

RESOLUTION NO. 2019 - ____

RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS ACCEPTING THE CLAIMS FOR EXCESS PROCEEDS FROM TAX-DEFAULT SALES AND AUTHORIZING DISTRIBUTION OF EXCESS PROCEEDS

Whereas, as authorized by Solano County Board of Supervisors' Resolution No. 2018-25, the Solano County Treasurer/Tax Collector/County Clerk ("Tax Collector") conducted a tax default sale on May 8, 9, and 10 selling six (6) properties at public auction on the internet; and

Whereas, the Tax Collector received proceeds in excess of the sums owed the Tax Collector on four (4) of the properties sold; and

Whereas, California Revenue and Taxation Code section 4675 provides that claimants have one year to file a claim for excess proceeds received in a tax-default sale; and

Whereas, with respect to parcel **APN 0071-143-100**, the excess proceeds amount to \$79,994.51. Dong Yoo on behalf of the City of Vallejo, Code enforcement submitted a valid and timely lienholder's claims totaling \$15,468.00 based on five (5) notice of lien assessments recorded on the following dates: June 14, 2017; February 2, 2018; March 7, 2018; April 17, 2018; and May 17, 2018. Jed Byerly Managing Member Global Discoveries, Ltd., on behalf of Kathleen Stevens filed timely and valid claim for the residual amount. Ms. Stevens submitted a declaration assigning her right to the excess proceeds to Jed Byerly Managing Member Global Discoveries, Ltd. After the Tax Collector recovers its administrative costs on the parcel in the amount of \$501.57, the City of Vallejo is entitled to \$15,468.00 and Jed Byerly Managing Member Global Discoveries, Ltd., on behalf of Kathleen Stevens, is entitled to the remaining proceeds in the amount of \$64,024.94; and

Whereas, with respect to parcel **APN 0074-133-040**, the excess proceeds amount to \$36,611.17. Chanyce filed timely and valid claims for the residual amount, as previous owner. However, subsequent to submitting this claim, a claim was filed by Jed Byerly Managing Member Global Discoveries Ltd., on behalf of Chanyce Wilson. This claim was accompanied with all required paper work, including a declaration signed by Ms. Wilson assigning her right to the excess proceeds to Global Discoveries. Consequently, the claim for residual proceeds by Jed Byerly Managing Member Global Discoveries Ltd., as assigned by Ms. Wilson, shall be the accepted claim. After the Tax Collector recovers its administrative costs on the parcel in the amount of \$373.21, Jed Byerly Managing Member Global Discoveries Ltd., is entitled to the residual in the amount of \$ 36,237.96 on behalf of Chanyce Wilson; and

Whereas, with respect to parcel **APN 0090-170-040**, the excess proceeds amount to \$185.72. Virginia Ferrari filed a timely claim for excess proceeds. However, it is not clear what type of claim Ms. Ferrari intended to file, as the paperwork she submitted fails to satisfy the requirements for either a lienholder's claim (a recorded lien notice) or a residual claim (deed of trust). Regardless, even if Ms. Ferrari had submitted the required paperwork, there are no excess proceeds to distribute. The excess proceeds are distributed to the Tax Collector first to cover the administrative costs. Thus, the Tax Collector is entitled to all of the excess proceeds, totaling \$185.72, leaving a balance of \$251.70 in unrecovered costs; and

Whereas, with respect to parcel **APN 0182-272-090**, the excess proceeds amount to \$33,089.83. The Tax Collector incurred \$662.04 in administrative costs on the parcel. The Summit at Hiddenbrooke Owners Association submitted a timely claim totaling \$2,637.48 based on a timely recorded lien. Six (6) timely and valid claims were received for varying interests in the residual amount. These claims are as follows: (1) Fred Barry Cohen as to an undivided 8.403% interest; (2) Russell & Kathy Woods as to an undivided 8.403% interest; (3) Kelly A. Mills of Cochran Investment Company, Inc. on behalf Jeff & Susan Choquette, Trustees of the

Choquette Living Trust as to an undivided 12.605% interest. This claim included an assignment of rights by Jeff & Susan Choquette, Trustees of the Choquette Living Trust, dated November 27, 2018 which met all of the statutory requirements necessary for assigning said rights; (4) Danny O’Looney as to an undivided 13.025% interest; (5) James and Diana Buttler as to an undivided 15.126% interest; and (6) Leonard Werbin & Nancy Bennett Werbin as to an undivided 42.438% interest. On April 8, 2019, Susan Choquette submitted an additional claim with a cover letter addressed to the Solano County Treasurer-Tax Collector, expressing her desire to have the Cochran claim denied and to “follow through with Capital Finance”. However, this assignment has no legal effect as it fails to satisfy several of the factors required for an assignment. Consequently, this claim was denied. After the Tax Collector recovers its administrative costs on the parcel in the amount of \$662.04, the Summit at Hiddenbrooke Owners Association is entitled to \$2,637.48 and the residual amount shall be distributed as follows:

Fred Barry Cohen	\$2,503.28
Russell & Kathy Woods	\$2,503.28
Cochran Investment Company on behalf of Jeff & Susan Choquette	\$3,755.07
Danny O’Looney	\$3,880.19
James & Diana Buttler	\$4,506.08
Leonard Werbin & Nancy Bennett Werbin	\$12,642.41

Resolved, the Solano County Board of Supervisors (“Board”) orders distribution of the excess proceeds as follows:

1. APN 0071-143-100

The Board (1) accepts the claim of Dong Yoo, on behalf of the City of Vallejo, Code Enforcement and Jed Byerly Managing Member Global Discoveries Ltd. on behalf of Kathleen Stevens for excess proceeds; and (2) authorizes the Auditor-Controller to distribute the excess proceeds to the Tax Collector in the amount of \$501.57 for its administrative costs; to Dong Yoo, on behalf of the City of Vallejo, Code Enforcement in the amount of \$15,468.00; and to Jed Byerly Managing Member Global Discoveries Ltd., in the remaining amount of \$64,024.94.

2. APN 0074-133-040

The Board (1) accepts the claim of Jed Byerly Managing Member Global Discoveries Ltd., on behalf of Chanyce Wilson and the assignment of rights; and (2) authorizes the Auditor-Controller to distribute the excess proceeds to the Tax Collector in the amount of \$373.21 for its administrative costs and to the Jed Byerly Managing Member Global Discoveries Ltd., in the residual amount of \$36,237.96.

3. APN 0090-170-040

The Board (1) rejects the claim of Virginia Ferrari; and (2) authorizes the Auditor-Controller to distribute the excess proceeds to the Tax Collector in the amount of \$185.72 for its administrative costs.

4. APN 0182-272-090

The Board (1) accepts the claim of Summit at Hiddenbrooke Owners Association, Fred Barry Cohen, Russell & Kathy Woods, Cochran Investment Company on behalf of Jeff & Susan Choquette and the assignment of rights, Danny O’Looney, James & Diana Buttler, and Leonard Werbin & Nancy Bennett Werbin for excess proceeds; (2) rejects the April 8, 2019 claim submitted by Susan Choquette and assignment to Capital Finance; and (3) authorizes the Auditor-Controller to distribute the excess proceeds to the Tax Collector in the amount of \$662.04 for its administrative costs; to Summit at Hiddenbrooke Owners Association in the amount of \$2,637.48 and to distribute the remaining \$29,790.31 as follows:

Fred Barry Cohen	\$2,503.28
Russell & Kathy Woods	\$2,503.28
Cochran Investment Company on behalf of Jeff & Susan Choquette	\$3,755.07
Danny O’Looney	\$3,880.19
James & Diana Buttler	\$4,506.08
Leonard Werbin & Nancy Bennett Werbin	\$12,642.41

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on October 8, 2019, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

Attest:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk