

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



ITEM: 19.19  
(ID # 23205)

**MEETING DATE:**  
Tuesday, November 28, 2023

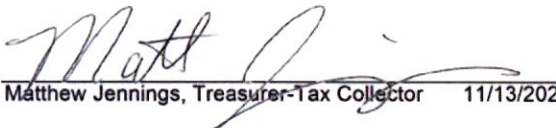
**FROM :** TREASURER-TAX COLLECTOR:

**SUBJECT:** TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 217, Item 4712. Last assessed to: Terry Carrion & Mary H. Carrion, as Trustee of the Carrion Family Living Trust. District 4. [\$63,236-Fund 65595 Excess Proceeds from Tax Sale]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the claim from Global Discoveries, Ltd., Assignee for Jo Ann Richert, as Successor Trustee of The Carrion Family Living Trust, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 611192006; and,
2. Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, Ltd., Assignee for Jo Ann Richert, as Successor Trustee of The Carrion Family Living Trust in the amount of \$63,236.73, 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**

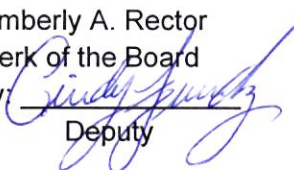
  
Matthew Jennings, Treasurer-Tax Collector 11/13/2023

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**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**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 63,236	\$ 0	\$ 63,236	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale.</b>			<b>Budget Adjustment:</b>	N/A
			<b>For Fiscal Year:</b>	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 Jo Ann Richert, as Successor Trustee of The Carrion Family Living Trust based on an Assignment of Right to Collect Excess Proceeds notarized July 27, 2022, a Trust Transfer Deed recorded August 17, 1992 as Instrument No. 1992-302961, a Certification of Trustees Under Trust notarized July 26, 2022, a copy of the Carrion Family Trust, and Certificates of Death for Mary H. Carrion and Marion Carrion AKA Marion Terry Carrion.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., Assignee for Jo Ann Richert, as Successor Trustee of The Carrion Family Living Trust be awarded excess proceeds in the amount of \$63,236.73. 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: July 27, 2022  
To: Riverside County Treasurer and Tax Collector  
Assessors Parcel Number: 611192006  
Last Assessee: CARRION TERRY CARRION MARY H  
Sale Date: 5/13/2021  
TC: TC 217  
Item Number: 4712  
Deadline: 7/28/2022



Dear Treasurer/Tax Collector:

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

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

1. Trust Transfer Deed granting interest to Terry Carrion & Mary H. Carrion as Trustee of the Carrion Family Living Trust as Document Number: 302961, recorded on 8/17/1992 in Riverside County, CA.
2. **Certified** Certificate of Death for Mary H. Carrion
  - a. **This vital record is to follow**
3. **Certified** Certificate of Death for Terry Carrion
  - a. **This vital record is to follow**
4. Certification of Trustees Under Trust
5. Affidavit signed by Jo Ann Richert declaring under penalty of perjury her identity.
6. Assignment of Rights To Collect Excess Proceeds signed by Jo Ann Richert as Successor Trustee of the Carrion Family Living Trust
7. Claim form(s) signed by Global Discoveries, Ltd.
8. Photo ID for Assignor: Jo Ann C. Richert

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

- One warrant in the amount of \$63,236.73 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**





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 611192006 Tax Sale Number TC 217, Item 4712, sold at public auction on 5/13/2021. I understand that the total of excess proceeds available for refund is \$ 63,236.73+/-, and that I AM GIVING UP MY RIGHT TO FILE A CLAIM FOR THEM. FOR VAUABLE 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.

Jo Ann Richert 07-26-22
(Signature of Party of Interest/Assignor) (Date)
Tax ID/SS#

Jo Ann Richert as Successor Trustee of the Carrion Family Living Trust
(Name Printed)
41238 Carter Ln
(Address)
Bermuda Dunes, CA, 92203
(City/State/Zip)
(760) 636-8456
(Area Code/Telephone Number)

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 San Diego

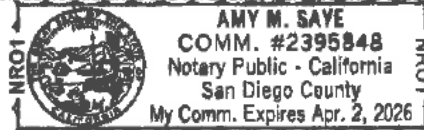
On JUL 26 2022 before me, Amy M. Saye, Notary Public, personally appeared Jo Ann Richert (here insert name and title of the officer)

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.

Amy M. Saye (seal)
Signature of Notary Public



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.

Jed Byerly
(Signature of Assignee)
Tax ID/SS#

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

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State of CALIFORNIA
County of STANISLAUS

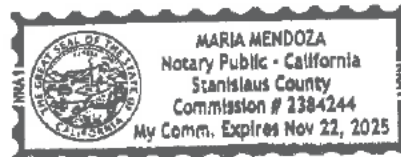
On 7/27/22 before me, Maria Mendoza, Notary Public, personally appeared Jed Byerly (here insert name and title of the officer)

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.

Maria Mendoza (seal)
Signature of Notary Public
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 4712 Parcel Identification Number: 611192006

Assessee: CARRION TERRY CARRION MARY H

Situs: 45720 DEGLET NOOR ST INDIO CA 92201-4569

Date Sold: 5/13/2021

Date Deed to Purchaser Recorded: 7/28/2021

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 \$63,236.73 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. 1992-302961 recorded on 8/17/1992. 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 27 day of July, 2022 at STANISLAUS, CALIFORNIA  
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)

GD Number: 42030-378729

RECORDING REQUESTED BY  
ATTORNEY

AND WHEN RECORDED MAIL TO

302561  
Name  
Address  
City & State

DONALD McKay  
Attorney at Law  
82-451 Highway 111  
Indio, CA 92201

MAIL TAX STATEMENTS TO

Mr. & Mrs. Terry Carrion  
45-550 De Plata Ct.  
Indio, CA 92201

302561

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

AUG 17 1992

Notary Public  
Beverly Mc Kay  
Riverside County  
No. 1515

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# Trust Transfer Deed

T7D 8791A

THIS FORM FURNISHED BY TRUSTORS SECURITY SERVICE

151479

## Grant Deed (Excluded from Reappraisal Under Proposition 13, i.e., Calif. Const. Art 13A§1 et. seq.)

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:  
**THERE IS NO CONSIDERATION FOR THIS TRANSFER.**

Documentary transfer tax is \$ 0

Computed on full value of property conveyed, or  computed on full value less value of liens and encumbrances existing at time of sale or transfer.

There is no Documentary transfer tax due. (state reason and give Code § or Ordinance number)

Unincorporated area:  City of \_\_\_\_\_ and \_\_\_\_\_

This is a Trust Transfer under §62 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion:

- Transfer to a revocable trust;
- Transfer to a short-term trust not exceeding 12 years with trustor holding the reversion;
- Transfer to a trust where the trustor or the trustor's spouse is the sole beneficiary;
- Change of trustee holding title;
- Transfer from trust to trustor or trustor's spouse where prior transfer to trust was excluded from reappraisal and for a valuable consideration, receipt of which is acknowledged.
- Other: \_\_\_\_\_

**GRANTOR(S):** TERRY CARRION and MARY H. CARRION  
hereby **GRANT(S)** to TERRY CARRION & MARY H. CARRION, as Trustees of the CARRION FAMILY LIVING TRUST

The following described real property in the County of RIVERSIDE, State of California:

LOT 6, Block 5 of Gillette Park, as per map recorded in BOOK 14, Pages 59 of Official Records of Riverside County.

Dated July 21, 1992  
State of California

Terry Carrion  
TERRY CARRION

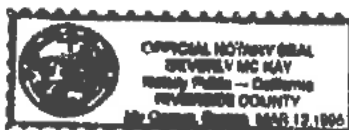
County of Riverside  
On July 21, 1992  
before me, Beverly McKay

Mary H. Carrion  
MARY H. CARRION

(here insert name and title of the officer), personally appeared Mrs. Terry Carrion, personally known to me (or 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.

WITNESS my hand and official seal.

Signature Beverly McKay



(This area for official notarial seal)

Title Order No. \_\_\_\_\_ Escrow, Loan or Attorney File No. \_\_\_\_\_

MAIL TAX STATEMENTS AS DIRECTED ABOVE

PAGE  
MAY BOOK  
Assessor Identification Number:

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

I, Jo Ann Richert, 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 Carrion Family Living Trust  
Date of Trust: 07/21/1992  
Trustor(s)/Settlor(s): Terry Carrion a.k.a. Marion Terry Carrion and Mary H. Carrion  
Original Trustee(s): Terry Carrion a.k.a. Marion Terry Carrion and Mary H. Carrion  
Successor Trustee(s): Jo Ann Richert  
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: Terry Carrion and Mary H. Carrion

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: Jo Ann Richert  
Nature of document: Assignment of Right to Collect Excess Proceeds  
Date of document: July 26, 2022

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 26 day of July, 2022.

