

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



**ITEM: 19.2
(ID # 12457)**

MEETING DATE:
Tuesday, May 05, 2020

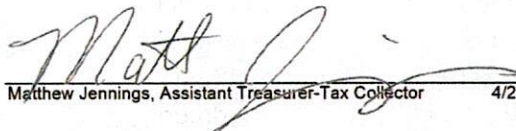
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Petition for Rescission of Tax Deed to Purchaser of Tax-Defaulted Property, Sale No. Tax Sale 214 Item No. 25, Tax Sale Date June 04, 2019 for PIN 211-122-003; 1st District. [\$0] (Continued from April 21, 2020. Agenda Item No. 19.1)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1.) Hold a public hearing under the provisions of Section 3725 and 3731 of the Revenue and Taxation Code, relative to the Petition of Kiavi Luh, trustee, of Lot 38 Trust to rescind the Tax Deed resulting from the tax sale of parcel identification number 211-122-003 in the City of Riverside (the "Subject Property").
- 2.) At the conclusion of the public hearing, find that the tax sale was lawful; that the Petition lacks merit; and deny the Petition.
- 3.) Direct the Treasurer-Tax Collector to provide written notice of the Board's decision to the Petitioner and the Tax Deed Purchaser.

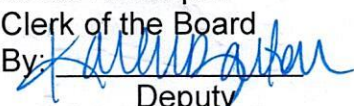
ACTION:Policy


Matthew Jennings, Assistant Treasurer-Tax Collector 4/29/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington 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: May 5, 2020
xc: Treasurer

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**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 Adjustment:	N/A
			For Fiscal Year:	19/20

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Sections 3725 and 3731 of the Revenue and Taxation Code provide that the Board of Supervisors is to hold a public hearing regarding the possible rescission of Tax Deed when the prior owner to the property sold at tax sale files a timely petition for rescission. Petitioner Kiavi Luh, trustee of Lot 38 Trust ("Petitioner") is the prior owner of the Subject Property and timely filed such a petition through attorney Robert Chandler of the Chandler Law Firm. (The Petition is attached.)

Upon conclusion of a properly noticed public hearing, the Board of Supervisors may rescind a tax deed, if the Board determines that the property should not have been sold. Notice of the hearing on the Petition was properly given to the appropriate interested parties as required by law.

The property taxes on the Subject Property became delinquent as of tax year 2012-2013.

The Subject Property was sold to ADAD, LLC, pursuant to Division 1, Part 6, Chapter 7 of the California Revenue and Taxation Code. Chapter 7 authorizes the County to sell tax-defaulted property that has become five years or more defaulted through public auction. The tax collector shall have the power to sell and shall attempt to sell in accordance with Section 3692 all or any portion of tax-defaulted property that has not been redeemed.

Chapter 7 Tax Sales must be approved by the Board of Supervisors, and notification must be sent to the State Controller's office. The Board of Supervisors approved the tax sale on February 5, 2019, and the State Controller was notified.

The tax sale became effective as of May 30, 2019, when the last assessee, Lot 38 Trust, failed to pay the delinquent taxes and redeem the Subject Property. A Tax Deed for the Subject Property was issued to ADAD, LLC in exchange for \$113,300, the minimum purchase price required by Chapter 7. This Tax Deed was subsequently recorded on August 13, 2019.

Petitioner alleges that the Petitioner was not aware that the subject property and the Petitioner's adjacent property were being assessed as two separate parcels.

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

Section 3365 of the Revenue and Taxation Code requires the Tax Collector to mail the Notice of Power to Sell Tax Defaulted Property to the last assessee(s) of the tax-defaulted property at his or her last known address.

Contrary to Petitioner's allegations, the official records of the Tax Collector discloses that the Tax Collector mailed the Notice of Power to Sell Tax-Defaulted Property by certified mail on or about June 1, 2018 to the last assessee, Lot 38 Trust at the 5225 Canyon Crest 71 836, Riverside, CA 92507, address, in care of Tax Service.

The official records of the Tax Collector disclose that, on or about April 4, 2019, the Tax Collector mailed the Notice of Sale Of Tax-Defaulted Property, by certified mail, to the last assessee, Lot 38 Trust at the 5225 Canyon Crest 71 836, Riverside, CA 92507, address, in care of Tax Service. A certified notice was also mailed to and signed for by the Petitioner's previous counsel, Ryan Michael Darling; however, the Petitioner claims his previous counsel failed to forward any such notices to Petitioner.

Petitioner claims to have no knowledge the subject property was separate from the adjacent property; however, the Petitioner acquired both properties through a Grant Deed recorded June 6, 2012 which listed both parcel numbers. Subsequently, the Petitioner transferred the subject property from Kiavi Luh, a married man as his sole and separate property (as acquired in 2012) to Lot 38 Trust through a quitclaim deed dated July 11, 2017 and recorded September 6, 2017 as Document Number 2017-039859.

Consequently, the Tax Collector properly and timely provided the last assessee all legally required notice of the tax sale. The notice provided by the Tax Collector meets or exceeds all statutory and constitutional notice requirements.

The Tax Collector had lawful authority to sell the Subject Property by Chapter 7 when Petitioner failed to pay the delinquent taxes prior to the termination of the redemption period. Therefore, the tax sale was lawful and proper, and Petitioner had failed to meet its burden of proof that the tax sale should not have occurred.

Consequently, the Petitioner lacks merit, and the Board of Supervisors should deny the Petition.

Impact on Citizens and Businesses

There is no impact on Residents and Businesses

ATTACHMENTS (if any, in this order):

ATTACHMENT A: Petition to Rescind Tax Sale Property

ATTACHMENT B: Tax Deed to Purchaser of Tax-Defaulted Property

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

ATTACHMENT C: Quitclaim Deed

ATTACHMENT D: Grant Deed

ATTACHMENT E: Declaration of Sandy Finley



Gregory V. Priamos, Director County Counsel 4/29/2020

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



19.1
(MT 12400)

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from the Treasurer- Tax Collector regarding Petition for Rescission of Tax Deed to Purchaser of Tax-Defaulted Property, Sale No. Tax Sale 214 Item No. 25, Tax Sale Date June 04, 2019 for PIN 211-122-003, is continued to Tuesday, May 5, 2020 at 9:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on April 21, 2020 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: April 21, 2020
Kecia R. Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: *Kecia R. Harper* Deputy

AGENDA NO.
19.1

xc: COB

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



**ITEM: 19.1
(ID # 12400)**

MEETING DATE:
Tuesday, April 21, 2020


FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Petition for Rescission of Tax Deed to Purchaser of Tax-Defaulted Property, Sale No. Tax Sale 214 Item No. 25, Tax Sale Date June 04, 2019 for PIN 211-122-003; 1st District. [\$0] (Continued from April 7, 2020, Agenda Item No. 19.17)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1.) Hold a public hearing under the provisions of Section 3725 and 3731 of the Revenue and Taxation Code, relative to the Petition of Kiavi Luh, trustee, of Lot 38 Trust to rescind the Tax Deed resulting from the tax sale of parcel identification number 211-112-003 in the City of Riverside (the "Subject Property").
- 2.) At the conclusion of the public hearing, find that the tax sale was lawful; that the Petition lacks merit; and deny the Petition.
- 3.) Direct the Treasurer-Tax Collector to provide written notice of the Board's decision to the Petitioner and the Tax Deed Purchaser.

ACTION:Policy


Matthew Jennings, Assistant Treasurer-Tax Collector 4/17/2020

MINUTES OF THE BOARD OF SUPERVISORS

**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 Adjustment: N/A	
			For Fiscal Year: 19/20	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Sections 3725 and 3731 of the Revenue and Taxation Code provide that the Board of Supervisors is to hold a public hearing regarding the possible rescission of Tax Deed when the prior owner to the property sold at tax sale files a timely petition for rescission. Petitioner Kiavi Luh, trustee of Lot 38 Trust ("Petitioner") is the prior owner of the Subject Property and timely filed such a petition through attorney Robert Chandler of the Chandler Law Firm. (The Petition is attached.)

Upon conclusion of a properly noticed public hearing, the Board of Supervisors may rescind a tax deed, if the Board determines that the property should not have been sold. Notice of the hearing on the Petition was properly given to the appropriate interested parties as required by law.

The property taxes on the Subject Property became delinquent as of tax year 2012-2013.

The Subject Property was sold to ADAD, LLC, pursuant to Division 1, Part 6, Chapter 7 of the California Revenue and Taxation Code. Chapter 7 authorizes the County to sell tax-defaulted property that has become five years or more defaulted through public auction. The tax collector shall have the power to sell and shall attempt to sell in accordance with Section 3692 all or any portion of tax-defaulted property that has not been redeemed.

Chapter 7 Tax Sales must be approved by the Board of Supervisors, and notification must be sent to the State Controller's office. The Board of Supervisors approved the tax sale on February 5, 2019, and the State Controller was notified.

The tax sale became effective as of May 30, 2019, when the last assessee, Lot 38 Trust, failed to pay the delinquent taxes and redeem the Subject Property. A Tax Deed for the Subject Property was issued to ADAD, LLC in exchange for \$113,300, the minimum purchase price required by Chapter 7. This Tax Deed was subsequently recorded on August 13, 2019.

Petitioner alleges that the Petitioner was not aware that the subject property and the Petitioner's adjacent property were being assessed as two separate parcels.

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

Section 3365 of the Revenue and Taxation Code requires the Tax Collector to mail the Notice of Power to Sell Tax Defaulted Property to the last assessee(s) of the tax-defaulted property at his or her last known address.

Contrary to Petitioner's allegations, the official records of the Tax Collector discloses that the Tax Collector mailed the Notice of Power to Sell Tax-Defaulted Property by certified mail on or about June 1, 2018 to the last assessee, Lot 38 Trust at the 5225 Canyon Crest 71 836, Riverside, CA 92507, address, in care of Tax Service.

