



COUNTY OF MONTEREY TAX COLLECTOR
MARY A ZEEB, TREASURER-TAX COLLECTOR
 PO. BOX 891, SALINAS, CA 93902-0891
 PHONE: 831.755.5057; FAX: 831.759.6623

CLAIM FOR EXCESS PROCEEDS

I hereby certify that I am a party of interest in the following real property:

Assessor's Parcel Number (APN): _____ Assessee: _____

Property Situs/Address (if any): _____

Date sold: _____ Date deed to purchaser recorded: _____

I UNDERSTAND THAT THE **FINAL DATE TO SUBMIT A CLAIM IS:** _____, and claims **NOT** postmarked **ON OR BEFORE** the one-year submission deadline will not be accepted (§4675(a)). _____
initials

I claim \$ _____ in excess proceeds under Revenue and Taxation Code §4675 based upon my interest in the above-described property as a:

- Lienholder of Record (see excess proceeds guide for details)
- Owner of Record (see excess proceeds guide for details)
- Qualified Heir(s) of Owner of Record (see excess proceeds guide for details)
- Assignee of a Party of Interest (see excess proceeds guide for details)

Enclosed is documentation supporting my claim. The claim form must be notarized. _____
initials

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

 Signature of Claimant

 Name of Claimant (typed or printed)

 Social Security/Corporate Tax ID/ TIN

 Daytime Phone

Driver License or State ID
 Number: _____ State: _____

Mailing Address

Mail Completed Forms To: County of Monterey Treasurer-Tax Collector
 Attention: Excess Proceeds
 PO Box 891
 Salinas CA 93902

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

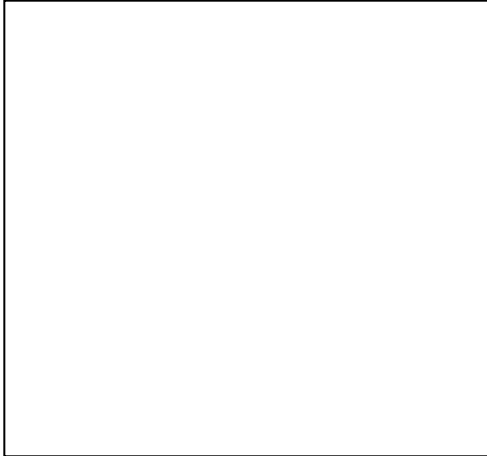
State of California }
County of Monterey }

On _____, before me _____,

Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person, 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 of Notary Public

(Notary Seal)

INSTRUCTIONS FOR FILING CLAIM

The California Revenue and Taxation Code, Section 4675, states in part (paraphrased):

Parties of interest and their order of priority are:

- (a) First, lien holders of record prior to the recordation of the tax deed to the purchaser, in the order of their priority.
- (b) Then, any person with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser. In the event that a person with title of record is deceased at the time the distribution of excess proceeds, the heirs may submit an affidavit pursuant to Chapter 3 (commencing with Section 13100) of Part 1 of Division 8 of the Probate Code to support their claim for excess proceeds.
- (c) A party of interest in the property at the time of the sale may assign his or her right to claim the excess proceeds only by a dated, written instrument that explicitly states that the right to claim the excess proceeds is being assigned, and only after each party to the proposed assignment has disclosed to each other party to the proposed assignment all facts of which he or she is aware relating to the value of the right that is being assigned (§4675).

If you believe you qualify as a party of interest in the sale of tax-defaulted property described on the enclosed claim hereof, please fill out the form stating how you have determined your status as a party of interest.

You must attach **original** supporting documents to verify your claim as follows:

- 1) **Parties of Interest under subsection (a)**, Trust Deed beneficiaries must submit the original promissory note, trust deed and any assignments, evidencing the lien or security interest, along with a statement setting forth the original amount of the lien, the total amount of payments received reducing the original amount of the lien, and the amount that was still due and payable as of the date of the sale of the tax- defaulted property by the tax collector. If you are a judgment creditor or other type of lienholder, you also must submit a statement setting forth the original amount of the lien, the total amount of payments received reducing the original amount of the lien, and the amount that was still due and payable as of the date of the sale of the tax defaulted property by the tax collector. In addition, judgment creditors must also submit verifiable proof that the judgment debtor is the person(s) who possessed record ownership of the property sold at the tax sale.
- 2) **Parties of Interest under subsection (b)**, you must submit original recorded documents (e.g., deed, death certificate, court order, etc.) supporting your claim. You must also submit a notarized verification that you are the person named in the document where you acquired title and photo proof of identity (i.e. current driver's license, passport etc.). You should also submit supporting documentation such as utility payments, property improvement/repair receipts and other such types of documents to prove your claim. If you are claiming as an heir pursuant to Chapter 3 of the Probate Code, in addition to the above required documentation, you must also submit a properly completed affidavit and a notarized verification of proof of identity.
- 3) **Parties of Interest under subsection (c)**, you must submit, in addition to the proof required of lienholders and persons with title of record, proof in the form of a verified affidavit executed by all parties to the assignment, that the amount of excess proceeds has been disclosed to the party of interest and that the party of interest has been advised of his or her right to file a claim for the excess proceeds on his or her own behalf (§4675).

Additional information for required supporting documents is included in the County of Monterey Tax Sale Excess Proceeds Guide. The County of Monterey Tax Sale Excess Proceeds Guide is available on: <https://www.countyofmonterey.gov/government/departments-i-z/treasurer-tax-collector/property-tax-auction>

PLEASE NOTE: **Claims will be processed after one year** has passed from the date of the recording of the deed to the purchaser. In order to be considered by the county Board of Supervisors, completed claims must be postmarked BEFORE THE EXPIRATION OF ONE YEAR following the date of the recording of the deed to the purchaser. Please see the FINAL DATE TO SUBMIT CLAIMS indicated on the enclosed notice. Following the Board of Supervisors review, the claim will either be approved or denied. The tax collector will notify you of the action taken by the Board of Supervisors. Should the claim be approved, the auditor-controller will, after 90 days, issue a county warrant in payment.



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TAX SALE EXCESS PROCEEDS GUIDE

1.0 REQUIRED CLAIM FORM

A claimant must use the Excess Proceeds Claim Form developed by the County of Monterey Treasurer-Tax Collector's Office. The claim form is mailed to known parties of interest, along with notice and instructions, and is available for download at <https://www.countyofmonterey.gov/government/departments-i-z/treasurer-tax-collector/property-tax-auction>. Copies may also be requested by mail or in person at: County of Monterey Treasurer-Tax Collector, 168 West Alisal Street, 1st Floor, Salinas, California 93901 or by calling (831) 755-5057.

2.0 DEADLINE TO FILE

The deadline to file a claim form to the County of Monterey Tax Collector is one year after the tax deed recordation. *The claim shall be postmarked on or before the one-year deadline to file date to be considered timely (§4675(a)).*

3.0 INFORMATION ON FORM

Failure to provide any information required by the claim form will result in denial of the claim. The Excess Proceeds Claim form must contain the following information:

- Assessor Parcel Number
- Last Assessee/Owner of Record
- Property Address / Situs
- Date of Tax Sale
- Date Tax Deed Recorded
- Final Date to Submit Claim. The claim shall be postmarked on or before the one-year deadline to file date to be considered timely (§4675(a)).
- Amount of Claim from Available Excess Proceeds
- Your Filing Status (e.g. Lienholder of Record; Owner of Record; Qualified Heir of Owner of Record; Assignee of a Party in Interest)
- Photo Identification
 - Driver's License, State Identity Card, Military Identification Card, Passport, etc.
 - Legal entities must also include photo identification of authorized signer.
 - If your name is different from the lienholder or person with title of record, provide documentation that verifies your name change, such as marriage license or court order.

4.0 SUPPORTING DOCUMENTATION

The following documentation is required to prove a claim for excess proceeds. All documentation must be submitted with the valid claim form, verified under penalty of perjury, and notarized. Affirmation must be in accordance with California Government Code Section 8202.

The County of Monterey Tax Collector's Office does not accept lost document affidavits in lieu of original documents without corroborating evidence establishing all aspects of the claim. When a claimant is unable to produce an original promissory note or other substantiating documentation establishing the validity, amount, and

priority of a claim to the reasonable satisfaction of the County of Monterey Tax Collector's Office, the claimant may be required to obtain a court order pursuant to California Civil Code section 3415 which establishes the existence and terms of the lost note or other document.

MORTGAGE LENDERS AND DEED OF TRUST BENEFICIARIES

- The original promissory note and all modifications (if any);
- The original or recorded copy of the Deed of Trust/Mortgage;
- The original or recorded copy of assignments (if any);
- Statement signed under penalty of perjury setting forth the original amount of the obligation and any advances or modifications;
- Statement signed under penalty of perjury setting forth dates and amounts of all payments received;
- Statement signed under penalty of perjury setting forth the amount due and payable as of the date of the sale of the tax defaulted property;
- If the note was in default at the time of sale (other than for defaulted taxes), documentation evidencing collection efforts, if any.

JUDGEMENT CREDITORS

- Proof that the judgment debtor is the person(s) who possessed record ownership of the property sold at the tax sale, or proof that the person who held record title at the time of the tax sale took title subject to the judgment lien;
- A recorded copy of the judgment or abstract of judgment;
- Verified statement or court order setting forth any modification(s) to the judgment;
- Verified statement of the dates and amounts of all payments received;
- and Verified statement of the amount still due and payable as of the date of the sale of the tax defaulted property.

PERSON(S) WITH TITLE OF RECORD

- Original recorded documents showing holder of record title (e.g., deed, death certificate, court order). Copies of these documents may be accepted if accompanied by additional documentation supporting the claim (e.g., utility bills for the property in the claimant(s)'s name such as power, television, internet subscriptions, and original tax bills). Supporting documentation must prove that the claimant was the person with title of record at the time of sale.
- If title to the property was in a recorded trust, the original trust document indicating that the claimant(s) is/are the trustee(s) or successor trustee(s) of the trust authorized to file claims on behalf of the trust.

QUALIFIED HEIRS OF PERSON(S) WITH TITLE OF RECORD

- Documentation to **prove the claimant's legal standing as an heir** to the Person(s) with Title of Record.
- A notarized probate affidavit, verified under penalty of perjury and executed by all claimants, pursuant to California Probate Code sections 13100-13116.
- Last Will and Testament(s), if applicable.

CLAIMS FILED ON BEHALF OF ANY BUSINESS

- All claim forms must be signed by an individual authorized to sign on behalf of the business, such as a corporate officer, a general partner, or the individual who owns a sole proprietorship. Proof of authority must be provided.
- All business entities must provide proof of the entity's Federal Employer Identification Number (FEIN); such proof may be in the form of:
 - IRS "Letter of Confirmation" from showing assignment of FEIN; or
 - Copy of IRS assignment of FEIN internet confirmation page; or
 - Copy of tax statement issued by the IRS showing FEIN.
- Documents produced by the business such as tax returns, IRS Form SS-4 application, or W-9 will not be accepted to verify FEIN.

The following documentation is also required, as applicable:

CORPORATION

Documentation showing that the individual signing the claim form is an officer or is otherwise authorized to submit the claim on behalf of the corporation. Such documents may include:

- Articles of Incorporation;
- Corporate Resolution **granting** the specified authority;
- The most recent Statement of Information (or equivalent from state in which corporation was formed) showing confirmation of filing with the Secretary of State (if the business e-filed the Statement of Information, provide a copy of the Statement of Information and a copy of the payment receipt provided by the Secretary of State);
- Certificate of Dissolution; or
- Other documents demonstrating that the individual is a corporate officer, or is otherwise **authorized** to submit the claim on behalf of the corporation.

SUSPENDED BUSINESS

If the business entity that is the party of interest was previously suspended by either the Secretary of State or the Franchise Tax Board (FTB), proof must be provided that the business is no longer suspended; such proof may include:

- If the business was suspended by the Secretary of State, a Certificate of Good Standing shall be provided.
- If the business was suspended by the FTB, an Entity Status Letter can be obtained by contacting the FTB.

ADDITIONAL REQUIREMENTS FOR ASSIGNEES OF A PARTY OF INTEREST

Any person submitting a claim based upon an assignment from a person or entity who was the original party in interest **must** submit:

- All proof required of a claimant as set forth in the SUPPORTING DOCUMENTATION section, as it would apply to the assigning party.
- A notarized affidavit, in the form set forth in the County of Monterey Tax Collector Excess Proceeds Claim Form, verified under penalty of perjury and executed by all parties to the assignment, containing the following information:
 - A statement that the party of interest was advised of his/her/its right to file a claim for excess proceeds on his/her/its own behalf directly with the County at no cost; and
 - A statement that the amount and source of excess proceeds was disclosed to the party of interest; and
 - The name, address, and phone number for the party of interest (this must be direct contact information and not c/o the party to whom the claim has been assigned).

5.0 SUBMISSION OF CLAIM

Each claimant must file his/her/its own claim, unless the claimant has chosen to assign his/her/its rights to another party. Multiple claimants may submit their claims together in one envelope if they are sharing supporting documentation. Two or more claimants (e.g. siblings, heirs, husband and wife) may file one joint claim with shared supporting documentation only if the supporting documents demonstrate that they have equal ownership rights (e.g. 50% each, 25% each, husband and wife as joint tenants, etc.).

Mail completed claims and all supporting documentation to:

County of Monterey Treasurer-Tax Collector
Attention: Excess Proceeds
PO Box 891
Salinas, CA 93902

Completed claim forms and all supporting documentation must be submitted to The County of Monterey Tax Collector prior to the established deadline. The claim shall be postmarked on or before the one-year deadline to file date to be considered timely (§4675(a)).

Claims will be accepted from agents, attorneys in fact, and persons with valid powers of attorney, provided that evidence of the agency is provided. Disbursements will be sent to the address of the attorney, agent, or attorney in fact, but shall only be made payable to the principal.

Under no circumstances shall any claimant be given additional time to file a valid County of Monterey Treasurer-Tax Collector Claim Form beyond the one-year filing deadline. It is the claimant's responsibility to submit a complete claim, including all necessary supporting documentation postmarked or received on or before the final date to file a claim for excess proceeds. Please read and follow all instructions before submitting a claim. The County of Monterey Treasurer-Tax Collector's office is not responsible for informing the claimant of missing attachments or incomplete claims. Excess proceeds claims will only be analyzed once the claims waiting period expires.

6.0 CLAIM REVIEW AND DISPOSITION

Pursuant to California Revenue and Taxation Code section 4675, claims will be processed after one (1) year has passed from the date of the recording of the tax deed to the purchaser. To receive consideration, completed claims must be postmarked before the expiration of one (1) year following the date of the recording of the deed to the purchaser.

In the event of competing claims that the County of Monterey Tax Collector does not believe can be resolved with the requisite certainty on the basis of the documentation submitted, the County of Monterey Tax Collector may elect to refer the matter to the Superior Court for determination.

Once the County of Monterey Tax Collector makes a final decision as to a claim, claim findings will be submitted to the County Board of Supervisors for final approval. **Following the County Board of Supervisors decision, a letter of final determination will be sent to the claimant identified on the document.**

Any action or proceeding to review the decision of the County of Monterey Board of Supervisors shall commence within 90 days following the County of Monterey Board of Supervisors final decision date.