Jo Ann Richert  
Signature

Name: Jo Ann Richert  
Address: 41238 Carter Lane  
City, State, Zip: Bermude Dunes, CA 92203

**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 San Diego

On JUL 26 2022 before me, Amy M. Saye, Notary Public, personally appeared  
(Date) (here insert name and title of the officer)

Jo Ann Richert, 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.

Amy M. Saye (seal)  
Signature of Notary Public





STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF RIVERSIDE

RIVERSIDE, CALIFORNIA

95-092322

CERTIFICATE OF DEATH

39533005003

STATE OF CALIFORNIA  
USE BLACK INK ONLY/NO ERASURES, HYPERSCRIPTS OR ALTERATIONS  
VS-11 (REV. 7/93)

STATE FILE NUMBER: 95-092322 LOCAL REGISTRATION NUMBER: 39533005003

1. NAME OF DECEASED—FIRST (GIVEN): MARY  
2. MIDDLE: H.  
3. LAST (FAMILY): GARRION

4. DATE OF BIRTH MM/DD/CCYY: 11/23/1924  
5. AGE YRS: 70  
6. SEX: F  
7. DATE OF DEATH MM/DD/CCYY: 06/25/1995  
8. HOUR: 1945

9. STATE OF BIRTH: CA.  
10. SOCIAL SECURITY NO.: [REDACTED]  
11. MILITARY SERVICE: NONE  
12. MARITAL STATUS: MARRIED  
13. EDUCATION—YEARS COMPLETED: 11

14. RACE: CAUCASIAN  
15. HISPANIC OR LATINO: MEXICAN/AMERICAN  
16. USUAL EMPLOYER: TERRY CARRION BAIL BOND AGENCY  
17. OCCUPATION: SECRETARY  
18. KIND OF BUSINESS: BAIL BOND  
19. YEARS IN OCCUPATION: 14

20. RESIDENCE—STREET AND NUMBER OR LOCATION: 45-530 DE PLATA CT.  
21. CITY: INDIO  
22. COUNTY: RIVERSIDE  
23. ZIP CODE: 92201  
24. YRS IN COUNTY: 50  
25. STATE OR FOREIGN COUNTRY: CA.

26. NAME REL. TO DECEASED: M. TERRY CARRION—HUSBAND  
27. MAILING ADDRESS (STREET AND NUMBER OR RURAL ROUTE NUMBER, CITY OR TOWN, STATE, ZIP): 45-530 DE PLATA CT. INDIO, CA. 92201

28. NAME OF DECEASED'S SPOUSE—FIRST: MARION  
29. MIDDLE: TERRY  
30. LAST MAIDEN NAME: GARRION  
31. NAME OF FATHER—FIRST: GUADALUPE  
32. MIDDLE: -  
33. LAST: HERRERA  
34. BIRTH STATE: MX.  
35. NAME OF MOTHER—FIRST: REFUGIO  
36. MIDDLE: -  
37. LAST MAIDEN: PEREZ  
38. BIRTH STATE: MX.

39. DATE MM/DD/CCYY: 06/30/1995  
40. PLACE OF BURIAL: COACHELLA VALLEY CEMETERY 82-925 AVE. 52 COACHELLA, CA.

41. TYPE OF BURIAL: BURIAL  
42. LICENSE NO.: 2387  
43. DATE MM/DD/CCYY: 06/22/1995

44. NAME OF FUNERAL DIRECTOR: PAT HARRY CRUTCHER/HOME  
45. LICENSE NO.: FD-067  
46. DATE MM/DD/CCYY: 06/22/1995

47. PLACE OF DEATH: RESIDENCE  
48. STREET ADDRESS—STREET AND NUMBER OR LOCATION: 45-530 DE PLATA CT.  
49. CITY: INDIO

100. DEATH CAUSED BY: BREAST CANCER  
101. IMMEDIATE CAUSE: BREAST CANCER  
102. MANNER OF DEATH: [REDACTED]

103. DUE TO (a) [ ] YES [X] NO  
104. DUE TO (b) [ ] YES [X] NO  
105. DUE TO (c) [ ] YES [X] NO  
106. USED IN DETERMINING CAUSE: [ ] YES [X] NO

107. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 107: NONE  
108. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? IF YES, LIST TYPE OF OPERATION AND DATE: NONE

114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSE STATED FROM THE ATTENDING PHYSICIAN'S CERTIFICATE LAST MADE KNOWN: 03/09/1994 06/07/1995  
115. TYPE ATTENDING PHYSICIAN'S NAME, ADDRESS AND ZIP: SEBASTIAN GEORGE, M.D. 39000 BOB HOPE DR. RANCHO MIRAGE, CA. 92270  
116. LICENSE NO.: A33737  
117. DATE MM/DD/CCYY: 06/26/1995

118. MANNER OF DEATH: [ ] NATURAL [ ] SUICIDE [ ] HOMICIDE [ ] ACCIDENT [ ] PENDING INVESTIGATION [ ] CAUSE NOT DETERMINED  
119. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY):  
120. LOCATION (STREET AND NUMBER OR LOCATION AND CITY AND ZIP CODE):  
121. DATE MM/DD/CCYY:  
122. TYPED NAME, TITLE OF CORONER OR DEPUTY CORONER:

STATE REGISTRAR: 8 X 2  
FAX AUTH. #:  
CEMETERIAL TRACT: 45202

CERTIFIED COPY OF VITAL RECORD  
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

This is a true and exact reproduction of the document officially registered and placed on file in the office of the County of Riverside, Assessor-County Clerk-Recorder.

AUG 01 2022

DATE ISSUED

This copy is not valid unless prepared on an engraved border displaying the date, seal and signature of the Assessor-County Clerk-Recorder.



035143804

Peter Alderson  
PETER ALDASON  
ASSESSOR-COUNTY CLERK-RECORDER  
RIVERSIDE COUNTY, CALIFORNIA



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

CARIVERS02



STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF RIVERSIDE

RIVERSIDE, CALIFORNIA

3052007069142

CERTIFICATE OF DEATH

3200733006712

Form with sections: DECEASED'S PERSONAL DATA, USUAL RESIDENCE, INFORMANT, SPOUSE AND PARENT INFORMATION, FUNERAL DIRECTOR LOCAL REGISTRATION, PLACE OF DEATH, CAUSE OF DEATH, PHYSICIAN'S CERTIFICATION, CORONER'S USE ONLY. Includes fields for name, date of birth, marital status, cause of death, and funeral home details.

CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

This is a true and exact reproduction of the document officially registered and placed on file in the office of the County of Riverside, Assessor-County Clerk-Recorder.

AUG 01 2022

DATE ISSUED

This copy is not valid unless prepared on an engraved border displaying the date, seal and signature of the Assessor-County Clerk-Recorder.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



035143805

Peter Aldana PETER ALDANA ASSessor-COUNTY CLERK-RECORDER RIVERSIDE COUNTY, CALIFORNIA

CARIVERS02



DECLARATION OF TRUST  
CARRION FAMILY LIVING TRUST

TERRY CARRION also known as Marion Terry Carrion and MARY H. CARRION, hereinafter referred to as the Settlers or Trustees, depending on the context, and sometimes referred to as "Husband" and "Wife" respectively declare that they have set aside and hold in trust the property described on Schedule A attached to this instrument and by this reference incorporated herein.

It is the intention of the Settlers that said property be held in trust by the Trustees effective on the date this Declaration of Trust, hereinafter known as the CARRION FAMILY LIVING TRUST, is executed, although transfers of record title to some or all of said property from the Settlers to the Trustees may occur subsequent to this date. Said property, together with any other property that may later become subject to this trust, shall constitute the trust estate and shall be held, managed and distributed as provided herein.

The character of all property transferred into the trust, whether separate, community or quasi-community shall be retained in trust as separate to the Husband or Wife or as community or quasi-community property.

It is the Husband's and Wife's desire by this instrument, to create an inter vivos revocable trust in accordance with the laws of the State of California whereby they will hold in trust their community property and their separate property and manage it for

their benefit during their respective lives and provide for their issue upon the death of the last survivor of Husband and Wife.

