C. Linda Barnes
Tax Collector
#25 County Center Drive, Suite 125
Oroville, California 95965-3384
Telephone: 530-538-7701

Butte County Tax Collector

CLAIM FOR EXCESS PROCEEDS

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

Parcel No: Assessee:

Property Street Address (If any):

Date of Tax Sale: June 16-19, 2012 Date Tax Deed Recorded: July 5, 2012

I UNDERSTAND THAT THE FINAL DATE TO SUBMIT A CLAIM IS: **Friday July 5, 2013** AND CLAIMS NOT RECEIVED BY THE TAX COLLECTOR BY THAT DATE WILL NOT BE ACCEPTED

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

- ☐ Lienholder of Record
- ☐ Owner of Record
- ☐ Qualified Heir(s) of Owner of Record
- ☐ Assignee of a Party of Interest

Documentation proving my right to excess proceeds is enclosed.

I affirm under penalty of perjury that the foregoing and all enclosures are true and correct to the best of my knowledge.

Subscribed and affirmed to before me
This____day of _____, 2___, by

_____ _____
Name of Claimant (typed or printed) Signature of Claimant

Daytime Phone: _____

_____

Mailing Address: Signature of Notary Public

_____

_____ (Notary Seal)

_____

Mail completed forms to the address shown above

C. LINDA BARNES
Treasurer-Tax Collector, County of Butte
25 County Center Drive, Suite 125
Oroville, CA 95969-3384
Phone (530) 538.7701

INSTRUCTIONS FOR FILING CLAIM

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

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.

(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. In case (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 the note was in default according to its terms at the time of sale, documentation evidencing all collection efforts must be submitted. 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. If you are claiming that no payments were received since the date of recording of your note or instrument, you must also provide reasonable proof of your attempt to collect on the debt over the course of the term of the note or instrument. This includes, but is not limited to, letters proving collection attempts or proof of any court action taken to attempt to collect the debt.

2. In case (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.). 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. Wills and trusts should be submitted to aid in determining claim eligibility and distribution, but please be advised that these types of documents are not sufficient evidence when presented alone.

3. In case (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 directly with the County at no cost (§4675).

IMPORTANT NOTES

1. The Butte County Treasurer-Tax Collector's office will submit proper Excess Proceed Claim Forms to parties of interest and to those requesting a claim form. The Excess Proceed Claim Form includes instructions which are very important to the claim process.
    a. Excess Proceed Claim Forms and instructions are also available on our website at: www.buttecounty.net/ttc.
2. Claimants using their own in-house claim form must, at a minimum, include all the same information as the form provided by the Butte County Treasurer-Tax Collector.
3. The claimant will receive a receipt letter from the Butte County Treasurer-Tax Collector indicating a claim was received. If the Butte County Treasurer-Tax Collector claim form was not used one will be mailed with the receipt letter along with instructions. Claimants should compare their form with the Butte County Treasurer-Tax Collector form and read all instructions to ensure they have met all requirements to submit a claim.
4. It is the claimant's responsibility to submit a complete claim including attachments. Please read and follow ALL instructions before submitting a claim. The Butte County Treasurer-Tax Collector's office is not responsible for informing the claimant of missing attachments or incomplete claims.
5. The Butte County Treasurer-Tax Collector does not accept lost document affidavits under any circumstances in the Excess Proceeds claim process.
6. The Butte County Treasurer-Tax Collector does not accept supporting documentation after the final date to submit claims. Supporting documentation received after the final date to submit claims will be returned to the claimant unless the claimant can show proof that the Butte County Treasurer-Tax Collector sent a letter requesting additional information.
7. Claims will be processed after one year has passed from the date of the recording of the deed to the purchaser. In order to receive consideration by the county board of supervisors, completed claims must be received 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 appearing on the enclosed notice.

Mail completed claims and attachments to:

Treasurer-Tax Collector,
County of Butte
25 County Center Drive, Suite 125
Oroville, CA 95969-3384
Attn: Lisa Lam