



**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
MEETING OF FEBRUARY 28, 2012**

**AGENDA TITLE: EXCESS PROCEEDS FROM SALE OF TAX DEFAULTED PROPERTY DATED NOVEMBER 05, 2010**

<b>DEPARTMENT: AUDITOR-CONTROLLER</b>	<b>DEPT SIGNOFF:</b> 	<b>CAO USE ONLY</b>
<b>CONTACT: SALLY ZUTTER/JOY SHAW</b> 		
<b>DATE: 02/08/2012</b>	<b>PHONE: 621-5470</b>	

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:**  
 On November 05, 2010, a Sale of Tax Defaulted Property was conducted by the Treasurer-Tax Collector's office. Parties of interest, as defined by Revenue & Taxation (R&T) Code §4675, were notified that the property identified as APN 500-143-69-100 was sold for \$2,022.94 more than the amount required to satisfy delinquent taxes & costs of the sale. Valid claim(s) have been filed for the excess proceeds due to the sale of the property. The Auditor-Controller's office has reviewed the claim(s) and supporting documents and is of the opinion that the claimant(s) are entitled to the proceeds pursuant to R&T Code §4675. The Auditor-Controller recommends that the Board of Supervisors authorize the Auditor-Controller to notify all valid claimants of the Board's action(s) and disburse excess proceeds as determined by the Board.

Claimant(s)	Type	Recommended Distribution
Berkley Smith	Owner of Record	1,011.47
Linda M. Smith Broussard	Owner of Record	1,011.47
Unclaimed	R&T Code §4674	-0-

**CAO RECOMMENDATIONS:**

Financial impact? ( ) Yes ( ) No	Funding Source: ( ) Gen Fund ( ) Other Other: _____
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<b>BUDGET SUMMARY:</b> Total Est. Cost _____ <b>Funding</b> Budgeted _____ New Funding _____ Savings _____ Other _____ Total Funding _____ <b>Change in Net County Cost</b> _____	<b>CAO Office Use Only:</b> 4/5's Vote Required. ( ) Yes ( ) No Change in Policy ( ) Yes ( ) No New Personnel ( ) Yes ( ) No <b>CONCURRENCES:</b> Risk Management _____ County Counsel _____ Other _____
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**Explain**

**BOARD ACTIONS:**

<b>Vote:</b> Unanimous _____ Or _____  <b>Ayes:</b> _____  <b>Noes:</b> _____  <b>Abstentions:</b> _____  <b>Absent:</b> _____	<p>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.</p> <p><b>Date:</b> _____</p> <p><b>Attest: Suzanne Allen de Sanchez, Board of Supervisors Clerk</b></p> <p><b>By:</b> _____</p>
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# County of El Dorado

## OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE  
PLACERVILLE, CALIFORNIA 95667  
Phone: (530) 621-5487 Fax: (530) 295-2535

**JOE HARN, CPA**  
Auditor-Controller

**BOB TOSCANO**  
Assistant Auditor-Controller

February 08, 2012

El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Honorable Board Members:

**Title:**

Excess Proceeds from the Sale of Tax Defaulted Property dated November 05, 2010

**Recommendation:**

The Auditor-Controller recommends that the Board of Supervisors authorize the Auditor-Controller to disburse excess proceeds for APN 500-143-69-100 pursuant to the attached information.

**Reason for Recommendation:**

The recommendation is based on §4675 of the Revenue and Taxation Code.

**Fiscal Impact:**

No net impact.

**Action To Be Taken Following Approval:**

The Auditor-Controller will disburse funds as directed.

Yours very truly,

A handwritten signature in black ink, appearing to read "Joe Harn".

Joe Harn  
Auditor-Controller

enclosures  
JH/js



**County of El Dorado**  
OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE  
PLACERVILLE, CALIFORNIA 95667  
(530) 621-5487

**JOE HARN, CPA**  
Auditor-Controller

**BOB TOSCANO**  
Assistant Auditor-Controller

February 6, 2012

Berkley Smith  
3803 San Pedro  
San Antonio, TX 78212

Re: Excess Proceeds Claim from the Sale of Tax Defaulted Property of November 05, 2010  
APN: 500-143-69-100 Default No: 088452 Excess Proc. Available: \$2,022.94

Please be advised that the Auditor-Controller will present to the Board of Supervisors only valid original claims for excess proceeds meeting the requirements of Revenue and Taxation (R&T) Code §4675 or other applicable authority. The Auditor-Controller will present all valid claims with a recommendation for distribution to a duly noticed Board of Supervisor's public hearing.

