

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

1088



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 3, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 08-07773 & CV 09-03719 (BOULANGER)
Subject Property: 18480 Mermac Road, Lake Elsinore
APN: 347-040-043
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-07773 & CV 09-03719 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 08-07773 & CV 09-03719; 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 08-07773 & CV 09-03719.

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

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Benoit and Ashley
Nays: None
Absent: Tavaglione and Stone
Date: June 15, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 05/18/10; 9.5 | District: 5 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.10

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

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case Nos.: CV 08-07773 & CV 09-03719

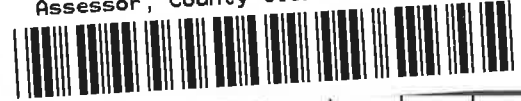
Subject Property: 18480 Mermac Road, Lake Elsinore

APN: 347-040-043

District Five

BACKGROUND:

On May 18, 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 and accumulation of rubbish 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.



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

[EXEMPT 6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE;
[EXCESSIVE OUTSIDE STORAGE AND
ACCUMULATION OF RUBBISH];
APN 347-040-043, 18480 MERMAC ROAD,
LAKE ELSINORE, RIVERSIDE COUNTY,
CALIFORNIA; MARIE B. BOULANGER,
OWNER.

CASE NO. CV 08-07773 &
CV 09-03719

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.44),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 18, 2010, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 18480 Mermac Road, Lake Elsinore, Riverside County, California and further described as Assessor's Parcel Number 347-040-043 and referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Marie B. Boulanger ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to wit: MERS, Financial Freedom Senior Funding Corporation and Riverside County Redevelopment Agency (hereinafter collectively referred to as "INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on May 26, 2009, June 24, 2009, August 4, 2009, September 21, 2009, December 21, 2009, March 18, 2010 and May 14, 2010.

4. During each inspection, the outside storage of materials and accumulation of rubbish were observed on THE PROPERTY. The materials and rubbish were intermingled and included but were not limited to: discarded appliances, screen doors, patio furniture, dressers, shelving, cases, plastic storage tubs, yard tools & equipment, mattresses, linens, blankets, sleeping bags, clothes, lamps, toilets, sinks, antennae, scrap wood and metal, and other miscellaneous trash and debris. The officer measured the area and determined the amount of accumulated rubbish and excess outside storage was approximately one thousand seven hundred forty-six (1,746) square feet. Given the size of the parcel (1.16 acres) and the zoning classification (R-A, Residential Agricultural), two hundred (200) square feet of outside storage and no amount of rubbish is allowed on THE PROPERTY.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

6. A Notice of Noncompliance was recorded on August 25, 2009, as Document Number 2009-0443816 in the Office of the County Recorder, County of Riverside.

7. On May 26, 2009, Notices of Violation for violation of Riverside County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On May 29, 2009, Notices of Violations were mailed to OWNER and on October 5, 2009, Notices of Violation were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.



1 materials in excess of two hundred (200) square feet and removing and disposing of all accumulated
2 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541
4 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
6 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
7 County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90)
8 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
9 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
10 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
11 consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
15 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
16 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
19 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
20 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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FORM APPROVED COUNTY COUNSEL
BY: 5/26/10 DATE
L. ALEXANDRA FONG

owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: June 15, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By Kaunpaitan
Deputy
(SEAL)



2010-0277284
06/16/2010 09:00A
5 of 6



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

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrelkrec.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:

6-15-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 18480 Mermac Road, Lake Elsinore
Case Nos.: CV 08-07773 and CV 09-03719; APN: 347-040-043; District 5

MARIE B. BOULANGER
18480 MERMAC ROAD
LAKE ELSINORE, CA 92532

MERS
PO BOX 2026
FLINT, MI 48501

FINANCIAL FREEDOM
C/O NTC 2100 ALT. 19 NORTH
PALM HARBOR, FL 34683

FINANCIAL FREEDOM SENIOR FUNDING CORP.
1600 E. ROSEVILLE PARKWAY, STE. 100
ROSEVILLE, CA 95661

REDEVELOPMENT AGENCY
ATTN: HOUSING DIVISION/FILE H1008000
PO BOX 1180
RIVERSIDE, CA 92502

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<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.		<ul style="list-style-type: none">A. Signature <i>[Signature]</i>B. Received by (Printed Name) <i>RENEE CARLSTE</i>C. Date of Delivery <i>SEP 7 2004</i>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
1. Article Addressed to: MARIE B BOULANGER 18480 MERMAC ROAD LAKE ELSINORE CA 92532		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.	
2. Article Number (Transfer from service label) <i>08-07773; 09-03719 (Boulanger) - F&S</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	

7009 3410 0000 1317 9803

102595-02-M-1540

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<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.		<ul style="list-style-type: none">A. Signature <i>[Signature]</i>B. Received by (Printed Name) <i>[Signature]</i>C. Date of Delivery <i>9-7-10</i>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
1. Article Addressed to: REDEVELOPMENT AGENCY ATTN: HOUSING DIVISION/FILE H1008000 PO BOX 1180 RIVERSIDE CA 92502		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.	
2. Article Number (Transfer from service label) <i>CV 08-07773; 09-03719 (Boulanger) - F&S</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	

7009 3410 0000 1317 9841

102595-02-M-1540

NOTICE LIST

Subject Property: 18480 Mermac Road, Lake Elsinore
Case Nos.: CV 08-07773 and CV 09-03719; APN: 347-040-043; District 5

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

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:

FINANCIAL FREEDOM
C/O NTC 2100 ALT 19 NORTH
PALM HARBOR FL 34683

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Signature ☐ Agent

- B. Received by ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Return Receipt for Merchandise ☐ C.O.D.

- C. Date of Delivery ☒ 9-7-10

- 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 ☒ No

2. Article Number (Transfer from service label)

7009 3410 0000 1317 9827

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-1540



7009 3410 0000 1317 9834



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0003958246
MAILED FROM ZIP CODE 92501
SEP 01 2010

FINANCIAL FREEDOM SENIOR FUNDING CORP
1600 E ROSEVILLE PARKWAY STE 100
ROSEVILLE CA 95661

NIXIE

957 DE 1

00 09/05/10

NOT DELIVERABLE AS ADDRESSED
RETURN TO SENDER
UNABLE TO FORWARD

BC: 92501364405

*1004-03564-02-39

9566133300 0041
9250136644

PROOF OF SERVICE
Case No. CV 08-07773 & CV 09-03719

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 Sept. 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.

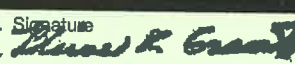
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 Sept. 1, 2010, at Riverside, California.


BRENDA PEELER

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<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. <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">MERS PO BOX 2026 FLINT MI 48501</div>	<p>A. Signature <u>X</u> </p> <p>B. Restricted Delivery (Printed Name) <u>Blaine R. Grant</u></p> <p>C. Date of Delivery <u>SEP 10 2010</u></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)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">7009 3410 0000 1317 9810</div>	<p>3. Service Type</p> <table style="width: 100%;"><tr><td><input checked="" type="checkbox"/> Certified Mail</td><td><input type="checkbox"/> Express Mail</td></tr><tr><td><input type="checkbox"/> Registered</td><td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td><input type="checkbox"/> C.O.D.</td></tr></table> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	<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.
<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.						

C/08-07773 & 09-03719 (Bodnar) - Ff 5



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 2, 2010

RE CASE NO: CV0903719

I, Mike Bowles, 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 09/02/2010 at 4:42 pm, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate at the property described as:

Property Address: 18480 MERMAC RD, LAKE ELSINORE

Assessor's Parcel Number: 347-040-043

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

Executed on September 2, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Mike Bowles, Sr. Code Enforcement Officer



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 2, 2010

RE CASE NO: CV0807773

I, Mike Bowles, 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 09/02/2010 at 2:42 pm, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate. at the property described as:

Property Address: 18480 MERMAC RD, LAKE ELSINORE

Assessor's Parcel Number: 347-040-043

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

Executed on September 2, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Mike Bowles, Sr. Code Enforcement Officer