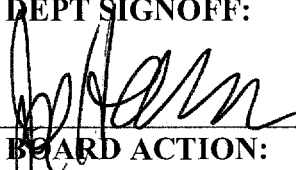


**EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
MEETING OF MARCH 09, 2010**

AGENDA TITLE: EXCESS PROCEEDS FROM SALE OF TAX DEFAULTED PROPERTY DATED NOVEMBER 07, 2008

DEPARTMENT: AUDITOR-CONTROLLER	DEPT SIGNOFF:	<u>CAO USE ONLY</u>
CONTACT: SALLY ZUTTER/JOY SHAW		
DATE: 02/12/2010 PHONE: 621-5470		

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

On November 07, 2008, 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 033-474-01-100 was sold for \$14,934.75 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.

<u>Claimant</u>	<u>Type</u>	<u>Amt. Claimed</u>	<u>Recommended Distribution</u>
Tri-Jan Unclaimed	Owner of Record R&T Code §4674	14,934.75	14,934.75 -0-

CAO RECOMMENDATIONS:

Financial impact? () Yes () No	Funding Source: () Gen Fund () Other Other: _____
----------------------------------	--

<p>BUDGET SUMMARY:</p> <p>Total Est. Cost _____</p> <p>Funding</p> <p>Budgeted _____</p> <p>New Funding _____</p> <p>Savings _____</p> <p>Other _____</p> <p>Total Funding _____</p> <p>Change in Net County Cost _____</p>	<p>CAO Office Use Only:</p> <p>45's Vote Required. () Yes () No</p> <p>Change in Policy () Yes () No</p> <p>New Personnel () Yes () No</p> <p>CONCURRENCES:</p> <p>Risk Management _____</p> <p>County Counsel _____</p> <p>Other _____</p>
--	---

Explain

BOARD ACTIONS:

<p>Vote: Unanimous _____ Or _____</p> <p>Ayes: _____</p> <p>Noes: _____</p> <p>Abstentions: _____</p> <p>Absent: _____</p>	<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>Date: _____</p> <p>Attest: Cindy Keck, Board of Supervisors Clerk</p> <p>By: _____</p>
---	---



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 12, 2010

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 07, 2008

Recommendation:

The Auditor-Controller recommends that the Board of Supervisors authorize the Auditor-Controller to disburse excess proceeds for APN 033-474-01-100 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", written over a faint circular stamp.

Joe Harn
Auditor-Controller

enclosures
JH/js



County of El Dorado

OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE
PLACERVILLE, CALIFORNIA 95667
(530) 821-5487

JOE HARN, CPA
Auditor-Controller

BOB TOSCANO
Assistant Auditor-Controller

February 10, 2010

Tri-Jan
c/o Janet Jan, Attorney at Law
17216 Beach Blvd.
Huntington Beach, CA 92647

Re: Excess Proceeds Claim from the Sale of Tax Defaulted Property of November 07, 2008
APN: 033-474-01-100 Default No: 079961 Excess Proc. Available: \$14,934.75

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 **March 9, 2010, 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 07, 2008**. 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:

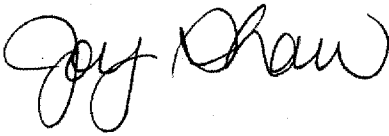
Tri-Jan
c/o Janet Jan, Attorney at Law
17216 Beach Blvd.
Huntington Beach, CA 92647

<u>Claimant</u>	<u>Type</u>	<u>\$ Claimed</u>	<u>Recommendation</u>
Tri-Jan	Owner of Record	14,934.75	14,934.75
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 cursive script that reads "Joy Shaw". The signature is written in black ink and is positioned above the printed name and title.

Joy Shaw
Deputy Auditor-Controller

/js

C. L. Raffety, C.P.A.



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: 033-474-01-100 Default Number: 2003-079961
Date of Tax Sale: November 7, 2008 Amount Claimed: \$ 14,934.75

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): Tri-Jan a California Partnership

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: _____ %

- 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 *certified copy grant deed*
- Wills and/or death certificate(s)
- Court order(s)
- Escrow documents
- Property tax bills mailed to claimant *old bill address still good*
- Canceled checks showing payment of taxes
- Other (please list): *notice of impending power of sale
copy partnership agreement*

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 8 day of January, 2010 at Westminster, CA
(day) (month) (year) (city and state)

Signature of Claimant(s): Janet Jan partner for Tri-Jan
(If more than one claimant, each must sign) (Claimant signature(s) must be notarized)

Print Name(s): Janet Jan partner for Tri-Jan

Daytime Phone Number: (310) 897-9454

Mailing Address: Tri-Jan
90 Janet Jan, Attorney at Law
17216 Beach Blvd
Huntington Beach CA 92647

Notary: Attach notary statement(s)

ACKNOWLEDGMENT

State of California
County of Orange

On January 8, 2010 before me, Laura Curtin Notary Public
(insert name and title of the officer)

personally appeared Janet Jan
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 Laura Curtin (Seal)



80832

OFFICIAL RECORDS
EL DORADO COUNTY CALIF
RECORD REQUESTED BY:

CERTIFIED

ATTORNEYS

92 DEC 28 PM 1:36

LOUISE JEAN BELL
COUNTY RECORDER-CLERK

RECORDING REQUESTED BY

JANET JAN, ESQ.
MAIL TAX STATEMENT TO

SEE BELOW

WHEN RECORDED MAIL TO

Name
Street
Address
City
State
Zip

c/o Janet Jan, Esq.
17456 Beach Blvd.
Huntington Beach, CA 92647

508
508

①

GRANT DEED

RECORDERS USE ONLY

ORDER NO.
ESCROW NO.

DOCUMENTARY TRANSFER TAX \$ NONE
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES
REMAINING THEREON AT TIME OF SALE
UNDER PENALTY OF PERJURY

PCOS
FILED

Signature of declarant or agent determining tax - Firm Name
Unincorporated Area City of
Tax Parcel No. 33-474-011

JAN HO LAND COMPANY, a sole proprietorship
FOR A VALUABLE CONSIDERATION, HEREBY GRANT TO
TRI-JAN, a California general partnership

the real property in the County of EL DORADO State of California, described as:

Lot 104 as shown upon that certain map entitled Mountain View Estates
Unit No. 1, filed in the office of the county recorder of El Dorado
County, State of California on October 24, 1960 in Map Book D at page
61.

Subject to the covenants, conditions, restrictions and easements
of record. Subject to all mineral rights of record.

Dated: June 22, 1990

Arthur Jan Ho
Arthur Jan HO for JAN HO LAND COMPANY,
a sole proprietorship

STATE OF CALIFORNIA } s.s.
COUNTY OF ORANGE }
On June 22, 1990,

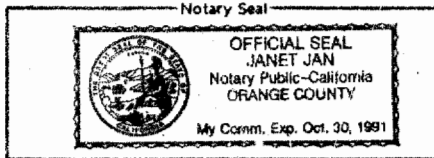
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared
ARTHUR JAN HO for JAN HO LAND COMPANY
a sole proprietorship

personally
known to me to be the person X whose name is
subscribed to the within instrument and acknowledged that
he executed the same.

WITNESS my hand and official seal.

Janet Jan
Notary Public in and for said County and State.

Notary Seal



JANET JAN

MAIL TAX STATEMENT AS DIRECTED ABOVE
End of Document

C. L. RAFFETY, C.P.A.
Treasurer & Tax Collector

360 Fair Lane
 P.O. Box 678002
 Placerville, CA 95667-8002
 Placerville (530) 621-5800
 South Lake Tahoe (530) 573-3011

0037263 01 AT 0.292 **AUTO TO 0 1060 92649-280631

033-474-01-100
 TRI - JAN
 3331 BOUNTY CIR
 HUNTINGTON BEACH CA 92649-2806

CURRENT OWNER

EL DORADO COUNTY 2004-2005 SECURED PROPERTY TAX STATEMENT

For Fiscal Year Beginning July 1, 2004 and Ending June 30, 2005

PROPERTY DESCRIPTION	
L 104	MTN VW EST 1
LAND	IMPROVEMENTS
5,965	
PERSONAL PROPERTY	

FULL CASH VALUE

Owner of Record on January 1, 2004 **TRI - JAN**

DEFAULT #	NUMBERS IN THIS SECTION INDICATE PRIOR YEAR(S) DELINQUENT TAXES
2003-79961	

RETAIN THIS PORTION FOR YOUR RECORDS

BILL#	PARCEL#	TAX RATE AREA	CORTAC #	FIRST INSTALLMENT	+	SECOND INSTALLMENT	=	TOTAL TAX DUE
022695	033-474-01-100	075-036		44.51		44.51		89.02
VALUE	GENERAL TAX RATE	GENERAL TAX	EXEMPTION	NET GENERAL TAX	+	DIRECT CHARGES		
5,965	x 1.0232	= 61.02	- .00	= 61.02	+	28.00		
EXEMPTION 1	DESCRIPTION 1	EXEMPTION 2	DESCRIPTION 2			NET VALUE		
						5,965		

DISTRIBUTION			
AGENCY	RATE	PHONE #	\$ AMOUNT
COUNTY-WIDE TAX	1.0000		59.65
LTUSD 92REFND02	.0113		.67
LTUSD B&I 99A/B	.0119		.70
TOTAL GENERAL TAX			61.02
362 SLT RECR CFD#00-1		(530) 621-6577	18.00
632 LAKE VLY FIRE "M"		(530) 577-3737	10.00
TOTAL TAX AND DIRECT CHARGES			89.02

DISTRIBUTION			
AGENCY	RATE	PHONE #	\$ AMOUNT

C. L. RAFFETY, C.P.A.
 Treasurer & Tax Collector
 El Dorado County
 P.O. Box 678002
 Placerville, CA 95667-8002

Upon application, active military personnel, any adult dependants of the active military personnel, or anyone with the active servicemembers Power of Attorney may request Property Tax Relief on behalf on the servicemember. Call the Tax Collector's Office for details.

Did You Know...



TRI-JAN
3331 BOUNTY CIR
HUNTINGTON BEACH CA 92649

Default No. 2003-079961

Amount Due if paid on or before June 30, 2008: **\$835.14**

NOTICE OF TAX COLLECTOR'S IMPENDING POWER TO SELL

Pursuant to law, notice is hereby given that on the first day of July 2008, at the hour of 12:01 a.m., the real property described herein will become subject to the power to sell of the undersigned El Dorado County Tax Collector.

Unless the property is redeemed or an installment redemption plan initiated prior to the close of business (5 p.m.) on June 30, 2008, upon which date five or more years will have elapsed from the date the property became tax-defaulted, it will become subject to sale. If the property is not redeemed, the right of redemption will terminate at 5 p.m. on the last business day prior to the date the sale begins.

Information concerning redemption or the initiation of an installment redemption plan will be furnished upon request by C. L. Raffety, El Dorado County Tax Collector, 360 Fair Lane, Placerville, CA 95667 (530) 621-5800.

NOTE: If the property is not redeemed and is sold at a tax sale, you may have the right to claim proceeds of the sale that are in excess of the liens and costs to be satisfied from the proceeds. Parcels not sold at the scheduled tax sale may be re-offered for sale within a 90-day period.

Said property was tax-defaulted on July 01, 2003.

The property becoming subject to the Tax Collector's power of sale and subject to this notice is situated in El Dorado County, State of California, and described as follows:

APN: 033-474-01-100 Description: L 104 MTN VW EST 1
Situs: NO SITUS

Do not pay amount originally defaulted for \$105.64

The amount to pay is: \$835.14 if paid on or before June 30, 2008

C. L. Raffety
El Dorado County Tax Collector

Dated this 28th day of May 2008

COPY

GENERAL PARTNERSHIP AGREEMENT

I. INTRODUCTORY

Partnership agreement made on July 1, 1978, by and between Janet Jan, of Paula Jan of Arthur Jan, Jr. 17456 Beach Boulevard, Huntington Beach, CA 92647. In consideration of the mutual covenants herein contained, the above-named persons, hereinafter referred to as the partners, agree to form, and hereby do form, a partnership pursuant to the Uniform Partnership Act as enacted by the State of California, on the terms and conditions hereinafter set forth.

II. PURPOSE

The partnership is created and conducted for the purpose of engaging in the business of buying, selling, developing and managing real property developed or undeveloped, and in such other related businesses as may be agreed on by the partners.

III. NAME; PLACE OF BUSINESS

The names of the partnership shall be known as Jan & Jan Co. (Company), Tri-Jan, Jan and Jan Real Estate Auctioneers and Jan Ho Investment Co. The principal place of business of the partnership shall be Huntington Beach, Orange County, California, and such other place or places as may be agreed upon by the partners.

IV. DURATION

The partnership shall commence on July 1, 1978 and continue until dissolved pursuant to Article XV of this agreement.

V. CAPITAL CONTRIBUTIONS

The initial capital of the partnership shall consist of the sum of three hundred thousand dollars (\$300,000.00).

The initial contribution of each partner shall be one hundred thousand dollars (\$100,000.00).

Subsequent capital contributions, as such are needed by the partnership, shall be made by each partner in proportion to his or her respective distributive share as defined in Article IX. In the event any partner fails to make such subsequent capital contribution, the partners who have contributed their shares may consider the sums so advanced as loans to the partnership.

If any partner fails to make his entire initial contribution to the capital of the partnership on or before February 1979, this agreement shall be abandoned and of no further effect. On the happening of such contingency all contributions which have been made shall be returned to the partners who have made such contributions.

No partner shall receive or be entitled to receive interest on his contributions to capital.

At dissolution of the partnership, if the partnership business is not continued it shall be wound up and liquidated as quickly as circumstances will allow. The assets of the partnership shall be applied to partnership liabilities in the following order:

1. Amounts owing to creditors other than partners;
2. Amounts owing to partners other than for capital and profits;
3. Amounts owing to partners in respect to capital; and
4. Amounts owing to partners in respect to profit.

XVI. ARBITRATION

It is agreed that disputes arising under this agreement, or under any instrument made to carry out the terms of this agreement, shall be submitted to arbitration in accordance with the arbitration laws of the State of California.

XVII. NOTICES TO PARTNERS

Except as otherwise specified herein, all notices to the partners pursuant to this agreement shall be in writing if so requested or oral and shall be deemed effective when given by personal deliver.

XVIII. AMENDMENTS

This agreement, except with respect to vested rights of the partners, may be amended at any time by a majority vote of the partners.

In witness whereof, the parties hereto have executed this agreement at Huntington Beach on the date first above written.

Janet Jan

Paula Jan

Bob [Signature]



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

January 13, 2009

TRI JAN
3331 BOUNTY CIR
HUNTINGTON BEACH CA 92649

RE: CLAIM FOR EXCESS PROCEEDS FROM TAX SALE
LAST ASSESSEE, LIENHOLDER OF RECORD

Parcel No. 033-474-01-100
Situs: NO SITUS
Assessee: TRI JAN
Date sold: November 7, 2008
Date Tax Deed to Purchaser Recorded: January 16, 2009
Final Date to Submit Claim: January 16, 2010

Our records indicate that you may be a party of interest as defined in Section 4675 of the California Revenue and Taxation Code and therefore may be eligible to claim excess proceeds relative to the above described property sold at tax sale on November 7, 2008. Excess proceeds represent monies remaining after all tax liens and costs of the sale have been satisfied.

A Claim Form is enclosed for your convenience. **Please note that by law your claim must be filed within one year of the date the deed to the purchaser was recorded.**

Please feel free to call the Auditor-Controller's Office should you require assistance. The telephone number is (530) 621-5470 (Placerville). Help is provided without charge and we would be happy to be of assistance.

Regards,

W. Quillen
W. Quillen
Fiscal Technician