The Auditor-Controller will notify all claimants submitting valid claims of the scheduled public hearing at least 20 calendar days in advance. The notice will include the recommended distribution and copies of any other valid claims for the same property. Parties with valid claims are not required to attend the public hearing; however, you may do so if you wish. Any interested person(s) may attend the public hearing.

**NOTICE OF HEARING**

The El Dorado County Board of Supervisors will hold a public hearing on **February 28, 2012, beginning at 9:00 o'clock a.m.**, regarding the determination of distribution of the excess proceeds from the Sale of Tax Defaulted Property dated **November 05, 2010**. The hearing will be held at the Board of Supervisors chambers located in Building A, 330 Fair Lane, Placerville, California, 95667. All claims, proof, supporting documents, and relevant information, submitted by valid claimants meeting the requirements of R&T Code §4675, will be forwarded to the Board of Supervisors office prior to the public hearing.

**Claimant(s) Names and Addresses:**

Berkley Smith  
3803 San Pedro  
San Antonio, TX 78212

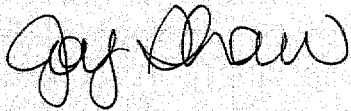
Linda M. Smith Broussard  
1618 North Jake Street  
Lake Charles, Louisiana 70601

<u>Claimant</u>	<u>Type</u>	<u>S Claimed</u>	<u>Recommendation</u>
Berkley Smith	Owner of Record	2,022.94	1,011.47
Linda M. Smith Broussard	Owner of Record	2,022.94	1,011.47
Unclaimed	R&T Code §4674	-0-	-0-

Following the determination of distribution for valid claims at the public hearing, the Auditor-Controller will notify valid claimants of the action taken by the Board of Supervisors. Pursuant to R&T Code §4675(b), any action or proceeding to review the decision of the Board of Supervisors must be commenced within 90 calendar days after the date of the Board of Supervisors decision. County warrants will be issued no sooner than 90 days after the date of the decision of the Board of Supervisors.

Please contact Sally Zutter, Accounting Division Manager, or myself, at the address above, or at 530/621-5470 with any questions.

Yours very truly,

A handwritten signature in black ink, appearing to read "Joy Shaw". The signature is written in a cursive, flowing style.

Joy Shaw  
Deputy Auditor-Controller

/js



# County of El Dorado

## OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE  
PLACERVILLE, CALIFORNIA 95667  
(530) 621-5487

**JOE HARN, CPA**  
Auditor-Controller

**BOB TOSCANO**  
Assistant Auditor-Controller

February 6, 2012

Linda M. Smith Broussard  
1618 North Jake Street  
Lake Charles, Louisiana 70601

Re: Excess Proceeds Claim from the Sale of Tax Defaulted Property of November 05, 2010  
APN: 500-143-69-100 Default No: 088452 Excess Proc. Available: \$2,022.94

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#### **Claimant(s) Names and Addresses:**

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3803 San Pedro  
San Antonio, TX 78212

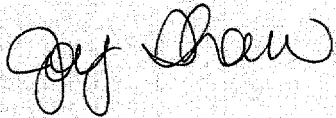
Linda M. Smith Broussard  
1618 North Jake Street  
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<b><u>Claimant</u></b>	<b><u>Type</u></b>	<b><u>\$ Claimed</u></b>	<b><u>Recommendation</u></b>
Berkley Smith	Owner of Record	2,022.94	1,011.47
Linda M. Smith Broussard	Owner of Record	2,022.94	1,011.47
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Please contact Sally Zutter, Accounting Division Manager, or myself, at the address above, or at 530/621-5470 with any questions.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Joy Shaw".

Joy Shaw  
Deputy Auditor-Controller

/js





360 Fair Lane, Placerville, Calif. 95667  
Tax Collector (530) 621-5800

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY

Mail to: El Dorado County Auditor-Controller  
Property Tax Division - Attn: Excess Proceeds  
360 Fair Lane  
Placerville CA 95667

Assessor Parcel Number: 500-143-69-100 Default Number: 088452  
Date of Tax Sale: November 5, 2010 Amount Claimed: \$ 2022.94

I, the undersigned claimant, request an award from the excess proceeds resulting from the sale of the above-referenced property. I am filing this claim within one year of the recordation of the Tax Collector's Tax Deed to purchaser.

I claim my status as a party of interest pursuant to §4675 of the California Revenue and Taxation Code (R&T Code). I hereby state that I am a rightful claimant as (check one):

- Lienholder of record prior to recording of tax deed to purchaser.
- Assignee of a lienholder of record prior to recording of tax deed to purchaser.
- Any person(s) with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If so, list *ownership type* (check one):

- Joint Tenancy
- Tenancy in Common
- Sole Owner
- Other (please list): \_\_\_\_\_

If so, list *percentage of ownership* for each claimant to this claim (attach additional list of names, as necessary):

Claimant 1 Name: Berkley Smith Percentage of Ownership: 50 %  
Claimant 2 Name: \_\_\_\_\_ Percentage of Ownership \_\_\_\_\_ %

- Assignee of any person(s) with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If so, list *ownership type* (check one):

- Joint Tenancy
- Tenancy in Common
- Sole Owner
- Other (please list): \_\_\_\_\_

If so, list *percentage of ownership* for each claimant to this claim (attach additional list of names, as necessary):

Claimant 1 Name: \_\_\_\_\_ Percentage of Ownership: \_\_\_\_\_ %  
Claimant 2 Name: \_\_\_\_\_ Percentage of Ownership: \_\_\_\_\_ %

I base my status and right to claim on the attached documentation (check all that apply). Please review El Dorado County Resolution 342-2003. (Enclose copies of supporting documentation):

- Copy of claimant's trust deed or other evidence of lien or security interest. Included is information regarding:
  - the original amount of the lien or interest
  - the total amount of payments received reducing the original amount of the lien or interest
  - the amount still due and payable as of the date of the sale of the tax-defaulted property by the Tax Collector (including a schedule of any calculations)
  - any attempts to foreclose or collect on the loan

- Deeds
- Wills and/or death certificate(s)
- Court order(s)
- Escrow documents
- Property tax bills mailed to claimant
- Canceled checks showing payment of taxes

Other (please list): *This notice of sale for Tax-Defaulted Property. Also these two bills for payment for the fees for said property.*

If this claim is an assignment, additional items need to be submitted with this claim. All assignment documentation submitted must be originals. Please review R&T Code §4675 and El Dorado County Resolution 342-2003 for further details.

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

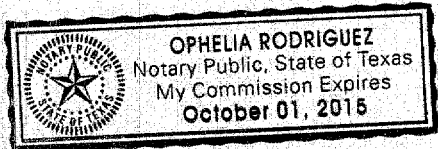
Executed this 4<sup>th</sup> day of January, 20 12 at San Antonio, Texas  
(day) (month) (year) (city and state)

Signature of Claimant(s): *[Handwritten Signature]*  
(If more than one claimant, each must sign) (Claimant signature(s) must be notarized)

Print Name(s): BURLEY SMITH  
Daytime Phone Number: 361-676-1776  
Mailing Address: 3803 San Pedro  
Mailing City, State, Zip: SAN ANTONIO, TX 78212

Notary: \_\_\_\_\_ Attach notary statement(s)

*[Handwritten Signature]*  
TCLC.doc (05/2009)







360 Fair Lane, Placerville, Calif. 95667  
Tax Collector (530) 621-5800

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY

Mail to: El Dorado County Auditor-Controller  
Property Tax Division - Attn: Excess Proceeds  
360 Fair Lane  
Placerville CA 95667

Assessor Parcel Number: 500-143-69-100 Default Number: 088452  
Date of Tax Sale: November 5, 2010 Amount Claimed: \$ 2022.94

I, the undersigned claimant, request an award from the excess proceeds resulting from the sale of the above-referenced property. I am filing this claim within one year of the recordation of the Tax Collector's Tax Deed to purchaser.

I claim my status as a party of interest pursuant to §4675 of the California Revenue and Taxation Code (R&T Code). I hereby state that I am a rightful claimant as (check one):

- Lienholder of record prior to recording of tax deed to purchaser.
- Assignee of a lienholder of record prior to recording of tax deed to purchaser.
- Any person(s) with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If so, list *ownership type* (check one):

- Joint Tenancy
- Tenancy in Common
- Sole Owner
- Other (please list): \_\_\_\_\_

If so, list *percentage of ownership* for each claimant to this claim (attach additional list of names, as necessary):

Claimant 1 Name: \_\_\_\_\_ Percentage of Ownership: \_\_\_\_\_ %

Claimant 2 Name: Linda M. Smith Percentage of Ownership 57 %

- Assignee of any person(s) with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If so, list *ownership type* (check one):

- Joint Tenancy
- Tenancy in Common
- Sole Owner
- Other (please list): \_\_\_\_\_

If so, list *percentage of ownership* for each claimant to this claim (attach additional list of names, as necessary):

Claimant 1 Name: \_\_\_\_\_ Percentage of Ownership: \_\_\_\_\_ %

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- Canceled checks showing payment of taxes

Other (please list): *This notice of sale for Tax-Defaulted Property. Also these*

*two bills for payment for the fees for said property.*  
If this claim is an assignment, additional items need to be submitted with this claim. All assignment documentation submitted must be originals. Please review R&T Code §4675 and El Dorado County Resolution 342-2003 for further details.

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

Executed this 30th day of December, 2011 at Lake Charles, Louisiana  
(day) (month) (year) (city and state)

Signature of Claimant(s): Linda M. Smith Broussard  
(If more than one claimant, each must sign) (Claimant signature(s) must be notarized)

Print Name(s): Linda M. Smith Broussard

Daytime Phone Number: (337) 489-6651

Mailing Address: 1618 North Jake Street

Mailing City, State, Zip: Lake Charles, Louisiana 70601

Notary: Attach notary statement(s) Wanella L. Gibson # 029683  
*Wanella L. Gibson*

UNITED STATES OF AMERICA

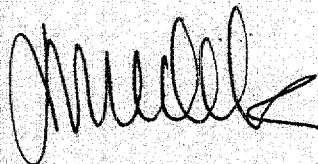
State of Louisiana

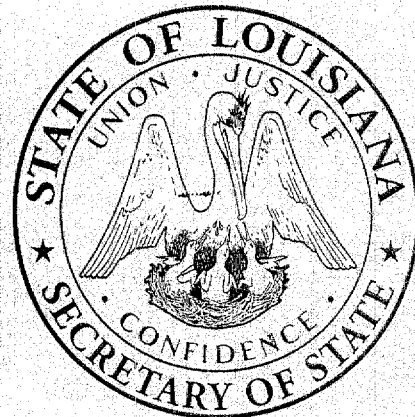


Tom Schedler  
SECRETARY OF STATE

*As Secretary of State, of the State of Louisiana, I do hereby Certify that*  
according to the records of this office, WANILLA L. GIBSON  
was appointed and commissioned on JULY 28, 1971, NOTARY PUBLIC,  
in and for the Parish of CALCASIEU, State of Louisiana,  
as shown by comparison with the original documents on file  
in the archives of this office.

*In testimony whereof, I have hereunto set  
my hand and caused the Seal of my Office  
to be affixed at the City of Baton Rouge on,*  
SEPTEMBER 30, 2011

  
Secretary of State





360 FAIR LANE  
PLACERVILLE, CA 95667

August 31, 2010

**NOTICE OF SALE OF TAX-DEFAULTED PROPERTY**

Smith Berkley  
Smith Linda M  
324 Crest Circle Dr  
San Marcos TX 78666

APN: 500-143-69-100  
DEFAULT NO. 088452

**IMPORTANT NOTICE TO PARTIES OF INTEREST**

Our records indicate you may have a legal interest in the property described below. This property will be offered at public auction at the place, date, and time indicated. The proposed sale is for the purpose of satisfying unpaid taxes, penalties, and costs.

You can prevent the proposed sale by redeeming the property. The amount currently required for redemption is shown below. **THE RIGHT OF REDEMPTION WILL TERMINATE AT THE CLOSE OF BUSINESS ON THE LAST BUSINESS DAY PRIOR TO THE DATE THE SALE BEGINS.** Redemption of the subject property will not cause a transfer of title.

Redemption amount: **\$911.37, if received by the Tax Collector's Office on or before 5:00 p.m. November 4, 2010**

Place of sale if not redeemed: El Dorado County Board of Supervisors' Meeting Room, 330 Fair Lane, Placerville, CA 95667

Date and time of sale: November 5, 2010, 1:30 p.m.

Assessee name: Smith Berkley

Description/Situs: ONE HIG 1W .0125WAYSTATIONS/3601 Lake Tahoe Blvd

If the property is not sold, the right of redemption will revive up to the close of business on the last business day prior to the next scheduled sale.

If the property was damaged, and not substantially repaired, within the last five years due to local, state, or federally declared disaster, it cannot be offered for sale until it has been tax-defaulted for five years from the date of the disaster. If this property falls into this category, contact the El Dorado County Tax Collector's Office immediately at (530) 621-5800. Documentation may be requested that the property was damaged as a result of a declared disaster and the date the damage occurred.

If you have any questions concerning redemption, the proposed sale of the property, or your right to claim excess proceeds, call the person named below between the hours of 8:00 a.m. and 5:00 p.m. weekdays.

Kim McIntosh  
(530) 621-5821