

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

906B



SUBMITTAL DATE:
May 26, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish]
Case No.: CV 08-00513 (HSBC BANK USA)
Subject Property: 22761 Alessandro Avenue, San Jacinto
APN 434-260-016
District Three

Departmental Concurrence

- RECOMMENDED MOTION:** Move that
- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-00513 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 08-00513; 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 08-00513.

BACKGROUND:

On May 4, 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.

L. Alexandra Fong
L. ALEXANDRA FONG, 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: *Tina Grande*
Tina Grande

County Executive Office Signature

Dept't Recomm.: Policy Policy
 Consent Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Ashley
 Nays: None
 Absent: Benoit
 Date: June 8, 2010
 xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 05/04/10; 9.7 | District: 3 | Agenda Number: **2.12**

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



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
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M	A	L	465	426	PCOR	NCOR	SMR	NCHG	EXAM
wct/bca						T:	CTY	UNI	513

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

[EXEMPT'6103]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:
12 [ACCUMULATION OF RUBBISH]; APN 434-
13 260-016, 22761 ALESSANDRO AVENUE, SAN
14 JACINTO, RIVERSIDE COUNTY,
15 CALIFORNIA; HSBC BANK USA, OWNER.

CASE NO. CV 08-00513

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 May 4, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 22761 Alessandro Avenue, San Jacinto, Riverside County, and further described as
20 Assessor's Parcel Number 434-260-016 referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

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 HSBC Bank USA ("OWNER").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on August 19, 2008,
7 November 3, 2008, August 19, 2009, September 3, 2009, October 29, 2009, November 4, 2009,
8 March 9, 2010 and April 29, 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: tires, barrels, paint buckets and
11 miscellaneous debris.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on May 19, 2009, as instrument number 2009-0252404.

16 7. On September 9, 2008, a Notice of Violation was posted on THE PROPERTY. On
17 September 2, 2008, March 25, 2009, April 30, 2009 and August 20, 2009, Notices of Violation were
18 mailed by certified mail, return receipt requested to OWNER.

19 8. On March 8, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 4,
21 2010, was mailed by certified mail, return receipt requested, to OWNER and was posted on THE
22 PROPERTY on March 9, 2010.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on May 4, 2010, finds and concludes that:

26 1. WHEREAS, the accumulation of rubbish on the real property located at 22761
27 Alessandro Avenue, San Jacinto, Riverside County, California, also identified as Assessor's Parcel
28 Number 434-260-016 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2010-0267076
06/18/2010 08:00A
2 of 5



1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: June 8, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Karen Gitten
Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 5/17/10



2010-0267076
06/18/2010 08:00A
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**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:

6-8-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 22761 Alessandro Avenue, San Jacinto
 Case No.: CV 08-00513 APN: 434-260-016; District 3

HSBC BANK USA
 C/O OCWEN LOAN SERVICING
 12650 INGENUITY DRIVE
 ORLANDO FL 32826

OCWEN LOAN SERVICING
 C/O MICHAEL DANIELS
 1661 WORTHINGTON ROAD, STE. 100
 WEST PALM BEACH FL 33409

<p>SENDER: COMPLETE THIS SECTION</p> <p>1. Article Addressed to:</p> <p>OCWEN LOAN SERVICING C/O MICHAEL DANIELS 1661 WORTHINGTON ROAD, STE. 100 WEST PALM BEACH FL 33409</p>		<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature X ANTHONY BIAMONTE <input checked="" type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) _____ <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p> <p>08-00513 (HSBC BANK USA) FEB 2</p> <p>7009 3410 0000 1317 7755</p> <p>Domestic Return Receipt</p>		<p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

<p>SENDER: COMPLETE THIS SECTION</p> <p>1. Article Addressed to:</p> <p>HSBC BANK USA C/O OCWEN LOAN SERVICING 12650 INGENUITY DRIVE ORLANDO FL 32826</p>		<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) _____ <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) PS Form 3811, February 2004</p> <p>08-00513 (HSBC BANK USA) FEB 2</p> <p>7009 3410 0000 1317 7755</p> <p>Domestic Return Receipt</p>		<p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 25, 2010

RE CASE NO: CV0800513

I, Anita Bustillos, 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 06/25/2010 at 11:09 a.m., I securely and conspicuously posted Findings of Fact at the property described as:

Property Address: 22761 ALESSANDRO AVE, SAN JACINTO

Assessor's Parcel Number: 434-260-016

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

Executed on June 25, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician

PROOF OF SERVICE

Case No. CV 08-00513

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on June 23, 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)**

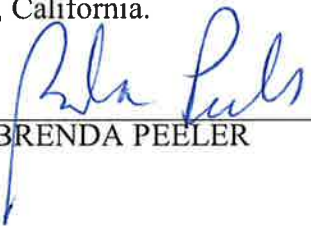
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 June 23, 2010, at Riverside, California.



BRENDA PEELER