#### ARTICLE I

##### IDENTITY OF SETTLORS AND TRUST BENEFICIARIES

1.01 TERRY CARRION and MARY H. CARRION are Husband and Wife.

1.02 They have three (3) adult children:

- (1) NANCY NIELSEN,
- (2) JO ANN RICHERT, and
- (3) BRIAN CARRION

All references in this declaration of trust to the children of the Settlers are to them.

#### ARTICLE II

##### DESIGNATION OF TRUSTEES

2.02 The initial Trustees of this Trust shall be the Settlers, TERRY CARRION and MARY H. CARRION, who shall jointly administer the Trust during the joint-life times of the Settlers.

2.03 Upon the death of either Settlor, the surviving Settlor shall continue to act as sole Trustee of any trust created herein.

2.04 During the joint life-times of the Settlers, the Settlers shall retain the power to jointly substitute a Successor Trustee by a written instrument that includes a written acceptance by the Successor Trustee.



2.05 Upon the death of either Settlor, the surviving Settlor shall retain the power to substitute a Successor Trustee by a written instrument which includes a written acceptance by the Successor Trustee.

2.06 Unless the Settlers or the surviving Settlor have exercised the power set forth in sections 2.04 or 2.05 above and designated a different Successor Trustee, the Settlers' daughter, JO ANN RICHERT shall, upon the death or incapacity of both of the Settlers, become the Successor Trustee of any trust created herein.

In the event that JO ANN RICHERT shall cease to act as trustee then the Settlers children NANCY NIELSEN and BRIAN CARRION shall jointly become co-trustees of any trust created herein and if either shall cease to act as co-trustee the remaining co-trustee shall act as sole trustee.

2.07 The power to substitute a Successor Trustee is personal to the Settlers and shall not be exercised on their behalf by any guardian conservator or other person.

2.08 A Settlor shall be deemed to be incapacitated if three (3) physicians licensed in the state of California shall so certify in writing and provided that no Court in the state of California shall rule otherwise.

2.09 The term trustee as used in any trust created herein shall include any successor trustee who shall become empowered under such trust.

ARTICLE III  
DISTRIBUTION OF INCOME & PRINCIPAL  
DURING THE SETTLOR'S LIFETIME

3.01 During the joint lifetimes of the Settlers, the Trustees shall pay to the Settlers or apply for the Settlor's benefit in quarterly or more frequent intervals all of the net income and as much of the principal of the trust estate as the Trustees consider necessary for the Settlor's proper health, education, support, maintenance and welfare. The Trustees shall exercise in a liberal manner the power to invade principal contained in this paragraph, and the rights of the remainderman in the trust shall be considered of secondary importance.

3.02 The Settlers acting jointly may at any time direct the Trustees in writing to pay single sums or periodic payments out of the income or principal of the Trust estate, to any person or organization, including the Settlers, or either of them.

ARTICLE IV  
DIVISION INTO TWO TRUSTS  
AFTER DEATH OF SETTLOR

4.01 The first Settlor to die is herein designated as the "Deceased Spouse" and the surviving living Settlor is herein designated as the "Surviving Spouse".

4.02 Upon the death of the Deceased Spouse, the Trustee shall divide the trust estate into two (2) trusts, designated as trust A or the "Survivors Trust" and trust B or the "Credit Shelter

Trust".

#### Trust A

4.03 Trust A: The principal of Trust A, the Survivors Trust, shall consist of (1) all of the Surviving Spouse's separate property, including proceeds of policies of life insurance on the life of the Deceased Spouse owned by the Surviving Spouse as his separate property, (2) the Surviving Spouse's one-half of the community property, and (3) that portion of the deceased spouse's separate or community property that is not made a part of Trust B.

4.04 It is the intent of the Settlor that all of the property of Trust A, the Survivors Trust, shall qualify for the marital deduction on any federal estate tax return that the estate of the Deceased spouse may file.

4.05 Distribution of income and principle of Trust A: So long as the Surviving Spouse is living the trustee shall pay to or apply for the benefit of the Surviving Spouse all of the income of Trust A and as much of the principle as the Surviving Spouse shall from time to time request.

4.06 Power to revoke or amend trust A. The Surviving Spouse shall have the power to amend, revoke or terminate Trust A, in whole or in part. On revocation or termination of Trust A, in whole or in part, those assets as to which such Trust is terminated or revoked shall be delivered as the Surviving Spouse shall direct. Revocation and amendment shall be made by giving written notice to the Trustee.

4.07 Power of Appointment: The Surviving Spouse shall also

have the power to appoint the principal of Trust A, and the accrued and undistributed net income of Trust A, to such persons including his estate, his creditors, or creditors of his estate, as he directs in his last Will. The exercise of this power shall be made by specific reference to this power of appointment in such Will.

4.08 Failure to exercise Power of Appointment: Should the Surviving Spouse fail to exercise effectively, in whole or in part, the power to appointment described in paragraph 4.06 above, then upon the death of the Surviving Spouse the unappointed portion of the principal and accrued and undistributed net income of Trust A shall be added to the principal of Trust B, and shall be held, administered and distributed by the Trustee in the same manner as if they had been originally included in the principal of Trust B.

#### Trust B

4.09 The principal of Trust B, the Credit Shelter Trust, shall consist of that pecuniary amount of the Deceased Spouse's gross estate (as defined for federal estate tax purposes) that is the largest amount that can pass free of federal estate tax at death, taking into account the federal estate tax credit plus all other federal credits and deductions other than the marital deduction which are available to said gross estate, and after considering the value of all property disposed of by this instrument or otherwise that must be included in the estate of the deceased spouse for purposes of determining federal estate taxes. That portion of the deceased spouse's gross estate that does not qualify for distribution into Trust B as provided above shall be



distributed to Trust A. There may be other amounts allocated to Trust B as hereinafter provided in this Declaration of Trust.

4.10 Trust B shall be irrevocable and not subject to amendment except as otherwise expressly provided for in this Declaration of Trust.

4.11 Distribution of Income and Principal: For so long as the Surviving Spouse is living, the trustee distribute to the Surviving Spouse all of the net income of Trust B in quarterly or more convenient installments. In addition to the net income of the Trust the Trustee may pay to or apply for the benefit of the Surviving Spouse so much of the principal as the Trustee or Successor Trustee, deems necessary for the proper support, care and maintenance of the surviving Spouse after taking into consideration all other sources of income and support available to the Surviving Spouse, including income or support that is only available if the Trustee elects not to invade the principal of Trust B, provided that no payments out of principal shall be made unless the trustee has further determined that the Surviving Spouse has exhausted the principal of trust A, the Survivors Trust.

4.12 In allocating assets between trust A and trust B the Trustee may make allocations in cash or in kind or partly in each. Assets allocated in kind shall be valued on the basis of their value that is finally determined for federal estate tax purposes, provided that the assets used to satisfy this amount are fairly representative of the appreciation or depreciation in the value of the gross estate which has occurred between the date of valuation

and the date of distribution and without regard to the aggregate fair market value on the date or dates of the Trustee or the Executor of the estate in making an election for federal estate tax purposes between valuation of the estate on the date of death and valuation on an alternate date.

#### ARTICLE V

##### DISTRIBUTION UPON DEATH OF SURVIVING SPOUSE

5.01 Distribution of Trust A: On the death of the Surviving Spouse, the Trustee shall pay from the income and or principal of Trust A, as the Trustee in his or her absolute discretion may determine, the expenses of the Surviving Spouse's last illness, funeral, burial, and any inheritance, estate, or death taxes, unless the Trustee in his or her absolute discretion determines that other adequate provisions have been made for the payment of such expenses and taxes.

5.02 Distribution of remainder of Trust A: The balance of trust A shall be distributed as directed by the surviving spouse through the exercise of the power of appointment provide for in paragraph 4.06 above, or if the surviving spouse fails to exercise said power of appointment, then in the same manner as Trust B.

5.03 Distribution of remainder of Trust B: On the death of the Surviving Spouse, the balance of the Trust Estate of Trust B including any principal and accrued and undistributed net income of Trust A added to Trust B pursuant to Section 4.07 of this Trust, and including any additions made to such trust estates by reason

of the Surviving Spouse's death, shall be held, administered, and distributed by the Trustee as follows:

5.03 On the death of the Surviving Spouse, the Trustee shall distribute to each of the grandchildren of the Settlers who are then living a sum of money or other property equal to two percent (2%) of the remainder of Trust B. In the case of a grandchild under age 25, the trustee shall make distribution of any cash or cash equivalent into a custodial account pursuant to the California Uniform Transfer to Minors Act and shall further designate a Custodian of the account; real property and tangible personal property may be retained in trust for the benefit of a grandchild if the trustee, in the trustee's absolute discretion, deems that appropriate.

