

Resolution of the Board of Supervisors of the County of Fresno Deciding 54 Claims and Ordering the Disposition of Excess Proceeds from 42 Parcels Sold in the County’s March 2021 Sale of Tax-Defaulted Property, and Approving the Transfer of Excess Proceeds from the July 28, 2021 Chapter 8 Sale of Tax-Defaulted property to the Fresno County General Fund

WHEREAS, on March 12 through 15, 2021, under Revenue and Taxation Code, Division 1, Part 6, Chapter 7 (beginning with section 3691), the County sold 87 properties to satisfy the taxes, assessments, penalties, and costs then delinquent on those properties (“2021 Tax Sale”); and

WHEREAS, on April 23, 2021, the County Auditor-Controller/Treasurer-Tax Collector (“Tax Collector”) recorded deeds to all purchasers of property at the 2021 Tax Sale; and

WHEREAS, the 2021 Tax Sale produced excess proceeds as follows: 45 parcels had no excess proceeds, and 42 parcels produced the total amount of \$2,894,418.57 in excess proceeds; and

WHEREAS, under Revenue and Taxation Code section 4675, each party of interest may file with the County a claim for excess proceeds from the 2021 Tax Sale within one year after the April 23, 2021 recordation of the Tax Collector’s deed to the purchaser; and

WHEREAS, by April 23, 2022, which was one year after the recordation of the Tax Collector’s deeds to purchasers of property at the 2021 Tax Sale, the Tax Collector received 56 claims for excess proceeds from the 2021 Tax Sale, as follows: for 13 parcels, there were multiple claims (a total of 39 claims); for 17 parcels, there was only one claim (a total of 17 claims); and for 12 parcels, there were no claims; and

WHEREAS, on February 28, 2023, the Board authorized the initiation of an interpleader action in the Superior Court for the two claims for excess proceeds from item 128 at the 2021 Tax Sale, which leaves 54 claims to be resolved by the Board; and

WHEREAS, on April 27, 2021, under Revenue and Taxation Code, Division 1, Part 6, Chapter 8, and “Agreement for Non-Profit Organization to Purchase Tax-Defaulted Property,”

1 which is County agreement number 21-132 (“Chapter 8 Agreement”), the County sold 7
2 properties to non-profit organization Habitat for Humanity Fresno, Inc. on July 28, 2021, and
3 only one of those 7 parcels generated excess proceeds, in the amount of \$1,630.62; and

4 WHEREAS, on August 16, 2021, as provided by the Chapter 8 Agreement, the Tax
5 Collector recorded deeds to Habitat for Humanity Fresno, Inc., and the period to claim excess
6 proceeds ended one year later on August 16, 2022, as provided by Revenue and Taxation
7 Code section 4675, and the Tax Collector received no claim for excess proceeds from the 2021
8 Chapter 8 Sale; and

9 WHEREAS, in order to accomplish the distribution of excess proceeds from the 2021
10 Tax Sale and Chapter 8 Sale, the Tax Collector has presented to the Board of Supervisors
11 (“Board”) a recommendation for each of the 54 claims for excess proceeds; and

12 WHEREAS, each of the claims identified in exhibit A to this resolution, titled “Claims
13 Granted,” contains sufficient information and proof to establish, to the satisfaction of the Board,
14 as recommended by the Tax Collector, the claimant’s right to excess proceeds from the 2021
15 Tax Sale, in the amounts identified in exhibit A to this resolution, for the total amount of
16 \$2,582,977.11; and

17 WHEREAS, the claim identified in exhibit B to this resolution, titled “Claims Denied Due
18 to Insufficient Evidence,” does not contain sufficient information and proof to establish, to the
19 satisfaction of the Board, the claimant’s right to any of the excess proceeds from the 2021 Tax
20 Sale; and

21 WHEREAS, there are insufficient excess proceeds to grant the claims identified in
22 exhibit C to this resolution, titled “Claims Denied Due to Insufficient Excess Proceeds Available”;
23 and

24 WHEREAS, after granting and denying claims as described above, \$197,888.37 in
25 excess proceeds from 2021 Tax Sale and \$1,630.62 in excess proceeds from 2021 Chapter 8
26 Sale will remain for distribution to the County as provided in Revenue and Taxation Code
27 section 4674; and
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1 WHEREAS, a description of the supporting documentation submitted with each claim for
2 excess proceeds, and a statement of the reason for the determination on each claim, is on file
3 with the Clerk of the Board, and the Board now acts in reliance upon that information; and

4 WHEREAS, on March 27, 2023, the Tax Collector mailed notice to each claimant that
5 their claim would come before the Board for decision on this date; and

6 WHEREAS, all claimants wishing to address the Board on this matter received an
7 opportunity to do so during the meeting at which the Board adopted this resolution;

8 NOW, THEREFORE, THE BOARD FINDS, RESOLVES, AND ORDERS as follows:

9 1. All of the recitals above are true and correct.

10 2. The 47 claims for excess proceeds from the 2021 Tax Sale that are identified in
11 exhibit A are granted. For each claim identified in exhibit A, the Tax Collector shall, after waiting
12 the 90-day period described in subdivision (g) of Revenue and Taxation Code section 4675,
13 issue payment to the claimant as listed in exhibit A in the amount stated in exhibit A.

14 3. The 7 claims for excess proceeds from the 2021 Tax Sale that are identified in
15 exhibits B and C are denied.

16 4. The balance of excess proceeds from the 12 items for which no claims were
17 submitted, and the balance of excess proceeds remaining from the 4 items where a portion of
18 the excess proceeds was not claimed or the claim did not include documents sufficient to
19 establish a claimant's right to receive excess proceeds, in the total amount of \$197,888.37, shall
20 be distributed to the County, as provided in Revenue and Taxation Code section 4674.

21 5. The balance of excess proceeds from the 2021 Chapter 8 Sale, in the total
22 amount of \$1,630.62, shall be distributed to the County, as provided in Revenue and Taxation
23 Code section 4674.

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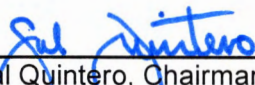
1 THE FOREGOING RESOLUTION, was passed and adopted by the following vote of the
2 Board of Supervisors of the County of Fresno this 11th day of April 2023, to wit:

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5 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

6 NOES: None

7 ABSENT: None

8 ABSTAINED: None

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10 _____
Sal Quintero, Chairman of the Board
of Supervisors of the County of Fresno

11 **ATTEST:**
12 Bernice E. Seidel
13 Clerk of the Board of Supervisors
14 County of Fresno, State of California

15 By: 
16 _____
Deputy

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18 FOR ACCOUNTING USE ONLY:

19 Fund: 0001

20 Subclass: 10000

21 ORG: 0415

22 Account: 3032
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Exhibit A
Claims Granted

1 **Item Number:** 32
2 **APN:** 190-200-04S
3 **Claimant:** Asset Recovery Inc on behalf of Rick Rutkowski
4 **Address:** 910 16th St Suite 624, Denver CO 80202
5 **Granted:** \$14,056.87

6 **Item Number:** 33
7 **APN:** 464-102-15
8 **Claimant:** Phineas H. Alexander
9 **Address:** 1838 S. West Ave, Fresno CA 93706
10 **Granted:** \$4,887.36

11 **Item Number:** 67
12 **APN:** 355-021-51S
13 **Claimant:** The Estate of John Kashiki and Mary Kashiki
14 **Address:** 12907 E Lincoln Ave, Del Rey CA 93616
15 **Granted:** \$453,972.74

16 **Item Number:** 87
17 **APN:** 190-100-01S
18 **Claimant:** Michelle D. Sharpe
19 **Address:** 50744 Daffodil Lane, Squaw Valley CA 93675
20 **Granted:** \$16,823.61

21 **Item Number:** 97
22 **APN:** 130-590-02
23 **Claimant:** Yvonne L. Bussmann
24 **Address:** 1506 S. Bright Oak Ave, Springfield MO 65809
25 **Granted:** \$36,487.13

26 **Item Number:** 109
27 **APN:** 459-161-04
28 **Claimant:** Michael Saveland
Address: c/o Randolph Krbechek, Attorney at Law
9477 N. Fort Washington Road Suite 104, Fresno CA 93730
Granted: \$16,145.99

Item Number: 113, 114, 115
APN: 467-233-07, 467-233-08, 467-233-09
Claimant: Latin American Assemblies of God In California
In care of Sergio Navarrete
Address: 614 S. Fifth Ave, La Puente CA 91746
Granted: \$284,803.08

Item Number: 124, 125, 126
APN: 190-400-53, 190-400-54, 190-400-55
Claimant: Global Discoveries Ltd on behalf of Debra J. Ordway and Marjorie C. Smith
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$55,868.95

Exhibit A
Claims Granted

1 **Item Number:** 124, 125, 126
2 **APN:** 190-400-53, 190-400-54, 190-400-55
3 **Claimant:** Linda Kainoa Bausch
4 **Address:** 472 Fourth Avenue, New Eagle PA 15067
5 **Granted:** \$27,934.48

6 **Item Number:** 124, 125, 126
7 **APN:** 190-400-53, 190-400-54, 190-400-55
8 **Claimant:** Leading Edge Partners on behalf of Anna M. Graeber
9 **Address:** 488 Calle Amigo, San Clemente CA 92673
10 **Granted:** \$27,934.48

11 **Item Number:** 137
12 **APN:** 462-254-27
13 **Claimant:** Mike R. Phillips
14 **Address:** PO BOX 6366, Fresno CA 93703
15 **Granted:** \$25,873.83

16 **Item Number:** 158
17 **APN:** 028-060-22
18 **Claimant:** State of California – Franchise Tax Board
19 **Address:** PO Box 2952, Sacramento CA 95812
20 **Granted:** \$81,934.20

21 **Item Number:** 158
22 **APN:** 028-060-22
23 **Claimant:** State of California – Franchise Tax Board
24 **Address:** PO Box 2952, Sacramento CA 95812
25 **Granted:** \$19,439.97

26 **Item Number:** 158
27 **APN:** 028-060-22
28 **Claimant:** Global Discoveries Ltd on behalf of Robert Hibdon and Dennis Hibdon
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$163,868.40

Item Number: 158
APN: 028-060-22
Claimant: Robert O. Schulenberg
Address: 4255 Agnes Ave, Studio City CA 91604
Granted: \$62,494.22

Item Number: 165
APN: 071-065-09S
Claimant: Global Discoveries Ltd on behalf of John D. Neal and Showndy J. Neal
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$119,269.07

Exhibit A
Claims Granted

1 **Item Number:** 173
2 **APN:** 118-512-01
3 **Claimant:** Jennifer Y. McPherson
4 **Address:** 7674 Road 23, Madera CA 93637
5 **Granted:** \$18,258.75

6 **Item Number:** 179
7 **APN:** 130-490-26
8 **Claimant:** Cassidy L. Scroggins
9 **Address:** 901 S Liberty St, Visalia CA 93292
10 **Granted:** \$30,057.62

11 **Item Number:** 183
12 **APN:** 153-061-17
13 **Claimant:** BNSF Railway Company
14 **Address:** c/o Jeremy J. Schroeder
15 Flesher Schaff & Schroeder, Inc
16 2205 Plaza Drive, Suite 225 Rocklin CA 95765
17 **Granted:** \$2,817.36

18 **Item Number:** 183
19 **APN:** 153-061-17
20 **Claimant:** Wally S. Ali
21 **Address:** 533 S Harvard Blvd APT 208, Los Angeles CA 90020
22 **Granted:** \$30,760.36

23 **Item Number:** 188
24 **APN:** 158-353-03S
25 **Claimant:** Asset Recovery Inc on behalf of Leroy Duerkson and Mary Duerkson
26 **Address:** 910 16th St Suite 624, Denver CO 80202
27 **Granted:** \$22,102.52

28 **Item Number:** 190
29 **APN:** 185-330-24S
30 **Claimant:** Asset Recovery Inc on behalf of Timothy Barnett, Gregory Barnett, Eric Barnett, John
31 Barnett and James Barnett
32 **Address:** 910 16th St Suite 624, Denver CO 80202
33 **Granted:** \$26,497.15

34 **Item Number:** 191
35 **APN:** 185-360-19S
36 **Claimant:** Leading Edge Partners on behalf of Chad James Barton
37 **Address:** 488 Calle Amigo, San Clemente CA 92673
38 **Granted:** \$44,539.95

39 **Item Number:** 197
40 **APN:** 190-310-76S
41 **Claimant:** Asset Recovery Inc on behalf of William Y. Garza
42 **Address:** 910 16th St Suite 624, Denver CO 80202
43 **Granted:** \$12,842.55

Exhibit A
Claims Granted

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Item Number: 199
APN: 190-350-24
Claimant: Outtama Souphone
Address: 235 S Indiana Street, Porterville CA 93257
Granted: \$23,297.49

Item Number: 206
APN: 317-133-04
Claimant: Albert E. Saroyan, Jr.
Address: 760 Redwood Avenue, Sand City CA 93955
Granted: \$75,630.75

Item Number: 206
APN: 317-133-04
Claimant: Jose A. Chavira
Address: 1429 N. Adler Ave, Fresno CA 93727
Granted: \$53,341.62

Item Number: 206
APN: 317-133-04
Claimant: Maria De Jesus Aguayo Vda De Munoz
Address: 1429 N. Adler Ave, Fresno CA 93727
Granted: \$53,341.62

Item Number: 209
APN: 330-150-08
Claimant: Global Discoveries Ltd on behalf of Andre Johnson
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$10,248.84

Item Number: 209
APN: 330-150-08
Claimant: Global Discoveries Ltd on behalf of Andre Johnson as heir to the estate of Irma Jean Johnson
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$6,832.56

Item Number: 209
APN: 330-150-08
Claimant: Global Discoveries Ltd on behalf of Eddie Johnson
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$10,248.84

Item Number: 209
APN: 330-150-08
Claimant: Global Discoveries Ltd on behalf of Marc P. Johnson
Address: 1120 13th St Suite A, Modesto CA 95354
Granted: \$10,248.84

Exhibit A
Claims Granted

1 **Item Number:** 209
2 **APN:** 330-150-08
3 **Claimant:** Global Discoveries Ltd on behalf of Eddie Johnson and Marc P. Johnson as heir to
the estate of Irma Jean Johnson
4 **Address:** 1120 13th St Suite A, Modesto CA 95354
Granted: \$13,665.11

5 **Item Number:** 232
6 **APN:** 378-131-16
7 **Claimant:** Vincent S. Tela
8 **Address:** 2030 Hope Ave, Reedley CA 93654
9 **Granted:** \$113,236.08

10 **Item Number:** 242
11 **APN:** 415-401-09S
12 **Claimant:** Merced School Employees Federal Credit Union
13 **Address:** PO BOX 1349, Merced CA 95341
14 **Granted:** \$15,702.09

15 **Item Number:** 242
16 **APN:** 415-401-09S
17 **Claimant:** State of California – Franchise Tax Board
18 **Address:** PO Box 2952, Sacramento CA 95812
19 **Granted:** \$2,713.55

20 **Item Number:** 242
21 **APN:** 415-401-09S
22 **Claimant:** The Estate of Maria C. Randle
23 **Address:** Fresno County Public Administrator
3333 E. American Avenue Suite G, Fresno CA 93725 or County stop mail to stop 14
24 **Granted:** \$261,783.80

25 **Item Number:** 267
26 **APN:** 453-291-10
27 **Claimant:** Rafael Antonio Callejas, Jr.
28 **Address:** 3853 E. Clay Avenue, Fresno CA 93702
Granted: \$260,346.00

Item Number: 291
APN: 472-260-18
Claimant: Steven R. Hrdlicka on behalf of Ranchwood Homeowners Association
Address: 555 W. Shaw Ave., Suite C-1, Fresno CA 93704
Granted: \$72,669.28

Exhibit B
Claims Denied Due to Insufficient Evidence

1 **Item Number:** 67
2 **APN:** 355-021-51S
3 **Claimant:** Caudley Simon

4 **Item Number:** 67
5 **APN:** 355-021-51S
6 **Claimant:** Tina Kouloulas

7 **Item Number:** 165
8 **APN:** 071-065-09S
9 **Claimant:** Grant Moreland DBA KGM Group on behalf of Bill Thomas

10 **Item Number:** 191
11 **APN:** 185-360-19S
12 **Claimant:** Grant Moreland DBA KGM Group on behalf of James C. Barton

13 **Item Number:** 242
14 **APN:** 415-401-09S
15 **Claimant:** Jaclyn M. Mckenzie

16 **Item Number:** 291
17 **APN:** 472-260-18
18 **Claimant:** Leading Edge Partners on behalf of Alice Ayala

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Exhibit C
Claims Denied Due to Insufficient Excess Proceeds Available

1 **Item Number:** 158

2 **APN:** 028-060-22

3 **Claimant:** Katherine G. Schulenberg and Amy E. Schulenberg

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