

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



ITEM: 19.10
(ID # 23212)

MEETING DATE:
Tuesday, April 30, 2024

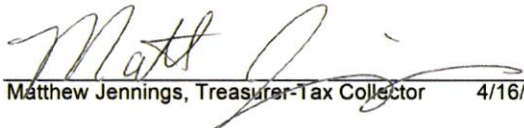
FROM : TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 218, Item 6. Last assessed to: Lake Hills-Riverside, L.P., a California limited partnership. District 2. [\$104,975-Fund 65595 Excess Proceeds from Tax Sale]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Global Discoveries, Ltd., Assignee for Lake Hills-Riverside, L.P., last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 135550007;
2. Authorize and direct the Auditor-Controller to issue a warrant to Global Discoveries, Ltd., Assignee for Lake Hills-Riverside, L.P. in the amount of \$104,975.32, 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 4/16/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: April 30, 2024
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 | \$ 104,975 | \$ 0 | \$ 104,975 | \$ 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 April 26, 2022 public auction sale. The deed conveying title to the purchasers at the auction was recorded July 7, 2022. 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 19, 2022 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 Lake Hills-Riverside, L.P. based on an Assignment of Right to Collect Excess Proceeds notarized May 27, 2023, and a Grant Deed recorded September 7, 2005 as Instrument No. 2005-0739581.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Global Discoveries, Ltd., Assignee for Lake Hills-Riverside, L.P. be awarded excess proceeds in the amount of \$104,975.32. 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 Global


Cesar Bernal, PRINCIPAL MGMT ANALYST

4/19/2024


Aaron Gettis, Chief of Deputy County Counsel

2/28/2024



GLOBAL DISCOVERIES, LTD

Ph: 209-593-3900 or 800-370-0372 | Fx: 209-549-9299 | Info@gd-ltd.com

1120 13th Street, Suite A | Modesto, CA 95354

2022 JUL 26 AM 8:05
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

CLAIM SUMMARY

Date: May 27, 2022
To: Riverside County Treasurer and Tax Collector
Assessors Parcel Number: 135550007
Last Assessee: LAKE HILLS RIVERSIDE
Sale Date: 4/21/2022
TC: 218
Item Number: 6

2022 JUL 26 AM 8:05
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR
RECEIVED

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 to Lake Hills-Riverside, L.P., a California limited partnership as Document Number: 2005-0739581, recorded on 09/07/2005 in Riverside County, CA.
2. Company Documents for Lake Hills-Riverside, L.P. referencing the following:
 - a. Lake Hills-Riverside, L.P. is in Good Standing with CA Secretary of State
 - b. **MSIII GP, LLC is the General Partner**
3. Company Documents for MSIII GP, LLC referencing the following:
 - a. MSIII GP, LLC is in Good Standing with CA Secretary of State
 - b. **Hearthstone, Inc. is the Managing Member**
4. Company for Hearthstone, Inc. referencing the following:
 - a. Hearthstone, Inc. is in Good Standing with CA Secretary of State
 - b. Steven C. Porath is the Secretary
5. Hearthstone, Inc. Corporate Resolution authorizing Steven C. Porath to act on behalf of the company.
6. Affidavit signed by Steven C. Porath declaring under penalty of perjury his identity.
7. Assignment of Rights To Collect Excess Proceeds signed by Steven C. Porath, Secretary of Hearthstone, Inc.
8. Claim form(s) signed by Global Discoveries
9. Photo ID for Assignor: Steven Charles Porath

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

- One warrant in the amount of \$105,833.00 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: 7021-1970-0001-3800-1954



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 135550007 Tax Sale Number 218, Item 6 sold at public auction on 4/21/2022. I understand that the total of excess proceeds available for refund is \$ 105,833.00+/-, 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)

MAY 13, 2022 (Date)

Lake Hills - Riverside LP
MSIII GP, LLC, its General Partner
By: Hearthstone, Inc. Manager, By: Steven C Porath, Secretary
(23975 Park Sorrento, Ste 220)
Calabasas, CA, 91302-4023
(818) 385-0005

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 Los Angeles

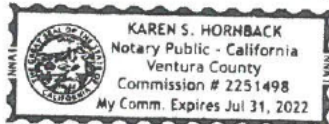
On May 13, 2022 before me, Karen S Hornback, Notary Public, personally appeared Steven C. Porath

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.

Karen S Hornback (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.

(Signature of Assignee)

Jed Byerly, Managing Member of Global Discoveries Ltd.
(Name Printed)

Tax ID/SS#

P.O. Box 1748
(Address)

Modesto, CA 95353-1748
(City/State/Zip)

Phone: (209) 593-3913

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 STANISLAUS

On 5/27/22 before me, Maria Mendoza, Notary Public, personally appeared Jed Byerly

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 214 Item 6 Parcel Identification Number: 135550007

Assessee: LAKE HILLS RIVERSIDE

Situs: VACANT

Date Sold: 4/21/2022

Date Deed to Purchaser Recorded:

Final Date to Submit Claim:

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$105,833.00 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. 2005-0739581 and Others recorded on 9/7/2005. 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 27th day of MAY, 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)

RECORDING REQUESTED BY:
FIRST AMERICAN TITLE COMPANY
WHEN RECORDED MAIL TO:

Lake Hills - Riverside, L.P.
781 Lincoln Avenue, Suite 300
San Rafael, CA 94901
Attn: Mr. Tracy T. Carver

DOC # 2005-0739581

09/07/2005 08:00A Fee: 16.00
Page 1 of 4 Doc T Tax Paid
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



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AP: 140-030-008 (PTN)

TRA: 053-033

GRANT DEED

16
OH see statement

THIS AREA
FOR
RECORDER'S
USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

205/356-22

WHEN RECORDED, MAIL TO:)
Lake Hills - Riverside, L.P.)
781 Lincoln Avenue, Suite 300)
San Rafael, CA 94901)
Attention: Mr. Tracy T. Carver)

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

The undersigned grantor(s) declare(s):

DOCUMENTARY TRANSFER TAX IS: None Shown: The Documentary Transfer Tax is shown on a separate attached, but unrecorded Affidavit.

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, RIVERSIDE LHC, LTD, a Florida limited partnership doing business in California as Riverside LHC, L.P. ("Grantor"), hereby GRANTS to LAKE HILLS - RIVERSIDE, L.P., a California limited partnership, all of Grantor's right, title and interest as a tenant-in-common in and to the following described real property in the County of Riverside, State of California:

The legal description attached hereto as Exhibit "1" is incorporated herein by this reference.

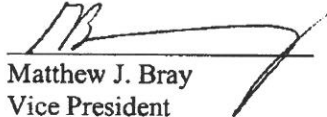
SUBJECT TO: Non-delinquent general, special, and supplemental real property taxes and assessments and all covenants, conditions, restrictions, reservations, dedications, easements, encumbrances, rights and rights-of-way and, **SUBJECT FURTHER TO THE FOLLOWING RESERVATION:**

Grantor hereby excepts from the conveyance pursuant to this Grant Deed, and reserves for itself, La Sierra Development LLC and their respective successors and assigns, a perpetual, non-exclusive easement, on, over, under and across Lots 280 through 286, Lot 289 inclusive, and Lots A through P, inclusive, of Tract No. 28816 shown on that certain final map recorded in Book 368, Pages 74 through 92 inclusive, of Maps, in the Official Records of Riverside County (the "Final Map") for (i) pedestrian and vehicular access, including without limitation, access by construction vehicles, and (ii) the performance of any work which Grantor and/or La Sierra Development LLC determine is necessary or appropriate for or in connection with any development of any and all neighboring property in which Grantor owns any interest, as a tenant-in-common or otherwise, as of the date of this Grant Deed. Such easement over any of the lots dedicated on the Final Map as public access and/or public streets included in the above list of lots (the "Access Lots") shall automatically terminate upon dedication of such Access Lots to, and acceptance of such Access Lots by, the County for public access purposes.

This Grant Deed is dated for reference purposes as of August 18, 2005.

RIVERSIDE LHC, LTD.,
a Florida limited partnership

By: URBAN PROPERTIES OF CALIFORNIA, INC.,
a Florida corporation
Its: General Partner

By: 
Name: Matthew J. Bray
Title: Vice President

STATE OF CALIFORNIA)
) ss.
COUNTY OF Orange)

On August 18, 2005, before me, LINDA LEE, Notary Public,
personally appeared MATTHEW J. BRAY, 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.

[SEAL]

Linda Lee
Signature of Notary Public

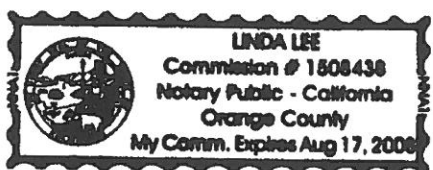


EXHIBIT "1"

TO GRANT DEED

That certain property located in the County of Riverside, State of California, more particularly described as:

Lots 34 through 37, lots 48 through 87, lots 123 through 173, of Tract No. 28815 in the County of Riverside, State of California as filed in Book 368 pages 55 through 73 Inclusive, of maps in the office of the county recorder of said county.

Lots 1 through 11, lots 27 through 55, lots 273 through 277, lots 280 through 286, lot 289 and lots A through P of Tract No. 28816 in the County of Riverside, State of California as filed in Book 368 pages 74 through 92 Inclusive, of maps in the office of the county recorder of said county.

AFFIDAVIT

I, Steven C. Porath, do hereby declare:

1. I am over the age of 18 and a resident of Calabasas, CA. The facts set forth herein are true of my own personal knowledge. If called to testify as a witness in a judicial proceeding, I could, and would, testify truthfully and competently thereto.
2. Lake Hills-Riverside, L.P., a California Limited partnership is one and the same company listed on the Grant Deed as Document Number: 2005-0739582, recorded on 09/07/2005 in Riverside County, CA.
3. I, Steven C. Porath am one and the same person who is listed as Steven Charles Porath on my CA Driver's License as DL#
4. I cannot provide any original or copies of Tax Bills, Title Insurance Policies, Utility Bills or any other supporting documentation to reference the 781 LINCOLN AVE STE 300 SAN RAFAEL CA 94901 address, which is one and the same address that is on the above referenced Grant Deed. Documentation has been lost during a move.
5. I assigned the excess proceeds to Global Discoveries, Ltd., for Riverside County Assessors Parcel Number 135550007.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13 day of May, 2022, in CALABASAS, CALIFORNIA

X [Signature]
 Lake Hills - Riverside LP
 MSIIIGP, LLC, its General Partner
 By: Hearthstone, Inc., Manager, By: Steven C. Porath, Secretary

JURAT

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 Los Angeles

Subscribed and sworn to (or affirmed) before me on this

Date 13th day of May, 2022, by
Steven C. Porath
 Name of Signer

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature]
 Signature of Notary Public

(Place Notary Seal Above)

GD Number: 44809-385593

