

## EXCESS PROCEEDS CLAIM INSTRUCTIONS

**WE CANNOT BY LAW BEGIN THE PROCESSING OF CLAIMS UNTIL ONE (1) YEAR HAS PASSED FROM THE RECORDING DATE OF THE TAX DEED TO THE PURCHASER. IN ORDER TO RECEIVE CONSIDERATION BY THE COUNTY BOARD OF SUPERVISORS, CLAIMS MUST BE FILED ON OR BEFORE THE EXPIRATION OF ONE (1) YEAR FOLLOWING THE DATE OF THE RECORDING OF THE TAX DEED TO THE PURCHASER.**

A. Claims for excess proceeds must be filed within one (1) year of recordation of the Madera County Treasurer-Tax Collector's deed to the purchaser. **At the time of submission, claims cannot be reviewed until after the one (1) year expiration deadline has passed.**

B. Additional supporting documentation **CANNOT** be submitted after the one (1) year expiration deadline. The Madera County Treasurer-Tax Collector is not responsible for informing the claimant of missing documentation or incomplete claims.

C. Madera County Treasurer-Tax Collector **ONLY** accepts original or certified copies of original recorded documents.

D. The Madera County Treasurer-Tax Collector Claim form must be used otherwise claims will be denied. Complete the enclosed Excess Proceeds claim form, sign, **notarize**, and return it with a copy of photo identification for the claimant and any assignee, and the following supporting documentation. Remit the supporting documentation that pertains to your claim and establishes your rights.

**(FOR MORE IN DEPTH INSTRUCTIONS PLEASE REFER TO OUR POLICY)**

### **1. MORTGAGE LENDERS, DEED OF TRUST BENEFICIARIES & JUDGMENT CREDITORS**

- a. A notarized claim form must be signed.
- b. A recorded Lien/Judgment/Deed of Trust or other legal documents on which you base your claim to all or any portion of the excess proceeds.
- c. The promissory note and all modifications (if any) (or court order pursuant to California Civil Code section 3415).
- d. Statement or Orders setting forth any modification(s) to the Judgment.
- e. The claim needs initial amount of the lien or interest, the amount of payment(s) received by you and the amount still due and owing as of the date of the tax sale.
- f. Proof that the judgment debtor is the person who possessed record ownership of the property sold at the tax sale.

### **2. PERSON(S) WITH TITLE OF RECORD**

- a. A notarized claim form must be signed.
- b. A recorded Grant Deed, or Quitclaim Deed, etc.
- c. If multiple owners each individual must file a separate claim form, for their interest only.

### **3. QUALIFIED HEIR(S) OF PERSON (S) WITH TITLE OF RECORD**

- a. A notarized claim form must be signed. Probate documentation or probate affidavit. An affidavit form is available for download on the Madera County Treasurer-Tax Collector's Website.
- b. Death Certificate of owners.
- c. Will or Trust documents.
- d. If name has changed, submit Birth/Marriage/Divorce documents.

**4. CLAIMS FILING ON BEHALF OF BUSINESS: CORPORATION/LLC, PARTNERSHIP/LIMITED PARTNERSHIP**

- a. A notarized claim form must be signed by an authorized person on behalf of the business.
- b. All business entities must provide proof of their Federal Employer Identification Number (FEIN) assigned to the business.
- c. A copy of the Corporate Bylaws or Articles of Incorporation is required.
- d. A resolution of the board of directors or a letter on company letterhead authorizing the claimant to act on behalf of the business with all appropriate signatures and seal is required.
- e. If the business name has changed due to mergers, submit documentation which supports all name changes.
- f. If you are claiming for a business that was previously suspended by either the Secretary of State or the Franchise Tax Board (FTB), provide proof that the business is no longer suspended.
- g. Certificate of Registration from the Secretary of State.
- h. A copy of Partnership/Limited Partnership Agreement.
- i. Current Fictitious Business Name filing, if applicable.

**5. ASSIGNMENT OF INTEREST**

- a. The notarized affidavit. An affidavit form is available for download on the Madera County Treasurer-Tax Collector's Website.
- b. Proof that the amount and source of excess proceeds was disclosed to the party of interest.
- c. The amount of excess proceeds and amount of the assignment must be specified. Any attempted assignment that does not comply with these requirements shall have no effect. (Revenue and Taxation Code §4675).
- d. Contact information of the party of interest including name, address, and phone number.

Return claim form and supporting documentation to the:

**Madera County Treasurer-Tax Collector**  
**200 W 4<sup>th</sup> Street**  
**Madera, CA 93637**

If you need any assistance, please contact our office via e-mail at [taxcollector@maderacounty.com](mailto:taxcollector@maderacounty.com) or visit our website at [www.maderacounty.com/treasurer](http://www.maderacounty.com/treasurer)

