

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

312B



FROM: County Counsel
Code Enforcement Department

SUBMITTAL DATE:
September 23, 2010

SUBJECT: Statement of Expense [Case No. CV 07-6217]
Subject Property: 83165 Rue Chateau, Thermal; ESTATE OF RUFINO AVELINO
APN: 767-435-015
District Four

RECOMMENDED MOTION: Move that the Board of Supervisors:

- (1) assess the reasonable costs of abatement of a public nuisance (substandard structure and accumulated rubbish) in the above-referenced matter to be **two thousand, seven hundred, twenty-seven dollars and fifty-two cents (US \$2,727.52)**;
- (2) assess the costs of abatement against the above-described subject property;
- (3) authorize the recordation of a notice of abatement lien; and
- (4) authorize the abatement costs to be added to the tax roll as a special assessment.

BACKGROUND: Government Code § 25845, Riverside County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120) and 725 (RCC Chapter 1.16) authorize the recovery of abatement costs in public nuisance cases, the recordation of a notice of abatement lien and inclusion of abatement costs on the tax roll as a special assessment upon approval of the Board of Supervisors.

[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 Tavaglione, 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: October 5, 2010
xc: Co. Co., CED, Prop. Owner

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

Prev. Agn. Ref.:

District: 4

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent
 Policy
 Consent
 Policy

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

Statement of Expense [Case No. CV 07-6217]

Subject Property: 83165 Rue Chateau, Thermal; ESTATE OF RUFINO AVELINO

APN: 767-435-015

District Four

The Board of Supervisors issued an Order to Abate in this case on Feb. 26, 2008. Subsequently, the property owner brought the property into compliance.

The Notice of Hearing re Statement of Expense has been posted on the property and mailed to the property owner and all interested parties, as required by law. Copies of all relevant notices issued in this matter together with proof of service and posting have been separately filed with the Clerk of the Board and are made a part of the record herein, pursuant to Riverside County Ordinance 725.

PAMELA J. WALLS
County Counsel

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE



KATHERINE A. LIND
Assistant County Counsel

3960 ORANGE STREET, FIFTH FLOOR
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 951/955-6363

September 8, 2010

NOTICE OF HEARING RE: STATEMENT OF EXPENSE

To: Owner(s) or Interested Parties
(See Attached Notice List)

Subject Property: 83165 Rue Chateau, Thermal
Case No.: CV 07-6217; ESTATE OF RUFINO M. AVELINO
APN: 767-435-015

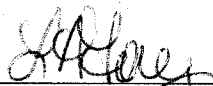
NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors on **Tuesday, October 5, 2010 at 9:30 a.m.** in the Board of Supervisors Room, 4080 Lemon Street, 1st Floor Annex, Riverside, California, at which time and place pertinent testimony will be heard regarding the expenses incurred by the County of Riverside, Code Enforcement Department ("DEPARTMENT") for the above-referenced abatement case. Said abatement case involved substandard structure and substandard located on your real property commonly described as 83165 Rue Chateau, Thermal, Riverside County, California and more particularly described as Assessor's Parcel Number 767-435-015.

The total expense due, including all other fees and costs, for the abatement of the above-described dangerous or injurious condition is **two thousand, seven hundred, twenty-seven dollars and fifty-two cents, (US \$2,727.52)**. This amount is immediately due and payable. If you have any objections to the Statement of Expense attached hereto, you must address your objections to the Board of Supervisors at the hearing. If you have any questions about the attached Statement of Expense or would like to see additional documents in support of costs set forth on the Statement of Expense Worksheet, please contact the undersigned at (951) 955-6300. In the event the total amount due is not paid to the DEPARTMENT prior to the Board Hearing, the DEPARTMENT shall seek an order from the Board of Supervisors to place a lien against your property and collect the amount due as a special tax assessment.

Failure to appear at the hearing will result in the exclusion of your testimony. Facts as known to the DEPARTMENT will be presented to the Board of Supervisors for their final consideration and deliberation of this matter.

You are encouraged to contact Supervising Code Enforcement Officer, Brian Black (951) 955-2004 prior to the hearing. Please meet with the undersigned or Brian Black at 8:30 a.m. on the day of the hearing in the lobby of the 1st floor annex in front of the Clerk of the Board's Office to discuss the case.

PAMELA J. WALLS
County Counsel


L. ALEXANDRA FONG
Deputy County Counsel

Enclosure: Statement of Expense

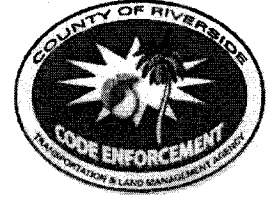
10/5/10 9.7



COUNTY OF RIVERSIDE

Code Enforcement Administration

STATEMENT OF EXPENSE WORKSHEET



CASE NUMBER: CV07-6217

OWNER: AVELINO RUFINO M ESTATE OF

SITUS: 83165 RUE CHATEAU THERMAL, CA. 92274

APN: 767-435-015-2

SUPERVISORIAL DISTRICT: 4

AUTHORITY: RIVERSIDE COUNTY ORDINANCE NO(s).
457 (RCC Title 15), 541 (RCC Chapter 8.120) & 725 (RCC Chapter 1.16)

Code Enforcement Department Billable Rates: Effective June 21, 2007 (Riverside County Ordinance 725.12)

SUPER-SUPERVISING CODE ENFORCEMENT OFFICER	\$130.00/HR
SENIOR-SENIOR CODE ENFORCEMENT OFFICER	\$129.00/HR
OFFICER- CODE ENFORCEMENT OFFICER II	\$109.00/HR
TECH- CODE ENFORCEMENT TECHNICIAN	\$82.00/HR

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>
11/15/07 - 12/10/09	CV07-6217: Officers- Black/ Hannah/ Herrera/ Overholt - Field Investigation/File Maintenance	10.30	\$1,190.70
09/07/10	Prepare/Attend Statement of Expense Hearing	0.50	\$65.00
SUBTOTAL CODE ENFORCEMENT COSTS		10.80	\$1,255.70
12/12/07 - 10/15/08	COUNTY COUNSEL- LEGAL CONSULTATION SERVICES-Includes Administrative Costs	11.70	\$1,351.82
08/24/10	CONTRACTOR SERVICES- Lot/Title Report - RZ Title Services Inc.		\$120.00
TOTAL COSTS DUE			\$2,727.52

I affirm and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 7th day of September, 2010, at Riverside, California.



 Cuong Pham
 Code Enforcement Department

NOTICE LIST

Subject Property: 83165 Rue Chateau, Thermal; Case No.: CV 07-6217;
 APN: 767-435-015; District Four

ESTATE OF RUFINO M AVELINO
 83165 RUE CHATEAU
 THERMAL CA 92274

ESTATE OF RUFINO M AVELINO
 C/O ANNA AVELINO
 66327 8th STREET
 DESERT HOT SPRINGS CA 92240

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1548

W07-6217 (Estate of Avelino) SE 2

7009 3410 0000 1317 8271

ESTATE OF RUFINO M AVELINO
 83165 RUE CHATEAU
 THERMAL CA 92274

1. Article Addressed to:
- 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.

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>Brooks</i></p> <p>C. Date of Delivery <i>9-9-10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	<p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> C.O.D.</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Yes</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

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:

ESTATE OF RUFINO M AVELINO
 C/O ANNA AVELINO
 66327 8th STREET
 DESERT HOT SPRINGS CA 92240

COMPLETE THIS SECTION ON DELIVERY

<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>Anna Avelino</i></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><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery <i>9-9-10</i></p>
--	--

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

W07-6217 (Estate of Avelino) SE 2

2. Article Number
 (Transfer from service label)

7009 3410 0000 1317 8264

1 **PROOF OF SERVICE**

2 Case No. CV 07-6217

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

4 I, Brenda G. Peeler, declare that I am a citizen of the United States and am employed in the County
5 of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my
6 business address is 3960 Orange Street, 5th Floor, Riverside, California 92501.

7 That on September 8, 2010, I served the following document(s):

- 8 - **NOTICE OF HEARING RE: STATEMENT OF EXPENSE**
9 - **STATEMENT OF EXPENSE WORKSHEET**

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

11 **OWNERS OR INTERESTED PARTIES**
12 **(SEE NOTICE LIST ATTACHED TO NOTICE OF HEARING)**

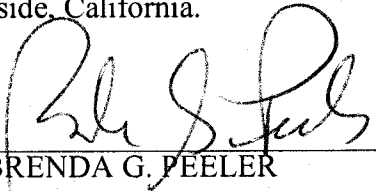
13 XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar"
14 with the office's practice of collection and processing correspondence for mailing. Under
15 that practice it would be deposited with the U.S. Postal Service on that same day with
16 postage thereon fully prepaid at Riverside,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

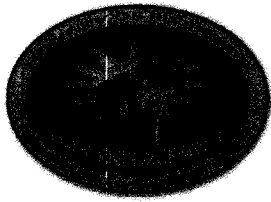
17 **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices
18 of the addressee(s).

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

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

23 EXECUTED ON September 8, 2010, at Riverside, California.

24 
25 _____
26 BRENDA G. PEELER
27
28



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 9, 2010

RE CASE NO: CV076217

I, George Eliseo, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 9/09/2010 at 10:00 AM, I securely and conspicuously posted Notice of Hearing / Statement of Expense at the property described as:

Property Address: 83165 RUE CHATEAU, THERMAL

Assessor's Parcel Number: 767-435-015

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

Executed on September 9, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: George Eliseo, Code Enforcement Officer

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

FROM: County Counsel
Code Enforcement Department
SUBJECT: Statement of Expense [Case No. CV 07-6217]
Subject Property: 83165 Rue Chateau, Thermal; ESTATE OF RUFINO M. AVELINO
APN: 767-435-015
District Four

**TABLE OF SUPPLEMENTAL DOCUMENTS
FILED WITH THE CLERK OF THE BOARD**

Hearing Date: OCTOBER 5, 2010

Statement of Expense Worksheet
With Supporting Documents.....Exhibit A

Findings of FactExhibit B

Notice of NoncomplianceExhibit C

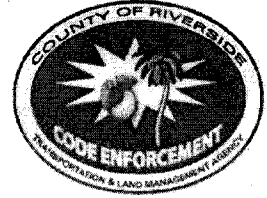
Assessment-Roll For The Year 2010/11
And Geographic Information System, Sept. 7, 2010Exhibit D



COUNTY OF RIVERSIDE

Code Enforcement Administration

STATEMENT OF EXPENSE WORKSHEET



CASE NUMBER: CV07-6217

OWNER: AVELINO RUFINO M ESTATE OF

SITUS: 83165 RUE CHATEAU THERMAL, CA. 92274

APN: 767-435-015-2

SUPERVISORIAL DISTRICT: 4

AUTHORITY: RIVERSIDE COUNTY ORDINANCE NO(s).
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OFFICER- CODE ENFORCEMENT OFFICER II	\$109.00/HR
TECH- CODE ENFORCEMENT TECHNICIAN	\$82.00/HR

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>
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09/07/10	Prepare/Attend Statement of Expense Hearing	0.50	\$65.00
SUBTOTAL CODE ENFORCEMENT COSTS		10.80	\$1,255.70
COUNTY COUNSEL-			
12/12/07 - 10/15/08	LEGAL CONSULTATION SERVICES-Includes Administrative Costs	11.70	\$1,351.82
CONTRACTOR SERVICES-			
08/24/10	Lot/Title Report - RZ Title Services Inc.		\$120.00
TOTAL COSTS DUE			\$2,727.52

I affirm and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 7th day of September, 2010, at Riverside, California.



Cuong Pham
Code Enforcement Department

EXHIBIT NO. A

BILL DATE	CLIENT / BILL MATTER	BILL HOURS	BILL AMOUNT	ATTY	DESCRIPTION
12-Dec-07	CV076217	1.8	115.2 LBH		draft pleading - Officer Declaration, F-11; review file; pull and organize exhibits
18-Dec-07	CV076217	2.5	320 JAJ		abatement
19-Dec-07	CV076217	2	256 JAJ		abatement
20-Dec-07	CV076217	0.2	25.6 TNN		Finalize Notice of Hearing.
23-Jan-08	CV076217	0.4	51.2 TNN		Review and finalize exhibits and Form 11 for submittal to BOS.
05-Feb-08	CV076217	0.9	115.2 TNN		Review file in advance of hearing; Meet with A. Avelino; Attend abatement hearing.
13-Feb-08	CV076217	1.3	83.2 RM		Prepare Findings of Fact and F-11 for TNN.
14-Feb-08	CV076217	0.8	102.4 TNN		Finalize FOF and Form 11 regarding same.
15-Oct-08	CV076217	0.4	55.8 TNN		Review correspondence from R. Hannah regarding status of property; Draft reply to same; Review further reply.
Subtotal		10.3	1124.6		
Add					
12/21/07 - 03/05/08	CV076217		31.92		Mailing expense
7/19/2010	CV076217	0.9	125.55		Prepare case for SOE Hearing
10/5/2010	CV076217	0.5	69.75		Attend SOE Hearing
Total		11.7	1351.82		

EXHIBIT NO. A²

Case Labor Audit

APN: 767-435-015-2
 Property Owner: AVELINO RUFINO M ESTATE OF
 Property address: 83165 RUE CHATEAU
 THERMAL, CA. 92274
 Date Prepared: 7/19/2010

SSST
AR

Case Name				ZCV076217			Unsupported		Adjusted	
LaborDate	CaseNumber	Name	Work Performed	Time	Labor Rate	Charge	Time	Charges	Time	Charge
7/26/2007	ZCV076217	Herrera, Hector C	Initial Site Visit	1	129	\$129.00			1	\$129.00
7/31/2007	ZCV076217	Herrera, Hector C	Site Visit Follow up	1.5	129	\$193.50			1.5	\$193.50
7/31/2007	ZCV076217	Herrera, Hector C	Admin Work	0.3	129	\$38.70			0.3	\$38.70
10/1/2007	ZCV076217	Hannah, Lorne E	Site Visit Follow up	0.3	109	\$32.70			0.3	\$32.70
10/2/2007	ZCV076217	Hannah, Lorne E	Admin Work	1.5	109	\$163.50			1.5	\$163.50
11/14/2007	ZCV076217	Hannah, Lorne E	Site Visit Follow up	0.5	109	\$54.50			0.5	\$54.50
11/14/2007	ZCV076217	Hannah, Lorne E	Admin Work	0.3	109	\$32.70			0.3	\$32.70
11/14/2007	ZCV076217	Hannah, Lorne E	Admin Work	0.5	109	\$54.50			0.5	\$54.50
11/14/2007	ZCV076217	Hannah, Lorne E	Admin Work	0.4	109	\$43.60			0.4	\$43.60
11/15/2007	ZCV076217	Hannah, Lorne E	Admin Work	0.5	109	\$54.50			0.5	\$54.50
11/19/2007	ZCV076217	Black, Cynthia M	Admin Work	0.5	129	\$64.50			0.5	\$64.50
12/28/2007	ZCV076217	Hannah, Lorne E	Admin Work	0.2	109	\$21.80			0.2	\$21.80
12/28/2007	ZCV076217	Hannah, Lorne E	Site Visit Follow up	0.5	109	\$54.50			0.5	\$54.50
1/4/2008	ZCV076217	Hannah, Lorne E	Admin Work	0.5	109	\$54.50			0.5	\$54.50
2/1/2008	ZCV076217	Hannah, Lorne E	Admin Work	0.3	109	\$32.70			0.3	\$32.70
2/1/2008	ZCV076217	Hannah, Lorne E	Site Visit Follow up	0.5	109	\$54.50			0.5	\$54.50
3/10/2008	ZCV076217	Hannah, Lorne E	Site Visit Follow up	0.2	109	\$21.80			0.2	\$21.80
3/11/2008	ZCV076217	Overholt, Mary S	Admin Work	0.1	129	\$12.90			0.1	\$12.90
3/11/2008	ZCV076217	Hannah, Lorne E	Admin Work	0.5	109	\$54.50			0.5	\$54.50
12/10/2009	ZCV076217	Hannah, Lorne E	Site Visit Follow up	0.2	109	\$21.80			0.2	\$21.80
Total Charges				10.30		\$1,190.70	0.00	\$0.00	10.30	\$1,190.70

Sub Total	10.30	\$1,190.70
Less Unsupported Charge	0	\$0.00
Adjusted case labor	10.30	\$1,190.70
Prepare/Attend SOE Hearing	0.5	\$65.00
Total	10.80	\$1,255.70

Sub-Total	\$1,190.70
Unsupport charge	\$0.00
Adjusted case labor	\$1,190.70
Prepare/Attend SOE	\$65.00
Total	\$1,255.70

[Handwritten Signature]



INVOICE

Order Number: 21977 **Order Date:** 8/24/2010

Customer Information:

Acct No. 1044

RIVERSIDE COUNTY TLMA-CODE ENFORCEMENT
4080 Lemon Street
Riverside, CA 92501

Attn: Brent Steele
REF: CV 07-6217/Brenda Peeler
IN RE: AVELINO, RUFINO M ESTATE OF

Product and/or Service ordered for Property known as:	
83165 Rue Chateau Thermal, CA 92274	
DESCRIPTION:	FEE:
Lot Book Report	\$120.00
TOTAL DUE:	\$120.00

Payment due upon receipt. Please remit to:

RZ Title Services, Inc.
P.O. Box 1193
Whittier, CA 90609

EXHIBIT NO. A4

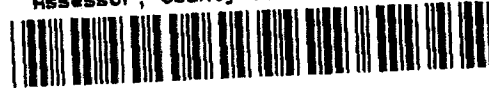
DOC # 2008-0093747

02/27/2008 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records
County of Riverside

Larry W. Ward
Assessor, County Clerk & Recorder



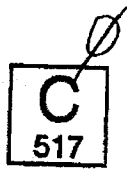
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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

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CONCHG									517

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:)
[SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 767-435-)
015, 83165 RUE CHATEAU, THERMAL,)
RIVERSIDE COUNTY, CALIFORNIA; ESTATE)
OF RUFINO M. AVELINO, OWNER.)

CASE NO. CV 07-6217

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on February 5, 2008, 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 83165 Rue Chateau, Thermal, Assessor's Parcel Number 767-435-015 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Anna Avelino, daughter of the owner, appeared and spoke with Tiffany N. North and Mary Overholt prior to the public hearing. Ms. Avelino stated that she is working with the insurance company to release funds to begin the clean up of THE PROPERTY and rehabilitation process. Ms Avelino chose not to address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

FINDINGS OF FACT, CONCLUSIONS
AND ORDER TO ABATE NUISANCE

EXHIBIT NO. 1 B

FEB 26 2008 2.44

1 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE
2 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title
3 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owner
6 of THE PROPERTY as Estate of Rufino M. Avelino ("OWNER").

7 2. Documents of title indicate that another party potentially holds a legal interest in THE
8 PROPERTY, to wit: Federal National Mortgage Association ("INTERESTED PARTY").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on July 26, 2007,
10 July 31, 2007, October 1, 2007 November 14, 2007, December 28, 2007 and February 1, 2008.

11 4. During each inspection, one substandard structure (single-story dwelling) was
12 observed on THE PROPERTY. The structure was observed to be in a general state of dilapidation.
13 The structure contained numerous deficiencies, including but not limited to: faulty weather
14 protection, extensive fire damage, public and attractive nuisance.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: metal, wood, discarded appliances, household trash
17 and used car parts. The total area of accumulated rubbish on THE PROPERTY was measured to
18 be approximately eight hundred (800) square feet.

19 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 7. A Notice of Noncompliance for the substandard structure and accumulation of
22 rubbish was recorded on August 2, 2007 as Document Number 2007-0500051 in the Office of the
23 County Recorder, County of Riverside.

24 8. On July 26, 2007, a Notice of Violation, Notice of Defects, two "Danger Do Not
25 Enter" signs, and one "Do Not Dump" sign were posted on THE PROPERTY. On August 28, 2007,
26 Notices of Violation were mailed by certified mail, return receipt requested to OWNER and
27 INTERESTED PARTY.

28 9. On December 21, 2007, the "Notice to Correct County Ordinance Violations and



1 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
2 February 5, 2008 was mailed by certified mail, return receipt requested, to OWNER and
3 INTERESTED PARTY and was posted on THE PROPERTY on December 28, 2007.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on February 5, 2008 finds and concludes that:

7 1. WHEREAS, the substandard structure (single-story dwelling) and accumulation of
8 rubbish on the real property located at 83165 Rue Chateau, Thermal, Riverside County, California,
9 also identified as Assessor's Parcel Number 767-435-015 violates Riverside County Ordinance Nos.
10 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

11 2. WHEREAS, THE OWNER, occupants and any person having possession or control
12 of THE PROPERTY should abate the substandard structure (single-story dwelling) by razing,
13 removing and disposing of the substandard structure, including the removal and disposal of all
14 structural debris and materials, and contents therein, or by reconstruction and rehabilitation of said
15 structure provided that said reconstruction or demolition can be accomplished in strict accordance
16 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
17 457 within ninety (90) days.

18 3. WHEREAS, THE OWNER, occupants and any other person having possession or
19 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
20 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
21 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

22 4. WHEREAS, THE OWNER AND INTERESTED PARTY ARE HEREBY
23 FURTHER NOTICED that the time within which judicial review of the administrative
24 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
25 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
26 Civil Procedure Section 1094.6.

27 **ORDER TO ABATE NUISANCE**

28 IT IS THEREFORE ORDERED that the substandard structure (single-story dwelling) on



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02/27/2008 08:00A
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1 THE PROPERTY be abated by the OWNER, specifically Estate of Rufino M. Avelino or anyone
2 having possession or control of THE PROPERTY, by razing and removing the substandard structure
3 (single-story dwelling) including the removal and disposal of all structural debris and materials, as
4 well as the contents therein, or by reconstruction and rehabilitation of said structure provided such
5 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
6 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
7 days of the posting and mailing of this Order to Abate Nuisance.

8 IT IS FURTHER ORDERED that if the substandard structure (single-story dwelling) is not
9 razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all
10 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,
11 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard
12 structure, contents therein, and structural debris and materials, shall be abated and disposed of by
13 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's
14 Department upon receipt of the owner's consent or a court order, where necessary, under applicable
15 law authorizing entry onto THE PROPERTY.

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

22 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
23 abated by OWNER, or anyone having possession or control of THE PROPERTY, by removing and
24 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
26 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
28 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside

1 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
2 Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by representatives of
3 the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
4 receipt of an owner's consent or a court order when necessary under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
8 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
9 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
10 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
11 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
12 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable

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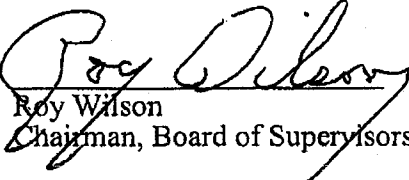


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5 of 6


1 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
2 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
3 Order to Abate Nuisance.

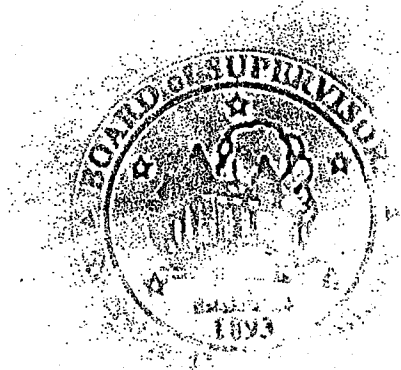
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5 Dated: FEB 26 2008

COUNTY OF RIVERSIDE

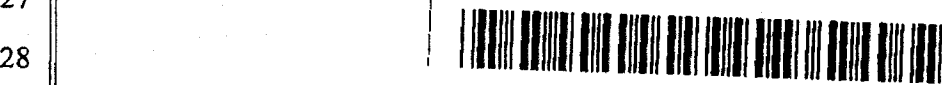
6
7 By 
8 Roy Wilson
9 Chairman, Board of Supervisors

10 ATTEST:
11 NANCY ROMERO
12 Clerk to the Board

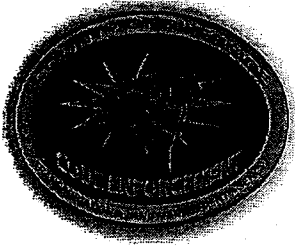
13 By 
14 Deputy
15 (SEAL)



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17
18 LADOC6000\CV076217\A22435.DOC
19



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02/27/2008 08:08A
6 of 6



Code Enforcement Department
County Of Riverside
Indio District Office
82-675 Highway 111, Room 3050
Indio, California 92201
(760) 863-7180 – Fax (760) 863-7066

Jay E. Orr
DIRECTOR

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV076217

I, Rusty Hannah, hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
82675 Hwy 111 room 3050
Indio Ca. 92201

2. That on March 10, 2008 at 12:10 pm, I securely and conspicuously posted The Finding of Facts at the property described as:

Property Address: 83-165 Rue Chateau Thermal Ca. 92274

Assessor's Parcel Number: 767-43 5-015

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

Executed on March 11, 2008 at Indio, California.

CODE ENFORCEMENT DEPARTMENT

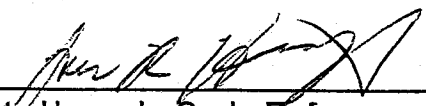
By: 
Rusty Hannah, Code Enforcement Officer

EXHIBIT NO. B²

PROOF OF SERVICE

Case No. CV 07-6217

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I Sylvia L. Samerdjian, 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 March 5, 2008, 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 March 5, 2008, at Riverside, California.

Sylvia L. Samerdjian
SYLVIA L. SAMERDJIAN

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
LAD: ■ 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 type="checkbox"/> Addressee
1. Article Addressed to: ESTATE OF RUFINO M AVELINO C/O ANNA JEANETTE AVELINO 6632 6237 TH STREET DESERT HOT SPRINGS CA 92240 2. Article Number (Transfer from service label)	B. Received by (Printed Name) JOSE DAVIDSON C. Date of Delivery 3/7/08 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
Avelino FOF 3 CV07-6217 7007 2680 0000 3828 9411	

B3

EXHIBIT NO. _____

When recorded please mail to:
Mail Stop# 4029

DOC # 2007-0500051

08/02/2007 08:00A Fee:NC

Page 1 of 1

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
			1						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC									809

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809

NOTICE OF NONCOMPLIANCE

In the matter of the Property of)

Case No.: CV07-6217

Rufino M. Avelino)

NOTICE IS HEREBY GIVEN to all persons, pursuant to Section 10 of Ordinance Number 725 of the County of Riverside, State of California, that proceedings have been commenced with respect to violations of Riverside County Ordinance No. 541 & 457, (RCC Title 8.120 & 15.16) described as Accumulated Rubbish & Substandard Structure- dwelling. Such proceedings are based upon the noncompliance of such real property, located at 83165 Rue Chateau, Thermal, CA and more particularly described as Assessment Parcel No. 767-435-015 and having a legal description of Lot 15 MB 057/053 TR 3598 of Section 13 T6SR7E with the requirements of Ordinance No. 541 & 457, (RCC Title 8.120 & 15.16).

The owner has been advised to immediately correct the above-referenced violations to avoid further action by the County of Riverside, which may include demolition, removal, razing, etc., to abate the public nuisance. Any costs incurred by the County, including, but not limited to investigative, administrative and abatement costs and attorneys' fees, may become a lien on the property. Further details regarding this notice may be obtained by addressing an inquiry to the Code Enforcement Department, 82675 Hwy 111, Room 3050, Indio, CA 92201. Attention Senior Code Enforcement Officer Hector Herrera (760) 863-7180.

NOTICE IS FURTHER GIVEN in accordance with 17274 and 24436.5 of the California Revenue and Taxation Code, that a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year affected by these proceedings.

COUNTY OF RIVERSIDE
DEPARTMENT OF CODE ENFORCEMENT

By: *Dave Lawless*
Dave Lawless
Supervising Code Enforcement Officer

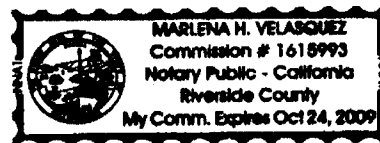
ACKNOWLEDGMENT

State of California)
County of Riverside)

On 8/1/07 before me, Marlena H. Velasquez, Notary Public, personally appeared Dave Lawless, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

M. Velasquez



Public Record

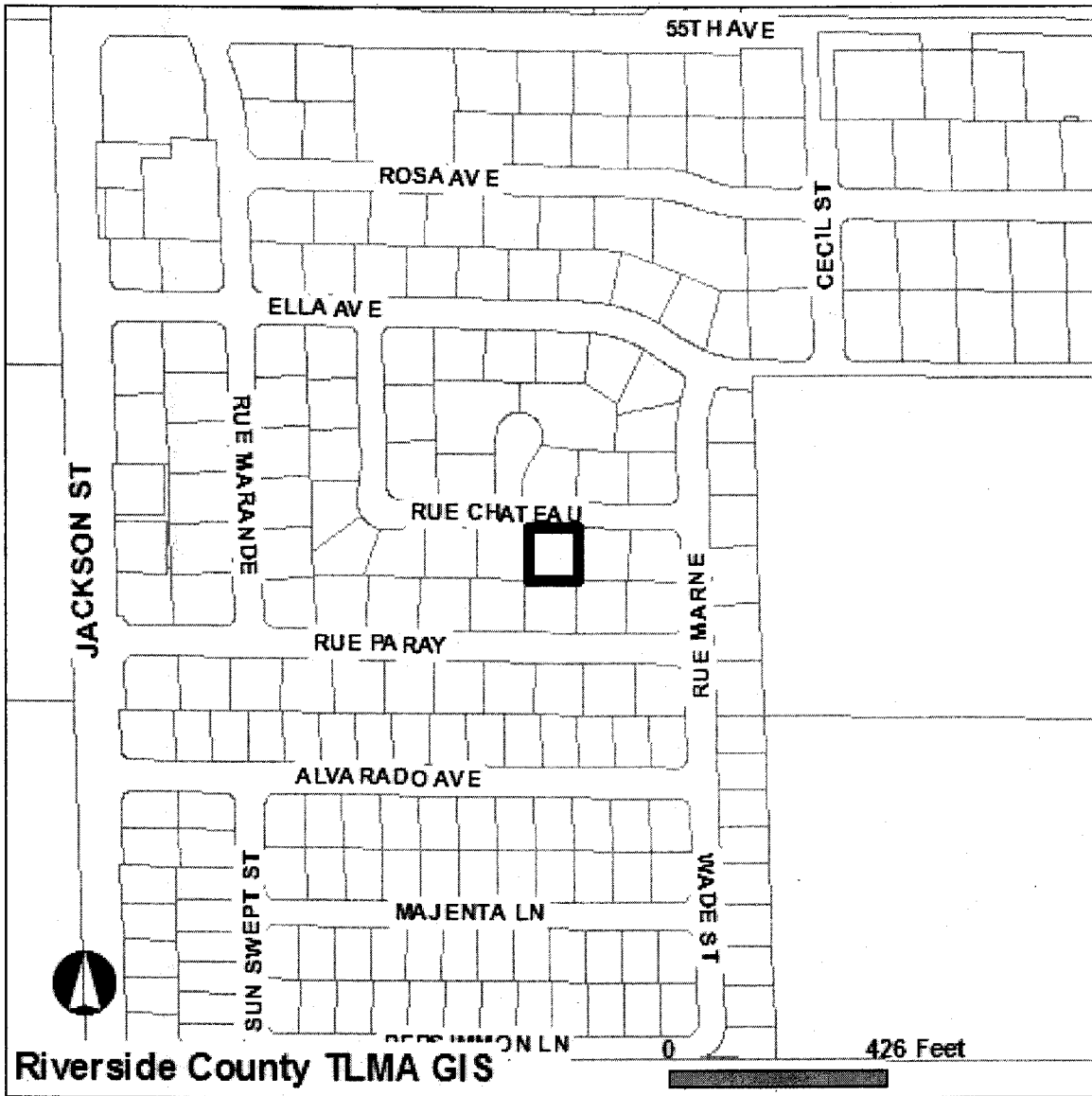
Assessment Roll For the 2010-2011 Tax Year as of January 1,2010

Assessment #767435015-2		Parcel # 767435015-2	
Assessee:	AVELINO RUFINO M ESTATE OF	Land	7,133
Mail Name:	C/O ANNA AVELINO	Structure	17,643
Mail Address:	66327 8TH ST	Full Value	24,776
City, State Zip:	DSRT HOT SPG CA 92240	Total Net	24,776
Real Property Use Code:	R1		
Base Year	1978		
Conveyance Number:	9989825		
Conveyance (mm/yy):	8/2006		
PUI:	R010012		
TRA:	58-085		
Taxability Code:	0-00		
ID Data:	Lot 15 MB 057/053 TR 3598		
Situs Address:	83165 RUE CHATEAU THERMAL CA 92274		

View Parcel Map

EXHIBIT NO. D

RIVERSIDE COUNTY GIS



Selected parcel(s):
767-435-015

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

STANDARD REPORT

APNs
767-435-015-2

OWNER NAME / ADDRESS
AVELINO RUFINO M ESTATE OF
83165 RUE CHATEAU
THERMAL, CA. 92274

MAILING ADDRESS
C/O ANNA AVELINO
66327 8TH ST
DSRT HOT SPG CA. 92240

EXHIBIT NO. D²

LEGAL DESCRIPTION

RECORDED BOOK/PAGE: MB 57/53
SUBDIVISION NAME: TR 3598
LOT/PARCEL: 15, BLOCK: NOT AVAILABLE
TRACT NUMBER: 3598

LOT SIZE

RECORDED LOT SIZE IS 0.23 ACRES

PROPERTY CHARACTERISTICS

WOOD FRAME, 1968 SQFT., 3 BDRM/ 2 BATH, 1 STORY, DETACHED GARAGE(462 SQ. FT), CONST'D 1972 COMPOSITION, ROOF, CENTRAL HEATING, CENTRAL COOLING

THOMAS BROS. MAPS PAGE/GRID

PAGE: 5530 GRID: H4

CITY BOUNDARY/SPHERE

NOT WITHIN A CITY
CITY SPHERE: LA QUINTA
ANNEXATION DATE: JUN. 22, 2006
LAFCO CASE #: 2005-20-4
NO PROPOSALS

MARCH JOINT POWERS AUTHORITY

NOT IN THE JURISDICTION OF THE MARCH JOINT POWERS AUTHORITY

INDIAN TRIBAL LAND

NOT IN A TRIBAL LAND

SUPERVISORIAL DISTRICT (ORD. 813)

JOHN BENOIT, DISTRICT 4

TOWNSHIP/RANGE

T6SR7E SEC 13

ELEVATION RANGE

-62 FEET

PREVIOUS APN

NO DATA AVAILABLE

PLANNING

LAND USE DESIGNATIONS

Zoning not consistent with the General Plan.
MDR

AREA PLAN (RCIP)

EASTERN COACHELLA VALLEY

GENERAL PLAN POLICY OVERLAYS

COMMUNITY CENTER

GENERAL PLAN POLICY AREAS

VISTA SANTA ROSA POLICY AREA

ZONING CLASSIFICATIONS (ORD. 348)

R-1

ZONING DISTRICTS AND ZONING AREAS

LOWER COACHELLA VALLEY DISTRICT

ZONING OVERLAYS

NOT IN A ZONING OVERLAY

SPECIFIC PLANS

NOT WITHIN A SPECIFIC PLAN

AGRICULTURAL PRESERVE

NOT IN AN AGRICULTURAL PRESERVE

REDEVELOPMENT AREAS

PROJECT AREA NAME: DCPA
SUBAREA NAME: THERMAL & JACQUELINE COCHRAN AIRPORT
AMENDMENT NUMBER: 0
ADOPTION DATE: DEC. 23, 1986

ACREAGE: 18352 ACRES

AIRPORT INFLUENCE AREAS

JACQUELINE COCHRAN

AIRPORT COMPATIBILITY ZONES

JACQUELINE COCHRAN ZONE E

ENVIRONMENTAL

CVMSHCP (COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN) CONSERVATION AREA
NOT IN A CONSERVATION AREA

CVMSHCP FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREAS
NOT IN A FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREA

WRMSHCP (WESTERN RIVERSIDE COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN) CELL GROUP
NOT IN A CELL GROUP

WRMSHCP CELL NUMBER
NOT IN A CELL

HANS/ERP (HABITAT ACQUISITION AND NEGOTIATION STRATEGY/EXPEDITED REVIEW PROCESS)
NONE

VEGETATION (2005)
NO DATA AVAILABLE

FIRE

HIGH FIRE AREA (ORD. 787)
NOT IN A HIGH FIRE AREA

FIRE RESPONSIBILITY AREA
NOT IN A FIRE RESPONSIBILITY AREA

DEVELOPMENT FEES

CVMSHCP FEE AREA (ORD. 875)
WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

WRMSHCP FEE AREA (ORD. 810)
NOT WITHIN THE WESTERN RIVERSIDE COUNTY MSHCP FEE AREA

ROAD & BRIDGE DISTRICT
NOT IN A DISTRICT

EASTERN TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 673)
IN OR PARTIALLY WITHIN A TUMF FEE AREA. SEE MAP FOR MORE INFORMATION.
In EAST

WESTERN TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 824)
NOT WITHIN THE WESTERN TUMF FEE AREA

DIF (DEVELOPMENT IMPACT FEE AREA ORD. 659)
EASTERN COACHELLA VALLEY

SKR FEE AREA (STEPHEN'S KANGAROO RAT ORD. 663.10)
NOT WITHIN AN SKR FEE AREA.

DEVELOPMENT AGREEMENTS
NOT IN A DEVELOPMENT AGREEMENT AREA

TRANSPORTATION

CIRCULATION ELEMENT ULTIMATE RIGHT-OF-WAY
NOT IN A CIRCULATION ELEMENT RIGHT-OF-WAY

ROAD BOOK PAGE

218

TRANSPORTATION AGREEMENTS
NOT IN A TRANSPORTATION AGREEMENT**CETAP (COMMUNITY AND ENVIRONMENTAL TRANSPORTATION ACCEPTABILITY PROCESS) CORRIDORS**
NOT IN A CETAP CORRIDOR.

HYDROLOGY

FLOOD PLAIN REVIEW
NOT REQUIRED.**WATER DISTRICT**
CVWD**FLOOD CONTROL DISTRICT**
COACHELLA VALLEY WATER DISTRICT**WATERSHED**
WHITEWATER

GEOLOGIC

FAULT ZONE
NOT IN A FAULT ZONE**FAULTS**
NOT WITHIN A 1/2 MILE OF A FAULT**LIQUEFACTION POTENTIAL**
HIGH**SUBSIDENCE**
ACTIVE**PALEONTOLOGICAL SENSITIVITY**
HIGH SENSITIVITY (HIGH A).
BASED ON GEOLOGIC FORMATIONS OR MAPPABLE ROCK UNITS THAT ARE ROCKS THAT CONTAIN FOSSILIZED BODY ELEMENTS, AND TRACE FOSSILS SUCH AS TRACKS, NESTS AND EGGS. THESE FOSSILS OCCUR ON OR BELOW THE SURFACE.

MISCELLANEOUS

SCHOOL DISTRICT
COACHELLA VALLEY UNIFIED**COMMUNITIES**
VISTA SANTA ROSA**COUNTY SERVICE AREA**
IN OR PARTIALLY WITHIN
THERMAL #125 -
STREET LIGHTING**LIGHTING (ORD. 655)**
ZONE B, 42.60 MILES FROM MT. PALOMAR OBSERVATORY**2000 CENSUS TRACT**
045603**FARMLAND**
URBAN-BUILT UP LAND**TAX RATE AREAS**
058-085
• CITRUS PEST CONTROL 2
• COACHELLA VAL JT BLO HIGH
• COACHELLA VALLEY PUBLIC CEMETERY
• COACHELLA VALLEY REC AND PARK
• COACHELLA VALLEY RESOURCE CONSER
• COACHELLA VALLEY UNIFIED SCHOOL
• COACHELLA VALLEY WATER DISTRICT

- COUNTY FREE LIBRARY
- COUNTY SERVICE AREA 125 *
- COUNTY STRUCTURE FIRE PROTECTION
- COUNTY WASTE RESOURCE MGMT DIST
- CSA 152
- CV MOSQ & VECTOR CONTROL
- CVWD IMP DIST 1 DEBT SV
- CVWD STORM WTR UNIT
- DESERT COMMUNITY COLLEGE
- GENERAL
- GENERAL PURPOSE
- PROJECT 4-THERMAL
- RIV CO REG PARK & OPEN SPACE
- RIV. CO. OFFICE OF EDUCATION
- SO COACHELLA VALLEY CSD
- SUPERVISORIAL ROAD DISTRICT 4

SPECIAL NOTES

PLEASE REFER TO ORDINANCE 457.96 FOR COACHELLA VALLEY AGRICULTURAL GRADING EXEMPTIONS.

CODE COMPLAINTS

NO CODE COMPLAINTS

REPORT PRINTED ON...Tue Sep 07 14:22:35 2010
Version 100412