



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Counsel

DATE: October 10, 2002

BOARD MEETING DATE: November 5, 2002

TO: Honorable Board of Supervisors
FROM: County Counsel
SUBJECT: Claim for Excess Proceeds from Tax Sale: Parcel No. 065-132-080

Recommendation

Grant the Claim of Roberts Realty and Investment Co. through Ken Roberts to proceeds from the sale of Parcel No. 065-132-080 in the amount of \$1,621.02.

Discussion

Revenue and Taxation Code section 4675 provides for distribution of the excess proceeds of tax sales. When property is sold for payment of taxes, the "excess proceeds" from the sale, or that portion not payable for taxes, assessments, costs of sale and notice are payable, upon claim, to persons having an interest in the property at the time of the sale. After all liens have been satisfied, any person who had title of record prior to the sale is entitled to claim the excess proceeds. It is the responsibility of the Board of Supervisors to rule on this claim, which must contain any information and proof deemed necessary by the Board of Supervisors to establish the claimant's right to all or any portion of the excess proceeds.

The property was sold in 2001 for \$9,109.00. After the necessary deductions for delinquent taxes and penalties, recording fees, and other statutory fees, the surplus amounted to \$6,785.45.

Honorable Members of the Board of Supervisors
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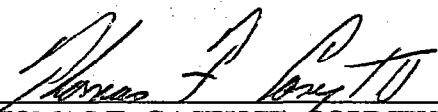
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The only claimant to the proceeds is Roberts Realty and Investment Co., through its owner Ken Roberts, a judgment creditor of the property's former owner Robert Meyer. The claimant demonstrated its interest in the proceeds by copy of the recorded abstract of judgment dated November 29, 1995 in the amount of \$970.26., San Mateo County Municipal Court No. SCN91965.

Pursuant to section 685.010 of the Code of Civil Procedure, interest on judgments accrues at the statutory rate of ten percent (10%) per annum on the unpaid principal. The claimant declares that no amount of the judgment has been paid. It is therefore respectfully recommended that the claim be granted in the amount of \$1,621.02, the amount of the judgment and interest accrued up to and including the date of the claim.

Vision Alignment

By complying with the provisions of the Revenue and Taxation Code pertaining to claims for excess proceeds, the Office of the Tax Collector demonstrates its commitment to Goal 21.


THOMAS F. CASEY III, COUNTY COUNSEL

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cc: John L. Maltbie, County Manager
Lee Buffington, Tax Collector/Treasurer