received aggregate consideration of FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$450,000.00) consisting of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) in aggregate par value of said shares and ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00) as paid-in surplus.

- 6. The shares issued by the corporation will not have preemptive rights to acquire other or additional shares which might, from time to time, be issued by the corporation.
- 7. The address of the initial registered office of the corporation is 317 Fayetteville Street, Raleigh, Wake County, North Carolina, and the name of its initial registered agent at such address is Lewis R. Holding.
- 8. The subscriber for all of the shares of common stock of the corporation is First Citizens Corporation, 20 East Martin Street, Raleigh, Wake County, North Carolina.
- 9. The number of Directors of the corporation may be fixed by the Bylaws, but shall not be less than five (5). The number of Directors constituting the initial Board of Directors shall be five (5), and the names and addresses of the persons who shall serve as initial Directors until their successors shall be duly elected and qualified are:

Name	Address
George H. Broadrick	317 Fayetteville Street Raleigh, North Carolina 27602
Oran J. Cottle	3149 Sussex Road Raleigh, North Carolina 27602
Frank B. Holding	519 Rosewood Drive Smithfield, North Carolina 27577
Lewis R. Holding	2220 White Oak Road Raleigh, North Carolina 27608
David L. Ward, Jr.	3601 Country Club Road New Bern, North Carolina 28560

10. The names and address of the incorporators of this corporation are:

Name	Address
Lewis R. Holding	2220 White Oak Road Raleigh, North Carolina 27608
Frank B. Holding	519 Rosewood Drive Smithfield, North Carolina 27577
George H. Broadrick	317 Fayetteville Street Raleigh, North Carolina 27602
Oran J. Cottle	3149 Sussex Road Raleigh, North Carolina 27602
David L. Ward, Jr.	3601 Country Club Road New Bern, North Carolina 28560

IN WITNESS WHEREOF, each incorporator has hereunto set his hand and adopted as his seal the typewritten word "SEAL" appearing beside his name this 5<sup>th</sup> day of November, 1982.

Tal B. Holding (SEAL)

Frank B. Holding (SEAL)

George H. Broadrick (SEAL)

Oran J. Cottle

Link L. Wash. (SEAL)

8

I, faulth I for said County and State, do hereby certify that LEWIS R. HOLDING, personally appeared before me this day who, I am satisfied, is the person who executed the foregoing ARTICLES OF INCORPORATION; and I, having first made known to him the contents thereof, he did acknowledge that he signed and delivered the same as his voluntary act and deed for the uses and purposes therein express.
day of MITNESS, my hand and notarial seal, this the 4th
Pauline J. M. Dnew Notary Public
My Commission expires:
5-16.84
STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON
I, <u>Virginia S. Hopkins</u> , a Notary Public for said County and State, do hereby certify that FRANK B. HOLDING, personally appeared before me this day who, I am satisfied, is the person who executed the foregoing ARTICLES OF INCORPORATION; and I, having first made known to him the contents thereof, he did acknowledge that he signed and delivered the same as his voluntary act and deed for the uses and purposes therein express.
WITNESS, my hand and notarial seal, this the 29th day of October , 1982.
Visginia S. Hapkins
My Commission expires:
September 10, 1987

1-17-83

COUNTY OF WAKE
To Market Market and a Notary Public
for said County and State, do hereby certify that GEORGE H.
BROADRICK, personally appeared before me this day who, I am satisfied, is the person who executed the foregoing ARTICLES OF
INCORPORATION: and I. having first made known to him the
contents thereof, he did acknowledge that he signed and
delivered the same as his voluntary act and deed for the uses and purposes therein express.
day of November, 1982.
Many Marion Notary Public
Notary Public
My Commission expires:
1-7-87
Approximation of the second se
STATE OF NORTH CAROLINA
COUNTY OF WAKE
I, Bettie W. Weathershie, a Notary Public for said County and State, do hereby certify that ORAN J.
for said County and State. do hereby certify that ORAN J.
COTTLE, personally appeared before me this day who, I am
satisfied, is the person who executed the foregoing ARTICLES OF INCORPORATION; and I, having first made known to him the
contents thereof, he did acknowledge that he signed and
delivered the same as his voluntary act and deed for the uses and purposes therein express.
day of Manenaly, 1982.
Little W. Weathwaker
Notary Public
My Commission expires:

COUNTY OF CRAVEN

I, \_\_\_\_\_\_, a Notary Public for said County and State, do hereby certify that DAVID L. WARD, JR., personally appeared before me this day who, I am satisfied, is the person who executed the foregoing ARTICLES OF INCORPORATION; and I, having first made known to him the contents thereof, he did acknowledge that he signed and delivered the same as his voluntary act and deed for the uses and purposes therein express.

WITNESS, my hand and notarial seal, this the 5 day of Movember, 1982.

Edne & Harris Notary Public

My Commission expires:

OFFICE OF THE COMMISSIONER OF BANKS

This is to certify that the foregoing Articles of Incorporation of New First-Citizens Bank & Trust Company, a banking corporation, having its principal office in the City of Raleigh, Wake County, North Carolina, were approved by me on March 11, 1982, and were approved by the State Banking Commission at its Regular Heeting held March 24, 1982. Authority to record the Articles of Incorporation is hereby granted.

Witness my signature and official seal this 29th day of November, 1982.

JAMES S. CURRIE

Commissioner of Banks

(SEAL)





First Citizens Bank

700 17th Street, Suite 1000 Denver, CO 80202

T. Clay Cain Vice President SBA Resolution Officer

720.956.6575 phone 866.407.3918 fax clay.cain@firstcitizens.com

NMLS #: 813821

firsteltizens.com

April 18, 2018

County of Riverside Treasurer - Tax Collector County Administrative Center-4th Floor 4080 Lemon-Street, P.O. Box 12005 Riverside, CA 92502-2205

RE: Excess Proceeds From The Sale of Tax-Defaulted Property

Updated Statement of Monies Owed Towards Judgment against Michael Bensaid

Dear Ms. Romero:

By this letter, I confirm the face of amount of the judgment in favor of First-Citizens Bank & Trust Company against debtor, Michael Bensaid was \$1,069,346.24, plus accrued interest at the statutory rate, as of the date of sale: May 24, 2016.

Please let me know if you have any questions or requests for additional information.

Best regards,

Clay Cain

Vice President / SBA Resolution Officer

700 17th Street, Suite 1000

Cay Ci

Denver, CO 80202 Phone: 720-956-6575 Fax: 866-407-3918

### Alex Padilla California Secretary of State



### **Business Search - Entity Detail**

The California Business Search is updated daily and reflects work processed through Sunday, April 15, 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.

#### C3223156 FIRST-CITIZENS BANK & TRUST COMPANY

Registration Date:

Jurisdiction:

Entity Type:

Status:

Agent for Service of Process:

08/03/2009

NORTH CAROLINA FOREIGN STOCK

ACTIVE

C T CORPORATION SYSTEM (C0168406)

To find the most current California registered Corporate Agent for Service of Process address and authorized employee(s) information, click the link above and then select the most current 1505

Certificate.

**Entity Address:** 

**Entity Mailing Address:** 

4300 SIX FORKS ROAD

RALEIGH NC 27609

4300 SIX FORKS ROAD

RALEIGH NC 27609

A Statement of Information is due EVERY year beginning five months before and through the end of August.

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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 Information Requests.
- 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>.

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

RECEIVED

To: Don Kent, Treasurer-Tax Collector 2016 JUL 22 AMII: 50 Re: Claim for Excess Proceeds TC 207 Item 130 Assessment Number: 341141020-6 Assessee: BENSAID, MICHAEL Situs: 29034 PASEO JUANITA CANYON LAKE 92587 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 472.60 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. 2013 - 0555580; recorded on 11 20 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. NOTICE OF PENDENCY NOTICE OF FEES DUE 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. RIVERSIDE, CA Executed this 15TH day of AUGUST \_\_\_\_, 20 | /p at \_\_\_\_ County. State Signature of Claimant AVIEGALL BARRON CITY OF MENIFEE **Print Name** 29714 HAUN ROAD Street Address Street Address MENIFEE, CA 92566 City, State, Zip City, State, Zip 951-723-3785 Phone Number Phone Number



#### CITY OF MENIFEE **CODE ENFORCEMENT DIVISION**

29714 Haun Road, Menifee, CA 92586 Ph: (951) 672-6777

Fax: (951) 679-3843

#### NOTICE OF FEES DUE

BENSAID, MICHAEL 12393 DOHERTY ST RIVERSIDE, CA 92503-4842 RE:

29034 PASEO JUANITA

APN:

341-141-020 CE-13-1021

Case No: Officer:

Aviegail Barron

The City of Menifee has determined that the following fees are due for City incurred costs for code enforcement activities at the above address.

Fees are due for the following items:

Total Fees Due				£ 472 EB
Inspection	August 13, 2013	0.50 Hrs	109.00 per hour	\$54.50
Administrative Fee	October 16, 2013			\$126.00
Abatement	September 30, 2013		IEPS Invoice #346	\$167.00
Late Charge Penalty	September 14, 2013		Admin Cite AC-13-000558	\$25.00
Administrative Citation - First	August 14, 2013		Administrative Citation AC-13-000558	\$100.00

The amount of \$472.50 is due by September 14, 2016. Failure to make total payment shall result in a notice of lien on the subject property.

If you have any questions regarding this document, please feel free to call me at: (951) 723-3735.

Aviegail Barron Code Enforcement Technician

CITY OF MENIFEE CODE ENFORCEMENT DIVISION

PLEASE COMPLETE THIS INFORMATION RECORDING REQUESTED BY:

CITY OF MENIFEE CODE ENFORCEMENT DIVISION

AND WHEN RECORDED MAIL TO:

CITY OF MENIFEE CODE ENFORCEMENT 29714 HAUN ROAD MENIFEE, CA 92586 DOC # 2013-0555580

11/26/2013 08:25A Fee:NC

Page 1 of 3 Recorded in Official Records County of Riverside

County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

Assessor, County Clerk & Recorder

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#### **NOTICE OF PENDENCY**

Title of Document



CITY OF MENIFEE CODE ENFORCEMENT DIVISION 29714 HAUN ROAD MENIFEE, CA 92586

#### NOTICE OF PENDENCY OF ADMINISTRATIVE PROCEEDINGS

OWNER(S) OF RECORD: BENSAID, MICHAEL 12393 DOHERTY ST RIVERSIDE, CA 92503-4842

SITUS:

29034 PASEO JUANITA

APN:

341-141-020

Case No: CE-13-1021

NOTICE IS HEREBY GIVEN to all persons, pursuant to the City of Menifee Municipal Code, that administrative abatement proceedings have been commenced with respect to the following described real property in the City of Menifee, County of Riverside, State of California: LOT 8 BLK 5 MB 028/089 QUAIL VALLEY INCOME PROPERTIES TR

The owner has been advised to immediately correct the above-referenced violation to avoid further action by the City of Menifee, which may include remediation, restoration, or demolition to abate the public nuisance or other remedies available to the Department by a court of competent jurisdiction. Any costs incurred by the City, including but not limited to investigative, administrative, and abatement costs and attorney's fees may become a special assessment lien on such property; that any purchaser, his/her heirs, or assigns acquiring said property subsequent to the recording of the Notice with the County Recorder shall have such interest subject and subordinate to said tax and assessment lien.

This Notice of Pendency will remain public record until all violations of the City of Menifee Municipal Code have been corrected and all direct costs incurred by the City have been paid and corrections verified by the Code Enforcement and/or Building and Safety Division.

> Code Enforcement Technician CITY OF MENIFEE CODE ENFORCEMENT DIVISION

#### **ACKNOWLEDGEMENT**

State of California

County of RIVERSIDE

AUGUST 15, 2013 before me, JENNIFER MLEN, PUBLIC NOTAR

Personally appeared

AVIEDAIL BARRON



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/arc 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.

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.

Signature:

Signature of Notary Public





# LARRY W. WARD COUNTY OF RIVERSIDE ASSESSOR-COUNTY CLERK-RECORDER

Recorder P.O. Box 751 Riverside, CA 92502-0751 (951) 486-7000

www.riversideacr.com

### **NOTARY CLARITY**

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary:	Jennifer Allen	
Commission #:	1984645	
Place of Execution:	Riverside County	4
Date Commission E	xpires: July 9, 2016 ,	
Date:	11 25 13	·
Signature:	Jungar Danier	
Print Name:	Aviegail Barron	