

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



ITEM: 19.9
(ID # 24173)

MEETING DATE:
Tuesday, September 17, 2024

FROM : TREASURER-TAX COLLECTOR

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 217, Item 4739. Last assessed to: Louis Jacques Baars and Lynn Baars, husband and wife as joint tenants. District 4. [\$13,831-Fund 65595 Excess Proceeds from Tax Sale]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from Asset Recovery, Inc., Assignee for Leah Baars, heir to the Estate of Louis Jacques Baars and Lynn Baars, last assesseees for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 642211024;
2. Authorize and direct the Auditor-Controller to issue a warrant to Asset Recovery, Inc., Assignee for Leah Baars, heir to the Estate of Louis Jacques Baars and Lynn Baars in the amount of \$13,831.36, 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; and
3. Authorize and direct the Treasurer-Tax Collector to transfer the unclaimed excess proceeds in the amount of \$13,831.35 to the County General Fund, pursuant to Revenue and Taxation Code Section 4674.

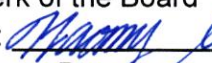
ACTION:Policy


Matthew Jennings, Treasurer-Tax Collector 9/3/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington, Perez and Gutierrez
Nays: None
Absent: Spiegel
Date: September 17, 2024
xc: Tax Collector

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 13,831	\$ 0	\$ 13,831	\$ 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 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.

Revenue and Taxation Code section 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 section 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 assessee's through the County's Property Tax System for any additional addresses.
3. Used Accurant (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 section 4676 (b).

According to Revenue and Taxation Code section 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

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expiration of the one year following the recordation of the Tax Collector's Deed to the Purchaser, which was recorded on July 28, 2021.

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

1. Claim from Asset Recovery, Inc., Assignee for Leah Baars, heir to the Estate of Louis Jacques Baars and Lynn Baars based on an Assignment of Rights to Claim Excess Proceeds from Sale of Tax-Defaulted Property notarized July 31, 2021, a Joint Tenancy Grant Deed recorded April 11, 1962 as Instrument No. 1962-33061, Affidavits for Collection of Personal Property notarized July 31, 2021, and Certificates of Death for Louis Jacques Baars and Lynn Baars.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that Asset Recovery, Inc., Assignee for Leah Baars, heir to the Estate of Louis Jacques Baars and Lynn Baars be awarded excess proceeds in the amount of \$13,831.36. Since there are no other claimants, the unclaimed excess proceeds in the amount of \$13,831.35 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 released to an heir to the Estate of the last assessesees of the property and transferred to the County General Fund.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim Asset


Cesar Bernal, PRINCIPAL MGMT ANALYST 9/4/2024


Aaron Gettis, Chief of Deputy County Counsel 4/2/2024

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

To: Matthew Jennings, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 217 ITEM 4739 Parcel Identification Number: 642211024

Assessee: BAARS LOUIS JACQUES & LYNN

Situs:

Date Sold: May 18, 2021

Date Deed to Purchaser Recorded: July 28, 2021

Final Date to Submit Claim: July 28, 2022

RECEIVED
2022 JUN 16 AM 11:32
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 100% from the sale of the above mentioned real property. I/We were the lienholder(s), Assignee 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. _____; recorded on _____. 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.

Assignment of Interest

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 11th day of June, 2022 at Denver, CO
County, State

[Signature]
Signature of Claimant

Signature of Claimant

John Fox Managing Director
Print Name Asset Recovery Inc

Print Name

910 16th St. Denver CO 80202
Street Address Suite 624

Street Address

City, State, Zip

City, State, Zip

303-454-3707
Phone Number

Phone Number

TO: OFFICE OF THE COUNTY TREASURER AND TAX COLLECTOR

**ASSIGNMENT OF RIGHTS TO CLAIM EXCESS PROCEEDS FROM
SALE OF TAX-DEFAULTED PROPERTY**

For valuable consideration, the undersigned Assignor(s) Leah Baars hereby assigns to Assignee(s) Asset Recovery Inc., all rights, title and interest to collect 100 % of the excess proceeds which I am entitled to claim for the property which was sold at the Riverside County, California, public auction of tax-defaulted property, held on 18 day of May 2021, and described as parcel number 642211024.

As the Assignor(s), I understand the amount of the excess proceeds eligible for distribution is \$ 28,520.00, and as a party of interest I am entitled to \$ up to \$ 28,520.00.

Dated this 31 day of July, 2021, Leah Baars
Signature

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 Mateo

On 7/31/21 before me, Tan Fung, Notary public personally

appeared Leah Baars, 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

[Signature]

Signature



(Seal)

DECLARATION

I, Assignor(s) Leah Baars Declare the following to be true and correct with respect to my assignment of rights to claim excess proceeds to Assignee(s) Asset Recovery Inc for Parcel Number 642211024 from the public auction of tax-defaulted property held on 18 day of May 2021, in Riverside County, California.

We have been advised of our right to file a claim for excess proceeds on our behalf. The parties have disclosed all facts to each other that each is aware of regarding the value of the rights being assigned as required by California Revenue and Taxation Code, Section 4675.

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

Date 7-31-21 Signature Leah Baars
Name (print) LEAH BAARS Address 951 Shoreline Dr
City/State/zip Code San Mateo, CA 94404 Phone (415) 302-7465

330614

210970-9000

RECORDING REQUESTED BY
Bank of America N.T.&S.A.
Culver City, California

AND WHEN RECORDED MAIL TO

Louis Jacques Baars and
Lynn Baars
1216 S. Sherbourne Drive
Los Angeles 35, California

BOOK 3116 PAGE 51

RECEIVED FOR RECORD
APR 11 1962
AT 9:00 O'CLOCK A.M.
IN THE OFFICE OF
TITLE INS. & TRUST CO.
Incorporated in Official Records

BOOK 3116 PAGE 51
E. Rec. - Records of Riverside County, California

John A. [Signature]
FEE \$ 2.00

SPACE ABOVE THIS LINE FOR RECORDING

AFTER \$2.20 J. R. STAMPS IN THIS SPACE

Joint Tenancy Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
 IRVING de WINTER and ELISABETH de WINTER, husband and wife
 hereby GRANT(S) to
 LOUIS JACQUES BAARS and LYNN BAARS, husband and wife AS JOINT TENANTS,
 the real property in the county of Riverside state of California, described as:
 Lot 224 of MIRACLE HEIGHTS UNIT NO. 1, as shown by Map on file
 in Book 29 Pages 57 to 59 both inclusive of Maps, records of
 Riverside County, California,
 together with ALL HOT WATER RIGHTS, standing flowing or percolating
 in and/or under said real property.

SUBJECT TO:
 1. Covenants, conditions, restrictions, reservations, rights, rights
 of way, and easements of record.

Dated February 14, 1962
 STATE OF CALIFORNIA }
 COUNTY OF Los Angeles } ss.
 On February 14, 1962 before me, the under
 signed, a Notary Public in and for said County and State, personally
 appeared
 Irving de Winter

Irving de Winter
Elisabeth de Winter

_____ knows to me
 to be the person whose name is subscribed to the within
 instrument and acknowledged that he executed the same
 WITNESS my hand and official seal.

(Seal)
Florence D. Allen
 Florence D. Allen, Comm. exp. 4-21-65
 Notary Public in and for said County and State

Title Order No.
 Escrow or Loan No. 366-19620

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF CONTRA COSTA

MARTINEZ, CALIFORNIA

CERTIFICATE OF DEATH

3 2000 0700 5207

Form with fields for decedent personal data, usual residence, informant, spouse and parent information, disposition, funeral director, place of death, cause of death, physician's certificate, coroner's use, and state registrar.

CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA



000948915

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Contra Costa County Recorder.

ATTEST

DATE ISSUED

MAY 09 2018

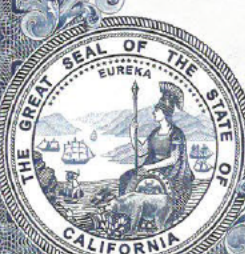
Signature of Joseph E. Canciamilla

JOSEPH E. CANSIAMILLA COUNTY RECORDER

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

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

CACONTRAD2



Affidavit for Collection of Personal Property
California Probate Code Section 13100

The undersigned state(s) as follows:

1. Louis Baars died on October 24th, 2000, in the County of San Mateo Contra Costa State of California.
LB

2. At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this affidavit or declaration.

3. No proceeding is now being or has been conducted in California for administration of the decedent's estate.

OR

The decedent's personal representative has consented in writing to the payment, transfer, or delivery to the affiant or declarant of the property described in the affidavit or declaration.

4. The current gross fair market value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code, does not exceed one hundred fifty thousand dollars (\$150,000).

5. An inventory and appraisal of the real property included in the decedent's estate is attached.

There is no real property in the estate.

6. The following property to be transferred, delivered, or paid to the affiant under the provisions of California Probate Code section 13100:

Excess proceeds resulting from tax sale of property located at Desert Hot Springs CA 92240 also known as parcel number 642211024.

7. The successor(s) of the decedent, as defined in Probate Code Section 13006 is/are:

Leah Baars (daughter); Bernard J. Baars (son)

8. The undersigned

The affiant or declarant is the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the decedent's interest in the described property.

The affiant or declarant is authorized under Section 13051 of the California Probate Code to act on behalf of the successor of the decedent (as defined in Section 13006 of the California Probate Code) with respect to the decedent's interest in the described property.

9. No other person has a superior right to the interest of the decedent in the described property.

10. The affiant or declarant requests that the described property be paid, delivered, or transferred to the affiant or declarant.

The affiant or declarant affirms or declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 7/31/21

Signed: Leah Baars

Leah Baars

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 San Mateo)

On July 31, 2021 before me, Tan Fung, Notary Public
(insert name and title of the officer)

personally appeared Leah Boars 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.

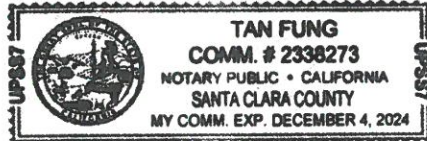
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF CONTRA COSTA

MARTINEZ, CALIFORNIA

CERTIFICATE OF DEATH

3 2002 07 001188

Form with fields for decedent personal data, usual residence, informant, spouse and parent information, disposition, funeral director, place of death, cause of death, physician's certification, coroner's use only, and state registrar information.

CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Contra Costa County Recorder.

ATTEST DATE ISSUED MAY 09 2010



Signature of Joseph E. Canciamilla, County Recorder

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

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



CACONTRAD2

Affidavit for Collection of Personal Property
California Probate Code Section 13100

The undersigned state(s) as follows:

1. Lynn Baars died on February 27th, 2002, in the County of San Diego Contza Costa State of California.

2. At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this affidavit or declaration.

3. No proceeding is now being or has been conducted in California for administration of the decedent's estate.

OR

The decedent's personal representative has consented in writing to the payment, transfer, or delivery to the affiant or declarant of the property described in the affidavit or declaration.

4. The current gross fair market value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code, does not exceed one hundred fifty thousand dollars (\$150,000).

5. An inventory and appraisal of the real property included in the decedent's estate is attached.

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Dated: 7/31/21

Signed: Leah Baars

Leah Baars

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State of California

County of San Mateo

On July 31, 2021 before me, Tan Fung, Notary public
(insert name and title of the officer)

personally appeared Leah Baars 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.

Signature _____



(Seal)