The official records of the Tax Collector disclose that, on or about April 4, 2019, the Tax Collector mailed the Notice of Sale Of Tax-Defaulted Property, by certified mail, to the last assessee, Lot 38 Trust at the 5225 Canyon Crest 71 836, Riverside, CA 92507, address, in care of Tax Service. A certified notice was also mailed to and signed for by the Petitioner's previous counsel, Ryan Michael Darling; however, the Petitioner claims his previous counsel failed to forward any such notices to Petitioner.

Petitioner claims to have no knowledge the subject property was separate from the adjacent property; however, the Petitioner acquired both properties through a Grant Deed recorded June 6, 2012 which listed both parcel numbers. Subsequently, the Petitioner transferred the subject property from Kiavi Luh, a married man as his sole and separate property (as acquired in 2012) to Lot 38 Trust through a quitclaim deed dated July 11, 2017 and recorded September 6, 2017 as Document Number 2017-039859.

Consequently, the Tax Collector properly and timely provided the last assessee all legally required notice of the tax sale. The notice provided by the Tax Collector meets or exceeds all statutory and constitutional notice requirements.

The Tax Collector had lawful authority to sell the Subject Property by Chapter 7 when Petitioner failed to pay the delinquent taxes prior to the termination of the redemption period. Therefore, the tax sale was lawful and proper, and Petitioner had failed to meet its burden of proof that the tax sale should not have occurred.

Consequently, the Petitioner lacks merit, and the Board of Supervisors should deny the Petition.

Impact on Citizens and Businesses

There is no impact on Residents and Businesses

ATTACHMENTS (if any, in this order):

ATTACHMENT A: Petition to Rescind Tax Sale Property

ATTACHMENT B: Tax Deed to Purchaser of Tax-Defaulted Property

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

ATTACHMENT C: Quitclaim Deed

ATTACHMENT D: Grant Deed

ATTACHMENT E: Declaration of Sandy Finley



Gregory H. Priamos, Director County Counsel 4/16/2020

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



19.17
(MT 11288)

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from the Treasurer- Tax Collector regarding Petition for Rescission of Tax Deed to Purchaser of Tax-Defaulted Property, Sale No. Tax Sale 214 Item No. 25, Tax Sale Date June 04, 2019 for PIN 211-122-003, is continued to Tuesday, April 21, 2020 at 9:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on April 7, 2020 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: April 7, 2020
Kecia R. Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: Karen [Signature] Deputy

AGENDA NO.
19.17

xc: COB

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



**ITEM: 19.17
(ID # 11288)**

MEETING DATE:
Tuesday, April 07, 2020

FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Petition for Rescission of Tax Deed to Purchaser of Tax-Defaulted Property, Sale No. Tax Sale 214 Item No. 25, Tax Sale Date June 04, 2019 for PIN 211-122-003; 1st District. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

- 1.) Hold a public hearing under the provisions of Section 3725 and 3731 of the Revenue and Taxation Code, relative to the Petition of Kiavi Luh, trustee, of Lot 38 Trust to rescind the Tax Deed resulting from the tax sale of parcel identification number 211-112-003 in the City of Riverside (the "Subject Property").
- 2.) At the conclusion of the public hearing, find that the tax sale was lawful; that the Petition lacks merit; and deny the Petition.
- 3.) Direct the Treasurer-Tax Collector to provide written notice of the Board's decision to the Petitioner and the Tax Deed Purchaser.

ACTION:Policy


Matthew Jennings, Assistant Treasurer-Tax Collector 3/12/2020

MINUTES OF THE BOARD OF SUPERVISORS

**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 Adjustment:	N/A
			For Fiscal Year:	19/20

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Sections 3725 and 3731 of the Revenue and Taxation Code provide that the Board of Supervisors is to hold a public hearing regarding the possible rescission of Tax Deed when the prior owner to the property sold at tax sale files a timely petition for rescission. Petitioner Kiavi Luh, trustee of Lot 38 Trust ("Petitioner") is the prior owner of the Subject Property and timely filed such a petition through attorney Robert Chandler of the Chandler Law Firm. (The Petition is attached.)

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

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Impact on Citizens and Businesses

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ATTACHMENTS (if any, in this order):

ATTACHMENT A: Petition to Rescind Tax Sale Property

ATTACHMENT B: Tax Deed to Purchaser of Tax-Defaulted Property

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

ATTACHMENT C: Quitclaim Deed

ATTACHMENT D: Grant Deed

ATTACHMENT E: Declaration of Sandy Finley



Gregory V. Priamos, Director County Counsel 2/19/2020



Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert Chandler

Address: _____

City: _____ Zip: _____

Phone #: _____

Date: _____ Agenda # 19.2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ Support _____ Oppose _____ Neutral

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____

Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert Chandler

Address: _____

City: _____ Zip: _____

Phone #: _____

Date: 4/7/20 Agenda # 19.17

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

11:46

Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

on site

SPEAKER'S NAME: Robert Chandler

Address: _____

City: _____ Zip: _____

Phone #: _____

Date: _____ Agenda # 19.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ Support _____ Oppose _____ Neutral

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda/Public Comment:

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin to flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.