

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



ITEM: 19.33
(ID # 21126)

MEETING DATE:
Tuesday, April 18, 2023

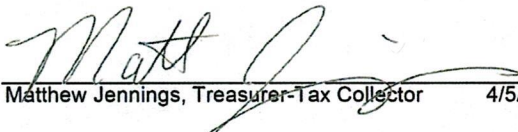
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 215, Item 1810. Last assessed to: Gustavo Morales, a married man as his sole and separate property. District 4. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Deny the claim from Eric Benson, beneficiary to the Estate of Arthur Benson for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 723222007.
2. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$9,085.99 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

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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 5, 2020 public auction sale. The deed conveying title to the purchasers at the auction was recorded July 15, 2020. 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, 2020, 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 assessees through the County's Property Tax System for any additional addresses.
3. Used Accurant (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 July 15, 2020.

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

1. Claim from Eric Benson, beneficiary to the Estate of Arthur Benson based on an Order Determining Succession to Real Property, recorded on April 4, 2018 as Instrument No. 2018-0128448.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that the claim from Eric Benson, beneficiary to the Estate of Arthur Benson be denied since the claimant is a beneficiary to a previous owner who did not hold title at the time of the sale. Since there are no other claimants, the unclaimed excess proceeds in the amount of \$9,085.99 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 Benson


Stephanie Perez, Principal Management Analyst 4/10/2023


Ronak Patel, Deputy County Counsel 3/14/2023

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

RECEIVED

To: Jon Christensen, Treasurer-Tax Collector

2020 AUG 25 PM 3:40

Re: Claim for Excess Proceeds

RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

TC 215 ITEM 1810 Parcel Identification Number: 723222007

Assessor: MORALES, GUSTAVO

Situs:

Date Sold: May 5, 2020

Date Deed to Purchaser Recorded: July 15, 2020

Final Date to Submit Claim: July 15, 2021

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 9,085.99 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. _____; recorded on _____. 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.

- 1.) Court Order giving Eric BENSON 70 100 ownership in decedent's real and personal property.
- 2.) Certified Copy of property owner Arthur Benson Death Certificate.

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 21 day of August 2020 at Orange County, California
County, State 205 Calle Rica San Clemente, CA 92672

Eric C. Benson
Signature of Claimant

Signature of Claimant

ERIC BENSON
Print Name

Print Name

205 CALLE RICA
Street Address

Street Address

SAN CLEMENTE, CA 92672
City, State, Zip

City, State, Zip

949-584-3751
Phone Number

Phone Number

ECBENSON@COX.NET
Email Address

Email Address

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):

After recording, return to:
Tracy T. Woo (SBN 310384)
Desert Legal Aid
423 N. Palm Canyon Dr.
Palm Springs, CA 92262

Superior Court of California
County of Riverside

3/2/2018
C. Momb

By Fax

2018-0128448

04/04/2018 12:41 PM Fee: \$ 95.00

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

TEL NO.: 760-851-0901 FAX NO. (optional):
E-MAIL ADDRESS (optional): tracywoolaw@icloud.com
ATTORNEY FOR (name): Eric Benson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS: 46-200 Oasis St.
MAILING ADDRESS: 46-200 Oasis St.
CITY AND ZIP CODE: Indio, 92201
BRANCH NAME: Indio

#977



MATTER OF (name):
Arthur Benson

CASE NUMBER:
PRIN 1800449

DECEDENT

ORDER DETERMINING SUCCESSION TO REAL PROPERTY

And Personal Property
(Estates of \$150,000 or Less)

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 20 2018

M. MARTINEZ

MAR 21 2018

1. Date of hearing: March 20, 2018 Time: 8:45 A.M.
Dept./Room: 1A
Judicial Officer (name): The Honorable John G. Evans

THE COURT FINDS

- 2. All notices required by law have been given.
- 3. Decedent died on (date): 09/04/2017
 - a. a resident of the California county named above.
 - b. a nonresident of California and owned property in the county named above.
 - c. intestate. testate.
- 4. At least 40 days have elapsed since the date of decedent's death.
- 5. a. No proceeding for the administration of decedent's estate is being conducted or has been conducted in California.
b. Decedent's personal representative has filed a consent to use the procedure provided in Probate Code section 13150 et seq.
- 6. The gross value of decedent's real and personal property in California, excluding property described in Probate Code section 13050, did not exceed \$150,000 as of the date of decedent's death.
- 7. Each petitioner is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real and personal property described in Item 9a because each petitioner is:
 - a. (will) a beneficiary who succeeded to the property under decedent's will.
 - b. (no will) a person who succeeded to the property under Probate Code sections 6401 and 6402.

THE COURT FURTHER FINDS AND ORDERS

- 8. No administration of decedent's estate is necessary in California.
- 9. a. The real and personal property described in Attachment 9a described as follows is property of decedent passing to each petitioner (give legal description of real property).

b. Each petitioner's name and specific property interest is stated in Attachment 9b. is as follows (specify):
Eric Benson - 100%

- 10. Other orders are stated in Attachment 10.
- 11. Number of pages attached: 1

Date: March 20, 2018

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

Page 1 of 1

Attachment 9a

1. The real property located at 71060 Palm Island Drive, North Shore, Riverside, CA 92254.
Legal Description:
Lot 67 of North Shore Beach Estates, County of Riverside, State of California, as per map Recorded in Book 36, Pages 23 and 24 of Maps, in the office of the County Recorder of said County.

2. Contents of home in item #1 above.

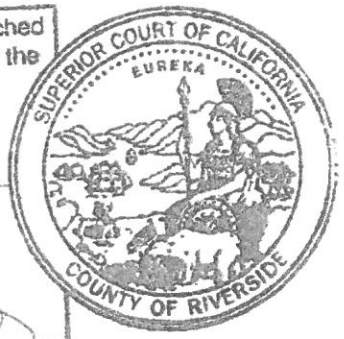
This must be in red to be a
"CERTIFIED COPY"

Each document to which this certificate is attached
is certified to be a full, true and correct copy of the
original on file and of record in my office.

Superior Court of California
County of Riverside *D. Alvarez*

By *[Signature]*
DEPUTY

Dated: *April 04 2018*



Certification must be in red to be a
"CERTIFIED COPY"

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF RIVERSIDE

RIVERSIDE, CALIFORNIA

3052017182173

CERTIFICATE OF DEATH

3201733010771

Form containing fields for decedent's personal data, usual residence, informant, spouse/parent information, funeral directory, place of death, cause of death, physician's certification, and coroner's use only.



CERTIFIED COPY OF VITAL RECORD
STATE OF CALIFORNIA
COUNTY OF RIVERSIDE } SS

This is a true and exact reproduction of the document officially registered and placed on file by the Riverside University Health System, Department of Public Health.

DATE ISSUED Sep 13, 2017

Dr. Cameron Kaiser, M.D., County Health Officer
RIVERSIDE COUNTY, CALIFORNIA

This copy is not valid unless prepared on an engraved border, displaying the date, seal, and signature of the Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE