

RESOLUTION #20- 71

TREASURER'S OFFICE

A RESOLUTION OF THE BOARD OF BONNER COUNTY COMMISSIONERS, STATE OF IDAHO, BONNER COUNTY, AUTHORIZING TRANSFER OF EXCESS SALE PROCEEDS TO THE STATE TREASURER PURSUANT TO IDAHO CODE §31-808

The following resolution and order was considered and adopted by the Bonner County, Idaho Board of Commissioners ("Board") on the 10th day of October, 2020.

Upon the motion of Commissioner Bradshaw and second by Commissioner Connolly, the Board resolves as follows:

WHEREAS, Idaho Code §31-801 grants the general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code §31-828 grants the Board authority "to do and perform all other acts...which may be necessary to the full discharge of the duties of the chief executive authority of the county government"; and

WHEREAS, Idaho Code §31-807 authorizes the Board to manage county property subject to restrictions including, but not limited to, those described in Idaho Code §31-808; and

WHEREAS, Idaho Code §31-808 authorizes the Board to sell surplus properties acquired by tax deed; and

WHEREAS, Idaho Code §31-808 provides that proceeds from the sale of property acquired by tax deed, after payment of all delinquent taxes, late charges, interest and costs, (excess proceeds) be apportioned by the Board of parties in interest that make claims, and then to the owner(s) of record at the time the tax deed was issued on the property; and

WHEREAS, Idaho Code §31-808 was amended by 2016 Senate Bill 1347a to permit the County, after payment of party in interest claims, to transfer excess proceeds resulting from the sale of tax deeded properties to the State Treasurer to be claimed and distributed as unclaimed property; and

WHEREAS, Per Idaho Code 31-808 (c) the time has past for accepting claims for overages from the tax sale and Idaho Code 31-808 (d) states that With the consent

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of the state treasurer, the board of county commissioners may transfer funds to be paid to parties in interest or the owner(s) of records pursuant to paragraph (c) of this subsection to the state treasurer. Upon transfer, the board of county commissioners shall immediately notify by first-class mail all parties that submitted a claim on the proceeds and the owner(s) of record of the transfer. The board of county commissioners shall provide such information to the state treasurer concerning the claims and the proceeds as the state treasurer shall reasonably request. The state treasurer shall keep and distribute the proceeds in accordance with chapter 5, title 14, Idaho Code

WHEREAS, The State Treasurer has indicated that he will accept transfer of unpaid excess proceeds in the possession of the County provided certain conditions are met as set forth in Exhibit A; and

WHEREAS, the County has certain unpaid excess proceeds on account as set forth in Exhibit B, and finds that transferring said proceeds to the State Treasurer will result in more efficient processing of such claims; and



WHEREAS, the board had determined that the County met the requirements for transferring said excess proceeds to the State Treasurer

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF BONNER COUNTY, IDAHO HEREBY RESOLVES, that the excess proceeds, as described in Exhibit B, be transferred to the State Treasurer, pursuant to Idaho Code §31-808, together with a completed unclaimed property report as directed by the State Treasurer and such other information that the State Treasurer might reasonable request.

IT IS FURTHER RESOLVED BY THE BOARD, that notice of said transfer be sent as required by Idaho Code §31-808.

IT IS FURTHER RESOLVED BY THE BOARD, that this resolution shall be effective this 10th day of October 2020.

X Motion Carried Unanimously
____ Motion Carried/Split Vote Below
____ Motion Defeated/Split Vote Below


Dan McDonald, Chairman

Jeff Connolly, Commissioner

Yes	No	Did Not Vote
<u>X</u>	____	____
<u>X</u>	____	____

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Steve Bradshaw, Commissioner

ATTESTED

By *Jessie Webster*
Deputy Clerk

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PARCEL NUMBER & PREVIOUS OWNER	BIDDER'S NAME	OPENING BID	Redemption Deed Recording Fee	DELINQ TAXES	EXCESS FUNDS/ OVERAGE	TOTAL BID
RP00540001009AA Wayne H & Carol J Stratton 631 E Spring st South Oldtown, ID 83822	Hayden Lake Real Estate Development LLC 5391 E Gifted View Dr Coeur d' Alene, ID 83814	\$2,052.36	\$15.00	\$1,977.36	\$8,932.64	\$11,000.00
RP00540001028AA Wayne H & Carol J Stratton 631 E Spring st South Oldtown, ID 83822	Glacier Holdings LLC PO Box 3197 Coeur d' Alene, ID 83816	\$1,673.80	\$15.00	\$1,598.80	\$25,311.20	\$27,000.00
RP00540001034AA Wayne H & Carol J Stratton 631 E Spring st South Oldtown, ID 83822	John or Rami Fitzmorris 37176 Hwy 41 Oldtown, ID 83822	\$8,135.04	\$15.00	\$8,060.04	\$20,849.96	\$29,000.00
Total		11,861.20	45.00	11,636.20	\$55,093.80	67,000.00

2020 Tax Sale/ July 15, 2020
Excess Funds



Treasurer's Office Cheryl Piehl

1500 Highway 2, Suite 304 • Sandpoint, ID 83864 • Phone: (208) 265-1433

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September 25, 2020

Memorandum

To: Bonner County Commissioners

From: Cheryl Piehl
Bonner County Treasurer

Re: Resolution Authorizing Transfer of Excess Sale Proceeds to the State Treasurer per Idaho Code 31-808

I am requesting that the Board of County Commissioners approve the attached Resolution authorizing the transfer of excess tax sale proceeds to the State Treasurer.

Per Idaho Code 31-808 (c) the time has past for accepting claims for overages from the tax sale and Idaho Code 31-808 (d) states that With the consent of the state treasurer, the board of county commissioners may transfer funds to be paid to parties in interest or the owner(s) of records pursuant to paragraph (c) of this subsection to the state treasurer. Upon transfer, the board of county commissioners shall immediately notify by first-class mail all parties that submitted a claim on the proceeds and the owner(s) of record of the transfer. The board of county commissioners shall provide such information to the state treasurer concerning the claims and the proceeds as the state treasurer shall reasonably request. The state treasurer shall keep and distribute the proceeds in accordance with chapter 5, title 14, Idaho Code.

The County Treasurer's Office will notify all record owners and recorded parties of interest that the funds have been turned

over to the State Treasurer on behalf of the County Commissioners and turn over all required documentation needed.

The State has additional resources to process claims and locate taxpayers.

Legal has reviewed the resolution.

A suggested motion would be: I move that we approve Resolution # 71 to transfer the excess tax sale funds to the State Treasurer. The time for recorded parties of interest and record owners to make a claim for the overage has past. The State has better resources to manage the funds and locate the owners. The Resolution has been approved by legal.

Recommendation Acceptance: ☒ yes ☐ no


Commissioner Dan McDonald, Chairman

Date: 10/6/22