

RESOLUTION #18- 116

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 2nd day of October, 2018.

Upon the motion of Commissioner McDonald 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

RESOLUTION AUTHORIZING  
TRANSFER OF EXCESS SALE PROCEEDS  
TO THE STATE TREASURER

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**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


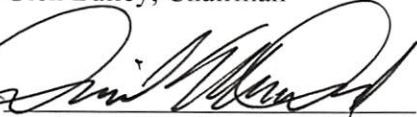

**WHEREAS,** the board had determined that the County met the requirements for transferring said excess proceeds to the State Treasurer

**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 2<sup>nd</sup> day of October 2018.

☒ Motion Carried Unanimously  
☐ Motion Carried/Split Vote Below  
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Glen Bailey, Chairman	<u>X</u>	___	___
 Daniel McDonald, Commissioner	<u>X</u>	___	___
 Jeff Connolly, Commissioner	<u>X</u>	___	___

**ATTESTED**

By 

**Deputy Clerk**

RESOLUTION AUTHORIZING  
TRANSFER OF EXCESS SALE PROCEEDS  
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# 2018 Tax Sale /July 16th 2018

PARCEL NUMBER & PREVIOUS OWNER	BIDDER'S NAME	OPENING BID	DELINQ TAXES	EXCESS FUNDS/ OVERAGE	TOTAL BID
RP57N03W109100A Hagen Family Trust Hagen, Raymond & Phyllis 15523 County Rd. 1134 Tyler, TX 75709-3301	Alan Andres 16735 Baldy MTN RD Sandpoint, ID 83864	\$3,082.08	\$3,082.08	\$41,902.92	\$45,000.00
Total				\$41,902.92	



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## Treasurer's Office Cheryl Piehl

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

October 2, 2018

### 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.

D A suggested motion would be: **I move that we approve Resolution # 18-116 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

Glen Bailey Date: 2/14/18  
Commissioner Glen Bailey, Chairman