

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



ITEM: 19.39
(ID # 24489)

MEETING DATE:
Tuesday, July 30, 2024

FROM : TREASURER-TAX COLLECTOR

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for the June 1, 2021 Chapter 8 Tax Sale Agreement, Agreement Number 4474. Last assessed to: Temecula Properties, LLC, a California Limited Liability Company. District 3. [\$5,532-Fund 65595 Excess Proceeds from Tax Sale]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Fiore, Racobs & Powers, APLC, Attorney for Westside Business Centre Property Owners Association for payment of excess proceeds resulting from the Treasurer-Tax Collector's June 1, 2021 Agreement of Sale, Agreement Number 4474, associated with parcel 909370046; and
2. Authorize and direct the Auditor-Controller to issue a warrant to Fiore, Racobs & Powers, APLC, Attorney for Westside Business Centre Property Owners Association in the amount of \$5,532.46, 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

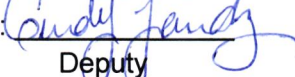

Melissa Johnson, Assistant Tax Collector 7/17/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, 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: July 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	\$ 5,532	\$ 0	\$ 5,532	\$ 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:	24/25

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 above-described Chapter 8 Agreement of Sale of delinquent real property, effective June 1, 2021. The deed conveying title to the purchasers at the auction was recorded June 25, 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 25, 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 Fiore, Racobs & Powers, APLC, Attorney for Westside Business Centre Property Owners Association based on a Notice of Delinquent Assessments and Claim of Lien recorded July 31, 2015 at Instrument No. 2015-0342571 and an Abstract of Judgment - Civil and Small Claims recorded October 20, 2016 as Instrument No. 2016-0463036.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Fiore, Racobs & Powers, APLC, Attorney for Westside Business Centre Property Owners Association be awarded excess proceeds in the amount of \$5,532.46. 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 a lienholder of the property.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim Fiore

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

Cesar Bernal
Cesar Bernal, PRINCIPAL MGMT ANALYST 7/19/2024

Aaron Gettis
Aaron Gettis, Chief of Deputy County Counsel 4/22/2024

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

To: Matthew Jennings, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC AGR ITEM 4474 Parcel Identification Number: 909370046

Assessee: TEMECULA PROP

Situs:

Date Sold: June 1, 2021

Date Deed to Purchaser Recorded: June 25, 2021

Final Date to Submit Claim: June 25, 2022

RECEIVED
2022 JAN 31 PM 2:04
RIVERSIDE COUNTY
TREASURER-TAX COLLECTOR

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 166,611.00 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. 2015-0342571; recorded on July 31, 2015. 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 see attached letter enclosing the following:
Lien: 2015-0342571 recorded on July 31, 2015
Abstract: 2016-0463036 recorded October 20, 2016
Total Claim: \$166,611.00 - see letter dated January 27, 2022

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 27th day of JANUARY, 2022 at RIVERSIDE, CA
County, State

[Signature]
Signature of Claimant

Signature of Claimant

NICOLE A. LILOMAIAVA, ESQ
Print Name
FIORE, RACOBS & POWERS, APLC
6820 INDIANA AVENUE, SUITE 140
Street Address
RIVERSIDE, CA 92506
City, State, Zip
(951) 342-7954
Phone Number
nliimaiava@fiorelaw.com
Email Address

Print Name

Street Address

City, State, Zip

Phone Number

Email Address

2015-0342571

07/31/2015 03:19 PM Fee: \$ 31.00

Page 1 of 3

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



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

Fiore, Racobs & Powers

AND WHEN RECORDED MAIL TO:

Fiore, Racobs & Powers
6820 Indiana Avenue, Ste. 140
Riverside, CA 92506

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NOTICE OF DELINQUENT ASSESSMENTS AND CLAIM OF LIEN

Title of Document

THIS AREA FOR
RECORDER'S
USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3:00 Additional Recording Fee Applies)

RECORDING REQUESTED
 BY AND RETURN TO:
 Fiore, Racobs & Powers
 A Professional Law Corporation
 6820 Indiana Avenue, Suite 140
 Riverside, California 92506

NOTICE OF DELINQUENT ASSESSMENTS
 AND CLAIM OF LIEN

NOTICE IS HEREBY GIVEN that in accordance with the Declaration of Covenants Conditions and Restrictions for Westside Business Centre recorded on November 21, 1990, as Instrument Number 426914, of the Official Records of Riverside County, California, and all Amendments and Supplements thereto ("Declaration"), there is a lien upon the vacant property located on Remington Avenue in Temecula California, and owned by TEMECULA PROPERTIES, LLC., more particularly described as:

Lot 2 of Tract No. 35181, in the County of Riverside, State of California, as per Map recorded in Book 430, Pages 67-72, Inclusive of Maps, in the Office of the County Recorder of said County,

for nonpayment of assessments, late charges, attorneys' fees, and costs due and payable in the sum of \$37,914.32, through the date of the execution of this lien, and is comprised of the following amounts:


Assessments (4/1/12 - 7/1/15)	\$ 45,602.41
Late Charges (4/30/12 - 4/30/15)	4,245.54
Interest	3,006.87
Collection Costs	1,410.00
Attorneys' Fees	485.25
Subtotal	\$ 54,750.07
Less Payments Received	- 16,835.75
Total	\$ 37,914.32

Plus subsequent assessments and other additional charges, including late charges, attorneys' fees, costs and interest, as provided for in the Declaration and by established California law, which may hereafter become due and unpaid.

DATED: July 30, 2015

The President and Secretary of
WESTSIDE BUSINESS CENTRE PROPERTY OWNERS
ASSOCIATION

by: FIORE, RACOBS & POWERS
 A Professional Law Corporation

by: 
 ERIN A. MALONEY

ACKNOWLEDGMENT

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

} ss:

COUNTY OF RIVERSIDE

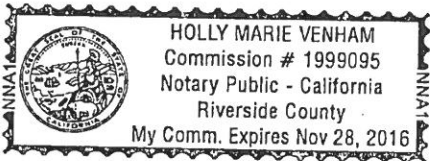
On July ^{30th}, 2015, before me, Holly Marie Venham, a Notary Public, personally appeared ERIN A. MALONEY, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Holly Marie Venham

Notary Public



2016-0463036

10/20/2016 04:41 PM Fee: \$ 44.00

Page 1 of 3

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



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:
FIORE, RACOBS, & POWERS

AND WHEN RECORDED MAIL TO:
Fiore, Racobs, & Powers
6820 Indiana Ave., Suite 140
Riverside, CA 92506

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Abstract of Judgment

Title of Document

TRA: _____

DTT: _____

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

EJ-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):
After recording, return to:

Mathew A. Robinson (SBN 288464)
Fiore, Racobs & Powers
A Professional Law Corporation
6820 Indiana Avenue, Ste. 140
Riverside, CA 92506

TEL NO.: 951-342-7954 FAX NO. (optional): 951-369-6355

E-MAIL ADDRESS (Optional):

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside

STREET ADDRESS: 4050 Main Street

MAILING ADDRESS:

CITY AND ZIP CODE: Riverside, CA 92501-3703

BRANCH NAME: Riverside Judicial District

FOR RECORDER'S USE ONLY

PLAINTIFF: Westside Business Centre Property Owners Association
DEFENDANT: Temecula Properties, LLC, a California Limited Liability Company

CASE NUMBER:
RIC 1511184

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS Amended

FOR COURT USE ONLY

1. The judgment creditor assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

Temecula Properties, LLC.
c/o The Garrett Group
One Better World Circle #200
Temecula, CA 92590

b. Driver's license no. [last 4 digits] and state: Unknown
c. Social security no. [last 4 digits]: Unknown

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):
Temecula Properties, LLC., c/o The Garrett Group, One Better World Circle #200, Temecula, CA 92590

2. Information on additional judgment debtors is shown on page 2.

4. Information on additional judgment creditors is shown on page 2.

3. Judgment creditor (name and address):
Westside Business Centre Property Owners Association, c/o Fiore, Racobs & Powers, Indiana Ave., Suite 140, Riverside, CA 92506

5. Original abstract recorded in this county:

Date: October 17, 2016

a. Date:

b. Instrument No.:

Mathew A. Robinson

(TYPE OR PRINT NAME)

Mathew A. Robinson

(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
\$ 60,108.45

10. An execution lien attachment lien is endorsed on the judgment as follows:

7. All judgment creditors and debtors are listed on this abstract.

a. Amount: \$

b. In favor of (name and address):

8. a. Judgment entered on (date): September 9, 2016

b. Renewal entered on (date):

9. This judgment is an installment judgment.

11. A stay of enforcement has

a. not been ordered by the court.

b. been ordered by the court effective until (date):

12. a. I certify that this is a true and correct abstract of the judgment entered in this action.

b. A certified copy of the judgment is attached.

Clerk, by *E. OLIVAS*, Deputy



This abstract issued on (date):
OCT 17 2016

Form Adopted for Mandatory Use
Judicial Council of California
EJ-001 (Rev. July 1, 2014)

ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS

Legal Solutions Plus

Page 1 of 2
Code of Civil Procedure, §§ 488.480, 674, 700.190

*PLAINTIFF: Westside Business Centre Property Owners Association	COURT CASE NO.:
DEFENDANT: Temecula Properties, LLC, a California Limited Liability Company	RJC 1511184

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

[]

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

17. Name and last known address

[]

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

18. Name and last known address

[]

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

19. Name and last known address

[]

Driver's license no. [last 4 digits] and state: Unknown

Social security no. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

20. Continued on Attachment 20.

January 27, 2022

File: 26420-11

**SENT VIA CERTIFIED MAIL RETURN
RECEIPT REQUESTED AND FIRST CLASS MAIL**

Matthew Jennings, Treasurer- Tax Collector
Post Office Box 12005
Riverside, CA 92502-2205

Attention: Excess Proceeds

**Re: Westside Business Centre Property Owners Association
Riverside County Superior Court Case No. RIC 1511184
Owner: Temecula Properties, LLC.
Parcel ID No.: 909370046
Acct. No.: [REDACTED]**

Subject: CLAIM FOR EXCESS PROCEEDS

Dear Mr. Jennings:

This firm represents Westside Business Centre Property Owners Association ("Association") and is acting as a debt collector therefor, for the delinquent assessments and related charges which are owed to the Association.

We are in receipt of your letter dated August 25, 2021, wherein you advise that excess proceeds are available to parties of interest for the above-referenced property.

The Association hereby requests the excess proceeds be distributed to satisfy the outstanding sums owed to the Association, which were secured by a lien recorded on July 31, 2015, as Instrument No. 2015-0342571. The Association also obtained a judgment, and has recorded an Abstract of Judgment on October 20, 2016, as Instrument No. 2016-0463036 (copies enclosed).

The amounts due through June 1, 2021 (the date the property was foreclosed upon) are set out below:

R0459595.DOCX

Matthew Jennings, Treasurer- Tax Collector
January 27, 2022
Page 2

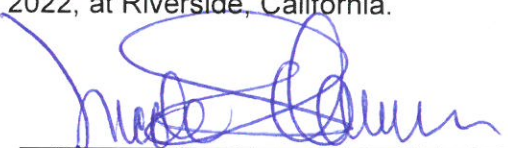
<u>Case No. RIC 1511184</u>	
Judgment (9/9/16)	\$ 64,952.40
Interest on Judgment	<u>32,245.14</u>
TOTAL JUDGMENT AMOUNT	\$ 97,197.54
Post-Judgment Assessments (10/1/16 – 4/1/21)	\$ 52,780.00
Post-Judgment Late Charges (10/30/16 – 4/30/21)	5,278.01
Interest on Post-Judgment Amts (11/1/16 – 6/1/21)	<u>11,355.45</u>
TOTAL POST-JUDGMENT AMOUNT	\$ 69,413.46
TOTAL AMOUNT SECURED BY LIEN	\$ 166,611.00

Payment should be made payable to "Fiore, Racobs & Powers Trust Account" and delivered to this firm at the above address. The **\$166,611.00** amount is the balance on this account through the date of foreclosure (June 1, 2021).

If you have any questions regarding the above, please do not hesitate to call.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 27th day of January, 2022, at Riverside, California.



Nicole A. Lilomaiaava, Esq.

NAL:mrp

Enclosures: Assessment Lien
Abstract of Judgment
Claim for Excess Proceeds Form

cc: Board of Directors,
Westside Business Centre Property Owners Association

Giovane Pizano
Assistant Treasurer
March 13, 2024



Melissa Johnson
Assistant Tax Collector

Nicole A. Lilomaiava
c/o Fiore, Racobs & Powers, APLC
6820 Indiana Avenue, Suite 140
Riverside, CA 92506

Re: PIN: 909370046
AGR2021 Item 4474
Date of Sale: June 1, 2021

Instrument No. 2016-0463036
Owner: Temecula Properties, LLC

To Whom It May Concern:

This office is in receipt of your claim for excess proceeds from the above-mentioned tax sale. The documentation you have provided is insufficient to establish your claim.

Please submit the necessary proof to establish your right to claim the excess proceeds. The document(s) listed below may assist the Treasurer-Tax Collector in making the determination.

- Copy of a trust/will
- Notarized Statement of different/misspelled
- Original Notarized Authorization for Agent
- Notarized Assignment of Right to Collect Excess Proceeds
- Certified Death Certificate for Gary S. Haun
- Copy of Marriage Certificate for
- Original Note/Payment Book

- Notarized Updated Statement of Monies Owed (up to date of tax sale)**
- Articles of Incorporation (if applicable Statement by Domestic Stock)
- Court Order Appointing Administrator
- Deed (Quitclaim/Grant etc...)
- Other:

Please send in all **original** documents by **April 13, 2024** to: **Riverside County Treasurer-Tax Collector, Attn: Excess Proceeds, P.O. Box 12005, Riverside, CA 92502-2205.** If you should have any questions, please contact me at the number listed below.

Sincerely,

Megan Montellano

Accounting Technician I
Tax Sale Operations/Excess Proceeds
PH: (951) 955-3336/Fax: (951) 955-399

4080 Lemon Street, 4th
WWW.CountyTreasurer.org ★ (9

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION	
<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X	
1. Article Addressed to:		B. Received by (Printed Name)	
Nicole A. Lilomaiava c/o Fiore, Racobs & Powers, APLC 6820 Indiana Avenue, Suite 140 Riverside, CA 92506			
2. Article Number (Transfer from service label)		D. Is delivery address different? If YES, enter delivery address	
7003 3110 0005 4935 8931			
3. Service Type			
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Deliv <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Deliv <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Deliv (over \$500)			
PS Form 3811, July 2020 PSN 7530-02-000-9053			

7024 APR 15 AM 11:04
RECEIVED
RIVERSIDE COUNTY
TREAS. TAX COLLECTOR
Phone (951) 342-7954
Fax (951) 369-0355
www.fiorelaw.com

April 9, 2024

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

File No.: 26420-11

Matthew Jennings, Treasurer- Tax Collector
Post Office Box 12005
Riverside, CA 92502-2205

Attention: Excess Proceeds

**Re: Westside Business Centre Property Owners Association
Riverside County Superior Court Case No. RIC 1511184
Owner: Temecula Properties, LLC.
Parcel ID No.: 909370046
Acct. No.: [REDACTED]**

Subject: CLAIM FOR EXCESS PROCEEDS

Dear Mr. Jennings:

This firm represents Westside Business Centre Property Owners Association ("Association") and is acting as a debt collector therefor, for the delinquent assessments and related charges which are owed to the Association.

We are in receipt of your letter dated March 13, 2024, wherein you advise that excess proceeds demand we provided to you on January 27, 2022, for the above-referenced property has expired.

The Association hereby requests the excess proceeds be distributed to satisfy the outstanding sums owed to the Association, which were secured by an Abstract of Judgment recorded on October 20, 2016, as Instrument No. 2016-0463036 (copy enclosed)

The amounts due through June 1, 2021 (the date the property was foreclosed upon) are set out below:

<u>Case No. RIC 1511184</u>	
Judgment (9/9/16)	\$ 64,952.40
Interest on Judgment	32,245.14
TOTAL JUDGMENT AMOUNT	\$ 97,197.54

Payment should be made payable to "Fiore, Racobs & Powers Trust Account" and delivered to this firm at the above address. The **\$97,197.54** amount is the balance on this account through the date of foreclosure (June 1, 2021).

4887-0059-0766-1

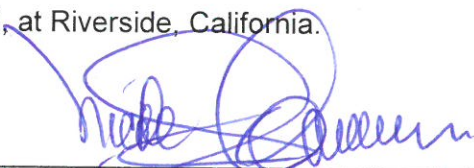
Fiore, Racobs & Powers is a debt collector attempting to collect a debt.
Any information obtained will be used for that purpose.

Matthew Jennings, Treasurer- Tax Collector
April 9, 2024
Page 2

If you have any questions regarding the above, please do not hesitate to call.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of April, 2024, at Riverside, California.



Nicole A. Lilomaiava, Esq.

NAL:mrp

Enclosures: Abstract of Judgment
Claim for Excess Proceeds Form

cc: Board of Directors,
Westside Business Centre Property Owners Association

ACKNOWLEDGMENT

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

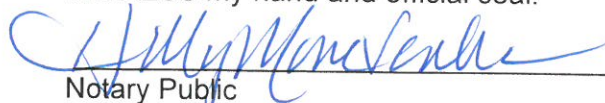
COUNTY OF RIVERSIDE

} ss:

On April 9th, 2024, before me, Holly Marie Venham, a Notary Public, personally appeared NICOLE A. LILOMAIAVA, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public

