

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



ITEM: 19.8
(ID # 11191)

MEETING DATE:
Tuesday, June 27, 2023

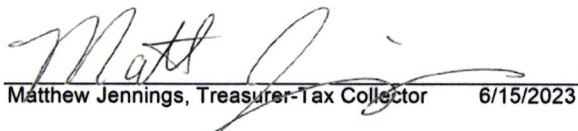
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 209, Item 333. Last assessed to: Richard L. Johnson Trustee of the Richard L. Johnson Trust Dated 6-8-2015, District 5. [\$2,235-Fund 65595 Excess Proceeds from Tax Sale]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Richard L. Johnson AKA Richard L. Johnson Trustee of the Richard L. Johnson Trust Dated 6-8-2015, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 545051004-4;
2. Authorize and direct the Auditor-Controller to issue a warrant to Richard L. Johnson AKA Richard L. Johnson Trustee of the Richard L. Johnson Trust Dated 6-8-2015, in the amount of \$2,235.05, no sooner than ninety days from the date of this order, unless an appeal has been filed in Superior Court, pursuant to the California Revenue and Taxation Code Section 4675.

ACTION:Policy

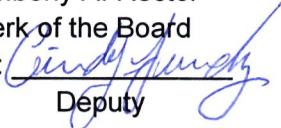

Matthew Jennings, Treasurer-Tax Collector 6/15/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, 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 Gutierrez
Nays: None
Absent: None
Date: June 27, 2023
xc: Tax-Collector

Kimberly A. 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	\$2,235	\$ 0	\$2,235	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale.			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 lot book reports as well as Assessor's and Recorder's records, and various research methods were used to obtain current mailing addresses for these parties of interest.

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

1. Claim from Richard L. Johnson AKA Richard L. Johnson Trustee of the Richard L. Johnson Trust Dated 6-8-2015, based on a Grant Deed recorded April 12, 2017 as Instrument No. 2017-0146519 and a copy of the Richard L. Johnson Revocable Living Trust Dated June 08, 2015.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Richard L. Johnson AKA Richard L. Johnson Trustee of the Richard L. Johnson Trust Dated 6-8-2015, be awarded excess proceeds in the amount of \$2,235.05. 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 released to the last assessee of the property.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim Johnson

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

Cesar Bernal
Cesar Bernal, PRINCIPAL MGMT ANALYST 6/15/2023

Kristine Bell-Valdez
Kristine Bell-Valdez, Supervising Deputy County Counsel 5/10/2023

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY
(SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

RECEIVED
2018 APR -2 AM 2:01
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

To: Don Kent, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 209 Item 333 Assessment No.: 545051004-4

Assessee: WITTE, RANDALL

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 \$ 2,235.⁰⁵ 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. 2017-0146519; recorded on 4-12-2017. 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.

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 16th day of February, 2018 at San Diego County CA
County, State

Richard L. Johnson
Signature of Claimant

Signature of Claimant

Richard L. Johnson
Print Name

Print Name

3874 Grace Ct.
Street Address

Street Address

Fallbrook, CA 92028
City, State, Zip

City, State, Zip

760-831-4727
Phone Number

Phone Number

Richard L. Johnson
ATTORNEY AT LAW

CA Bar No. 86828



17100 Bear Valley Rd. B-201
Victorville, CA 92395

Phone: (760) 831-4727
Fax: (760) 243-1539

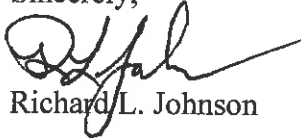
OFFICES OF
Johnson and Associates

February 21, 2018

Dear Tax Sale Dept.

Please find enclosed claim for excess proceeds on TC item #333 Assessment No. 545051004-4. Prior to the tax sale I aquired the property from the Randall Witte Trust of which I was the Successor Trustee, copy of the Witte Trust and Death certificate enclosed. I took title in my trust a copy of which is enclosed showing myself as Trustee. Please contact me if you require any additional documentation.

Sincerely,


Richard L. Johnson

RECEIVED
2018 FEB - 2 PM 2:01
TRUSTS-TAX COLLECTION

RECORDING REQUESTED BY

Richard Johnson

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

Name Richard Johnson
Street 17100 Bear Valley Rd B-201
Address Victorville, CA 92395

City & State
Zip

Title Order No.

Escrow No.

