

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



**ITEM: 19.13
(ID # 12423)**

MEETING DATE:
Tuesday, April 18, 2023

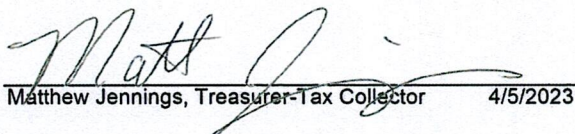
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 209, Item 326. Last assessed to: Nhu Thi Tran. District 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Deny the claim from the City of Banning, Code Enforcement Division for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 541233019-2;
2. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$1,321.86 to the County General Fund pursuant to Revenue and Taxation Code Section 4674.

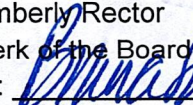
ACTION:Policy


Matthew Jennings, Treasurer-Tax Collector 4/5/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: April 18, 2023
xc: Tax Collector

Kimberly Rector
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:	22/23

C.E.O. RECOMMENDATION: Approve

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 2, 2017 public auction sale. The deed conveying title to the purchasers at the auction was recorded June 21, 2017. 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 24, 2017, to parties of interest as defined in Section 4675 of said code. Parties of interest have been determined by an examination of Parties of Interest Report's, Assessor's and Recorder's records, as well as other, various research methods 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 Parties of Interest reports to notify all parties of interest attached to the parcel.
2. Researched all last assessee's 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.
4. 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 4676(b).

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 June 21, 2017.

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

1. Claim from the City of Banning, Code Enforcement Division based on a Notice of Abatement/Assessment Lien recorded June 13, 2016 as Instrument No. 2016-0240705 and a Release of Nuisance Abatement Lien recorded June 11, 2021 as Instrument No. 2021-0354880.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that the claim from the City of Banning, Code Enforcement Division be denied since the lien was released with Instrument No. 2021-0354880. Since there are no other claimants, the unclaimed excess proceeds in the amount of \$1,321.86 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

Excess proceeds will be transferred to the County General Fund.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim Banning


Stephanie Perez, Principal Management Analyst 4/10/2023


Ronak Patel, Deputy County Counsel 3/15/2023

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

To: Don Kent, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 209 Item 326 Assessment Number: 541233019-2

Assessee: TRAN, NHU THI

Situs:

Date Sold: May 2, 2017

Date Deed to Purchaser Recorded: June 21, 2017

Final Date to Submit Claim: June 21, 2018

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 521.16 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 2016-0240705; recorded on 6/13/16. 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.

weed abatement costs.

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 2 day of August, 2017 at Riverside, CA. County, State

Deborah Shubin. Signature of Claimant

Signature of Claimant

Deborah L Shubin Print Name City of Banning

Print Name

125 E RAMSEY Street Address

Street Address

Banning, CA 92220 City, State, Zip

City, State, Zip

951-849-1047 Phone Number

Phone Number

RECEIVED 2017 AUG 11 PM 1:13 RIVERSIDE COUNTY TREAS-TAX COLLECTOR

WHEN RECORDED RETURN TO

CITY OF BANNING
Police Department
Attn Code Enforcement Division
P O Box 1177
125 E Ramsey St
Banning, CA 92220
(951) 922-4821 Fax (951) 922-0041

This document is recorded at the Request of
City of Banning pursuant to Government
Code §6103 No fee shall be charged therefore

2016-0240705

06/13/2016 01 56 PM Fee \$ 0 00

Page 1 of 3

Recorded in Official Records
County of Riverside
Peter Aidana
Assessor-County Clerk-Recorder



(THIS SPACE FOR RECORDER'S USE)

820

NOTICE OF ABATEMENT/ASSESSMENT LIEN

PURSUANT TO THE AUTHORITY contained in Chapter 8 48 of the Code of the City of Banning, City of Banning, California, and in California Government Code, Sections 38773 and 38773 1, the City of Banning, did cause a nuisance to be abated on the premises described below and did assess the costs incurred of such abatement upon the premises described below and did assess the costs uncured of such abatement upon the premises described below

of said costs there remains unpaid to the City of Banning the sum of **ELEVEN THOUSAND ONE HUNDRED TWENTY SEVEN DOLLARS AND 98/100 ***DOLLARS (\$11 127 98)**, together with interest calculated thereon at the legal rate of interest from **May 26, 2016** until said amount has been paid in full and this lien discharged of record

The real property upon which the nuisance was abated is that certain premises situated in the City of Banning, County of Riverside, State of California, and more particularly described as follows

SEE ATTACHMENT 'A'

The name and address of the owner of record of such premises described above is

SEE ATTACHMENT 'A'

NOTICE, THIS PROPERTY MAY BE SOLD AFTER 3 YEARS BY THE TAX COLLECTOR FOR UNPAID DELINQUENT ASSESSMENTS (GOV CODE §38773 5)

DATED 05/27/2016

BY 
MAYOR OF THE CITY OF BANNING

ATTEST


CITY CLERK OF THE CITY OF BANNING

Weed Abatement Lien
2015

ATTACHMENT 'A'

532-120-004	Krystal Perez Cruz	\$521 16
532-160-008	Andy & Rebeckah Anderson	\$521 16
532-180-044	Level 3 Communications	\$591 16
534-151-005	Hina & Umair Mufti	\$899 66
534-152-022	Rifai Mousa	\$473 00
543-152-023	Rifai Mousa	\$473 00
543-152-024	Rifai Mousa	\$473 00
543-152-025	Rifai Mousa	\$473 00
534-253-007	Christina M Delrosario	\$956 76
540-165-007	Nigui Antonio Et Al	\$351 39
540-201-002	Lot 16 Trust	\$328 86
540-201-003	Lot 16 Trust	\$328 86
541-110-011	Pensxo Trust Co	\$483 89
541-133-014	William M Salazar and Richard Fernandez	\$648 12
541-133-016	Amos & Josie Mae Davis	\$464 39
541-191-015	Ramsaran Melinda R Living Trust	\$534 66
541-191-016	Luz Reyes	\$724 04
541-191-020	Arthur & Eileen Coccoaro	\$648 39
541-233-015	Renee Lara	\$356 16
541-233-016	Leora Nobles	\$356 16
541-233-019	Tran Nhu Thi	\$521 16

Weed Abatement Lien
2015

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

STATE OF CALIFORNIA

COUNTY OF

On 05/27, 2016 before me, Daniele S Savard, Notary Public, personally appeared

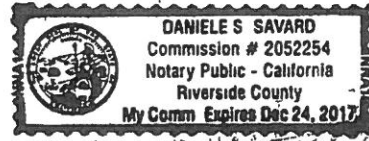
Arthur Lee Welch

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are 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 [Handwritten Signature]



OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL
CORPORATE OFFICER
TITLE(S)

PARTNER(S) LIMITED GENERAL

ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER Mayor

SIGNER IS REPRESENTING
(NAME OF PERSON(S) OR ENTITY (IES))
City of Banning

DESCRIPTION OF ATTACHED DOCUMENT

APN# Various

ADDRESS/OTHER

OWNER Various

NOTICE OF ABATEMENT/
TITLE OR TYPE OF DOCUMENT

ASSESSMENT LIEN
TITLE OR TYPE OF DOCUMENT

2 pgs ; Lien & Attachment 'A'
NUMBER OF PAGES

5/27/2016
DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

2021-0354880

06/11/2021 10:47 AM Fee: \$ 20.00

Page 1 of 4

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



After recording return to:

CITY OF BANNING
Police Department
Attn: Code Enforcement Division
P.O. Box 1177
125 E. Ramsey St.
Banning, CA 92220

439					(R)	A	Exam:	448	
Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC
4									
SIZE	NCOR	SMF	NCHG	T:	SPR 10/11				

**RELEASE OF NUISANCE ABATEMENT LIEN
CITY OF BANNING, CALIFORNIA**

That certain Notice of Lien in favor of the City of Banning against **See Attachment A** claiming a lien for nuisance abatement under Chapter 8.48 of the Code of the City of Banning, and California Government Code, Sections 38773 and 38773.1, upon the following real property situated in the City of Banning, County of Riverside, State of California, to-wit:

See Attachment "A"

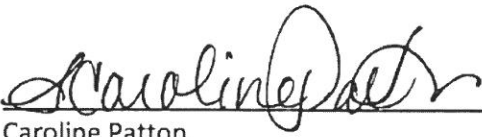
AMOUNT OF LIEN: \$11,127.98

Dated the 27th day of May 2016 and recorded on the 13th day of June 2016, Document Number 2016-0240705, Official Records of Riverside County, California, is hereby released, the lien thereunder having been fully paid and/or satisfied.

Dated: 5/25/21



Douglas Schulze
City Manager of The City of Banning



Caroline Patton,
Deputy City Clerk of The City of Banning

ATTACHMENT 'A'

532-120-004	Krystal Perez Cruz	\$521.16
532-160-008	Andy & Rebeckah Anderson	\$521.16
532-180-044	Level 3 Communications	\$591.16
534-151-005	Hina & Umair Mufti	\$899.66
534-152-022	Rifai Mousa	\$473.00
543-152-023	Rifai Mousa	\$473.00
543-152-024	Rifai Mousa	\$473.00
543-152-025	Rifai Mousa	\$473.00
534-253-007	Christina M. Delrosario	\$956.76
540-165-007	Nigui Antonio Et Al	\$351.39
540-201-002	Lot 16 Trust	\$328.86
540-201-003	Lot 16 Trust	\$328.86
541-110-011	Pensxo Trust Co	\$483.89
541-133-014	William M Salazar and Richard Fernandez	\$648.12
541-133-016	Amos & Josie Mae Davis	\$464.39
541-191-015	Ramsaran Melinda R Living Trust	\$534.66
541-191-016	Luz Reyes	\$724.04
541-191-020	Arthur & Eileen Coccaro	\$648.39
541-233-015	Renee Lara	\$356.16
541-233-016	Leora Nobles	\$356.16
541-233-019	Tran Nhu Thi	\$521.16

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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

State of California }
County of Riverside }

On 5-25-2021, before me, Stacy L. Bouslog, Notary Public, personally appeared Douglas Schulze, City Manager, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are 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 State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE Stacy L. Bouslog

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: Release of Nuisance Abatement Lien of Administrative Proceedings
APN: See Attachment A - Document #: 2016-0240705 Address: List on attachment A

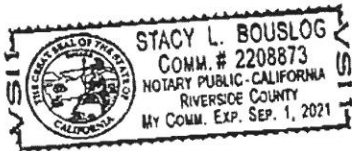
CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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

State of California }
County of Riverside }

On 5-25-2021, before me, Stacy L. Bouslog, Notary Public, personally appeared Caroline Patton, Deputy Clerk City of Banning, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are 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 State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE Stacy L Bouslog

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: Release of Nuisance Abatement Lien City of Banning
APN: See # attachment Document #: 2016-0240705 Address: Attached List