

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



ITEM: 19.27
(ID # 14976)

MEETING DATE:
Tuesday, April 18, 2023

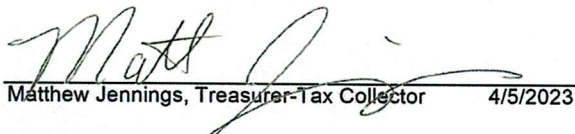
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 209, Item 464. Last assessed to: Carol Ann Adams and Lorenzo Galbiati, as joint tenants. District 4. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Deny the claim from Wayne S. Guralnick, authorized trustee for Mission Lakes Country Club Condominiums for payment of excess proceeds resulting from the Tax Collector's public auction tax sale associated with parcel 661260003-8;
2. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$16,695.69 to the County General Fund pursuant to Revenue and Taxation Code Section 4674.

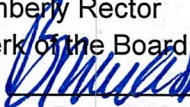
ACTION:Policy


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 tax 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 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

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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 Wayne S. Guralnick, authorized trustee for Mission Lakes Country Club Condominiums based on a Notice of Assessment Lien recorded August 11, 2015 as Instrument No. 2015-0355035 and a Notice of Default and Election to Sell Pursuant to Assessment Lien and the Provisions of the Declaration of Restrictions recorded October 23, 2015 as Instrument No. 2015-0465425.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that the claim from Wayne S. Guralnick, authorized trustee for Mission Lakes Country Club Condominiums be denied since the claimant withdrew their claim due to their lien being satisfied. Since there are no other claimants the unclaimed excess proceeds in the amount of \$16,695.69 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 Guralnick


Stephanie Perez, Principal Management Analyst 4/10/2023


Ronak Patel, Deputy County Counsel 2/9/2023

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 464 Assessment Number: 661260003-8

Assessee: ADAMS, CAROL ANN & GALBIATI, LORENZO

Situs: 64291 SPYGLASS AVE NO 3 DESERT HOT SPRINGS 92240

Date Sold: May 2, 2017

Date Deed to Purchaser Recorded: June 21, 2017

Final Date to Submit Claim: June 21, 2018

RECEIVED
2017 AUG -1 PM 2:32
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$15,088.25 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. 2015-0355035 recorded on 8-11-15. 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.

Assessment Lien - Recorded 8-11-15 / 2015-0355035
Notice of Default - Recorded 10-23-15 / 2015-0465425

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 27th day of July, 2017 at Riverside, Ca
County, State

[Signature]
Signature of Claimant

Wayne Guralnick
Signature of Claimant

Wayne Guralnick
Print Name

Print Name

40004 Cook St. #3
Street Address

Street Address

Palm Desert, Ca 92211
City, State, Zip

City, State, Zip

760-340-1515
Phone Number

Phone Number

Recording Requested by:
MISSION LAKES COUNTRY CLUB CONDOMINIUMS
A California Non-Profit Mutual Benefit Corporation

When Recorded, Mail To:
WAYNE S. GURALNICK
A Professional Law Corporation
40-004 Cook Street, Suite 3
Palm Desert, California 92211
(760) 340-1515
99-102

2015-0355035

08/11/2015 10:54 AM

Customer Copy Label

The paper to which this label is affixed
has not been compared with the
filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

NOTICE OF ASSESSMENT LIEN

NOTICE IS HEREBY GIVEN that see Exhibit "A" attached hereto and made a part hereof, inclusive of Maps, Records of Riverside County, State of California, and the accompanying portion of the Common Area appurtenant thereto, has been assessed by the Board of Directors of MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation, pursuant to its authority under the enabling Declaration of Restrictions, recorded June 2, 2005, as Instrument No. 2005-0438548, and any amendments thereto, as well as California *Civil Code* §§5675.

The record owner of said unit/lot is: Carol Adams / Lorenzo Galbiati
Property Address (if any): 64291 Spyglass Ave. #3, Desert Hot Springs, Ca. 92240
Assessor's Parcel No.: 661-260-003

Itemized Statement

Amount of Assessment:	\$7,326.00
Additional Charges:	
Late Charges/Interest:	110.00
Pay-or-Lien:	200.00
Management / Bookkeeping Fees:	100.00
Attorney Costs:	95.00
Collection and/or Attorney's Fees:	425.00
TOTAL ASSESSMENT LIEN DUE:	\$8,256.00

Assessments are due and payable monthly in the amount of **\$220.00** and shall be added to the total amount of the assessment lien, plus late charges, interest and special assessments levied after the date of this assessment lien, if any. The name and address of the Trustee authorized by MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation, to enforce this lien by sale (nonjudicial foreclosure) is:

AUTHORIZED TRUSTEE
WAYNE S. GURALNICK
A Professional Law Corporation
40-004 Cook Street, Suite 3
Palm Desert, California 92211
(760) 340-1515

Dated: July 31, 2015

MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation

By: Catherine M. Diehl
CATHERINE M. DIEHL, Assistant Secretary of WAYNE S. GURALNICK, A Professional Law Corporation, Trustee and Authorized Representative for MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation

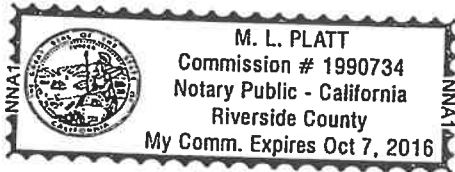
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of Riverside)

On July 31, 2015, before me, M.L. Platt, a Notary Public, personally appeared Catherine M. Diehl, Assistant Secretary of WAYNE S. GURALNICK, A Professional Law Corporation, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that her signature on the instrument the person, or entity upon behalf of the person 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.



M. L. Platt
NOTARY PUBLIC

EXHIBIT 'A'

LEGAL DESCRIPTION:

PARCEL 1: AN UNDIVIDED 1/168th INTEREST IN AND TO LOT 1 OF TRACT NO. 4481, AS SHOWN BY MAP ON FILE IN BOOK 72 PAGES 18 AND 19 OF MAPS, RIVERSIDE COUNTY RECORDS;

EXCEPTING THEREFROM UNITS 1 THROUGH 56, INCLUSIVE, AS SHOWN BY THE CONDOMINIUM PLAN OF TRACT NO. 4481, SAID PLAN BEING RECORDED JULY 28, 1972 AS INSTRUMENT NO. 100906 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS, PURSUANT TO THE PROVISIONS OF CHAPTER 1, TITLE 6, PART "A" DIVISION SECOND OF THE CIVIL CODE;

ALSO EXCEPTING THEREFROM THOSE AREAS DESIGNATED AS RESTRICTED COMMON AREAS: "BALCONIES, PATIOS AND PARKING AREAS". AS SHOWN BY THE CONDOMINIUM PLAN RECORDED JULY 28, 1972 AS INSTRUMENT NO. 100906 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS.

PARCEL 2: UNIT 3, AS SHOWN BY THE CONDOMINIUM PLAN OF TRACT NO. 4481 SAID PLAN BEING RECORDED JULY 28, 1972 AS INSTRUMENT NO. 100906 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS, PURSUANT TO THE PROVISIONS OF CHAPTER 1, TITLE 6, PART "A", DIVISION SECOND OF THE CIVIL CODE.

PARCEL 3: THE RIGHT TO USE AND OCCUPY THOSE PORTIONS OF LOT 1, DESCRIBED IN PARCEL 1 ABOVE, DESIGNATED AS BALCONIES, PATIOS AND PARKING AREAS, AS APPURTENANT TO PARCELS 1 AND 2 ABOVE DESCRIBED.

Recording Requested By:

MISSION LAKES COUNTRY CLUB CONDOMINIUMS
A California Non-Profit Mutual Benefit Corporation

When Recorded, Mail to:

WAYNE S. GURALNICK
A Professional Law Corporation
40-004 Cook Street, Suite 3
Palm Desert, California 92211
(760) 340-1515
99-102

2015-0465425

10/23/2015 09:54 AM

*****Customer Copy Label*****

The paper to which this label is affixed
has not been compared with the
filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

**NOTICE OF DEFAULT AND ELECTION TO SELL PURSUANT TO ASSESSMENT LIEN AND THE
PROVISIONS OF THE DECLARATION OF RESTRICTIONS**

IMPORTANT NOTICE

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, AND YOU MAY HAVE THE LEGAL RIGHT TO BRING YOUR ACCOUNT IN GOOD STANDING BY PAYING ALL OF YOUR PAST-DUE PAYMENTS PLUS PERMITTED COSTS AND EXPENSES WITHIN THE TIME PERMITTED BY LAW FOR REINSTATEMENT OF YOUR ACCOUNT, WHICH IS NORMALLY FIVE BUSINESS DAYS PRIOR TO THE DATE SET FOR THE SALE OF YOUR PROPERTY. NO SALE DATE MAY BE SET UNTIL THREE MONTHS FROM THE DATE THIS NOTICE OF DEFAULT MAY BE RECORDED (WHICH DATE OF RECORDATION APPEARS ON THIS NOTICE). THIS AMOUNT IS NINE THOUSAND NINE HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$9,925.00) THROUGH OCTOBER 20, 2015 AND WILL INCREASE UNTIL YOUR ACCOUNT BECOMES CURRENT.

WHILE YOUR PROPERTY IS IN FORECLOSURE, YOU STILL MUST PAY OTHER OBLIGATIONS (SUCH AS INSURANCE AND TAXES) REQUIRED BY YOUR NOTE AND DEED OF TRUST OR MORTGAGE. IF YOU FAIL TO MAKE FUTURE PAYMENTS ON THE LOAN, PAY TAXES ON THE PROPERTY, PROVIDE INSURANCE ON THE NOTE AND DEED OF TRUST OR MORTGAGE, THE BENEFICIARY OR MORTGAGEE MAY INSIST THAT YOU DO SO IN ORDER TO REINSTATE YOUR ACCOUNT IN GOOD STANDING. IN ADDITION, THE BENEFICIARY OR MORTGAGEE MAY REQUIRE AS A CONDITION TO REINSTATEMENT THAT YOU PROVIDE RELIABLE WRITTEN EVIDENCE THAT YOU PAID ALL SENIOR LIENS, PROPERTY TAXES, AND HAZARD INSURANCE PREMIUMS.

UPON YOUR WRITTEN REQUEST, THE BENEFICIARY OR MORTGAGEE WILL GIVE YOU A WRITTEN ITEMIZATION OF THE ENTIRE AMOUNT YOU MUST PAY. YOU MAY NOT HAVE TO PAY THE ENTIRE UNPAID PORTION OF YOUR ACCOUNT, EVEN THOUGH FULL PAYMENT WAS DEMANDED, BUT YOU MUST PAY ALL AMOUNTS IN DEFAULT AT THE TIME PAYMENT IS MADE. HOWEVER, YOU AND YOUR BENEFICIARY OR MORTGAGEE MAY MUTUALLY AGREE IN WRITING PRIOR TO THE TIME THE NOTICE OF SALE IS POSTED (WHICH MAY NOT BE EARLIER THAN THE END OF THE THREE-MONTH PERIOD STATED ABOVE) TO, AMONG OTHER THINGS, (1) PROVIDE ADDITIONAL TIME IN WHICH TO CURE THE DEFAULT BY TRANSFER OF THE PROPERTY OR OTHERWISE; OR (2) ESTABLISH A SCHEDULE OF PAYMENTS IN ORDER TO CURE YOUR DEFAULT; OR BOTH (1) AND (2).

FOLLOWING THE EXPIRATION OF THE TIME PERIOD REFERRED TO IN THE FIRST PARAGRAPH OF THIS NOTICE, UNLESS THE OBLIGATION BEING FORECLOSED UPON OR A SEPARATE WRITTEN AGREEMENT BETWEEN YOU AND YOUR CREDITOR PERMITS A LONGER PERIOD, YOU HAVE ONLY THE LEGAL RIGHT TO STOP THE SALE OF YOUR PROPERTY BY PAYING THE ENTIRE AMOUNT DEMANDED BY YOUR CREDITOR.

TO FIND OUT THE AMOUNT YOU MUST PAY OR TO ARRANGE FOR PAYMENT TO STOP THE FORECLOSURE, OR IF YOUR PROPERTY IS IN FORECLOSURE FOR ANY OTHER REASON, CONTACT:

SUBSTITUTED TRUSTEE
WAYNE S. GURALNICK
A Professional Law Corporation
40-004 Cook Street, Suite 3
Palm Desert, California 92211
(760) 340-1515

IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONTACT A LAWYER OR THE GOVERNMENTAL AGENCY WHICH MAY HAVE INSURED YOUR LOAN.

NOTWITHSTANDING THE FACT THAT YOUR PROPERTY IS IN FORECLOSURE, YOU MAY OFFER YOUR PROPERTY FOR SALE, PROVIDED THE SALE IS CONCLUDED PRIOR TO THE CONCLUSION OF THE FORECLOSURE.

REMEMBER, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.

**NOTICE OF DEFAULT AND ELECTION TO SELL UNDER PROVISION OF THE
DECLARATION OF RESTRICTIONS**

In the matter of the Notice of Assessment Lien executed by MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation, dated July 31, 2015 recorded on August 11, 2015 as Document No. 2015-0355035 in Book 2015, Page 0355035, of the Official Records, in the office of the Riverside County Recorder and by the authority granted by the Declaration of Covenants, Conditions and Restrictions for MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation, County of Riverside, State of California, recorded June 2, 2005, as Instrument No. 2005-0438548 and all amendments and supplements thereto, Official Records in the office of the County Recorder of Riverside County, California. **NOTICE IS HEREBY GIVEN** that a breach of obligation has occurred in connection with the payment of assessments, which obligation was created by a Document entitled Declaration for Establishment of Covenants, Conditions, and Restrictions for MISSION LAKES COUNTRY CLUB CONDOMINIUMS, recorded on June 2, 2005, as Instrument No. 2005-0438548, of Official Records of Riverside County, California, affecting real property and the improvements situated thereon, held in the name of:

Carol Adams / Lorenzo Galbiati

LEGALLY DESCRIBED AS: See Exhibit "A" attached hereto and made a part hereof.

Assessor's Parcel No.: 661-260-003

Property: **64291 Spyglass Ave. #3, Desert Hot Springs, Ca. 92240**

By reason of said breach and default, it is hereby declared that the sum of **\$9,925.00** is immediately due and payable as well as the sum of \$220.00 for each month subsequent to the recordation of this notice, plus any additional costs, penalties, late charges, collection costs, attorneys' fees, etc., which may become due and unpaid prior to the payment of said sums.

NOTICE IS HEREBY GIVEN of the election of the undersigned to cause a sale of the afore-described real property, improvements, and pertinent easements, rights, licenses, and privileges held in the name of the afore-stated real property owner(s), pursuant to the terms of the Declaration for Establishment of Covenants, Conditions and Restrictions, recorded June 2, 2005 as Instrument No. 2005-0438548, and the provisions of the California *Civil Code* §§ 5675 and 2924(a) through 2924(h) as authorized by the above-referenced Declaration, in satisfaction of the maintenance assessments presently delinquent hereafter and prior to the sale of the above-described property, and such sums as it may become necessary for MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit Mutual Benefit Corporation, to advance to protect the security of its lien for payment of delinquent lien assessments.

DATED: October 20, 2015

MISSION LAKES COUNTRY CLUB CONDOMINIUMS
A California Non-Profit Mutual Benefit Corporation

By: Catherine M. Diehl

Catherine M. Diehl, Assistant Secretary of WAYNE S. GURALNICK,
A Professional Law Corporation, Trustee and Authorized Representative for
MISSION LAKES COUNTRY CLUB CONDOMINIUMS, A California Non-Profit
Mutual Benefit Corporation

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, or validity of that document.

State of California)
) ss.
County of Riverside)

On October 20, 2015, before me, Cynthia Van Lizen, a Notary Public, personally appeared Catherine M. Diehl, Assistant Secretary of WAYNE S. GURALNICK, A Professional Law Corporation, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that her signature on the instrument the person, or entity upon behalf of the person 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.

C

NOTARY PUBLIC



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GURALNICK & GILLILAND

ATTORNEYS AT LAW

ATTORNEYS SERVING
COMMUNITY
ASSOCIATIONS

40004 COOK ST. STE 3
PALM DESERT, CALIFORNIA 92211
TELEPHONE: (760) 340-1515
FACSIMILE: (760) 568-3053

ASSESSMENT COLLECTION
DEPARTMENT

PLEASE REFER TO FILE:99-102

March 11, 2019

**SENT VIA FIRST-CLASS MAIL; AND
CERTIFIED, RETURN RECEIPT REQUESTED**

County of Riverside
County Administrative Center - 4th Floor
4080 Lemon St. P.O. Box 12005
Riverside, Ca. 92502-2205

Re: Excess Proceeds from Sale of Tax Defaulted Property
Assessment Number 661-260-003-8 / TC 209 / ITEM 464
Property Address 64291 Spyglass Ave. #3, Desert Hot Springs, Ca. 92240
Assessee Carol Adams / Lorenzo Galbiati
Date Sold May 2, 2017

To Whom it May Concern :

Our office submitted a excess proceeds claim on July 27, 2017 in the amount of \$15,088.25 for the above referenced property (Attached for your reference). This letter is to serve as notice that our office is now withdrawing the claim due to the fact that the purchaser of said property has sold the unit in escrow and has paid a reduced amount of the claim which was approved by the Homeowner's Association Board of Directors. Our office will be releasing the lien recorded as Instrument No. 2015-0355035, which will also wipe out the Notice of Default recorded as Instrument No. 2015-0465425, both of which were referenced on the claim form.

If you should require any additional information, please do not hesitate to contact me at CatherineD@gghoalaw.com.

Sincerely,

GURALNICK & GILLILAND



Catherine Diehl
Collection Manager

RIVERSIDE COUNTY
REAL TAX COLLECTION

2019 MAR 14 PM 3:03

RECEIVED