

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

308B



SUBMITTAL DATE:
June 17, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structures]
Case No.: CV 09-06005 (FREY)
Subject Property: 44174 Florida Avenue, Hemet; APN 549-152-038
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06005 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 09-06005 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 09-06005.

BACKGROUND:

On June 8, 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 substandard structure 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]
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: June 29, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 06/08/10; 9.3 | District: 3 | Agenda Number:

2.9

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Departmental Concurrence

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



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

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

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EXEMPT 6103

10 **BOARD OF SUPERVISORS**
11 **COUNTY OF RIVERSIDE**

C
508

12 IN RE ABATEMENT OF PUBLIC NUISANCE:
13 [SUBSTANDARD STRUCTURES]; APN 549-
14 152-038, 44174 FLORIDA AVENUE, HEMET,
15 RIVERSIDE COUNTY, CALIFORNIA;
PATRICIA DARLENE FREY, OWNER.

CASE NO. CV 09-06005

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on June 8, 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 44174 Florida Avenue, Hemet, Riverside County, Assessor's Parcel Number 549-152-038
20 and 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 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of
26 Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

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SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as Patricia Darlene Frey ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Bank of America C/O Regional Trustee Services, Corp., Liberty Reverse
6 Mortgage, Inc., Seattle Mortgage Company, Secretary of Housing and Urban Development
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 14, 2009,
9 February 23, 2010, February 26, 2010, March 11, 2010 and April 13, 2010.

10 4. During each inspection, two (2) substandard structures (2 single family dwellings)
11 were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated
12 and vacant. The structures contained numerous deficiencies, including but not limited to: lack of hot
13 and cold running water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting;
14 members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective
15 material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation
16 or improper maintenance; fire hazard; abandoned, vacant, public and attractive nuisance.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
18 No. 457 (RCC Title 15) by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on September 1, 2009, as Document
20 Number 2009-0456633 in the Office of the County Recorder, County of Riverside.

21 7. On August 14, 2009, a Notice of Violation and a "Danger Do Not Enter" sign were
22 posted on THE PROPERTY for the main dwelling and on December 9, 2009 for the rear dwelling.

23 8. On October 30, 2009, a Notice of Violation for the main dwelling and on December
24 10, 2009, a Notice of Violation for the rear dwelling was mailed to OWNER and INTERESTED
25 PARTIES by certified mail, return receipt requested.

26 9. On April 8, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing
27 before the Board of Supervisors on June 8, 2010, was mailed by certified mail, return receipt
28 requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on April

2010-0303615
06/30/2010 08:00A
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1 13, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on June 8, 2010, finds and concludes that:

5 1. WHEREAS, the substandard structures (2 single family dwellings) on the real property
6 located at 44174 Florida Avenue, Hemet, Riverside County, California, also identified as Assessor's
7 Parcel Number 549-152-038 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12)
8 and constitutes a public nuisance.

9 2. WHEREAS, THE OWNER, occupants and any person having possession or control
10 of THE PROPERTY should abate the substandard structures condition by razing, removing and
11 disposing of the substandard structures, including the removal and disposal of all structural debris
12 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided
13 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
14 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
15 (90) days.

16 3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
17 FURTHER NOTICED that the time within which judicial review of the administrative determinations
18 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
19 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
20 Section 1094.6.

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the substandard structures (2 single family dwellings) on
23 THE PROPERTY be abated by the OWNER, Patricia Darlene Frey, or anyone having possession or
24 control of THE PROPERTY, by razing and removing the substandard structures including the
25 removal and disposal of all structural debris and materials, as well as the contents therein, or by
26 reconstruction and rehabilitation of said structures provided such reconstruction and rehabilitation can
27 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited
28 to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this

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06/08/2010 08:00H
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1 Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
3 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
5 of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
6 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
7 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
8 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
9 PROPERTY.

10 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
11 asbestos containing materials in said structures by survey and materials sample testing by a duly
12 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
13 the removal of all asbestos containing materials discovered through such survey and testing by
14 contract with a duly certified and licensed contractor for the handling of such materials to avoid
15 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
19 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
20 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
21 expenses reasonably related to the abatement of conditions which violate County Land Use
22 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
23 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
24 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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06/30/2010 08:00A
4 of 6

1 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety
2 (90) days of the date of this Order to Abate Nuisance.

