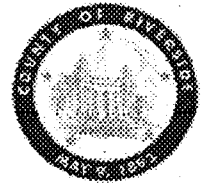


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



501 B

SUBMITTAL DATE:
December 17, 2009

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 08-05729 (CHANNER)
Subject Property: 22705 Shaw Court, Perris
APN 345-140-032
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-05729 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-05729 and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-05729.

BACKGROUND:

On December 1, 2009 this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the accumulation of rubbish located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

[Signature]

JULIE JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *[Signature]*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 5, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Dept' Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 12/01/07; 9.8 | District: 3 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.5

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4
5 WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

DOC # 2010-0004266
01/06/2010

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document
Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-05729
[ACCUMULATION OF RUBBISH]; APN 345-)
12 140-032, 22705 SHAW COURT, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
13 JACQUELINE MARIE CHANNER, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on December 1, 2009, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 22705 Shaw Court, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 345-140-032 referred to hereinafter as "THE PROPERTY."

21 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Jacqueline Marie Channer ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Jeniffer Figueria, Carby Gleason, Andrew Wallet, Esq., and Chicago Title
6 Co. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 6, 2008,
8 November 20, 2008, March 3, 2009, May 13, 2009, August 7, 2009, November 12, 2009, and
9 November 30, 2009.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: scrap wood, torn up furniture, tires
12 and trash.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
14 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on June 5, 2009 as instrument number 2009-0287300.

17 7. On August 6, 2008, Notice of Violation was posted on THE PROPERTY. On August
18 21, 2008, January 13, 2009, March 9, 2009, and June 11, 2009, a Notice of Violation was mailed by
19 certified mail, return receipt requested to OWNER. On January 13, 2009, a Notice of Violation was
20 mailed by certified mail return receipt requested to INTERESTED PARTIES.

21 8. On October 29, 2009, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December
23 1, 2009 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
24 PARTIES and posted on THE PROPERTY on November 12, 2009.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on December 1, 2009 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 22705 Shaw

1 Court, Perris, Riverside County, California, also identified as Assessor's Parcel Number 345-140-032
2 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

3 2. WHEREAS, THE OWNER, or any person having possession or control of the
4 premises should abate the condition by removing and disposing all accumulated rubbish from the
5 subject real property in strict accordance with all Riverside County Ordinances, including but not
6 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

7 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
8 FURTHER NOTICED that the time within which judicial review of the administrative determinations
9 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
10 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
11 Section 1094.6.

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
14 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
15 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
16 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
17 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

18 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County
20 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
21 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a
22 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
23 authorizing entry onto THE PROPERTY when necessary under applicable law.

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: January 5, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
MARION ASHLEY
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Jane S. Hummel

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julia Moons Jarvi
DATE: 12/14/09



LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

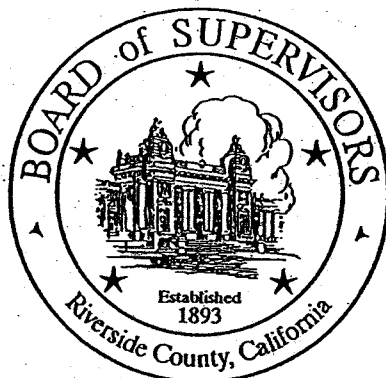
<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

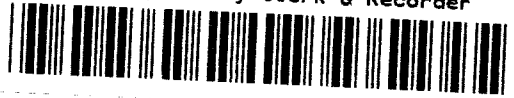
1-5-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT 6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

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517

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-05729
12 [ACCUMULATION OF RUBBISH]; APN 345-)
13 140-032, 22705 SHAW COURT, PERRIS,) FINDINGS OF FACT,
14 RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
15 JACQUELINE MARIE CHANNER, OWNER.) ABATE NUISANCE
) [R.C.O. Nos. 541 (RCC Chapter 8.120)
) and 725 (RCC Title 1)]

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17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 22705 Shaw Court, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 345-140-032 referred to hereinafter as "THE PROPERTY."

21 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of owner.