5.04 The trustee shall retain in a trust hereinafter designated as the CARRION FAMILY REAL PROPERTY TRUST the balance of any real property held in trust B to be held, administered and distributed as set forth in Article VI below.

5.05 The trustee shall distribute the balance of Trust B in equal shares to the children of the Settlers, provided that if any child of the Settlers shall be deceased with living issue, then that child's share shall instead go to that child's issue who are then living.

#### ARTICLE VI

#### CARRION FAMILY REAL PROPERTY TRUST

6.01 All of the real property retained in the Carrion Family

Real Property Trust following the death of the Surviving Spouse shall be administered by the trustee who shall distribute the net income of the trust in equal shares to those children of the Settlers who are then living provided that if any child of the Settlers shall be deceased with living issue, then that child's share shall instead go to that child's issue who are then living by representation.

5.02 No real property of the trust may be sold except in the event of the unanimous consent to such sale by all of the Settlers children who are then living. In the event of such sale the trustee shall distribute all of the net proceeds of such sale in equal shares to those children of the Settlers who are then living provided that if any child of the Settlers shall be deceased with living issue, then that child's share shall instead go to that child's issue who are then living by representation.

5.03 The Carrion Family Real Property Trust shall not be terminated except by the unanimous consent of all of the then living children of the Settlers or in the event that none of the children of the Settlers are then living by the consent of a majority of the grandchildren of the Settlers.

5.04 In order to carry out the Carrion Family Real Property Trust, the trustee shall have all powers reasonable and necessary including without limitation the power to rent or lease said property, to collect rents, to make repairs, to pay mortgages, deeds of trust, assessments and other encumbrances, to pay taxes, insurance, and all other expenses of operation, to contract, to



maintain a bank account for operations or as reserves, to sue, to employ agents, attorneys, accountants or such other persons as the trustee deems necessary in furtherance of the trust. The trustee shall have no power to sell the real property of the Carrion Family Trust except to carry out the provisions of paragraph 6.02 or 6.03 above. Any power granted to the trustee elsewhere in this document shall be given effect only if it is not inconsistent with any limitation on the power of the trustee set forth in this Article.

6.05 The trustee shall have no obligation to prepay any mortgage that shall be in existence at the time of the distribution to the Carrion Family Trust and may accept all real property subject to any existing deed of trust or other encumbrance.

## ARTICLE VII

### POWERS OF THE TRUSTEE

7.01 To carry out the purpose of any Trust created under this instrument and subject to any limitations stated elsewhere in this Declaration of Trust, The Trustee or Successor Trustee is vested with the following powers with respect to the trust estate and any part of it, in addition to those powers now or hereafter conferred by law:

7.02 To continue to hold any property, including the shares of any corporate trustee's stock and to operate at the risk of the trust estate any business that the Trustee receives or acquires under this trust so long as the Trustee deems advisable.

7.03 To manage, control, grant options on, sell (for cash or

on deferred payments), convey, exchange, partition, divide, improve and repair trust property.

7.04 To lease trust property for terms within or beyond the term of the trust and for any purpose, including exploration for and removal of gas, oil and other minerals, and to enter into community oil leases, pooling and utilization agreements.

7.05 To borrow money and to encumber or hypothecate trust property by mortgage, deed of trust, pledge or otherwise, to borrow money on behalf of one trust from any other trust created hereunder.

7.06 To carry, at the expense of the trust, insurance of such kinds and in such amounts as the Trustee deems advisable to protect the trust estate and the Trustee against any hazard.

7.07 To commence or defend such litigation with respect to the trust of any property of the trust estate as the Trustee may deem advisable, at the expense of the trust.

7.08 To compromise or otherwise adjust any claim or litigation against or in favor of the trust.

7.09 To hold securities or other property in its own name or in the name of its nominee, without disclosing any fiduciary relation.

7.10 To invest and reinvest the trust estate in every kind of investment, specifically including, but not by way of limitation, the following: Corporate obligations of every kind; stocks, preferred or common; shares of investment trusts, investment companies and mutual funds; mortgage participation, which men of

prudence, discretion and intelligence acquire for their own account; and any common trust fund administered by any corporate trustee.

