

Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Treasurer - Tax Collector

BOARD AGENDA # *B-9

Urgent

Routine

AGENDA DATE May 25, 2010

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Distribution of Excess Proceeds of \$85,847.12 from the February 25, 2009 Sale of Tax-Defaulted Properties

STAFF RECOMMENDATIONS:

1. Authorize the Auditor's Office to issue checks totaling \$55,768.24 per the list of claims for excess proceeds submitted in accordance with Revenue and Taxation Code Section 4675.
2. Authorize the Auditor's Office to transfer the balance of excess proceeds of \$219.39 to the County General Fund.
3. Authorize to disburse \$29,859.49 either to Global Discoveries and/or transfer to General Fund as determined by the Deputy County Counsel.

FISCAL IMPACT:

The excess proceeds of \$219.39 or more will be deposited to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2010-325

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of the Distribution of Excess Proceeds of \$85,847.14 from the February 25, 2009 Sale of Tax-Defaulted Properties
Page 2

DISCUSSION:

In February of each year, the Treasurer-Tax Collector sells, at public auction, real property that has taxes unpaid for a period of five years. After the auction, the Treasurer-Tax Collector performs the following:

1. Records a deed for each parcel sold;
2. Notifies interested parties if excess proceeds exist;
3. Accepts claims for excess proceeds for a period of one year following the recording of the deed; and,
4. Subsequently recommends to the Board the distribution of any excess proceeds that have been claimed.

There are four parcels that have excess proceeds from the tax sale on February 25, 2009.

Three have claims for excess proceeds from the February 25, 2009 sale of tax-defaulted property were submitted within one year period and are provided for the Board of Supervisor's approval pursuant to Revenue and Taxation Code Section 4675.

Two of these claims, which have been reviewed by both the Treasurer-Tax Collector and County Counsel, establish the claimant's rights to the excess proceeds and provide documentation. We recommend that the Board of Supervisors authorize the following excess proceeds distribution:

APN	EXCESS PROCEEDS	CLAIMANT	AMOUNT CLAIMED	RECOMMENDED
005-067-068-000	\$45,334.49	Franchise Tax Board	\$91,934.91	\$45,334.49
		Hector Ponce	\$45,334.49	\$0
		Total	\$137,269.40	\$45,334.49

APN	EXCESS PROCEEDS	CLAIMANT	AMOUNT CLAIMED	RECOMMENDED
035-042-048-000	\$10,433.75	Philip Werner, Esq.	\$7,428.17	\$7,428.17
		City of Modesto	\$3,787.59	\$3,005.58
		Beverly Cervantes	\$10,433.75	\$0
		Total	\$21,649.51	\$10,433.75

Approval of the Distribution of Excess Proceeds of \$85,847.12 from the February 25, 2009 Sale of Tax-Defaulted Properties
Page 3

APN	EXCESS PROCEEDS	CLAIMANT	AMOUNT CLAIMED	RECOMMENDED
038-035-044-000	\$219.39	Transfer to County General Fund (Amount Not Claimed)	\$219.39	\$219.39
Total			\$219.39	\$219.39

One of the four properties, Assessor's Parcel Number (APN) 134-014-028-000 has excess proceeds in the amount of \$29,859.49. Two claims have been received. The claim by Gabriel LeBaron is rejected since he assigned his rights to Global Discoveries. The Deputy County Counsel is hiring a private firm to research the legal heirs of the deceased homeowner to determine the amount to be paid to Global Discoveries. Any proceeds not paid to Global Discoveries will be transferred to the County General Fund. The disbursement would be made to Global Discoveries and the County General Fund based on determination of Deputy County Counsel after the research fee.

APN	EXCESS PROCEEDS	CLAIMANT	AMOUNT CLAIMED	RECOMMENDED
134-014-028-000	\$29,859.49	Global Discoveries	\$29,859.49	To be determined after research
		Gabriel LeBaron	\$29,859.49	To be denied
		County General Fund	0.00	To be determined after research

POLICY ISSUES:

The request is being made in accordance with Part 8, Chapter 1.3, Sections 4675 and 4676 of Revenue and Taxation Code for claims for excess proceeds. The County has complied with the required provisions of this chapter.

Approval of this agenda item will support the Board's priority of Efficient Delivery of Public Services.

STAFFING IMPACT:

There is no staffing impact associated with this agenda item.

