

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.

(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 consider yourself to be a party of interest in the sale of tax-defaulted property as defined above, please complete the attached form, stating how you have determined your status as a party of interest.

You must attach *a copy of a valid photo ID card* and *certified notarized recorded originals of documents to support your claim*, as follows

(a) In case (a), attach **certified original recorded/notarized**: of your Deed of Trust/Mortgage, Promissory Note and all modifications, copy of assignments or other evidence of lien or security interest, judgment or abstract of judgment, verified statements or court orders of any modification to judgment, dates; all business entities must provide proof of the entity's FEIN (IRS confirmation letter, Form 1098, 1099-INT or 1099-DIV). All lien holders must also provide a statement under penalty of perjury setting forth the original amount of the lien or interest, the total amount of payments received reducing the original amount of the lien or interest, and the amount still due and payable as of the date of the sale of the tax-defaulted property by the tax collector.

(b) in case (b), attach **certified original recorded/notarized** of any other documents supporting your claim (e.g., deed, death certificate, will, probate, court order, etc.).

(c) Any person or entity who in any way acts on behalf of, or in place of, any party of interest with respect to filing a claim for any excess proceeds shall submit proof with the claim 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).

IMPORTANT NOTICE: The San Joaquin County Treasurer-Tax Collector does not accept lost document affidavits under any circumstances in the Excess Proceeds claim process.

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 receive consideration by the Treasurer-Tax Collector, claims must be **received BEFORE THE EXPIRATION OF ONE YEAR following the date of the recording of the deed** to the purchaser (see the "Date Deed to Purchaser Recorded" on the Claim for Excess Proceeds). Following the Treasurer-Tax Collector's review, the claim will be either approved or denied. The Treasurer-Tax Collector's office will notify you of the action taken. Should the claim be approved, the Auditor-Controller will, 90 days after approval, issue a county warrant in payment.

