

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

513B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 8, 2010

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-0347 (BISHOP)
Subject Property: 37950 Halifax Lane, Winchester; APN: 964-130-008
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-0347 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 07-0347; 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 07-0347.

BACKGROUND:

On March 23, 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 excess outside storage 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 Benoit, 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: April 20, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 03/23/10; 9.1 | **District:** 3 | **Agenda Number:**

2.19

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

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

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



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

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[EXEMPT '6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE



11 IN RE ABATEMENT OF PUBLIC NUISANCE:)
[EXCESSIVE OUTSIDE STORAGE]; APN 964-)
12 130-008, 37950 HALIFAX LANE,)
WINCHESTER, RIVERSIDE COUNTY,)
13 CALIFORNIA; ROBERT BISHOP AND)
VICTORIA BISHOP, OWNERS.)

CASE NO. CV 07-0347
FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE
[R.C.O. Nos.348 and 725
R.C.C. Title 17 and 1]

16 The above-captioned matter came on regularly for hearing on March 23, 2010, before the Board of
17 Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County
18 Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as
19 37950 Halifax Lane, Winchester, Riverside County, APN: 964-130-008 and referred to hereinafter as
20 "THE PROPERTY."

21 Julie A. 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 Owners did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with
25 attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of
26 Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

27 ///

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners of
3 THE PROPERTY as Robert Bishop and Victoria Bishop ("OWNERS").

4 2. Documents of title at the time of the inspection indicated that other parties potentially hold
5 a legal interest in THE PROPERTY, to wit: Quality Loan Service Corp, Internal Revenue Service, State
6 of California Franchise Tax Board and Norwest Mortgage, Inc. ("INTERESTED PARTIES").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on March 19, 2008,
8 April 7, 2009, June 8, 2009, July 22, 2009, August 11, 2009, October 10, 2009, October 15, 2009,
9 December 1, 2009, January 7, 2010 and March 20, 2010.

10 4. During each inspection, outside storage of materials in excess of 200 square feet were
11 observed on THE PROPERTY. The materials included but were not limited to: mobilehome storage.
12 The total area of excess outside storage of materials was approximately seven hundred (700) square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
14 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

15 6. A Notice of Noncompliance was recorded on February 5, 2007, as Document Number
16 2007-0085363 in the Office of the County Recorder, County of Riverside.

17 7. On March 19, 2008, a Notice of Violation was posted on THE PROPERTY. On May 8,
18 2008, a notice was mailed to the OWNER, Robert Bishop, by certified mail, return receipt requested. On
19 May 4, 2009, a Notice of Violation was mailed to OWNERS and INTERESTED PARTIES by certified
20 mail, return receipt requested. On June 23, 2009, a Notice of Violation was mailed to additional
21 INTERESTED PARTIES by certified mail, return receipt requested.

22 8. On February 16, 2010, a "Notice to Abate Nuisance" providing notice of the public
23 hearing before the Board of Supervisors on March 23, 2010 was mailed by certified mail, return receipt
24 requested, to the OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on
25 February 18, 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 23, 2010, finds and concludes that:



1 1. WHEREAS, the excessive outside storage of materials on the real property located at
2 37950 Halifax Lane, Winchester, Riverside County, California, also identified as Assessor's Parcel
3 Number 964-130-008 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

4 2. WHEREAS, the OWNERS, occupants or any person having possession or control of the
5 premises should abate the condition by removing and disposing of the excess outside storage of materials
6 from the subject real property in strict accordance with all Riverside County Ordinances, including but not
7 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this
8 order.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
15 be abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
16 and disposing of the outside excess storage of materials from the subject real property in strict accordance
17 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348
18 within ninety (90) days of the posting or mailing of this order.

19 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
20 accordance with all Riverside County Ordinances, including but not limited to Riverside County
21 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of
22 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a
23 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
24 necessary under applicable law.

25 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
26 be imposed as a lien on the property, which may be collected as a special assessment against the property
27 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and
28 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably



1 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
2 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
3 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
4 the 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.

6
7
8 Dated: April 20, 2010

COUNTY OF RIVERSIDE

9
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
18 By Karen Barta
19 Deputy

20 (SEAL)



FORM APPROVED COUNTY COUNSEL

BY: Julie A. Koons Jarvi

DATE

3/29/10

2010-0183548
04/21/2010 08:00A
4 of 6



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

Recorder
P.O. Box 751
(951) 486-7000

www.riversideacr.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 FOR STAMP WHICH MAY BE OBSCURED:

FORM APPROVED COUNTY COUNSEL

BY: JULIE A. KOONS JARVI DATE

CLARIFICATIONS FOR NUMBERS ON LEFT SIDE OF PLEADING PAGE
OBSCURED BY STAMP:

9
10
11
12
13

Date:

4-20-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant





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

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

<http://riverside.asrcrkcc.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:

4-20-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 37950 Halifax Lane, Winchester
Case No.: CV 07-0347; APN: 964-130-008; District 3

ROBERT BISHOP
VICTORIA BISHOP
37950 HALIFAX LANE
WINCHESTER CA 92596

QUALITY LOAN SERVICE CORP
2141 5TH AVENUE
SAN DIEGO CA 92101

INTERNAL REVENUE SERVICE
PO BOX 145585 STOP 8420G
CINCINNATI OH 45250

STATE OF CALIFORNIA FRANCHISE TAX BOARD
SPECIAL PROCEDURES SECTION
PO BOX 2952
SACRAMENTO CA 95812

NORWEST MORTGAGE INC
CONSTRUCTIONS FINANCE GROUP
100 S FIRST ST MAC X4801 082
MINNEAPOLIS MN 55402

SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none"> 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. 		COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> Agent Kenneth Eudy <input type="checkbox"/> Addressee B. Received by (Printed Name) <input type="checkbox"/> Addressee 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	
1. Article Addressed to: STATE OF CALIF FRANCHISE TAX BOARD SPECIAL PROCEDURES SECTION PO BOX 2952 SACRAMENTO CA 95812 CV07-0347 *FOF* Bishop 5		MAY 21 2010	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		7009 3410 0000 1318 1493 Domestic Return Receipt 102595-02-M-1540	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none"> 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. 		COMPLETE THIS SECTION ON DELIVERY A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/>  <input type="checkbox"/> Addressee B. Received by (Printed Name) <input type="checkbox"/> Addressee SANDOVAL <input type="checkbox"/> Addressee C. Date of Delivery MAY 24 2010	
1. Article Addressed to: QUALITY LOAN SERVICE CORP 2141 5 TH AVENUE SAN DIEGO CA 92101 CV07-0347 *FOF* Bishop 5		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		7009 3410 0000 1318 1509 Domestic Return Receipt 102595-02-M-1540	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	



Track & Confirm

Search Results

Label/Receipt Number: **7009 3410 0000 1318 1516**
Service(s): **Certified Mail™**
Status: **Delivered**

Your item was delivered at 12:40 PM on May 25, 2010 in WINCHESTER, CA 92596.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- **Delivered, May 25, 2010, 12:40 pm, WINCHESTER, CA 92596**
- **Notice Left, May 20, 2010, 1:56 pm, WINCHESTER, CA 92596**
- **Arrival at Unit, May 20, 2010, 10:04 am, WINCHESTER, CA 92596**

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 1516

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	\$ 4.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	5.70
Total Postage & Fees	\$ 15.74

mailed 5/19/10
Postmark Here

ROBERT BISHOP
VICTORIA BISHOP
37950 HALIFAX LANE
WINCHESTER CA 92596
CV07-0347 *FOF* Bishop 5

[Reverse for Instructions](#)

PROOF OF SERVICE

Case Nos. CV07-0347

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 May 19, 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 May 19, 2010, at Riverside, California.

Yadira Oseguera
YADIRA OSEGUERA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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.	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content;"> INTERNAL REVENUE SERVICE PO BOX 145585 STOP 8420G CINCINNATI OH 45250 CV07-0347 *FOF* Bishop 5 </div>	B. Delivered by (Printed Name) <input type="checkbox"/> Certified Mail C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7009 3410 0000 1318 1486	



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

May 26, 2010

RE CASE NO: CV070347

I, Vicky Jordan, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 5/26/2010 at 1:43 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 37950 HALIFAX LN, WINCHESTER

Assessor's Parcel Number: 964-130-008

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

Executed on May 26, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Vicky Jordan, Code Enforcement Technician