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25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Jacqueline Marie Channer ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
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2010-0004266
01/06/2010 08:00A
3 of 5



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2 collection and administrative costs, attorneys fees, and the costs associated with the removal or
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Dated: January 5, 2010

COUNTY OF RIVERSIDE

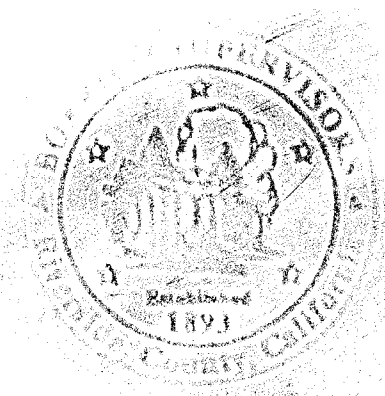
By Marion Ashley
MARION ASHLEY
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Janet Johnson
Deputy



(SEAL)

FORM APPROVED COUNTY COUNSEL
BY Julia Moons Jarvi
DATE 12/14/09

2010-0004266
01/06/2010 08:00A
4 of 5



LARRY W. WARD
 COUNTY OF RIVERSIDE
 ASSESSOR-COUNTY CLERK-RECORDER

Recorder
 P.O. Box 751
 Riverside, CA 92502-0751
 (951) 486-7000

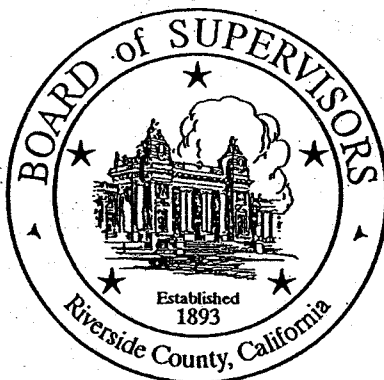
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(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
 (embossed on document)



Date:

1-5-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board

2010-0004266
 01/06/2010 08:00A
 5 of 5



NOTICE LIST

Subject Property: 22705 Shaw Court, Perris
Case No.: CV 08-05729 APN: 345-140-032; District 5

JACQUELINE MARIE CHANNER
PO BOX 526
BLOOMINGTON, CA 92319

JENIFFER FIGUEIRA
1884 CENTURY
RIVERSIDE, CA 92506

JENIFFER FIGUEIRA
C/O J. CHANNER
PO BOX 12152
SAN BERNARDINO, CA 92423

CARBY GLEASON
2560 MONTGOMERY
CARDIFF BY THE SEA, CA 92007

ANDREW WALLET, ESQ.
6331 NANCY RIDGE DR.
SAN DIEGO, CA 92121

CHICAGO TITLE COMPANY
PO BOX 1150
SAN DIEGO, CA 92112

NOTICE LIST

Subject Property: 22705 Shaw Court, Perris
Case No.: CV 08-05729 APN: 345-140-032; District 5

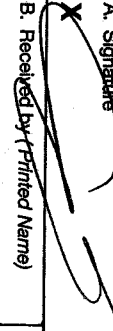

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANDREW WALLEY, ESQ.
6331 NANCY RIDGE DR.
SAN DIEGO, CA 92121
CV08-05729 *FOF* CHANNER 6

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 
- B. Received By (Printed Name) Addressee
C. Date of Delivery 
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7009 1680 0000 9025 4953**
(Transfer from service label)
PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

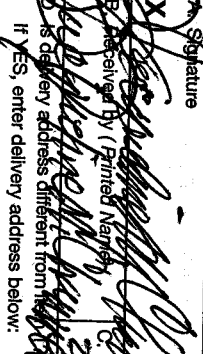
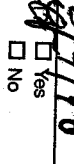
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JACQUELINE MARIE CHANNER
PO BOX 526
BLOOMINGTON, CA 92319
CV08-05729 *FOF* CHANNER 6

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 
- B. Received By (Printed Name) Addressee
C. Date of Delivery 
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

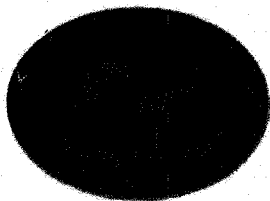
3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7009 1680 0000 9025 4915**
(Transfer from service label)
PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

February 5, 2010

RE CASE NO: CV0805729

I, Richard Arriola, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 02/04/10 at 1230, I securely and conspicuously posted FINDINGS OF FACT FOR RCC 8.120.010- ACCUMULATED RUBBISH at the property described as:

Property Address: 22705 SHAW CT, PERRIS

Assessor's Parcel Number: 345-140-032

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Richard Arriola, Code Enforcement Officer II

PROOF OF SERVICE

Case Nos. CV08-05729

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on February 1, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(see attached notice list)**

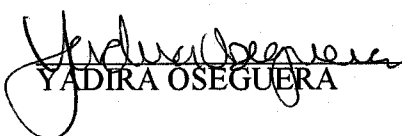
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON February 1, 2010, at Riverside, California.


YADIRA OSEGUERA

ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD