

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

415 B



SUBMITTAL DATE:
March 25, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 08-02166 (HARTS, ET AL)
Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris
APN 323-070-024
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02166 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 08-02166; 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 08-02166.

BACKGROUND:

On March 16, 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 A. 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 Stone, seconded by Supervisor Benoit 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: April 6, 2010
xc: Co.Co.(3); Recorder

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

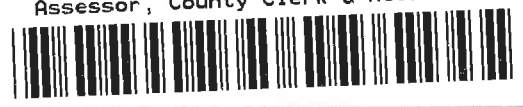
Prev. Agn. Ref.: 03/16/10 19.511MENT | District 5 | Agenda Number:

2.16

Dept't Recomm.: Policy Consent Policy Consent
Per Exec. Ofc.: Policy Consent Policy Consent

Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

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



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM 5/2
NCHG						T:	CTY	UNI	

4
5 WHEN RECORDED PLEASE MAIL TO:
Julie A. 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:) CASE NO. CV 08-02166
12 [ACCUMULATION OF RUBBISH]; APN 323-)
13 070-024, ONE PARCEL SOUTH OF 22411 OLD) FINDINGS OF FACT,
14 ELSINORE ROAD, PERRIS, RIVERSIDE) CONCLUSIONS AND ORDER TO
15 COUNTY, CALIFORNIA; WILLIAM S. HARTS) ABATE NUISANCE
16 AND ROSETTA L. HARTS AS TRUSTEES OF)
THE WILLIAM S. HARTS AND ROSETTA L.) [R.C.O. Nos. 541 (RCC Chapter 8.120)
HARTS REVOCABLE TRUST DATED 06/29/07,) and 725 (RCC Title 1)]
FREDDIE DAVIS, RAYMOND G. DAVIS, ET)
AL, OWNERS.)

17 The above-captioned matter came on regularly for hearing on March 16, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as One Parcel South of 22411 Old Elsinore Road, Perris, Riverside County, and
21 further described as Assessor's Parcel Number 323-070-024 referred to hereinafter as "THE
22 PROPERTY."

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

25 Owners did not appear.

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

1 Chapter 8.120.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the
4 OWNERS of THE PROPERTY as William S. Harts and Rosetta L. Harts, as Trustees of the William
5 S. Harts and Rosetta L. Harts Revocable Trust Dated 06/29/07, Freddie Davis and Raymond G.
6 Davis, et al. ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to-wit: Internal Revenue Service, California Franchise Tax Board and Mr. and Mrs.
9 John Davis ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on August 14, 2009,
11 September 30, 2009, November 13, 2009, February 16, 2010 and March 12, 2010.

12 4. During each inspection, an accumulation of rubbish was observed on THE
13 PROPERTY. The rubbish consisted of, but was not limited to: general household debris, tires,
14 asphalt, furniture, car seats and scrap wood.

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

17 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
18 County of Riverside, State of California on May 1, 2008 as instrument number 2008-0224878.

19 7. On August 14, 2009, a Notice of Violation was posted on THE PROPERTY. On
20 August 25, 2009 and October 6, 2009, a Notice of Violation was mailed by certified mail, return
21 receipt requested to OWNERS and INTERESTED PARTIES.

22 8. On February 11, 2010, a "Notice to Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
24 16, 2010, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED
25 PARTIES and was posted on THE PROPERTY on February 16, 2010.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on March 16, 2010, finds and concludes that:



1 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
2 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
3 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
4 collection and administrative costs, attorneys fees, and the costs associated with the removal or
5 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
6 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
7 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

FORM APPROVED COUNTY COUNSEL
BY: *Julie A. Koons Jarvi* 3/23/10
DATE

9 Dated: April 6, 2010

COUNTY OF RIVERSIDE

10 By: *Marion Ashley*
11 Marion Ashley
12 Chairman, Board of Supervisors

13 ATTEST:

14 KECIA HARPER-IHEM

15 Clerk to the Board

16
17 By: *Kamryn*
18 Deputy

19
20 (SEAL)



2010-0160353
04/08/2010 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

<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:

4-6-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris
Case No.: CV 08-02166; APN: 323-070-024; District 5

WILLIAM S. HARTS AND ROSETTA L. HARTS
AS TRUSTEES OF THE WILLIAMS S. HARTS
AND ROSETTA L. HARTS REVOCABLE TRUST DATED 06/29/07
FREDDIE DAVIS, RAYMOND G. DAVIS, ET AL
C/O WILLIAM S. HARTS
5707 KENWOOD PL.
RIVERSIDE, CA 92509

WILLIAM S. HARTS
67780 ONTINA RD.
CATHEDRAL CITY, CA 92234-5576

FREDDIE DAVIS
1109 E. 36TH ST. #3
SAN DIEGO, CA 92113

MELVIN DAVIS
43 LULA COOLEY RD.
BROOKLYN, MS 39525-9678

MYRA D. DAVIS
5625 BELLA DR.
RIVERSIDE, CA 92509

INTERNAL REVENUE SERVICE
24000 AVILA RD., MAIL STOP 5910
LAGUNA NIGUEL, CA 92677

STATE OF CALIFORNIA FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
P. O. BOX 2952
SACRAMENTO, CA 95812-2952

MR. AND MRS. JOHN DAVIS
491 DEVONWOOD RD.
ALTADENA, CA 91001



Track & Confirm

Search Results

Label/Receipt Number: **7009 3410 0000 1318 1721**
Service(s): **Certified Mail™**
Status: **Moved, Left no Address**

Your item was returned to the sender on July 2, 2010 because the addressee moved and left no forwarding address.

Track & Confirm

Enter Label/Receipt Number.

Go >

Detailed Results:

- **Moved, Left no Address, July 02, 2010, 10:23 am, ALTADENA, CA**
- **Undeliverable as Addressed, May 10, 2010, 12:41 pm, ALTADENA, CA 91001**
- **Arrival at Unit, May 06, 2010, 7:50 am, ALTADENA, CA 91001**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>1.44</i>
Certified Fee	<i>2.80</i>
Return Receipt Fee (Endorsement Required)	<i>2.30</i>
Restricted Delivery Fee (Endorsement Required)	<i>5.70</i>
Total	
MR. AND MRS. JOHN DAVIS 491 DEVONWOOD RD. ALTADENA, CA 91001 CV08-02166 *FOF* HARTS 8	
PS Form 3800, August 2006 See Reverse for Instructions.	

7009 3410 0000 1318 1721

Studio mailed
Postmark Here

NOTICE LIST

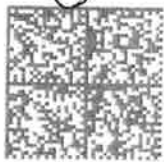
Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris
Case No.: CV 08-02166; APN: 323-070-024; District 5

OFFICE OF COUNTY COUNSEL
RIVERSIDE COUNTY
3960 ORANGE STREET 5TH FLOOR
RIVERSIDE CA. 92501

WILLIAM S. HARTS
6780 ONTINA RD.
CATHEDRAL CITY, CA 92234-5576



7009 3410 0000 1310 0946



UNITED STATES POSTAGE
PITNEY BOWERS
02 1P \$005.760
0003958246 MAY 04 2010
MAILED FROM ZIP CODE 92501

Handwritten signature

NIXIE

923 DE 1

DD 06/07/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405

*1004-04121-04-97

52234555616664



NOTICE LIST

Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris
 Case No.: CV 08-02166; APN: 323-070-024; District 5

OFFICE OF COUNTY COUNSEL
 RIVERSIDE COUNTY
 3960 ORANGE STREET 5TH FLOOR
 RIVERSIDE CA. 92501



7009, 3410 0000 1318 0939



UNITED STATES POSTAL SERVICE
 PINNEY POWERS
 02 1P
 0003958246 MAY 04 2010
 MAILED FROM ZIP CODE 92501
\$ 005.760

FREDDIE DAVIS
 1109 E. 36TH ST. #3
 SAN DIEGO, CA 92113

921 383100 0014
 92501 09644

NIXIE 921 SE 1 02 05/09/10
 RETURN TO SENDER
 ATTEMPTED TO
 UNABLE TO FORWARD
 BC: 92501964405 *1004-04120-04-37

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:

WILLIAM S. HART'S REVOCABLE TRUST
 AS TRUSTEES OF THE WILLIAMS S. HARTS
 AND ROSETTA L. HARTS REVOCABLE TRUST DATED
 06/29/07
 FREDDIE DAVIS, RAYMOND G. DAVIS, ET AL
 C/O WILLIAM S. HARTS
 5707 KENWOOD PL.
 RIVERSIDE, CA 92509
 CV08-02166 *ROF* HARTS 8

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 B. Received by (Printed Name) 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
 (Transfer from service label)

7009 3410 0000 1318 0953

PS Form 3811, February 2004

Domestic Return Receipt

102586-02-M-1540

NOTICE LIST

Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris
Case No.: CV 08-02166; APN: 323-070-024; 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:

MELVYN DAVIS
43 LULA COOLEY RD.
BROOKLYN, MS 39525-9678
CV08-02166 *FOF* HARTS 8

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
Betty A. Davis Addressee
- B. Received by (Printed Name) Date of Delivery
 Betty A. Davis 5-18-10
- 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 3410 0000 1318 0922**
 (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:

INTERNAL REVENUE SERVICE
24000 AVILA RD., MAIL STOP 5910
LAGUNA NIGUEL, CA 92677
CV08-02166 *FOF* HARTS 8

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
[Signature] Addressee
- B. Received by (Printed Name) Date of Delivery
 [Signature] 5-18-10
- 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 3410 0000 1318 0908**
 (Transfer from service label)
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

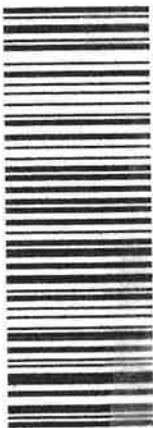
NOTICE LIST

Subject Property: 1 Parcel South of 22411 Old Elsinore Road, Perris
 Case No.: CV 08-02166; APN: 323-070-024; District 5

OFFICE OF COUNTY COUNSEL
RIVERSIDE COUNTY
3960 ORANGE STREET 5TH FLOOR
RIVERSIDE CA. 92501

MDA

MYRA D. DAVIS
 5625 BELLA DR
 RIVERSIDE, CA 92509



7009 3410 0000 1318 0915



UNITED STATES POSTAGE
 PITNEY BOWES
 02 1P \$005.76
 0003958246 MAY 04 2010
 MAILED FROM ZIP CODE 92501

NIXIE 923 SE 1 06 05/06/10

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

BC: 92501384405 *1004-04118-04-37

9250933225010844

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:

STATE OF CALIFORNIA FRANCHISE
 TAX BOARD
 SPECIAL PROCEDURES SECTION
 P. O. BOX 2952
 SACRAMENTO, CA 95812-2952
 CV08-02166 *FOF* HARTS 8

COMPLETE THIS SECTION ON DELIVERY

A. Signature X Kenneth Eudy		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

7 2010

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 (Transfer from service label) 7009 3410 0000 1318 1738
 PS Form 3811, February 2004 Domestic Return Receipt 102896-02-M-1540

1 **PROOF OF SERVICE**

2 Case Nos. CV08-02166

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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

7 That on May 4, 2010, I served the following document(s):

8 **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

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

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

11 **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar"
12 with the office's practice of collection and processing correspondence for mailing. Under that
13 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.

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

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

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

18 EXECUTED ON May 4, 2010, at Riverside, California.

19 
20 YADIRA OSEGUERA

21
22
23
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27
28



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

May 5, 2010

RE CASE NO: CV0802166

I, Jennifer Morris, 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 5/5/10 at 12:10, I securely and conspicuously posted Findings of Facts and Notice to Abate Public Nuisance at the property described as:

Property Address: 1 PAR S/O (22411 OLD ELSINORE RD.), PERRIS

Assessor's Parcel Number: 323-070-024

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

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

CODE ENFORCEMENT DEPARTMENT


By: Jennifer Morris, Code Enforcement Officer