CONTACT PERSON:

Gordon B. Ford, Treasurer-Tax Collector. Telephone: 525-4463



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
COLLECTION ADVISORY TEAM, MS A-340
PO BOX 2952
SACRAMENTO CA 95812-2952

April 25, 2009

In Reply Refer To:624:CAT:TG

CLAIM FOR EXCESS PROCEEDS

STANISLAUS COUNTY TAX COLLECTOR
P O BOX 859
MODESTO CA 95353-0859

*Postmarked
on 4/30/09
ggan*

Reference Number : 005-067-068-000
Taxpayer : Hector S. Ponce
FTB Account Number: 111-23500-77

I, Scott Arnold, am the Supervisor of the Collection Advisory Team, of the State of California, Franchise Tax Board and am authorized to execute this claim on behalf of said Board.

The Franchise Tax Board hereby claims any or all of the excess proceeds resulting from the trustee sale or tax defaulted sale on February 25, 2009.

The claim is based on the fact that the Franchise Tax Board was a party in interest in the property at the time of sale and the following proof is submitted to establish rights to the excess proceeds:

A Certificate of Tax Due and Delinquency reflecting the current tax indebtedness of Hector S. Ponce, Account Number 111-23500-77.

A perfected and enforceable state tax lien arose upon all real property of Hector S. Ponce pursuant to Revenue and Taxation Code Section 19221.

The amount of the claim for the Franchise Tax Board is \$91,934.91 as of February 25, 2009.

I declare under penalty of perjury that the foregoing and attached supporting document is true and correct.

If you have any questions regarding this claim, contact Theresa Gray of this department at 916-845-4274.

Scott Arnold, Supervisor
Collection Advisory Team

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

TO: Gordon B. Ford,
Stanislaus County Treasurer/Tax Collector
P O Box 859
Modesto CA 95353

RE: Assessor's Parcel No.: 005-067-068-000
Assessee: PONCE HECTOR
Situs: 2224 JASON WAY, MODESTO
Date of Sale: February 25, 2009
Date Deed to Purchaser Recorded: March 4, 2009
Last date to file claim: March 3, 2010

STANISLAUS COUNTY
TAX COLLECTOR

2010 MAR -3 P 12:00

RECEIVED

I, the undersigned claimant, request that I be awarded the excess proceeds resulting from the sale of the above referenced property.

I claim my status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code. I hereby state I am a rightful claimant and base my status and right to file on the following information and documentation.

Property tax bills

ENCLOSED ARE DOCUMENTATIONS SUPPORTING MY CLAIM

I affirm under penalty of perjury that the foregoing is true and correct.

Executed this 27 day of FEB, 20 10 at San Jose, CA
(day) (month) (year) (city/state)

Mailing Address

Hector Ponce
Signature of Claimant

3028 Postwood Dr
San Jose, Ca 95132

Hector Ponce
Print Name

Day time Phone No (408) 654-1445

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

RECEIVED
MAY 22 2009
STANISLAUS COUNTY
TREASURER-TAX COLLECTOR

TO: Gordon B. Ford,
Stanislaus County Treasurer/Tax Collector
P O Box 859
Modesto CA 95353

RE: Assessor's Parcel No.: 035-042-048-000
Assessee: CERVANTES ELVIRA LIF-EST HEIRS
Situs: 609 THRASHER AVE, MODESTO
Date of Sale: February 25, 2009
Date Deed to Purchaser Recorded: March 4, 2009
Last date to file claim: March 3, 2010

I, the undersigned claimant, request that I be awarded the excess proceeds resulting from the sale of the above referenced property.

I claim my status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code. I hereby state I am a rightful claimant and base my status and right to file on the following information and documentation.

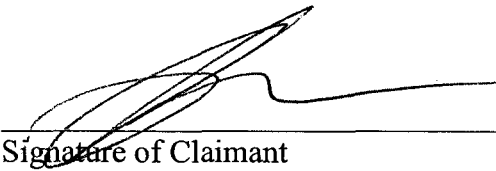
see attached

I am the attorney for Western Pioneer Insurance Comapny, that has a
lien on this property.

ENCLOSED ARE DOCUMENTATIONS SUPPORTING MY CLAIM

I affirm under penalty of perjury that the foregoing is true and correct.

Executed this 21 day of May, 2009 at Albany CA.
(day) (month) (year) (city/state)



Signature of Claimant

Mailing Address

Philip Werner, Esq.

1111 Garfield Avenue

Philip Werner

Albany, CA 94706-1212

Print Name

Day time Phone No. 510 527-8616

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

TO: Gordon B. Ford,
Stanislaus County Treasurer/Tax Collector
P O Box 859
Modesto CA 95353

RE: Assessor's Parcel No.: 035-042-048-000
Assessee: CERVANTES ELVIRA LIE-EST HEIRS
Situs: 609 THRASHER AVE, MODESTO
Date of Sale: February 25, 2009
Date Deed to Purchaser Recorded: March 4, 2009
Last date to file claim: March 3, 2010

RECEIVED
2009 APR 15 A 8:59
STANISLAUS COUNTY
TAX COLLECTOR

I, the undersigned claimant, request that I be awarded the excess proceeds resulting from the sale of the above referenced property.

I claim my status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code. I hereby state I am a rightful claimant and base my status and right to file on the following information and documentation.

DOC # 2000-0059209-00 \$ 2,655.09
DOC # 2008-0051704-00 \$ 1,132.50
\$ 3,787.59

ENCLOSED ARE DOCUMENTATIONS SUPPORTING MY CLAIM

I affirm under penalty of perjury that the foregoing is true and correct.

Executed this 1 day of April, 2009 at Modesto, CA
(day) (month) (year) (city/state)

Gina Brown
Signature of Claimant

Gina Brown
Print Name

Accountant II

Mailing Address

P.O. Box 3441
Modesto, CA 95351
City of Modesto
Day time Phone No. 209-577-5381

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

RECEIVED
2010 MAR -3 P 2:36

TO: Gordon B. Ford,
Stanislaus County Treasurer/Tax Collector
P O Box 859
Modesto CA 95353

STANISLAUS COUNTY
TAX COLLECTOR

RE: Assessor's Parcel No.: 035-042-048-000
Assessee: CERVANTES ELVIRA LIF-EST HEIRS
Situs: 609 THRASHER AVE, MODESTO
Date of Sale: February 25, 2009
Date Deed to Purchaser Recorded: March 4, 2009
Last date to file claim: March 3, 2010

I, the undersigned claimant, request that I be awarded the excess proceeds resulting from the sale of the above referenced property.

I claim my status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code. I hereby state I am a rightful claimant and base my status and right to file on the following information and documentation.

I claim as a party of interest because
my Mom past away and left this property
to me.

ENCLOSED ARE DOCUMENTATIONS SUPPORTING MY CLAIM

I affirm under penalty of perjury that the foregoing is true and correct.

Executed this 3 day of 3, 2010 at Modesto CA
(day) (month) (year) (city/state)

Mailing Address

Beverly Cervantes
Signature of Claimant

9351 Petaluma Ave
Delhi Calif 95315

Beverly Cervantes
Print Name

Day time Phone No. 216-7080

FORM FOR EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY

To: Stanislaus County Treasurer and Tax Collector

Assessor's Parcel No: 134-014-028-000
Item Number: 46
Date of Sale: 2/25/2009

The undersigned claimant, Global Discoveries, Ltd., claims \$29,859.49+/- or 100% of the claimant's share of the actual amount of excess proceeds from the sale of the property referenced above.

Global Discoveries, Ltd., claims its status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code based upon the attached documentation:

Please refer to Claim Summary and attached Documents

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

Executed this 24th day of July, 2009 at Modesto, California.

By: Jed Byerly
Jed Byerly, Chief Operating Officer
Global Discoveries, Ltd.
P.O. Box 1748
Modesto, CA 95353-1748
(209) 593-3913

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

State of California)

County of Stanislaus)

On 7-24-2009 before me, Michelle Reynosa, Notary Public, personally appeared
(Date) (here insert name and title of the officer)

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.

Michelle Reynosa (seal)
Signature of Notary Public



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

TO: Gordon B. Ford,
Stanislaus County Treasurer/Tax Collector
P O Box 859
Modesto CA 95353

RE: Assessor's Parcel No.: 134-014-028-000
Assessee: VARGAS MIGUEL
Situs: 329 B ST, WATERFORD
Date of Sale: February 25, 2009
Date Deed to Purchaser Recorded: March 4, 2009
Last date to file claim: March 3, 2010

I, the undersigned claimant, request that I be awarded the excess proceeds resulting from the sale of the above referenced property.

I claim my status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code. I hereby state I am a rightful claimant and base my status and right to file on the following information and documentation.

Copy of death certificate

Copy of original deed

Copy of military identification card

ENCLOSED ARE DOCUMENTATIONS SUPPORTING MY CLAIM

I affirm under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of February, 2010 at Concord, ca
(day) (month) (year) (city/state)


Signature of Claimant

Mailing Address

1501 Detroit Ave Apt #30
Concord ca 94520

Gabriel LeBaron
Print Name

Day time Phone No. (925) 206-1100