

**MEMORANDUM
TREASURER-TAX COLLECTOR
COUNTY OF PLACER**

To: Honorable Board of Supervisors
From: Jenine Windeshausen, Treasurer-Tax Collector
Date: February 4, 2014
Subject: Distribution of Excess Proceeds from 2012
Tax Defaulted Land Sales

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RECOMMENDATION: Approve a resolution (a) authorizing the Tax Collector to distribute excess proceeds to claimants from the 2012 Tax Defaulted Land Sales in the amount of \$522,185.00, and the collection of \$423.39 in County fees for administration of excess proceeds pursuant to California Revenue and Taxation Code Sections 4671 through 4676 and (b) reject two claims as invalid.

BACKGROUND: Section 4674 specifies that the amount received for properties sold at Tax Defaulted Land Sales in excess of the amount necessary to redeem defaulted tax amounts and certain other costs be held in trust for one year from the time a tax deed is recorded. During this one year period, lien holders of record and the prior owner may file a claim for excess proceeds. After the sale the Tax Collector notified all parties of interest of available proceeds by certified mail and included a form for filing a claim for excess proceeds. Section 4675 establishes the priority in which proceeds are to be distributed. Any unclaimed proceeds are to be deposited in the County Tax Loss Reserve.

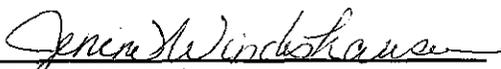
The attached spreadsheet details the amount of excess proceeds and the transfer of funds recommended by the Tax Collector for received claims. A final status of lien holders of record will be checked prior to the transfer. All necessary statutory publications have been completed.

Two claims were received for parcel 471-190-046-000. The Treasurer-Tax Collector, in consultation with County Counsel, determined that both were invalid. The first claim was submitted by an entity claiming ownership interest; however, they were not the owner of record at the time the sale occurred. It is recommended that this claim be rejected as there was no proof of any ownership interest in the parcel and therefore no interest in any excess proceeds. The second claim was received by a mortgage servicer that appeared to be filing on behalf of numerous unspecified individuals who were named as beneficiaries of a deed of trust. The servicer did not provide the necessary proof that they were acting on behalf of the parties of interest as required by Section 4675(c).

The transfer of excess proceeds to the claimants will be prepared no sooner than 90 days following Board approval. Section 4675 provides this time period to allow for any action or proceeding to review this decision of the Board of Supervisors.

FISCAL IMPACT: There is no fiscal impact as these proceeds have been rightfully claimed by the lien holders.

Respectfully Submitted,


Jenine Windeshausen
Treasurer- Tax Collector

JW/Jmc
Attachments

345

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Resol. No: _____

Approve a resolution (a) authorizing the tax collector to distribute excess proceeds from the 2012 Tax Defaulted Land Sales and (b) reject two claims as invalid.

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on February 4, 2014 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

NOW, THEREFORE, BE IT RESOLVED, that approval to distribute excess proceeds from the 2012 Tax Defaulted Land Sales is hereby granted. Jenine Windeshausen, Placer County Treasurer-Tax Collector, is directed to distribute excess proceeds described in Attachment A as provided by law pursuant to the California Revenue and Taxation Code Sections 4671 through 4676.

Attachment A

Excess Proceeds Distribution
from October 3, 2012
Tax Defaulted Land Sales - Sealed Bid & Public Auction

Assessor's Parcel #	Minimum Bid	Sale Amount	Taxes Paid	Sale Costs & Fees	Excess Proceeds	Claimants	Excess Proceeds Due BEFORE Fees	Post-Sale Costs Incurred			Amount Due Claimant	Transfer to Tax Loss Reserve
								Mailing	Research	Advertising		
Public Auction												
062-082-018-000	\$11,300.00	\$61,000.00	\$10,377.25	\$968.76	\$49,653.99	1 Claimants	\$49,653.99	11.90	\$30.00	\$0.00	\$49,612.09	\$0.00
							\$49,653.99	\$11.90	\$30.00	\$0.00	\$49,612.09	\$0.00
Public Auction												
077-150-037-000	\$23,000.00	\$34,000.00	\$21,776.80	\$974.71	\$11,248.49	1 Claimants	\$11,248.49	23.80	\$30.00	\$0.00	\$11,194.69	\$0.00
							\$11,248.49	\$23.80	\$30.00	\$0.00	\$11,194.69	\$0.00
Public Auction												
090-113-009-000	\$3,200.00	\$17,000.00	\$2,088.48	\$980.66	\$13,930.86	1 Claimants	\$13,930.86	23.80	\$30.00	\$0.00	\$13,877.06	\$0.00
							\$13,930.86	\$23.80	\$30.00	\$0.00	\$13,877.06	\$0.00
Public Auction												
460-020-013-000	\$82,300.00	\$530,000.00	\$81,351.01	\$1,076.49	\$447,572.50	2 Claimants	\$447,572.50	41.34	\$30.00	\$0.00	\$447,501.16	\$0.00
							\$447,572.50	\$41.34	\$30.00	\$0.00	\$447,501.16	\$0.00
Public Auction												
471-190-046-000	\$51,600.00	\$62,000.00	\$49,173.21	\$1,111.56	\$11,715.23	2 Claimants	\$11,715.23	172.55	\$30.00	\$0.00	\$0.00	\$11,512.68
							\$11,715.23	\$172.55	\$30.00	\$0.00	\$0.00	\$11,512.68
TOTALS					\$534,121.07		\$534,121.07	\$273.39	\$150.00	\$0.00	\$522,185.00	\$11,512.68

347