7.11 With respect to securities held in the trust, to have all the rights, powers and privileges of any owner, including, but not by way of limitation, the power to vote, give proxies and pay assessments; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, liquidations, sales and leases, and incident to such participation, to deposit securities with and transfer title to any protective or other committee on such terms as the Trustee may deem advisable; and to exercise or sell stock subscription or conversion rights.

7.12 To purchase in the Trustee's discretion, at less than par, obligations of the United States of America that are redeemable at par in payment of any federal estate tax liability of a Trustee in such amounts as the Trustee deems advisable, and to borrow to make such purchase. The Trustee shall not be liable to a Settlor or any beneficiary of this trust for losses resulting from purchases made in good faith. The Trustee is directed to redeem any such obligations that are a part of the trust estate to the fullest extent possible in payment of federal estate tax liability of a Settlor.

7.13 Except as otherwise specifically provided in this instrument, the determination of all matters with respect to what is principal and income of the trust estate and the apportionment and allocation of receipts and expenses between these accounts

shall be governed by the provisions of the California Revised uniform Principal and Income Act from time to time existing. Any such matter not provided for either in this instrument or in the California Revised Uniform Principal and Income Act shall be determined by the Trustee, in its discretion.

7.14 Notwithstanding any other provisions of this instrument or of the California Revised Uniform Principal and Income Act, the Trustee shall not be required to establish any reserve for depreciation or to make any charge for depreciation against all or any portion of the income of the trust estate (including any income realized through use of any portion of the trust estate employed in the conduct of a business by the trust), but the Trustee shall have the power exercisable in its discretion to determine whether to establish such a reserve and, if so, to fund the same by appropriate charges against income of the trust estate, such reserve and charge to be established on such assumption and in such amounts as the Trustee, in its discretion, shall determine. In exercising the discretion conferred on the Trustee, the Trustee is requested to take into account the fact that it is the Settlor's desire to benefit primarily income beneficiaries.

7.15 To make loans to or to borrow from, to purchase property or assets of any kind from, or sell to, or in any other manner deal with, the personal representative of the Settlor, upon such terms and conditions or in such manner as the Trustee shall deem reasonable in its sole discretion and in the interest of this trust and its beneficiaries.

## ARTICLE VIII

### GENERAL PROVISIONS

The following general provisions shall govern the operation and administration of all trusts created under this instrument:

8.01 Except as otherwise specifically provided in this instrument, all net income shall be distributed quarter-annually, or at more frequent intervals, to or for the benefit of the person or persons entitled to receive such net income.

8.02 Income accrued or unpaid on trust property when received into the trust shall be treated as any other income. Income accrued or held undistributed by the Trustee at the termination of any trust created hereunder shall go to the next beneficiaries of the trust in proportion to their interest in the trust.

#### SPENDTHRIFT CLAUSE:

8.03 No interest in the principal or income of any trust established herein shall be anticipated, assigned or encumbered or subject to any creditor's claim or to legal process, prior to its actual receipt by the beneficiary.

#### PERPETUITIES CLAUSE

8.04 Unless sooner terminated in accordance with other provisions of this trust, the trust created herein shall terminate upon the death of the Surviving Spouse and all of the children of the Settlers, plus twenty-one (21) years.

#### ACCOUNTING

8.05 During the lifetime of either Settlor the trustee shall

make a regular accounting to each Settlor on an annual basis in addition to such accounting as either Settlor may request from time.

8.06 Upon the death of any income beneficiary the trustee shall make an accounting to all beneficiaries who are then presently entitled to income. Thereafter the trustee shall make a regular accounting on an annual basis to each such income beneficiary. Until a beneficiary becomes entitled to income he or she shall have no right to any accounting.

8.07 Other property acceptable to the Trustee may be added to the trust by any person, by the Will of the Settlor and by the proceeds of any life insurance policy.

8.08 If any provision of this instrument is unenforceable, the remaining provisions shall nevertheless be carried into effect.

8.09 This trust has been executed in the State of California and, unless otherwise provided in this instrument, its validity, construction and all rights under it shall be governed by the laws of that State.

8.10 As used in this instrument, the masculine, feminine or neuter gender, and the singular or plural number, shall each be allowed to include the others whenever the context so indicates.

ARTICLE IX  
NAME OF TRUST

This trust shall be known as the CARRION FAMILY LIVING TRUST.  
We certify that I have read the foregoing Declaration of Trust and