2017-0146519

04/12/2017 12:29 PM Fee: \$ 28.00

Page 1 of 2

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



Table with columns: Page, DA, PCOP, Misc, Long, RFD, 1st Pg, Adtl Pg, Cert, CC. Includes handwritten '149' and '2' in the Page column, and 'R A Exam: 780' in the top right.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grant Deed

THE UNDERSIGNED GRANTOR (S) DECLARE (S)

APN: 545-051-004

DOCUMENTARY TRANSFER TAX IS \$ 0

unincorporated area City of

computed on full value of interest or property conveyed, or

computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Richard L. Johnson Successor Trustee of the Randall D. Witte Trust Dated 4-10-2007

hereby GRANT(S) to

Richard L. Johnson Trustee of the Richard L. Johnson Trust Dated 6-8-2015

the following described real property in the city

County of Riverside, state of California

SEE ATTACHED EXHIBIT A

Handwritten signature of Richard L. Johnson dated 4-5-17

Richard L. Johnson Successor Trustee of the Randall D. Witte Trust

Dated April 2, 2017

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 San Bernardino

On April 5th, 2017 before me, Jessica Delgado Notary Public

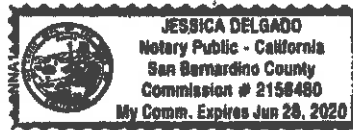
notary public, personally appeared Richard L. Johnson who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which 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

Signature

Handwritten signature of Jessica Delgado



(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City, State & Zip

Exhibit A

Parcel :

That portion of the Southeast quarter of the Northeast quarter of Section 3, Township 4 South, Range 1 East, San Bernardino Base and Meridian, as show by United States Government Survey, described as follows:

Beginning at the quarter corner between Sections 2 and 3, Township 4 South, Range 1 East; thence Northerly on said Section line, 440 feet to the Northwest corner of Lot 5, Block "C", as shown by Map on file in Book 12, page 85 to 87 of Maps, Records of Riverside County, of Rancho Encino Mountain Club; thence Westerly on the North line of Lots 1 and 3, Block "C" of Rancho Encino Mountain Club and the Westerly extension of said North line parallel with the center line of Section 3, a distance of 660 feet; thence Southerly and parallel with the East line of said Section 3, a distance of 440 feet to a point on the South line of the Northeast quarter of said Section for the true point of beginning; thence Easterly on the South line of the Northeast quarter of said Section 3, a distance of 200 feet; thence Northerly and parallel with the East line of Section 3, a distance of 220 feet; thence Westerly and parallel with said South line of Section 3, a distance of 200 feet; thence Southerly and parallel with the East line of Section 3, a distance of 220 feet to the true point of beginning.

APN#: 545-051-004-4

DECLARATION OF TRUSTEE

Parcel Number: 545-051-004-4

I, Richard L. Johnson, am the sole Trustor and Trustee of the Richard L. Johnson Trust dated June 8, 2015 and retain sole power of administration of the Trust. As "Trustee," I have not assigned, delegated or withdrawn the power granted to me by this Trust instrument. I retain full control and continue to be the "Trustee" of this Trust as of this date.

I affirm under penalty of perjury that the foregoing is true and correct.


Richard L. Johnson, Trustee

3-23-18
Date

On _____, before me, _____ personally appeared Richard L. Johnson 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

**SEE ATTACHED
NOTARIAL CERTIFICATE**

Notary public in and for the
State of California _____)
County of _____)

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT
(CALIFORNIA CIVIL CODE § 1189)**

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 SAN BERNARDINO)

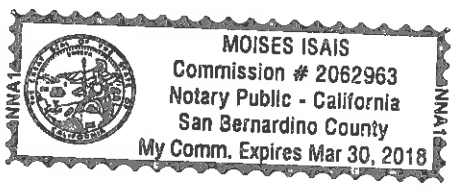
On MARCH 23, 2018 before me, MOISES ISAIS, NOTARY PUBLIC
(Date) (Here Insert Name and Title of the Officer)

personally appeared RICHARD L. JOHNSON
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]
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: DECLARATION OF TRUSTEE Document Date: 03/23/2018

Number of Pages: 1 Signer(s) Other Than Named Above: _____

Additional Information: _____

RICHARD L. JOHNSON REVOCABLE LIVING TRUST DATED JUNE 8, 2015

Richard L. Johnson, referred to herein as SETTLOR, and Richard L Johnson , referred to herein as TRUSTEE, in consideration of the covenants and undertakings herein agree:

ARTICLE I

CONVEYANCE OF PROPERTY TO THE TRUSTEE

SETTLOR herewith assigns and conveys to the TRUSTEE, the property described in Exhibit "1" hereto. All of said property, together with any income, accessions and additions herein, shall be held by the TRUSTEE in trust for the purposes set forth in this revocable living trust.

ARTICLE II

REVOCATION

SETTLOR hereby reserves the right to revoke this trust at any time, by written instrument. Revocation shall be effective upon mailing or delivery to the TRUSTEE of a notice of revocation.

TRUSTEE may resign upon 30 days prior written notice to the SETTLOR.

ARTICLE III

SUCCESSORS TO THE TRUSTEE ADDITIONAL TRUSTEES

Upon the death of the SETTLOR, Richard L. Johnson , Lubasha Johnson shall become the Successor Trustee. Upon the death of Lubasha Johnson , Nicole Price the Settlor's daughter shall become the successor Trustee.

ARTICLE IV

WITHDRAWALS BY SETTLOR

The SETTLOR may from time to time withdraw any portion of the corpus of the trust (whether capital or interest) by written notice to the TRUSTEE. The TRUSTEE shall be acquitted of all further responsibility for any assets so delivered upon receipt by the SETTLOR.

ARTICLE V

POWERS OF THE TRUSTEE

The TRUSTEE shall have the power to do all acts, institute all proceedings and exercise all rights, powers and privileges that an absolute owner of the trust property would have, subject always to the discharge of trustee's fiduciary responsibilities. The Trustee shall have the power to sell Trust assets for the use and benefit of Lubasha Johnson during her lifetime.

I further direct that the TRUSTEE shall act without bond. Further, this TRUST shall be administered without the necessity for an administration thereof to be through the court system.

No entity dealing with the TRUSTEE shall be required to investigate or to confirm the TRUSTEE's authority to enter into any transaction or to administer the application of the proceeds of any transaction.

ARTICLE VI COMPENSATION OF TRUSTEE

If the TRUSTEE is an individual, then the TRUSTEE shall serve without compensation, but with reimbursement for reasonable and ordinary expenses. Nevertheless, the TRUSTEE if an attorney shall be entitled to compensation for legal services rendered to the trust, or if an accountant, for accounting services rendered to the trust.

If the TRUSTEE is a corporation or banking entity, it shall be entitled to customary, reasonable and ordinary charges and expenses incurred in rendering services to the estate.

ARTICLE VII DISPOSITION OF TRUST PROCEEDS

After paying the necessary expenses incurred in the management and investment of the trust estate, including compensation as provided for herein, the TRUSTEE shall accumulate the same during the lifetime of the SETTLOR.

After SETTLOR's death the TRUSTEE shall distribute the net income of the TRUST to Lubasha Johnson and Lubasha Johnson shall have the use and benefit of the Trust principal during her lifetime. Upon the death of Lubasha Johnson all Trust assets remaining shall be disturbed to Nicole Price, if Nicole Price predeceases Lubasha Johnson the Trust assets shall be distributed to the then living Nieces and Nephews of Richard L. Johnson and the oldest living Niece or Nephew shall become the final Successor Trustee for the sole purpose of distributing Trust assets as provided.

ARTICLE VIII INVASION OF PRINCIPAL

After SETTLOR's death, the TRUSTEE may apply so much of the principal of the trust for the benefit and use of Lubasha Johnson at such time or times as in Trustee's discretion.

ARTICLE IX NON ASSIGNABILITY OF THE TRUST PROCEEDS

The interest of the beneficiaries of this trust shall not be assignable, and beneficiaries shall not have the right to pledge, assign, convey, or otherwise transfer, lien or encumber any portion of the income or principal of the trust. All payments provided for by the beneficiaries herein shall be made directly to them or their guardians as is provided herein.

ARTICLE X DISTRIBUTIONS TO MINOR OR INCOMPETENT BENEFICIARIES

The TRUSTEE in his discretion may make payments of income or principal to any minor or incompetent beneficiary by paying the same to the minor or incompetent's guardian, or to the person having control over the minor or incompetent, or by direct expenditure for the benefit of the minor or incompetent. However, the TRUSTEE may also pay an allowance in such amount as he may fit from time to time to the minor or incompetent. Further, in the discretion of the TRUSTEE the distributions for a minor or incompetent beneficiary may be accumulated and shall thereupon be paid to the minor or incompetent upon their disability being removed. Any payment under this Section shall operate as a full discharge of the TRUSTEE as to such payment.

ARTICLE XI ACCOUNTINGS

The TRUSTEE, after the death of the SETTLOR shall not be required to provide an accounting.

ARTICLE XII LIQUIDATION OF TRUST

If at any time the total of the principal and income of the trust is less than \$100,000 the TRUSTEE, may in his absolute discretion, close out the trust by paying the proportionate shares of each beneficiary to them. The TRUSTEE shall at that time deliver a final accounting to each beneficiary. Upon payment, the TRUSTEE shall be discharged from all further duties.

SECTION XIII PERPETUITIES SAVINGS CLAUSE

Notwithstanding anything to the contrary herein contained, the trust created by this

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

CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Bernardino

} ss.

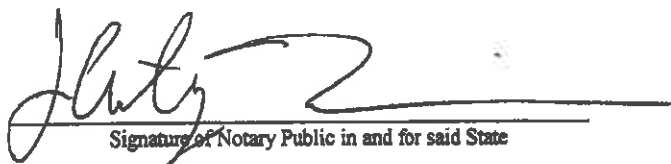
On July 15th, 2015 before me, **James Anthony Mila; A Notary Public,**
Date (Name and Title of the Officer)

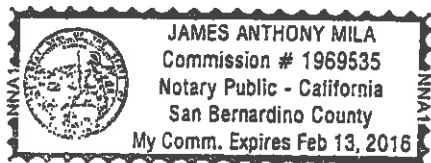
personally appeared Richard L Johnson
Name (s) of Signer (s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose names(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 of Notary Public in and for said State



Notary Seal

OPTIONAL INFORMATION

Description of Attached Document _____
Number of Pages _____
Document Date _____

Right Thumbprint of Signer
(Optional)