

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

415B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
OCT 6, 2010

SUBJECT: Order to Abate [Substandard Structures]
Case No: CV 09-05697 (REAL ESTATE MANAGEMENT)
Subject Property: 26134 Girard Street, Hemet; APN: 447-060-057
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05697 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 09-05697; 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 09-05697.

(Continued)

[Signature]
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:

[Signature]
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley 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 19, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem

Clerk of the Board

By: *[Signature]*
Deputy

Departmental Concurrence

☒ Consent
☐ Policy
☒ Consent
☐ Policy

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

Abatement of Public Nuisance
Case No. CV 09-05697; REAL ESTATE MANAGEMENT
26134 Girard Street, Hemet
Page 2

BACKGROUND:

On September 14, 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 structures (dwelling and detached garage) 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 Findings of Fact, Conclusions and Order to Abate.

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

DOC # 2010-0512222

10/26/2010 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05697
12 [SUBSTANDARD STRUCTURES]; APN 447-)
13 060-057, 26134 GIRARD STREET, HEMET,) FINDINGS OF FACT,
14 RIVERSIDE COUNTY, CALIFORNIA; REAL) CONCLUSIONS AND ORDER TO
15 ESTATE MANAGEMENT, OWNER.) 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 September 14, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 26134 Girard Street, Hemet, Riverside County, Assessor's Parcel Number 447-
20 060-057 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. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Real Estate Management ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: First American Loanstar Trustee Services, Ralph David Peterson and Rosemary Peterson, and Wells Fargo Home Mortgage ("INTERESTED PARTIES").

3. THE PROPERTY was inspected by Code Enforcement Officers on August 21, 2009, December 11, 2009, January 14, 2010, March 24, 2010, May 4, 2010, August 5, 2010 and September 9, 2010.

4. During each inspection, two substandard structures (dwelling and detached garage) were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of required electrical lighting; hazardous wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; fire hazard; public and attractive nuisance.

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

6. A Notice of Noncompliance was recorded on September 11, 2009, as Document Number 2009-0474564 in the Office of the County Recorder, County of Riverside.

7. On August 21, 2009, a Notice of Violation, Notice of Defects and a "Danger Do Not Enter" sign was posted on THE PROPERTY for the dwelling and on March 24, 2010 for the detached garage. On August 31, 2009, a Notice of Violation and Notice of Defects for the substandard dwelling was mailed to OWNER and on April 2, 2010 was mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.

8. On July 14, 2010, a "Notice to Correct County Ordinance Violations and Abate Public



1 Nuisance" providing notice of the public hearing before the Board of Supervisors on September 14,
2 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
3 PARTIES and was posted on THE PROPERTY on August 5, 2010.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on September 14, 2010, finds and concludes that:

7 1. WHEREAS, the substandard structures (dwelling and detached garage) on the real
8 property located at 26134 Girard Street, Hemet, Riverside County, California, also identified as
9 Assessor's Parcel Number 447-060-057 violates Riverside County Ordinance No. 457 (RCC Chapter
10 15.12) and constitutes a public nuisance.

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

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the substandard structures (dwelling and detached
25 garage) on THE PROPERTY be abated by the OWNER, Real Estate Management, or anyone having
26 possession or control of THE PROPERTY, by razing and removing the substandard structures
27 including the removal and disposal of all structural debris and materials, as well as the contents
28 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and



1 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
2 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
3 posting and mailing of this Order to Abate Nuisance.

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

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

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

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1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2 Nuisance.

3
4 Dated: October 19, 2010

COUNTY OF RIVERSIDE

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

7
8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11
12 By Karen Burton

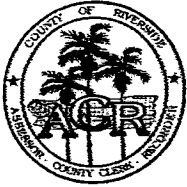
13 Deputy

14 (SEAL)



2010-0512222
10/26/2010 08:00A
5 of 6

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 9/29/10



**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:

10-19-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 26134 Girard Street, Hemet
Case No.: CV 09-05697 APN: 447-060-057; District 3

REAL ESTATE MANAGEMENT
C/O BEN VANDORIEN
502 N. DIVISON STREET
CARSON CITY, NV 89703

FIRST AMERICAN LOANSTAR TRUSTEE SERVICES
PO BOX 961253
FT. WORTH, TX 76161

RALPH DAVID PETERSON
ROSEMARY PETERSON
PO BOX 269
KENAI, AK 99611

WELLS FARGO HOME MORTGAGE
C/O MATT ROBINSON MAC X2303-048
1 HOME CAMPUS
DES MOINES, IA 50328

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:

FIRST AMERICAN LOANSTAR TRUSTEE
SERVICES
PO BOX 961253
FT WORTH TX 76161

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

7010 0290 0002 1422 3735

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Mike Cordell ☐ Agent

B. Received by (Printed Name) ☐ Addressee

C. Date of Delivery
NOV 12

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

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:

WELLS FARGO HOME MORTGAGE
C/O MATT ROBINSON MAC X2303-048
1 HOME CAMPUS
DES MOINES IA 50328

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ *Spam Miller* ☐ Agent

B. Received by (Printed Name) ☐ Addressee

C. Date of Delivery

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

(Transfer from service label)

PS Form 3811, February 2004

7010 0290 0002 1422 3759

Domestic Return Receipt

102595-02-M-1540

NOTICE LIST

Subject Property: 26134 Girard Street, Hemet
Case No.: CV 09-05697 APN: 447-060-057; 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:

RALPH DAVID PETERSON
ROSEMARY PETERSON
PO BOX 269
KENAI AK 99611

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Signature ☐ Agent

B. Received by (Printed Name) ☐ Addressee

C. Date of Delivery 11/15/10

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

2. Article Number

(Transfer from service label)

7010 0290 0002 1422 3742

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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



7010 0290 0002 1422 3728

CERTIFIED MAIL™



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$005.710
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

REAL ESTATE MANAGEMENT
C/O BEN VANDORIE
502 N DIVISION STREET
CARSON

NIXIE

095 SE 1

00 11/15/10

RETURN TO SENDER
NOT DELIVERABLE
UNABLE TO FORWARD

BC: 92501364405

*0904-22371-09-40

925013644

PROOF OF SERVICE

Case No. CV 09-05697

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 November 8, 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)**

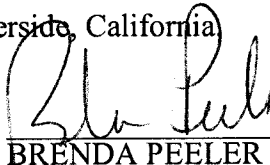
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 November 8, 2010, at Riverside, California


BREND A PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 12, 2010

RE CASE NO: CV0905697

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 11/12/2010 at 12:35 p.m., I securely and conspicuously posted Notice of Public Nuisance / Substandard Structure at the property described as:

Property Address: 26134 GIRARD ST, HEMET

Assessor's Parcel Number: 447-060-057

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

Executed on November 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician