

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



ITEM: 19.17
(ID # 23195)

MEETING DATE:
Tuesday, November 28, 2023

FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 217, Item 4069. Last assessed to: Russell C. Byrd Trustee of the Russell C. Byrd Revocable Living Trust. District 3. [\$388,634-Fund 65595 Excess Proceeds from Tax Sale]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Global Discoveries, Ltd., Assignee for Gary Allen Byrd, as Successor Trustee of The Russell C. Byrd Revocable Living Trust, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 327250058; and,
2. Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, Ltd., Assignee for Gary Allen Byrd, as Successor Trustee of The Russell C. Byrd Revocable Living Trust in the amount of \$388,634.11, 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

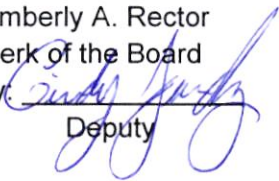

Matthew Jennings, Treasurer-Tax Collector 11/13/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington and Perez and Gutierrez
Nays: None
Absent: None
Date: November 28, 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	\$ 388,634	\$ 0	\$ 388,634	\$ 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:	23/24

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 18, 2021 public auction sale. The deed conveying title to the purchasers at the auction was recorded July 28, 2021. 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 4, 2021 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.

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

1. Claim from Global Discoveries, Ltd., Assignee for Gary Allen Byrd, as Successor Trustee of The Russell C. Byrd Revocable Living Trust based on an Assignment of Right to Collect Excess Proceeds notarized May 6, 2022, a Grant Deed recorded June 7, 2010 as Instrument No. 2010-0260729, a Certification of Trustees Under Trust notarized May 3, 2022, and a Certificate of Death for Russell Cecil Byrd.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., Assignee for Gary Allen Byrd, as Successor Trustee of The Russell C. Byrd Revocable Living Trust be awarded excess proceeds in the amount of \$388,634.11. 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 heir to the estate of the last assessee of the property.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim Global

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

Cesar Bernal
Cesar Bernal, PRINCIPAL MGMT ANALYST 11/17/2023

Aaron Gettis
Aaron Gettis, Deputy County Counsel 11/1/2023

CLAIM SUMMARY

Date: May 6, 2022
To: Riverside County Treasurer and Tax Collector
Assessors Parcel Number: 327250058
Last Assessee: BYRD RUSSELL C
Sale Date: 5/13/2021
TC: TC 217
Item Number: 4069
Deadline: 7/28/2022

RECEIVED
2022 MAY 11 PM 12:55
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

Dear Treasurer/Tax Collector:

1. Claimant(s): Global Discoveries, Ltd.

The following proof of claim(s) for excess proceeds and documents are attached:

1. Grant Deed granting interest of Russell C. Byrd Trustee of the Russell C. Byrd Revocable Living Trust as Document Number: 2010-0260729, recorded on 06/07/2010 in Riverside County, CA.
2. **Certified** Certificate of Death for Russell Cecil Byrd
 - a. **The 29015 Citation Ave., Menifee CA 92585** address listed as residence is one and the same property for the above referenced APN.
 - b. **Gary A Byrd is listed as Son and Informant**
3. Certification of Trustee Under Trust
4. Affidavit signed by Gary Allen Byrd declaring under penalty of perjury his identity.
5. Assignment of Rights To Collect Excess Proceeds signed by Gary Allen Byrd as Successor Trustee of The Russell C. Byrd Revocable Living Trust
6. Claim form(s) signed by Global Discoveries
7. Photo ID for Assignor: Gary Allen Byrd
 - a. **The 29015 Citation Ave., Menifee CA 92585** address listed on Mr. Byrd's CA Driver's License is one and the same property for the above referenced APN.

Upon approval, claimant(s) request that the Treasurer and Tax Collector issue its warrant(s) as follows:

- One warrant in the amount of \$388,634.11 or 100% of the claimant's share of the excess proceeds made payable to Global Discoveries Ltd. and mailed to P.O. Box 1748, Modesto, CA 95353-1748.

Please address questions regarding the attached claim(s) to Jed Byerly, Managing Member, at (209) 593-3913, or e-mail to jed@gd-ltd.com.

The Client(s) and the staff of Global Discoveries, Ltd., thank you in advance for your timely review and approval of the attached claim(s).

Certified Tracking Number: 7021-1970-0001-3800-1855



ASSIGNMENT OF RIGHT TO COLLECT EXCESS PROCEEDS

To expedite processing of this claim, we would strongly suggest you use this form. For this form to be valid it must be completed in its entirety and documentation establishing the assignor as a "party of interest" must be provided at the time this document is filed with the Treasurer-Tax Collector. PLEASE SEE REVERSE SIDE OF THIS DOCUMENT FOR FURTHER INSTRUCTIONS.

As a party of interest (defined in Section 4675 of the California Revenue and Taxation Code), I, the undersigned, do hereby assign to Global Discoveries Ltd. my right to apply for and collect the excess proceeds which you are holding and to which I am entitled from the sale of assessment number 327250058 Tax Sale Number TC 215-2, Item 1056 sold at public auction on 5/13/2021. I understand that the total of excess proceeds available for refund is \$ 389,492.00+/-, and that I AM GIVING UP MY RIGHT TO FILE A CLAIM FOR THEM. FOR VAULABLE CONSIDERATION RECEIVED I HAVE SOLD THIS RIGHT OF COLLECTION (assignment) TO THE ASSIGNEE. I certify under penalty of perjury that I have disclosed to the assignee all facts of which I am aware relating to the value of this right I am assigning.

(Signature of Party of Interest/Assignor)

5/3/2022 (Date)

The Russell C. Byrd Revocable Living Trust
Successor Trustee: Gary Allen Byrd
(Name Printed)
13610 Oliver St
(Address)
Moreno Valley 92555
(City/State/Zip)
951-249-4897
(Area Code/Telephone Number)

Tax ID/SS#

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

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

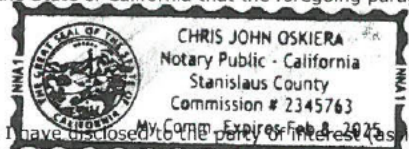
On 5/2/22 before me, CHRIS JOHN OSKIERA, Notary Public, personally appeared GARY BYRD (here insert name and title of the officer)

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 of Notary Public) (seal)



I, the undersigned, certify under penalty of perjury that I have disclosed to the party of interest (assignor), pursuant to Section 4675 of the California Revenue and Taxation Code, all facts of which I am aware relating to the value of the right he is assigning, that I have disclosed to him the full amount of excess proceeds available, and that I HAVE ADVISED HIM OF HIS RIGHT TO FILE A CLAIM ON HIS OWN WITHOUT ASSIGNING THAT RIGHT.

(Signature of Assignee)

Jed Byerly, Managing Member of Global Discoveries Ltd.
(Name Printed)
P.O. Box 1748
(Address)
Modesto, CA 95353-1748
(City/State/Zip)
Phone: (209) 593-3913

Tax ID/SS#

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State of CALIFORNIA
County of STANISLAUS

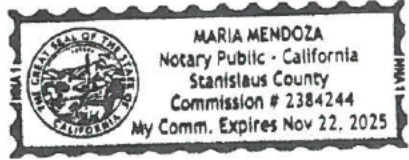
On 5/6/22 before me, Maria Mendoza, Notary Public, personally appeared Jed Byerly (here insert name and title of the officer)

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 of Notary Public) (seal)



117-174 (3/85) (Ret-Perm)

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

To: Jon Christensen, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 217 Item 4069 Parcel Identification Number: 327250058

Assessee: BYRD RUSSELL C

Situs: 29015 CITATION AVE MENIFEE CA 92585

Date Sold: 5/13/2021

Date Deed to Purchaser Recorded: 07/28/2021

Final Date to Submit Claim: 7/28/2022

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$388,634.11 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. 2010-0260729 recorded on 6/7/2010. 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.

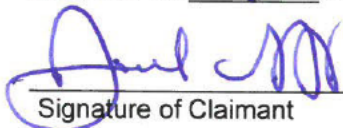
NOTE: YOUR CLAIM WILL NOT BE CONSIDERED UNLESS THE DOCUMENTATION IS ATTACHED.

Please Refer to Claim Summary and Supporting Documents Enclosed

If the property is held in Joint Tenancy, the tax sale 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 6th day of May, 2022 at Modesto, CA
County, State



Signature of Claimant
Tax ID #

Signature of Claimant

Jed Byerly, Managing Member
Global Discoveries Ltd.

Print Name

Print Name

1120 13th St. Suite A
Street Address

Street Address

Modesto, CA 95354
City, State, Zip

City, State, Zip

(209) 593-3913
Phone Number

Phone Number

SCO 8-21 (1-99)

RECORDING REQUESTED BY
Russell C. Byrd

AND WHEN RECORDED MAIL DOCUMENT AND
TAX STATEMENT TO:

NAME Russell C. Byrd

STREET 29015 Citation Avenue
ADDRESS

CITY, STATE & Romoland, CA 92585
ZIP CODE

TITLE ORDER NO. _____

ESCROW NO. _____

DOC # 2010-0260729

06/07/2010 08:00A Fee:25.00

Page 1 of 1

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED

TRA: _____

APN: 327250058-4

The undersigned grantor(s) declare(s)

DOCUMENTARY TRANSFER TAX \$ 0

- computed on full value of property conveyed, or
- computed on full value less liens and encumbrances remaining at time of sale.
- Unincorporated Area City of _____

C
706

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, I (We) Russell C. Byrd An Unmarried Man

(NAME OF GRANTOR(S))

hereby remise, release and grant to Russell C. Byrd Trustee of The Russell C. Byrd Revocable Living Trust

(NAME OF GRANTEE(S))

the following described real property in the City of Unincorporated Area, County of Riverside, State of California

(Insert Legal Description)

Parcel 1 of parcel Map 12698 as per map thereof filed in Book 64, Page 29 of Parcel Maps, Riverside County Records.

1. Subject to Covenants, conditions, restrictions, reservations, easements and rights of way, if any.

"This conveyance transfers the Grantors Interest into a

Revocable Living Trust, R&T11911.

DATED: 03 JUNE 2010

Russell C Byrd

Russell C. Byrd

STATE OF CALIFORNIA)
COUNTY OF Riverside)

On 03 JUN 2010 before me, MARY ANN PANKOW - NOTARY PUBLIC personally appeared

(here insert name and title of the officer)

RUSSELL C. BYRD

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/hers/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 Mary Ann Pankow (SEAL)



MAIL TAX STATEMENT AS DIRECTED ABOVE

CERTIFICATION OF TRUSTEES UNDER TRUST
(California Probate Code Section 18100.5)

I Gary Allen Byrd as Successor Trustee of The Russell C. Byrd Revocable Living Trust, being of legal age, declares under penalty of perjury:

1. Declarant(s) certify the existence of the following described Trust and state that he/she/they are all of the current trustees:

Name of Trust: The Russell C. Byrd Revocable Living Trust
Date of Trust: June 03, 2010
Trustor(s)/Settlor(s): Russell C. Byrd
Original Trustee(s): Russell C. Byrd
Successor Trustee(s): Gary Allen Byrd
Trust Identification, Social Security or Employer Identification

2. Declarant(s) state that the Trust is in full force and effect and has not been revoked, terminated or otherwise amended in any manner which would cause the representations in this Certification to be incorrect. The name(s) of all persons who have any power to revoke the trust are: Russell C. Byrd.

3. Declarant(s) state the following named trustee(s) is/are full empowered to act for said Trust and is/are properly exercising his/her/their authority under said Trust in negotiating for, contract for and executing the document(s) attached hereto, and that no trustee(s) other than the following named trustees are necessary under the Trust to sign said document(s):

Trustees authorized to sign: Gary Allen Byrd
Nature of document: Assignment of Right to Collect Excess Proceeds
Date of document: 5/3/22

4. Declarant(s) state that to the best of their knowledge, there are no claims, challenges of any kind or cause of action alleged, contesting or questioning the validity of the Trust or the trustee's authority to act for the Trust.

5. This Declaration is prepared and executed pursuant to California Probate Code Section 18100.5.

Signed under penalty of perjury, this 3 day of may, 2022

Gary Byrd
Signature

Name: GARY BYRD
Address: 13610 OLIVER ST
City, State, Zip: BRANDEN VALLEY CA 92553

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

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State of CALIFORNIA

County of RIVERSIDE

On 5/3/22 before me, CHRIS JOHN OSKIERA, NOTARY PUBLIC personally appeared
(Date) (here insert name and title of the officer)

GARY BYRD, 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.

Chris John Oskiera (seal)
Signature of Notary Public

