

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



**ITEM: 19.17
(ID # 12477)**

**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. 207, Item 262. Last assessed to: Phillip S. Ernst, a single man. District 2. [0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Deny the claim from the City of Lake Elsinore, Code Enforcement for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 373153006-4;
2. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$16,074.92 to the County General Fund pursuant to Revenue and Taxation Code Section 4674.

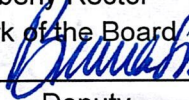
ACTION:Policy


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 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 Parties of Interest Reports, 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 July 14, 2016.

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

1. Claim from the City of Lake Elsinore, Code Enforcement based on a Notice of Violation and Non-Compliance recorded March 25, 2014 as Instrument No. 2014-0108692.

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 Lake Elsinore, Code Enforcement be denied since the claimant withdrew their claim. Since there are no other claimants, the unclaimed excess proceeds in the amount of \$16,074.92 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 Code


Stephanie Perez, Principal Management Analyst 4/10/2023


Ronak Patel, Deputy County Counsel 3/2/2023

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

RECEIVED

To: Don Kent, Treasurer-Tax Collector

2016 SEP -2 PM 4: 32

Re: Claim for Excess Proceeds

RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

TC 207 Item 262 Assessment Number: 373153006-4

Assessee: ERNST, PHILLIP S

Situs: 128 E PROSPECT ST LAKE ELSINORE 92530

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 \$ 12,850.00 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. 2014-0108692 recorded on 3-25-14. 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.

List of citation/monies owed
Notice of Violation + Non-Compliance

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 30th day of August, 2016 at Riverside, California
County, State

Joyce Teyler
Signature of Claimant

Signature of Claimant

Joyce Teyler
Print Name

Print Name

CODE ENFORCEMENT
CITY OF LAKE ELSINORE
130 S. MAIN STREET
LAKE ELSINORE, CA 92530

Street Address

City, State, Zip

City, State, Zip

951-674-3124 Ext 227
Phone Number

Phone Number

DOC # 2014-0108692

03/25/2014 11:52A Fee:NC

Page 1 of 4

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

City of Lake Elsinore
Attn: City Clerk's Office
130 S. Main Street
Lake Elsinore, CA 92530

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			4						
M	A	L	465	426	PCOR	NCOR	SMF	(NCHG)	EXAM
							T:	CTY	UNI

Space above this line for recorder's use only

Notice of Violation and Non-Compliance

Title of Document



TRA: _____

DTT: _____

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)



**RECORDING REQUESTED
NO FEE-RECORD FOR THE BENEFIT OF
RIVERSIDE COUNTY AND THE
CITY OF LAKE ELSINORE**

WHEN RECORDED MAIL TO:

City of Lake Elsinore
Code Enforcement Division
130 S. Main Street
Lake Elsinore, CA 92530

Case # 12-1683

Notice of Violation and Non-Compliance

**NOTE* THIS CERTIFICATE OF NUISANCE CANNOT BE RELEASED UNTIL ALL APPLICABLE VIOLATIONS HAVE BEEN CORRECTED AND FEES AND FINES HAVE BEEN PAID-CONTACT THE CODE ENFORCEMENT DIVISION FOR DETAILS*

PLEASE TAKE NOTE that the real property located within the County of Riverside and the City of Lake Elsinore and described below has been found by the Code Enforcement Division of the City of Lake Elsinore to contain conditions declared to constitute a public nuisance pursuant to Lake Elsinore Municipal Code Title 8 Chapter 8.18.020. The owner thereof has been so notified: LEMC Section 8.18.020 (E) Broken Windows, 8.18.020 (U) Landscape Maintenance

LEGAL DESCRIPTION: Por Lot 5 Blk 1 MB 014/682 SD Kimballs Add
APN#: 373-153-006
ADDRESS: 128 E. Prospect, Lake Elsinore, CA 92530
PROPERTY OWNER: Phillip S. Ernst

Pursuant to Lake Elsinore Municipal Code Title 8 Chapter 8.18.130, under the authority contained in the Lake Elsinore Municipal Code Title 8 Chapter 8.18.130, all costs of abatement of the nuisance, including all costs of enforcement, if any, as confirmed by Lake Elsinore City Council, may be assessed and recorded as a special assessment and lien against the above described real property which shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary property taxes. After recordation, the lien may be foreclosed by judicial or other sale in the manner and means provided.

CITY OF LAKE ELSINORE
CODE ENFORCEMENT DIVISION

R. Hernandez
Code Enforcement Supervisor

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Riverside

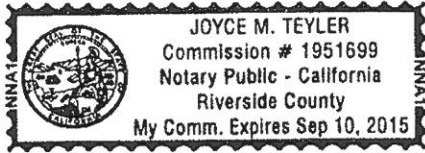
On 3-18-14 before me, Joyce M. Teyler, Notary Public

personally appeared Ruben Hernandez

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 the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: Joyce M. Teyler

Place Notary Seal Above

OPTIONAL

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: Notice of Violation and Non-Compliance

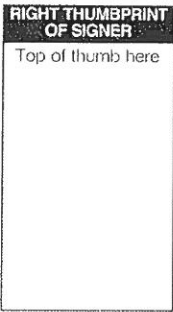
Document Date: Number of Pages: 2

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ruben Hernandez

- Corporate Officer, Individual, Partner, Attorney in Fact, Trustee, Guardian or Conservator, Other



Signer's Name:

- Corporate Officer, Individual, Partner, Attorney in Fact, Trustee, Guardian or Conservator, Other



Signer Is Representing: City of Lake Elsinore

Signer Is Representing:



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: Joyce M. Teyler

Commission #: 1951699

Place of Execution: Riverside County

Date Commission Expires: 09/10/2015

Date: 3-18-14

Signature: Joyce M. Teyler

Print Name: Joyce M. Teyler

Ambriz, Maricela

From: Maureen Duran <mduran@Lake-Elsinore.org>
Sent: Tuesday, February 7, 2023 3:51 PM
To: RCTTC Excess Proceeds
Subject: RE: [External]FW: [External]FW: EP 207-262

Yes, no money is owed.

Maureen Duran
Community Development Technician
Code Enforcement Division
City of Lake Elsinore
951-674-3124, x 227



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Tuesday, February 7, 2023 2:11 PM
To: Maureen Duran <mduran@Lake-Elsinore.org>
Subject: [External]FW: [External]FW: EP 207-262

Message from external sender. Use Caution.

From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Tuesday, February 7, 2023 11:26 AM
To: Maureen Duran <mduran@Lake-Elsinore.org>
Subject: RE: [External]FW: EP 207-262

Re: APNs: 373153006-4
TC 207 Items 262
Tax Date of Sale: May 24, 2016

Good afternoon,

Based on the information provided, our office will move forward with the withdrawal of the City of Lake Elsinore's Code Enforcement's claim. **Can you please confirm this is correct?**

Regards,

Maricela Ambriz

Accounting Technician I
Tax Sale Operations Unit



From: Maureen Duran <mduran@Lake-Elsinore.org>
Sent: Tuesday, February 7, 2023 10:55 AM

To: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>

Subject: RE: [External]FW: EP 207-262

Good morning,

I was able to get confirmation from our Deputy City Clerk that there are no recorded liens on the address of 128 Prospect.

Thank you so much for your patience.

Maureen Duran

Community Development Technician

Code Enforcement Division

City of Lake Elsinore

951-674-3124, x 227



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>

Sent: Tuesday, January 31, 2023 12:42 PM

To: Maureen Duran <mduran@Lake-Elsinore.org>

Subject: [External]FW: EP 207-262

Message from external sender. Use Caution.

Re: APNs: 373153006-4

TC 207 Items 262

Tax Date of Sale: May 24, 2016

Hello,

I am following up on the below email. Please include in your updated statement a record of dates the charges/fees occurred. As a reminder, the statement should only include charges up to the date of the sale.

Please send in all requested documents by **January 31, 2023.**

Regards,

Maricela Ambroz

Senior Accounting Assistant

Tax Sale Operations Unit



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>

Sent: Monday, January 30, 2023 10:20 AM

To: Maureen Duran <mduran@Lake-Elsinore.org>

Subject: RE: EP 207-262

Re: APNs: 373153006-4

TC 207 Items 262

Tax Date of Sale: May 24, 2016

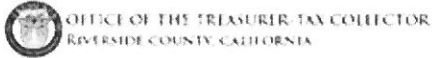
Hello,

Per our phone conversation, please find the original lien attached.

Regards,

Maricela Ambroz

Accounting Technician I
Tax Sale Operations Unit



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Monday, January 30, 2023 10:07 AM
To: Maureen Duran <mduran@Lake-Elsinore.org>
Subject: RE: EP 207-262

Re: APNs: 373153006-4
TC 207 Items 262
Tax Date of Sale: May 24, 2016

Good morning,

Thank you for your response! This is the same Demand Letter we received back in August 2022, which is what prompted our office to request a new one. As stated below, we are requesting additional information. In your Demand Letter, please include **a record of dates the charges occurred**. As a reminder, this statement should only include charges **up to the date of the sale (5/24/2016)**.

Please let me know if you have any questions.

Regards,

Maricela Ambroz

Accounting Technician I
Tax Sale Operations Unit



From: Maureen Duran <mduran@Lake-Elsinore.org>
Sent: Monday, January 30, 2023 9:41 AM
To: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Subject: RE: EP 207-262

Good morning,

I have received information regarding this case. I apologize for a delay in response, this was from 2014, and it was in our old system. I have attached the demand letter for the clean-up cost. Let me know if you need anything else.

Thank you.

Maureen Duran
Community Development Technician
Code Enforcement Division

City of Lake Elsinore
951-674-3124, x 227



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Monday, January 30, 2023 8:52 AM
To: Maureen Duran <mduran@Lake-Elsinore.org>
Subject: RE: EP 207-262

Re: APNs: 373153006-4
TC 207 Items 262
Tax Date of Sale: May 24, 2016

Good morning,

I am following up on the below email. If there is nothing owed, please reply to this email confirming so. If there are remaining charges/fees owed, please make sure to send our office an updated statement that includes a record of dates those charges occurred. Also, this statement should only include charges up to the date of the sale.

Please send in all requested documents by **January 31, 2023.**

Regards,

Maricda Ambriz

Senior Accounting Assistant
Tax Sale Operations Unit



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Tuesday, January 24, 2023 8:51 AM
To: Maureen Duran <mduran@Lake-Elsinore.org>
Subject: RE: EP 207-262

Re: APNs: 373153006-4
TC 207 Items 262
Tax Date of Sale: May 24, 2016

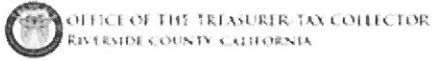
Good morning,

Thank you for your reply. Attached is a copy of the last statement received. If there is nothing owed, please reply to this email confirming so. If there are remaining charges/fees owed, please make sure to send our office an updated statement that includes a record of dates those charges occurred. Also, this statement should only include charges up to the date of the sale.

Please send in all requested documents by **January 31, 2023.**

Maricda Ambriz

Senior Accounting Assistant
Tax Sale Operations Unit



From: Maureen Duran <mduran@Lake-Elsinore.org>
Sent: Monday, January 23, 2023 4:15 PM
To: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Subject: RE: EP 207-262

Good afternoon,
There is nothing owed on this lot. Do you have a statement you can forward to me?
Thank you.

Maureen Duran
Community Development Technician
Code Enforcement Division
City of Lake Elsinore
951-674-3124, x 227



From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Friday, January 20, 2023 4:07 PM
To: Maureen Duran <mduran@Lake-Elsinore.org>
Subject: RE: EP 207-262

Re: APNs: 373153006-4
TC 207 Items 262
Tax Date of Sale: May 24, 2016

To Whom It May Concern:

This office is in receipt of your statement of monies owed. However, the statement provided did not include dates as to when the charges occurred. Please submit an Updated Statement of Monies Owed that includes a breakdown of charges and dates.

Updated Statement of Monies Owed (up to the date of tax sale)

Please send in all requested documents by **January 31, 2023**.

Maricda Ambriz

Senior Accounting Assistant
Tax Sale Operations Unit



From: Maureen Duran <mduran@Lake-Elsinore.org>
Sent: Friday, August 5, 2022 2:17 PM
To: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Subject: RE: [External]FW: EP 207-262

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I have found the following amounts for the APNs you provided. I need to confirm with my manager on Monday if these are the final amounts due, as he is not in the office today. These might not be the final amounts.

373153006 owed on two cases (#14-354 & #16-4552) \$2000

373153004 owed on one case (#16-4376) \$200

Thank you.

From: RCTTC Excess Proceeds <RCTTCExcessProceeds@rivco.org>
Sent: Friday, August 5, 2022 10:40 AM
To: Joyce Teyler <jteyler@Lake-Elsinore.org>
Subject: [External]FW: EP 207-262

Message from external sender. Use Caution.

Re: APNs: 373153006-4
TC 207 Items 262
Tax Date of Sale: May 24, 2016

To Whom It May Concern:

This office is in receipt of your claims for excess proceeds from the above-mentioned tax sale.

Please submit the necessary proof to establish your right to claim the excess proceeds. The document(s) listed below may assist the Treasurer-Tax Collector in making the determination.

X Updated Statement of Monies Owed (up to the date of tax sale)

Please send in all requested documents within 14 days (August 19, 2022).

Maricda Ambriz

Senior Accounting Assistant
Tax Sale Operations Unit



Confidentiality Disclaimer

This email is confidential and intended solely for the use of the individual(s) to whom it is addressed. The information contained in this message may be privileged and confidential and protected from disclosure. If you are not the author's intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error please delete all copies, both electronic and printed, and contact the author immediately.

County of Riverside California