

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



416B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
Oct 6, 2010

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-06749 (PITTERMAN)
Subject Property: One Parcel East of 21725 Orange Street, Perris
APN: 322-110-029; District: 5

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06749 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 09-06749; 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 09-06749.

(Continued)

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

County Executive Office Signature

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Policy
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Policy

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:
Deputy

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

Abatement of Public Nuisance
Case No. CV 09-06749; PITTERMAN
One Parcel East of 21725 Orange Street, Perris
Page 2

BACKGROUND:

On August 31, 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 accumulated rubbish located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel East of 21725 Orange Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 322-110-029 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

2. WHEREAS, OWNER, or any person having possession or control of the premises shall abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry onto THE PROPERTY when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement

1 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
2 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
3 collection and administrative costs, attorneys fees, and the costs associated with the removal or
4 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
5 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
6 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

7
8 Dated: October 19, 2010

COUNTY OF RIVERSIDE

9
10 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

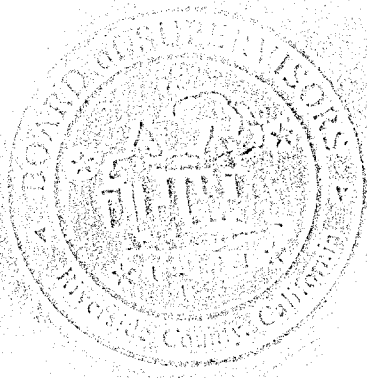
11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14
15
16 By Karen B. Gita
17 Deputy

18
19 (SEAL)



2010-0518124
10/28/2010 08:00A
4 of 5

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER
3 of THE PROPERTY as Joshua Pitterman ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to-wit: Reliable Trust Services, Inc. ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 9,
7 2009, November 20, 2009, December 7, 2009, January 19, 2010, April 14, 2010 and August 27,
8 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: tires, general household debris,
11 damaged furniture, construction debris, damaged fencing and miscellaneous debris.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on September 18, 2009 as instrument number 2009-0486796.

16 7. On September 9, 2009, a Notice of Violation was posted on THE PROPERTY. On
17 September 11, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
18 Etta Bonner ("PREVIOUS OWNER"). On October 21, 2009, a Notice of Violation was mailed by
19 certified mail return receipt requested to PREVIOUS OWNER, NEW OWNER and INTERESTED
20 PARTY by certified mail, return receipt requested.

21 8. On April 12, 2010, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 25,
23 2010 was mailed by certified mail, return receipt requested, to the PREVIOUS OWNER, NEW
24 OWNER AND INTERESTED PARTY and was posted on THE PROPERTY on April 14, 2010.
25 The matter came on regularly for hearing on May 25, 2010 and was continued to August 31, 2010.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on August 31, 2010, finds and concludes that:





**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

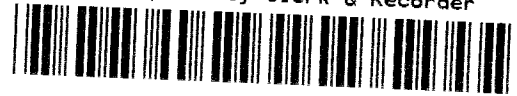
Signature:

Karen Barton

Print Name:

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





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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG	CC								522

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**

C
522

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-06749
[ACCUMULATION OF RUBBISH]; APN 322-)
110-029, ONE PARCEL EAST OF 21725) FINDINGS OF FACT,
ORANGE STREET, PERRIS, RIVERSIDE) CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; JOSHUA) ABATE NUISANCE
PITTERMAN, OWNER.)
[R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on August 31, 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 One Parcel East of 21725 Orange Street, Perris, Riverside County, and further described as Assessor's Parcel Number 322-110-029 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.

Owner did not appear.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

///

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS
2010 NOV -9 PM 12:32

PROOF OF SERVICE

Case No. CV 09-06749

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)**

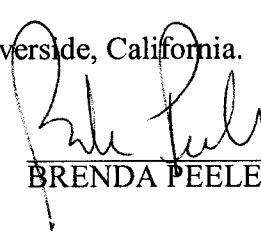
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

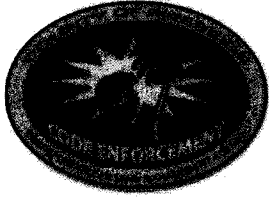
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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.


BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 16, 2010

RE CASE NO: CV0906749

I, Jennifer Morris, 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 11/12/10 at 10:00 hrs, I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:

Property Address: 1 PAR E/O (21725 ORANGE ST.), PERRIS

Assessor's Parcel Number: 322-110-029

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

Executed on November 16, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in black ink, appearing to read "J. Morris", is written over a horizontal line.

By: Jennifer Morris, Code Enforcement Officer

NOTICE LIST

Subject Property: 1 parcel E/O 21725 Orange Street, Perris
Case No.: CV 09-06749; APN: 322-110-029; District 5

JOSHUA PITTERMAN
1324 EAST OAKY BLVD.
LAS VEGAS CA 89104

JOSHUA PITTERMAN
1472 S. BEDFORD ST., #3
LOS ANGELES CA 90035

RELIABLE TRUST DEED SERVICES, AS TRUSTEE
LYNN WOLCOTT 19510 VENTURA BLVD STE 214
TARZANA CA 91356

ETTA BONNER
PO BOX 7688
MORENO VALLEY CA 92552

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:

RELIABLE TRUST DEED SERV AS TRUSTEE
LYNN WOLCOTT 19510 VENTURA BLVD
SUITE 214
TARZANA, CA 91356
CV09-06749 ~~ETTA~~ BONNER 4 FOF

2. Article Number
(Transfer from service label)

7010 0290 0002 1422 3889

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION

A. Signature
ETTA BONNER

☐ Agent
☐ Addressee

B. Received by (Printed Name)
ETTA BONNER

C. Date of Delivery
1/10

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

NOTICE LIST

Subject Property: 1 parcel E/O 21725 Orange Street, Perris
Case No.: CV 09-06749; APN: 322-110-029; District 5

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

CERTIFIED MAIL™



7010 0290 0002 1422 3834

11-5

ETTA BONNER
P O BOX 7688
MORENO VALLEY CA 92552



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 005.710
0003968246 NOV 08 2010
MAILED FROM ZIP CODE 92501

NIXIE 923 DE 1 OO 12/14/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501384405 *0704-04460-08-43

322-110-029

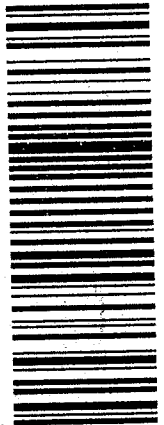
11-5

NOTICE LIST

Subject Property: 1 parcel E/O 21725 Orange Street, Perris
Case No.: CV 09-06749; APN: 322-110-029; District 5

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

CERTIFIED MAIL™



7010 0290 0002 1422 3872

JOSHUA PITTERMAN
1472 S. BEDFORD ST. #3
LOS ANGELES, CA. 90035

NIXIE 900 DE 1 00 12/14/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

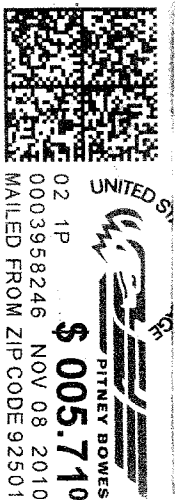
BC: 92501364405 *0704-00097-08-45

92501364405
925013644

3960 Orange Street, 5th Floor
Riverside, CA 92501



7010 0290 0002 1422 385A



02 1P
0003958246 NOV 08 2010
MAILED FROM ZIP CODE 92501

\$ 005.710

JOSHUA PITTERMAN
1324 EAST OAKY BLVD
LAS VEGAS CA 89104

NIXIE 091 SE 1 00 11/18/10

RETURN TO SENDER
NOT DELIVERABLE
UNABLE TO FORWARD

BC: 92501364405 *0904-10127-09-40

92501364405

