

# ASSIGNMENT OF RIGHT TO COLLECT EXCESS PROCEEDS

PLEASE SEE REVERSE SIDE OF THIS DOCUMENT FOR INSTRUCTIONS

As a party of interest (defined in Section 4675 of the California Revenue and Taxation Code), I, the undersigned, do hereby assign to ..... my right to apply for and collect the excess proceeds which you are holding and to which I am entitled from the sale of Assessor's Parcel No ..... Sale No. ...., Item No. ...., sold at public auction on .....  
I understand that the total amount of excess proceeds available for refund is ..... and that I AM GIVING UP MY RIGHT TO FILE A CLAIM FOR THE EXCESS PROCEEDS. I HAVE A RIGHT TO FILE A CLAIM DIRECTLY WITH THE COUNTY AT NO COST FOR THIS REFUND ON MY OWN BEHALF WITHOUT AN ASSIGNMENT. FOR VALUABLE CONSIDERATION RECEIVED, I HAVE SOLD THIS RIGHT OF COLLECTION (assignment) TO THE ASSIGNEE. I certify under penalty of perjury that I have disclosed to the assignee all facts of which I am aware relating to the value of this right I am assigning.

Print Name \_\_\_\_\_

If acting on behalf of a business entity, I am duly authorized to act in its behalf pursuant to my title as indicated below:

Mailing Address (Non U.S. Postal System Box No. is Not Acceptable) \_\_\_\_\_

Title \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Name of Business Entity or Partnership \_\_\_\_\_

( ) \_\_\_\_\_  
Area Code and Daytime Phone Number

Partnership or Corporate Tax I.D. Number \_\_\_\_\_

-----  
Social Security Number

Driver License No. .... State ..... Expiration Date .....

.....  
Signature of Party of interest (REQUIRES NOTARIZATION)

**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 ..... )

On ....., before me, ....., personally appeared

.....  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, 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 .....

## DISCLOSURE

I, the undersigned, certify under penalty of perjury that I have disclosed to the party of interest (assignor), pursuant to Section 4675 of the California Revenue and Taxation Code, all facts of which I am aware relating to the value of the right he/she is assigning, that I have disclosed to him/her the full amount of excess proceeds available, and that I HAVE ADVISED ASSIGNOR OF THE RIGHT TO FILE A CLAIM DIRECTLY WITH THE COUNTY AT NO COST ON HIS/HER OWN BEHALF WITHOUT ASSIGNING THAT RIGHT.

.....  
Signature of Assignee (REQUIRES NOTARIZATION).

.....  
Print Name

**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.**

.....  
Mailing Address (Non U.S. Postal System Box No. is Not Acceptable)

State of California )  
 )  
County of ..... )

.....  
City, State and Zip Code

On ..... before me, ....., personally appeared

.....  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, 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 .....

# INSTRUCTIONS FOR FILING CLAIM

## DEFINITION OF PARTY OF INTEREST

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

For the purposes of this article, 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; and
- (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.

## REQUIRED INFORMATION AND SUPPORTING DOCUMENTATION

If you consider yourself to be a party of interest in the sale of tax defaulted property as defined above, please complete numbers [1] through [11] on the CLAIM FOR EXCESS FROM THE SALE OF TAX DEFAULTED PROPERTY form and, if applicable, numbers [12] and [13]. See additional requirements for ASSIGNMENT OF RIGHT or APPOINTMENT OF AGENT below. You must also submit the following documents to support your claim as a party of interest:

In case (a) lien holders must submit the original recorded document or, if unattainable, a certified copy of the recorded document and original documentation such as title policy or any other original documentation which supports the claimant's right to all or portion of the excess proceeds. A payment schedule, note secured by deed of trust, partial release or partial reconveyance will also be required as well as a declaration under penalty of perjury stating how much was paid off and how much was still due and payable as of THE DATE OF SALE of the property by the Treasurer and Tax Collector. The declaration must include the calculations indicating how the total amount of the claim was determined.

In case (b), owners of record must submit the original recorded deed or other document by which they acquired and interest in the property. If the original document is unattainable, a certified copy of the recorded document and original documentation such as title policy or any other original documentation which supports the claimant's right to all or portion of the excess proceeds.

Parties of interest must submit a clear copy of valid photo identification (i.e., driver's license, state ID, passport). Expired photo identification will not be accepted.

If you need assistance in filling out this form, please contact our office by telephone at (831) 636-4034. Original documentation will be returned upon request.

## ASSIGNMENT OF RIGHT / APPOINTMENT OF AGENT

If a party of interest assigns his or her right to claim the excess proceeds, an Assignment of Right to Collect Excess Proceeds form must be completed in addition to the Claim for Excess from the Sale of Tax-Defaulted Property form. Any attempted assignment that does not comply with this requirement shall have no effect. Any person or entity who in any way acts on behalf of or in place of any party of interest in respect to filing a claim for any excess proceeds provided for in this section, shall submit proof that the amount of excess proceeds available has been disclosed to such party of interest and the fact that said former owner or lien holder may file for such excess proceeds on his or her own behalf. If a party of interest appoints an agent to act on his or her behalf, an Authorization for Agent to Collect Excess Proceeds form must be completed in addition to the CLAIM FOR EXCESS FROM THE SALE OF TAX DEFAULTED PROPERTY form. Documentation as outlined above in REQUIRED INFORMATION AND SUPPORTING DOCUMENTATION will also apply when the right to claim excess proceeds has been assigned or an agent has been appointed to act on the claimant's behalf. When a claim involving an assignment or right has been approved, the refund warrant will be issued in both the assignor's and assignee's names.

## CLAIMS FILED BY BUSINESS ENTITIES

Claims filed on behalf of a company must be signed by either corporate official(s) (President, Vice President, Secretary, or Treasurer), a partner, or the sole owner. The party or parties must provide documentation proving his, her, or their authority to sign for the company. In addition, certified documentation must be provided indicating the type of business entity (articles of incorporation, by-laws, statement by domestic stock corporation, partnership agreements, fictitious business name filing, etc.) Also, see REQUIRED INFORMATION AND SUPPORTING DOCUMENTATION above.

## DEADLINE FOR FILING

We cannot by law begin processing of claims until one year has passed from the date of the deed to the purchaser. In order to receive consideration, claims must be filed ON OR 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 Claim" on the attached cover letter. After our office has reviewed your claim you will be notified as to the disposition of the excess proceeds. If additional claim forms are needed, please contact our office at the address shown below or call (831) 636-4034.

MAIL COMPLETED CLAIM FORMS TO:

San Benito County Treasurer and Tax Collector  
1131 San Felipe Road  
Hollister, CA 95023

I have read the instructions regarding  
filing a claim.

\_\_\_\_\_  
Signature

**SIGN THE FRONT AND BACK OF THIS CLAIM, AND MAIL YOUR CLAIM AND DOCUMENTATION BY CERTIFIED MAIL TO ENSURE RECEIPT OF YOUR CLAIM BY THIS OFFICE.**