

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

September 24, 2024

FROM

ENSEN MASON, Auditor-Controller/Treasurer/Tax Collector

SUBJECT

Resolution Rescinding the Tax Sale of Assessor's Parcel Number 0507-101-03-0000

RECOMMENDATION(S)

Adopt **Resolution No. 2024-140** rescinding the tax sale of Assessor's Parcel Number 0507-101-03-0000, located in Fort Irwin.

(Presenter: Diana Atkeson, Assistant Auditor-Controller/Treasurer/Tax Collector, 382-7004)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Assessor's Parcel Number 0507-101-03-0000 (Subject Property) was sold at Tax Sale #373 on August 31, 2023, for \$11,313. Of this amount, \$3,278 was used to satisfy current and defaulted taxes, interest, penalties, and costs. Subsequent to the tax sale, an additional payment of \$304 was also made by the purchaser.

Approval of this item will rescind the tax sale which will result in a refund of the purchase price and subsequent tax payment made (\$11,617), plus interest calculated at the County Pool apportioned rate as specified in California Revenue and Taxation Code (RTC) section 5151. The total \$3,582 used to satisfy taxes and costs will be deducted from future tax apportionments to taxing entities, including the County General Fund. The remaining amount of \$8,035 will be refunded from the trust account where it currently is being held.

If the Board of Supervisors (Board) does not approve to rescind the tax sale, taxing entities, including the County General Fund, will not be impacted.

BACKGROUND INFORMATION

Pursuant to RTC section 3691, the Tax Collector has the power to sell properties that have been tax-defaulted for five or more years in an effort to return these properties to active property tax paying status. Property tax dollars are used to fund key public services, including education, police and fire protection, and social and public health services.

On July 1, 2022, after six years of unpaid taxes, the Tax Collector initiated procedures to sell the Subject Property in accordance with statutory requirements. Notice of Intent to Sell was sent via certified mail to the following parties of interest identified: Albert M. Gordon, Jr. and Richard W. Robinson (current owners/assesses); San Bernardino County, 385 N. Arrowhead, 1st Floor,

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San Bernardino and 268 W Hospitality Lane, 2nd Floor, CA 92415; Mercury Insurance Company and Mark R Nivinskus, 134 W. Wilshire Ave., Fullerton, CA 92832; City of Rialto, 150 S Palm Ave, Rialto, CA 92376; San Bernardino Associated Governments, 1170 W. 3rd Street, San Bernardino, CA 92410; David Phung; and California State Franchise Tax Board, PO Box 2952, Sacramento, CA 95812.

The Tax Collector relies on the Assessor's records to provide the names and mailing addresses of all property owners/assessees in the County. Albert M Gordon Jr. and Richard W. Robinson were still listed as the current owners/assessees of the Subject Property in the Assessor's August 2023 records and at the time of the tax sale in August 2023. The Tax Collector mailed notices regarding the property to Mr. Gordon and Mr. Robinson at the address on record with the Assessor.

The Subject Property was sold at the August 2023 tax sale for \$11,313, and a subsequent payment of \$304 was made by the purchaser. On October 25, 2023, the County conveyed the Subject Property by tax deed to Warren H. Neville II, as a married man as his sole and separate property, under document number 2023-0263144. The United States Army Core of Engineers (USACE) learned of the tax sale, and on November 30, 2023, mailed a Demand to Rescind Tax Sale of the Subject Property to the Tax Collector. The notification included Judgement Granted that the U.S. Government was awarded with title of the Subject Property on November 9, 2017. The USACE did not record a transfer of title with the County Recorder, which would have provided notice for the Assessor to update the ownership and tax exempt status. The records provided following the tax sale support their claim that the Subject Property was obtained through an eminent domain proceeding in which the County was a named party, therefore the property is tax exempt and the tax sale is void.

Pursuant to RTC Section 3731, the Board may rescind a tax sale when it is determined that the property should not have been sold, with the written consent of County Counsel and the purchaser of the property. Mr. Neville has provided written consent to the rescission. The Tax Collector finds that rescission of the subject tax sale is warranted. County Counsel concurs with this finding.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Kristina Robb, Deputy County Counsel, 387-5455) on August 16, 2024; Assessor (Christopher Wilhite, Assessor-Recorder-County Clerk, 382-3208) on August 23, 2024; Finance (Penelope Chang, Administrative Analyst, 387-4886) August 30, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on September 9, 2024.

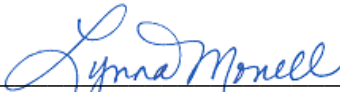
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 24, 2024



cc: File - Auditor-Controller/Treasurer/Tax Collector w/resolution
MBA 09/30/2024