3
4 Dated: June 29, 2010

COUNTY OF RIVERSIDE

5
6 By Marion Ashley
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12
13 By Karen Zacton
14 Deputy

15 (SEAL)



FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong DATE 6/29/10
ALEXANDRA FONG



2010-0303615
06/30/2010 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: 10-29-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 44174 Florida Avenue, Hemet
Case No.: CV 09-06005 APN: 549-152-038; District 3

PATRICIA DARLENE FREY
44174 FLORIDA AVENUE
HEMET, CA 92544

BANK OF AMERICA
C/O REGIONAL TRUSTEE SERVICES CORP
616 1ST AVENUE, SUITE 500
SEATTLE, WA 98104

LIBERTY REVERSE MORTGAGE, INC.
10951 WHITE ROCK ROAD, STE. 200
RANCHO CORDOVA, CA 95670

SECRETARY OF HOUSING & URBAN DEVELOPMENT
451 SEVENTH ST. SW
WASHINGTON, DC 20410

BANK OF AMERICA
WA1-501-15-22
PO BOX 3977
SEATTLE WA 98124-2477

FEDERAL NATIONAL MTG ASSN
FANNIE MAE
3900 WISCONSIN AVE.
NW WASHINGTON CA 20016

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

You entered: 70093410000013179971

Status: Delivered

Your item was delivered at 11:01 am on September 07, 2010 in WASHINGTON, DC 20410. Additional information for this item is stored in files offline.

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

I would like to receive notification on this request



Find Another Item

What's your label (or receipt) number?

LEGAL

- Privacy Policy >
- Terms of Use >
- FOIA >
- No FEAR Act EEO Data >

OTHER USPS SITES

- Business Customer Gateway >
- Postal Inspectors >
- Inspector General >
- Postal Explorer >

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ON USPS.COM

- Government >
- Buy Stamps >
- Print a Label >
- Customer Service >
- Site Index >

7009 3410 0000 1317 9971

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	\$.61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.71
Mailed 9/1/10	
Postmark Here	
Sent To	
Street, or PO:	SEC OF HOUSING & URBAN DEVEL
City, S:	451 SEVENTH ST SW
	WASHINGTON DC 20410
PS Form 3800, August 2006	
See Reverse for Instructions	

NOTICE LIST

Subject Property: 44174 Florida Avenue, Hemet
Case No.: CV 09-06005 APN: 549-152-038; District 3

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.		A. Signature <input checked="" type="checkbox"/> 	
1. Article Addressed to: SEATTLE MORTGAGE COMPANY 190 QUEEN ANNE AVE NORTH STE 500 SEATTLE WA 98109		B. Received by (Printed Name) JANIS D. [unclear]	<input type="checkbox"/> Agent <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	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) 009-06005 (Fee) FC 6		7009 3410 0000 0000 0000 0000	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

NOTICE LIST

Subject Property: 44174 Florida Avenue, Hemet
Case No.: CV 09-06005 APN: 549-152-038; District 3

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:

LIBERTY REVERSE MORTGAGE INC
10951 WHITE ROCK ROAD STE 200
RANCHO CORDOVA CA 95670

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Wausford* Agent
- B. Received by (Printed Name) Addressee
Wausford
- C. Date of Delivery
9-7-10
- 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

W09-06005 (Fee) FF 6

PS Form 3811, February 2004

7009 3410 0000 1317 9988

Domestic Return Receipt

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:

BANK OF AMERICA
C/O REGIONAL TRUSTEE SRV CORP
616 1ST AVENUE, SUITE 500
SEATTLE WA 98104

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Paul* Agent
- B. Received by (Printed Name) Addressee
Paul
- C. Date of Delivery
SEP 7 2010
- 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

W09-06005 (Fee) FF 6

PS Form 3811, February 2004

7009 3410 0000 1317 9995

Domestic Return Receipt

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:

FEDERAL NATIONAL MTG ASSN
FANNIE MAE
3900 WISCONSIN AVE.
NW WASHINGTON CA 20016

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Charles Addressee
- B. Received by (Printed Name) Addressee
Charles
- C. Date of Delivery
8/10/10
- 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

W09-06005 (Fee) FF 6

7009 3410 0000 1317 9957

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

NOTICE LIST

Subject Property: 44174 Florida Avenue, Hemet
Case No.: CV 09-06005 APN: 549-152-038; District 3

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

CERTIFIED MAIL



7009 3410 0000 1317 8219

PATRICIA DARLENE FREY
44174 FLORIDA AVENUE
HEMET CA 92501

PAK



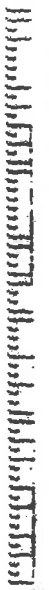
UNITED STATES POSTAGE
02 1P
0003958246 SEP 01 2010
MAILED FROM ZIP CODE 92501
PITNEY BOWES
\$ 005.710

MIXIE 929 DE 1 00 09/05/10

RETURN TO SENDER
UNABLE TO FORWARD

BC: 92501364399 *0704-09834-02-43

9254435490103643



PROOF OF SERVICE

Case No. CV 09-06005

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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 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)**

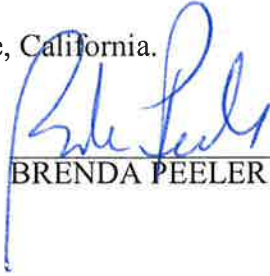
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 7, 2010

RE CASE NO: CV0906005

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 9/7/2010 at 8:39 a.m., I securely and conspicuously posted Abatement of Public Nuisance and Finding of Facts at the property described as:

Property Address: 44174 FLORIDA AVE, VALLE VISTA

Assessor's Parcel Number: 549-152-038

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

Executed on September 7, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician