

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



918B

**SUBMITTAL DATE:**  
February 10, 2010

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 08-03101 (SCOTT)  
Subject Property: 28838 Marguerita Road, Lake Elsinore  
APN 347-210-059  
District Five

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03101 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 08-03101; 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 08-03101.

**BACKGROUND:**

On January 12, 2010 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

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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**

Policy  Policy   
 Consent  Consent   
 X

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: February 23, 2010  
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 01/12/10: 94 | District: 5 | Agenda Number:

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

2.16

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

DOC # 2010-0086920  
02/25/2010

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

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

[EXEMPT'6103]

9 **BOARD OF SUPERVISORS**  
10 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:  
[ACCUMULATION OF RUBBISH]; APN 347-  
12 210-059, 28838 MARGUERITA ROAD, LAKE  
ELSNORE, RIVERSIDE COUNTY,  
13 CALIFORNIA; HENRY F. SCOTT AND  
SHIRLEY SCOTT, OWNERS.

CASE NO. CV 08-03101

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[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 January 12, 2010, 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 28838 Marguerita Road, Lake Elsinore, Riverside County, and further  
20 described as Assessor's Parcel Number 347-210-059 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 Justine Turpin, granddaughter of owners appeared but did not address the Board of  
24 Supervisors.

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

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder's Office identify the  
3 OWNERS of THE PROPERTY as Henry F. Scott and Shirley Scott ("OWNERS").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to-wit: San Bernardino County District Attorney Child Support Division  
6 ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 24, 2009,  
8 August 4, 2009, September 29, 2009, December 28, 2009, and January 11, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: household trash and debris, plastics,  
11 cardboard, electronics, discarded furniture, discarded dog house, scrap wood, Styrofoam, baskets,  
12 scrap metal, vehicle parts, carpet, blankets, tarps, a tent, green waste, pallets, a discarded truck  
13 camper, tires and a tool box.

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

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
17 County of Riverside, State of California on May 11, 2009 as instrument number 2009-0235966.

18 7. On March 24, 2009, a Notice of Violation was posted on THE PROPERTY. On  
19 April 20, 2009 and June 1, 2009, Notices of Violation were mailed by certified mail, return receipt  
20 requested to OWNERS and INTERESTED PARTY.

21 8. On December 24, 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 January  
23 12, 2010 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
24 PARTY and was posted on THE PROPERTY on December 28, 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 January 12, 2010 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 28838

1 Marguerita Road, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel  
2 Number 347-210-059 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

3 2. WHEREAS, THE OWNERS, 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 OWNERS AND INTERESTED PARTY 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 OWNERS 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.

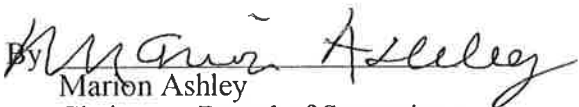
18 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
20 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish  
21 shall 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.

7 Dated: February 23, 2010

COUNTY OF RIVERSIDE

By   
Marlon Ashley  
Chairman, Board of Supervisors

10 ATTEST:  
11 KECIA HARPER-IHEM  
12 Clerk to the Board

15 By   
16 Deputy

18 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY:   
JULIE A. KOONS JARVI  
DATE 2/23/10



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

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

<http://riverside.asrclkrcc.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:

2-23-10

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

# NOTICE LIST

Subject Property: 28838 Marguerita Road, Lake Elsinore  
 Case Nos.: CV 08-03101 and CV 09-00029 APN: 347-2,10-059; District 5

OFFICE OF COUNTY COUNSEL  
 RIVERSIDE COUNTY  
 3960 ORANGE STREET 5<sup>TH</sup> FLOOR  
 RIVERSIDE CA. 92501

HENRY F. SCOTT  
 SHIRLEY SCOTT  
 C/O MARC HAYGOOD  
 28838 MARGUERITA RD.  
 LAKE ELSINORE, CA 92532

SAN BERNARDINO COUNTY D.A.  
 CHILD SUPPORT DIVISION  
 10417 MOUNTAIN VIEW AVE.  
 LOMA LINDA, CA 92354

JUSTINA TURPIN  
 760 E. J STREET  
 ONTARIO, CA 91764

*Vacant*

HENRY F. SCOTT  
 SHIRLEY SCOTT  
 C/O MARC HAYGOOD  
 28838 MARGUERITA RD  
 LAKE ELSINORE, CA. 92532

**VERIFIED MAIL**

7009 3410 0000 1318 0403

UNITED STATES POSTAGE  
 PITNEY BOWES  
 02 1P  
 0003958246 MAR 09 2010  
 MAILED FROM ZIP CODE 92501  
**\$ 005.540**

UNITED STATES POSTAGE  
 PITNEY BOWES  
 02 1P  
 0003958246 MAR 09 2010  
 MAILED FROM ZIP CODE 92501  
**\$ 000.170**

NIXIE 923 4E 1 09 09/13/10

RETURN TO SENDER  
 VACANT  
 UNABLE TO FORWARD

BC: 92501364399 \*0704-04091-09-38

9253282408 09249

**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:

SAN BERNARDINO COUNTY D.A.  
 CHILD SUPPORT DIVISION  
 10417 MOUNTAIN VIEW AVE  
 LOMA LINDA, CA. 92354  
 CV08-03101 \*FOF\* SCOTT 3

**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  No  
 If YES, enter delivery address below:

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

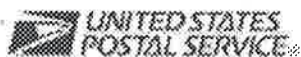
Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number **7009 3410 0000 1318 0397**

(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt



## Track & Confirm

### Search Results

Label/Receipt Number: **7009 3410 0000 1318 0380**  
Service(s): **Certified Mail™**  
Status: **Notice Left**

We attempted to deliver your item at 10:44 AM on March 10, 2010 in ONTARIO, CA 91764 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to [www.usps.com/redelivery](http://www.usps.com/redelivery), or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 30 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

Track & Confirm

Enter Label/Receipt Number.

Go >

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

Go >



7009 3410 0000 1318 0380

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 1.60
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	5.70

marked  
3/10/10  
Postmark Here

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or  
Cl

**JUSTIN A. TURPIN**  
**760 E. ST.**  
**ONTARIO, CA. 91764**  
**CV08-03101 \*FOF\* SCOTT 3**

PS Form 3800, August 2006 See Reverse for Instructions



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**PROOF OF SERVICE**

Case Nos. CV08-03101 & CV09-00029

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 March 9, 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 March 9, 2010, at Riverside, California.

  
YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 12, 2010

RE CASE NO: CV0803101

I, Cynthia Black, 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 3/10/2010 at 1:05 p.m., I securely and conspicuously posted Findings of Facts and Order to Abate at the property described as:

**Property Address:** 28838 MARGUERITA RD, LAKE ELSINORE

**Assessor's Parcel Number:** 347-210-059

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

Executed on March 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Cynthia Black, Sr. Code Enforcement Officer