

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



ITEM: 19.15
(ID # 23003)

MEETING DATE:
Tuesday, February 27, 2024

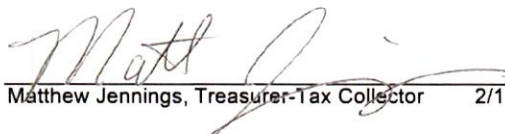
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 215, Item 1663. Last assessed to: Justino Hernandez. District 5. [0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Deny the claim from the City of Banning, Code Enforcement for payment of excess proceeds resulting from the Tax Collector's public auction tax sale associated with parcel 534223009;
2. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$8,499.57 to the County General Fund pursuant to Revenue and Taxation Code Section 4674.

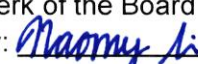
ACTION:Policy


Matthew Jennings, Treasurer-Tax Collector 2/13/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, 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, Perez and Gutierrez
Nays: None
Absent: None
Date: February 27, 2024
xc: Tax Collector

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS:			Budget Adjustment:	N/A
			For Fiscal Year:	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 05, 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 Accurint (people finder) to notify any new addresses that may be listed for our last assessees.
4. Advertised in newspapers for three consecutive weeks in The Desert Sun, Palo Verde Valley Times, and The Press Enterprise referring any parties of interest to file a claim for the excess proceeds.
5. Sent out a certified mailing within 90 days as required by Revenue and Taxation Code 4676 (b).

According to Revenue and Taxation Code 4675 (a) Any party of interest in the property may file with the county a claim for the excess proceeds, in proportion to his or her interest held with others of equal priority in the property at the time of the sale, at any time prior to the expiration

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STATE OF CALIFORNIA**

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 the City of Banning, Code Enforcement based on a Notice of Abatement/Assessment Lien Weed Abatement recorded October 18, 2019 as Instrument No. 2019-0420662.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that the claim from the City of Banning, Code Enforcement be denied since the claimant released their lien with Instrument No. 2020-0422106 recorded September 09, 2020. Since there are no other claimants, the unclaimed excess proceeds in the amount \$8,499.57 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 Banning


Cesar Bernal, PRINCIPAL MGMT ANALYST 2/16/2024


Aaron Gettis, Deputy County Counsel 9/26/2023

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

To: Jon Christensen, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 215 ITEM 1663 Parcel Identification Number: 534223009

Assessee: HERNANDEZ, JUSTINO

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 \$ 363.50 from the sale of the above mentioned real property. I/We were the [X] 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. 209-042002; recorded on 10/18/19. 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.

Spring 2019 Weed abatement. (not on tax roll) \$ 363.50 - (redemption)

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 30 day of July, 2020 at Riverside, CA County, State

[Signature] Signature of Claimant

Signature of Claimant

Debbie Shubin Print Name

Print Name

125 E Ramsey / P.O. Box 1177 Street Address

Street Address

Banning, CA 92220 City, State, Zip

City, State, Zip

951-849-1047 Phone Number

Phone Number

dshubin@banning.ca.gov Email Address

Email Address

City of Banning / Code Enforcement.

RECEIVED 2020 AUG -5 9:12 AM RIVERSIDE COUNTY TREAS-TAX COLLECTOR

WHEN RECORDED RETURN TO:

CITY OF BANNING
Police Department
Attn: Code Enforcement Division
P.O. Box 1177
125 E. Ramsey St
Banning, CA 92220
(951) 849-1047

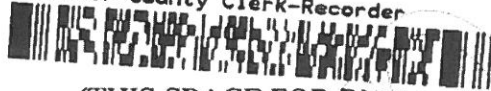
This document is recorded at the Request of
City of Banning pursuant to Government
Code §6103. No fee shall be charged therefore.

2019-0420662

10/18/2019 01:56 PM Fee: \$ 0.00

Page 1 of 3

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



(THIS SPACE FOR RECORDER'S USE)

411

**NOTICE OF ABATEMENT/ASSESSMENT LIEN
WEED ABATEMENT**

PURSUANT TO THE AUTHORITY contained in Chapter 8.48 of the Code of the City of Banning, City of Banning, California, and in California Government Code, Sections 38773 and 38773.1, the City of Banning, did cause a nuisance to be abated on the premises described below and did assess the costs incurred of such abatement upon the premises described below and did assess the costs uncured of such abatement upon the premises described below.

of said costs there remains unpaid to the City of Banning the sum of **EIGHTEEN THOUSAND NINE HUNDRED EIGHTY-NINE DOLLARS AND 04/100 ***DOLLARS (\$18,989.04)**, together with interest calculated thereon at the legal rate of interest from **September 26, 2019** until said amount has been paid in full and this lien discharged of record.

The real property upon which the nuisance was abated is that certain premises situated in the City of Banning, County of Riverside, State of California, and more particularly described as follows:

SEE "ATTACHMENT A"

The name and address of the owner of record of such premises described above is:

SEE "ATTACHMENT A"

NOTICE; THIS PROPERTY MAY BE SOLD AFTER 3 YEARS BY THE TAX COLLECTOR FOR UNPAID DELINQUENT ASSESSMENTS (GOV.CODE §38773.5)

DATED:

9/30/19

BY:

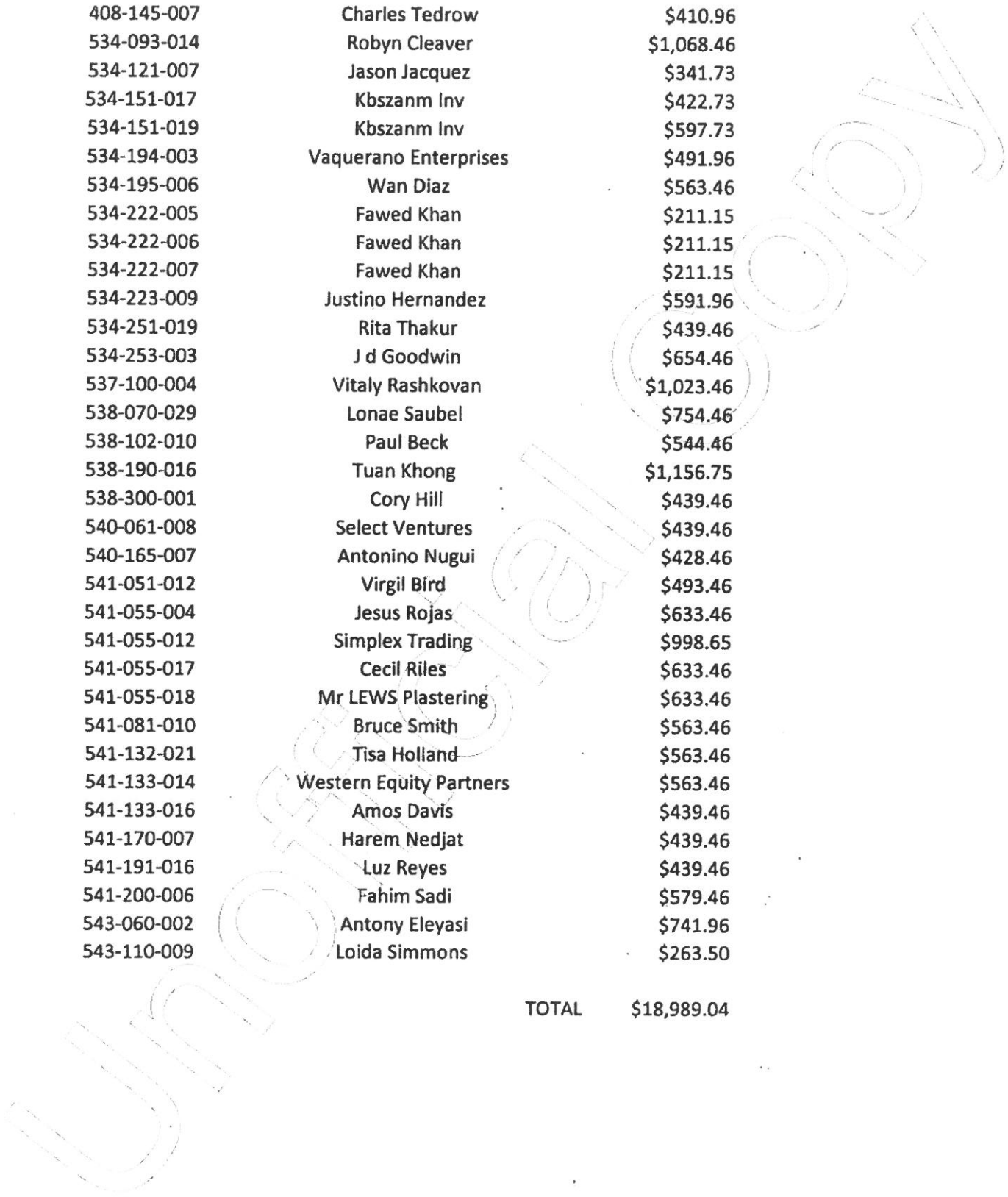
Chris Welch
MAYOR OF THE CITY OF BANNING

ATTEST:

CITY CLERK OF THE CITY OF BANNING

ATTACHMENT "A"

APN		ASSESSMENT
408-145-007	Charles Tedrow	\$410.96
534-093-014	Robyn Cleaver	\$1,068.46
534-121-007	Jason Jacquez	\$341.73
534-151-017	Kbszanm Inv	\$422.73
534-151-019	Kbszanm Inv	\$597.73
534-194-003	Vaquerano Enterprises	\$491.96
534-195-006	Wan Diaz	\$563.46
534-222-005	Fawed Khan	\$211.15
534-222-006	Fawed Khan	\$211.15
534-222-007	Fawed Khan	\$211.15
534-223-009	Justino Hernandez	\$591.96
534-251-019	Rita Thakur	\$439.46
534-253-003	J d Goodwin	\$654.46
537-100-004	Vitaly Rashkovan	\$1,023.46
538-070-029	Lonae Saubel	\$754.46
538-102-010	Paul Beck	\$544.46
538-190-016	Tuan Khong	\$1,156.75
538-300-001	Cory Hill	\$439.46
540-061-008	Select Ventures	\$439.46
540-165-007	Antonino Nugui	\$428.46
541-051-012	Virgil Bird	\$493.46
541-055-004	Jesus Rojas	\$633.46
541-055-012	Simplex Trading	\$998.65
541-055-017	Cecil Riles	\$633.46
541-055-018	Mr LEWS Plastering	\$633.46
541-081-010	Bruce Smith	\$563.46
541-132-021	Tisa Holland	\$563.46
541-133-014	Western Equity Partners	\$563.46
541-133-016	Amos Davis	\$439.46
541-170-007	Harem Nedjat	\$439.46
541-191-016	Luz Reyes	\$439.46
541-200-006	Fahim Sadi	\$579.46
543-060-002	Antony Eleyasi	\$741.96
543-110-009	Loida Simmons	\$263.50
	TOTAL	\$18,989.04



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Riverside

On 9-30-2019 before me, STACY L. BOUSLOG - NOTARY PUBLIC

Date

Here Insert Name and Title of the Officer

personally appeared Art Welch

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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: Stacy Bouslog

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Notice of Abatement/Assessment Lien

Document Date: 9-30-2019

Number of Pages: 1 + Attach.

Signer(s) Other Than Names Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Art Welch

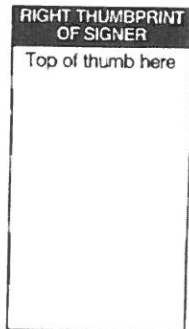
- Corporate Officer - Title(s): _____
- Individual
- Partner - Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: City of Banning Mayor

Signer's Name: _____

- Corporate Officer - Title(s): _____
- Individual
- Partner - Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____



DeGuire Weed Abatement

20895 Warren Rd.
Perris, CA 92570
p. 951-741-4790
f. 951-934-6711
e. office@dgweeds.com
w. jimweedabatement.com

INVOICE

Invoice #:

Invoice Date: 6/28/2019

BILL TO: City of Banning - Code Enforcement
99 E. Ramsey St
Banning, CA 92220

CONTACT:

dshubin@ci.banning.ca.us

ATTN: Debbie Shubin

INVOICE FOR APN #: - 534-223-009

<u>DESCRIPTION OF SERVICES PROVIDED</u>	<u>PRICE \$</u>
Weed Abatement	\$100.00
Weed Abatement HandWork	\$257.50
Pictures	\$6.00

PLEASE MAKE CHECKS PAYABLE TO: DeGuire Weed Abatement

TOTAL DUE WITHIN 10 DAYS OF RECEIPT.
OVERDUE ACCOUNTS ARE SUBJECT TO 10% SERVICE CHARGE.

TOTAL DUE: \$363.50
TAX RATE: 0.00%
TAX AMOUNT: \$0.00
TOTAL DUE: \$363.50

APPROVED FOR PAYMENT:
Ven # _____ FY-Per. 18-19
PO # _____ DP
Amount: 363.50
Acct: 11
Amount: _____
By: _____

THANK YOU FOR YOUR BUSINESS!

2020-0422106

09/09/2020 08:00 AM Fee: \$ 20.00

Page 1 of 3

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



After recording return to:

CITY OF BANNING
Police Department
Attn: Code Enforcement Division
P.O. Box 1177
125 E. Ramsey St.
Banning, CA 92220

778

SPACE FOR RECORDER'S USE

RELEASE OF NUISANCE ABATEMENT LIEN
CITY OF BANNING, CALIFORNIA
Weed Abatement

That certain Notice of Lien in favor of the City of Banning against SEE "ATTACHMENT A" claiming a lien for nuisance weed abatement under Chapter 8.48 of the Code of the City of Banning, and California Government Code, Sections 38773 and 38773.1, upon the following real property situated in the City of Banning, County of Riverside, State of California, to-wit:

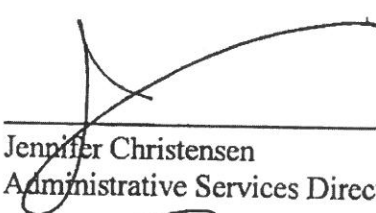
SEE "ATTACHMENT A"

AMOUNT OF LIEN: \$20,055.96

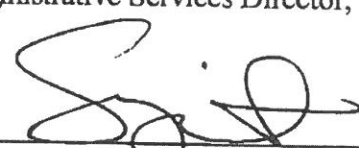
Dated September 2019, and recorded on the 18th day of October 2019, Document Number 2019-0420662, Official Records of Riverside County, California, is hereby released, the lien thereunder having been fully paid and/or satisfied.

Dated:

8-11-2020



Jennifer Christensen
Administrative Services Director, City of Banning



Sonja De La Fuente
Deputy City Clerk/City Clerk, City of Banning

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534-093-014	Robyn Cleaver	\$1,068.46
541-121-002	First Food Choice	\$603.46
534-121-007	Jason Jacquez	\$341.73
534-151-017	Kbszanm Inv	\$422.73
534-151-019	Kbszanm Inv	\$597.73
534-194-003	Vaquerano Enterprises	\$491.96
534-195-006	Wan Diaz	\$563.46
534-222-005	Fawed Khan	\$211.15
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541-191-016	Luz Reyes	\$439.46
541-200-006	Fahim Sadi	\$579.46
543-060-002	Antony Eleyasi	\$741.96
543-110-009	Loida Simmons	\$263.50

TOTAL \$20,055.96

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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 August 11, 2020, before me, Stacy L. Bouslog, Notary Public, personally appeared Jennifer Christensen, Administrative Services Director and Sonja De La Fuente, Deputy City Clerk, 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.

SIGNATURE Stacy L. Bouslog

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

City of Banning

Title or type of document: Release of Nuisance Abatement Lien City of Banning, CA

APN: N/A - Document #: 2019-0420662 Address: Attachment A - \$20,055.96