



## Legislation Details (With Text)

**File #:** 18-0490      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 3/20/2018      **In control:** Board of Supervisors

**On agenda:** 4/24/2018      **Final action:** 4/24/2018

**Title:** HEARING - Auditor-Controller recommending the Board authorize the Auditor to Disburse Excess Proceeds to Claimants. (Est. Time: 20 Min.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Excess Proceeds BOS Ltr JHarn 03-14-18, 2. B - Excess Proceeds Transmittal 04-24-18, 3. C - 327-150-37-100 - Public Hearing Auditor-Controller Notes

Date	Ver.	Action By	Action	Result
4/24/2018	1	Board of Supervisors	Approved	Pass
4/24/2018	1	Board of Supervisors	Approved	Pass

HEARING - Auditor-Controller recommending the Board authorize the Auditor to Disburse Excess Proceeds to Claimants. (Est. Time: 20 Min.)

### DEPARTMENT RECOMMENDATION:

The Auditor-Controller recommends the Board of Supervisors authorize the Auditor to disburse the excess proceeds as follows and authorize County Counsel to file an interpleader action to have a court of law decide which of the two remaining claimants is legally entitled to \$122,850.03 of the excess proceeds:

- 1.) Claimant: Wells Fargo    Type: Lienholder of Records    Recommended Distribution: \$57,091.13
  
- 2.) Claimant: Interpleader Action regarding the following: United States Department of Justice and Hosanna Porath    Type: Lienholder of Record    Recommended Distribution: \$122,850.03
  
- 3.) Claimant: Unclaimed    Type: Owner of Record R&T Code §4674    Recommended Distribution: -0-

Subsequent to board action, the Auditor-Controller recommends that the Board of Supervisors authorize the Auditor to notify claimants of the Board's action(s) & disburse proceeds as determined by the Board.

### DISCUSSION / BACKGROUND

On November 4, 2016, 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 327-150-37-100** was sold for **\$179,941.16** more than the amount required to satisfy delinquent taxes & costs of the sale. Three claim(s) have been filed for the excess proceeds due to the sale of the property. The Auditor-Controller has reviewed the claim

(s) and supporting documents and is of the opinion that the excess proceeds should be distributed as stated above.

The recommendation is based on §4675 of the Revenue and Taxation Code. Please see the sheet titled "327-150-37-100 Public Hearing: Auditor-Controller Notes" for additional information.

**ALTERNATIVES**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

No Financial Impact

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

**CONTACT**

Joe Harn