

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

123B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Abatement of Public Nuisance [Grading Without a Permit]
Case No: CV 09-12100 (HUARD)
Subject Property: 34635 Black Mountain, Temecula; APN: 470-340-023
District: 3

RECOMMENDED MOTION: Move that:

1. The grading without permits on the real property located at 34635 Black Mountain, Temecula, Riverside County, California, APN: 470-340-023 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which prohibits grading of more than fifty (50) cubic yards without a grading permit.
2. That a five (5) year hold on the issuance of building permits and land use approvals be placed on the property.

(Continued)

L.A. Fong
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY:

Jennifer E. Cargill
Jennifer E. Cargill

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione 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: January 11, 2011
xc: Co. Co., CED, Prop. Owner

Kecia Harper-Ihem
Clerk of the Board

By: *Kecia Harper-Ihem*
Deputy

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

Prev. App. Ref.: | District: 3 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.4

Abatement of Public Nuisance
Case No. CV 09-12100; HUARD
34635 Black Mountain, Temecula
District: 3
Page 2

3. Owners, Rick J. Huard and Maranda K. Huard, or whoever has possession and control of the subject real property, be directed to restore the unpermitted grading so as to prevent offsite drainage and slope erosion on the property within ninety (90) days.
4. If the owner or whoever has possession or control of the real property does not take the above described actions within ninety (90) days of the date of the mailing and posting of the Board's Order to Abate, that representatives of the Code Enforcement Department are authorized to obtain the services of a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, to restore the property so as to prevent offsite drainage and slope erosion.
5. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance Nos. 725.
6. That upon the restoration of the property, so as to prevent offsite drainage and slope erosion, and payment of all abatement costs assessed against the property, the five (5) year hold on the issuance of building permits and land use approvals will be lifted.
7. County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the grading without a permit on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

BACKGROUND:

1. An inspection was made of the subject property by the Code Enforcement Officer on October 20, 2009. The inspection revealed grading on the property in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer measured approximately six thousand (6,000) cubic yards of dirt has been graded. A search of Riverside County records indicates that a grading permit had been obtained and which subsequently expired.
2. Follow-up inspections on December 9, 2009, April 5, 2010, May 10, 2010, June 12, 2010, June 22, 2010, June 28, 2010, July 9, 2010, July 26, 2010 and December 6, 2010, revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for grading without a permit.

1 **BOARD OF SUPERVISORS**
2 **COUNTY OF RIVERSIDE**

3 IN RE ABATEMENT OF PUBLIC NUISANCE) CASE NO. CV 09-12100
4 [GRADING WITHOUT PERMITS] APN: 470-)
5 340-023, 34635 BLACK MOUNTAIN,) DECLARATION OF OFFICER
6 TEMECULA, COUNTY OF RIVERSIDE, STATE) MARK MANDEL
7 OF CALIFORNIA; RICK J. HUARD AND)
8 MARANDA K. HUARD, OWNERS.) [R.C.O. Nos. 457 (RCC Title 15) and 725
9) (RCC Title 1) and Board of Supervisors Policy
10) F-6]
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8 I, Mark Mandel, declare that the facts set forth below are personally known to me except to the
9 extent that certain information is based on information and belief that I believe to be true, and if called
10 as a witness, I could and would competently testify thereto under oath:

11 1. I am currently employed by the Riverside County Code Enforcement Department as a
12 Code Enforcement Officer. My current official duties as a Code Enforcement Officer include inspecting
13 property for violations and enforcement of the provisions of Riverside County Ordinances.

14 2. I am informed and believe and based thereon allege that on October 20, 2009, Officer
15 Pollard conducted an initial inspection of the real property described as 34635 Black Mountain,
16 Temecula, Riverside County, California and further described as Assessor's Parcel Number 470-340-
17 023 (hereinafter referred to as "THE PROPERTY"). A true and correct copy of a Thomas Brothers map
18 indicating the location of THE PROPERTY is attached hereto as Exhibit "A" and incorporated herein by
19 reference.

20 3. A review of County records and documents disclosed that THE PROPERTY is owned by
21 Rick J. Huard and Maranda K. Huard (hereinafter referred to as "OWNERS"). A certified copy of the
22 County Equalized Assessment Roll for the year 2009-2010 and a copy of the County Geographic
23 Information System ("GIS") report is attached hereto and incorporated herein by reference as
24 Exhibit "B."

25 4. Based upon the Lot Book Report issued by RZ Title Service on July 30, 2010, it is
26 determined that no other parties potentially hold a legal interest in THE PROPERTY. A true and correct
27 copy of the Lot Book Report is attached hereto and incorporated herein as Exhibit "C."

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1 5. I am informed and believe and based thereon allege that on October 20, 2009, Officer
2 Pollard conducted an initial inspection of THE PROPERTY. THE PROPERTY was open and
3 accessible with no signs restricting access. Officer Pollard measured the graded areas with a roll-a-ped
4 and determined that six thousand (6,000) cubic yards had been graded. The officer determined that THE
5 PROPERTY constituted a public nuisance in violation of the provisions set forth in Riverside County
6 Ordinance (“RCO”) No 457, Section 4, Subdivision (J)(2), as codified in Riverside County Code
7 (“RCC”) Title 15.

8 6. A search of County records revealed that a grading permit had been obtained for the
9 grading on THE PROPERTY and subsequently expired. The grading permit originally issued to
10 OWNER allowed for only one thousand sixty-six (1066) cubic yards of earth/dirt to be graded.
11 Therefore, the OWNER was in violation of the grading permit when it was determined that six thousand
12 (6,000) cubic yards of earth/dirt had been graded.

13 7. On November 17, 2009, a Notice of Violation for Unapproved Grading was mailed to
14 OWNERS by certified mail, return receipt requested.

15 8. On November 23, 2009, a Notice of Violation (RCO No. 457) was posted on THE
16 PROPERTY.

17 9. I am informed and believe and based thereon allege that on April 8, 2010, Officer Pollard
18 spoke with OWNER, Rick Huard and granted him a thirty (30) day extension to correct the violation on
19 THE PROPERTY.

20 10. I am informed and believe and based thereon allege that on December 9, 2009, April 5,
21 2010, May 10, 2010, June 12, 2010, June 22, 2010, June 28, 2010, July 9, 2010 and July 26, 2010,
22 Officer Pollard conducted follow-up inspections of THE PROPERTY. During each inspection, he
23 observed that THE PROPERTY remained in violation of RCO No. 457. During the June 22, 2010 and
24 June 28, 2010 inspections, Officer Pollard noted there had been recent grading on site. During Officer
25 Pollard’s July 9, 2010 and July 26, 2010 inspections, he noted that sandbags had been placed on THE
26 PROPERTY for storm water control.

27 11. I conducted a follow up inspection on November 1, 2010 and from the road right of way
28 observed THE PROPERTY remained in violation of RCO No. 457.

1 12. A site plan and photographs of the unapproved grading on THE PROPERTY are attached
2 hereto as Exhibit "D" and incorporated herein by reference.

3 13. True and correct copies of each Notice issued in this matter and other supporting
4 documentation are attached hereto as Exhibit "E" and incorporated herein by reference.

5 14. Based upon my experience, knowledge and visual observations, it is my determination
6 that the conditions on THE PROPERTY are dangerous to the neighboring property owners and the
7 general public and is a public nuisance.

8 15. Based upon my experience, knowledge and visual observations, it is my determination
9 that the permitted amount of grading on THE PROPERTY is 1,066 cubic yards. A grading violation
10 had been committed since the PROPERTY had 6,000 cubic yards in excess of the amount allowed in the
11 permit and is therefore in violation of Riverside County Ordinance No. 457 (RCC Title 15). Under
12 Riverside County Ordinance No. 725 (RCC Chapter 1.16), any condition caused, maintained or
13 permitted to exist in violation of any of the provisions of county land use ordinances, including
14 Riverside County Ordinance No. 457, is declared unlawful and a public nuisance that may be abated
15 consistent with the procedures provided for in Riverside County Ordinance No. 725, or in any other
16 manner provided by law.

17 16. A Notice of Non-Compliance was recorded in the Office of the County Recorder, County
18 of Riverside, State of California, on August 13, 2010, as Instrument Number 2010-0381721. The notice
19 advised OWNERS to immediately correct the grading violation to avoid further action by the County of
20 Riverside, which may include remediation or restoration to abate the illegal grading or other remedies
21 available to the department by a court of competent jurisdiction. The notice further advised that any
22 costs incurred by the County may become a lien on THE PROPERTY. In addition, the notice states
23 RCO No. 457 allows for the Department of Building & Safety to place a five year flag on the issuance
24 of building permits and land use approvals for property that has been graded without approval or
25 permits. A true and correct copy of the Notice of Non-Compliance is attached hereto and incorporated
26 herein by reference as Exhibit "F".

27 17. A subsequent review of County records revealed no new application for an assessment
28 permit or grading permit on file for THE PROPERTY.

1 18. A subsequent inspection on December 6, 2010, 2010 revealed that THE PROPERTY
2 remained in violation of RCO No. 457 (RCC Title 15) due to the grading without permits.

3 19. On November 30, 2010, the second notice – “Notice to Correct County Ordinance
4 Violations and Abate Public Nuisance” providing notification of the Board of Supervisors’ hearing
5 scheduled for January 11, 2011, as required by Riverside County Ordinance No. 725, was mailed to
6 OWNERS by certified mail, return receipt requested and on December 6, 2010 was posted on THE
7 PROPERTY. True and correct copies of the notice, returned receipt cards, together with the proof of
8 service, and the affidavit of posting of notices are attached hereto as Exhibit “G” and incorporated
9 herein by reference.

10 20. The complete restoration or remediation of THE PROPERTY affected by the unapproved
11 grading is required to bring THE PROPERTY into compliance with RCO No. 457 (RCC Title 15).

12 21. Accordingly, the following findings and conclusions are recommended:

13 (a) the grading without permits on THE PROPERTY be deemed and declared a
14 public nuisance; and

15 (b) that a five year hold on the issuance of building permits and land use approvals be
16 placed on THE PROPERTY;

17 (c) the OWNERS or whoever has possession or control of THE PROPERTY be
18 required to restore the unpermitted grading on THE PROPERTY so as to prevent offsite drainage and
19 slope erosion in accordance with the provisions of all applicable County ordinances, including but not
20 limited to RCO No. 457 (RCC Title 15) within ninety days of the Board’s Order to Abate Nuisance;

21 (d) that if THE PROPERTY is not restored so as to prevent offsite drainage and slope
22 erosion within ninety days of the Board’s Order to Abate Nuisance, the County will retain a county
23 approved contractor to reclaim THE PROPERTY so as to prevent offsite drainage and slope erosion;

24 (e) that upon restoration of THE PROPERTY, so as to prevent offsite drainage and
25 slope erosion, and payment of all abatement costs, the five year hold on the issuance of building permits
26 and land use approvals will be released; and

27 ///

28 ///

1 (f) that reasonable costs of abatement, after notice and opportunity for hearing, shall
2 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
3 PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance Nos. 457
4 and 725.

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

7 Executed this 6th day of December, 2010 at Murrieta, California.

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10 MARK MANDEL
11 Code Enforcement Officer
12 Code Enforcement Department
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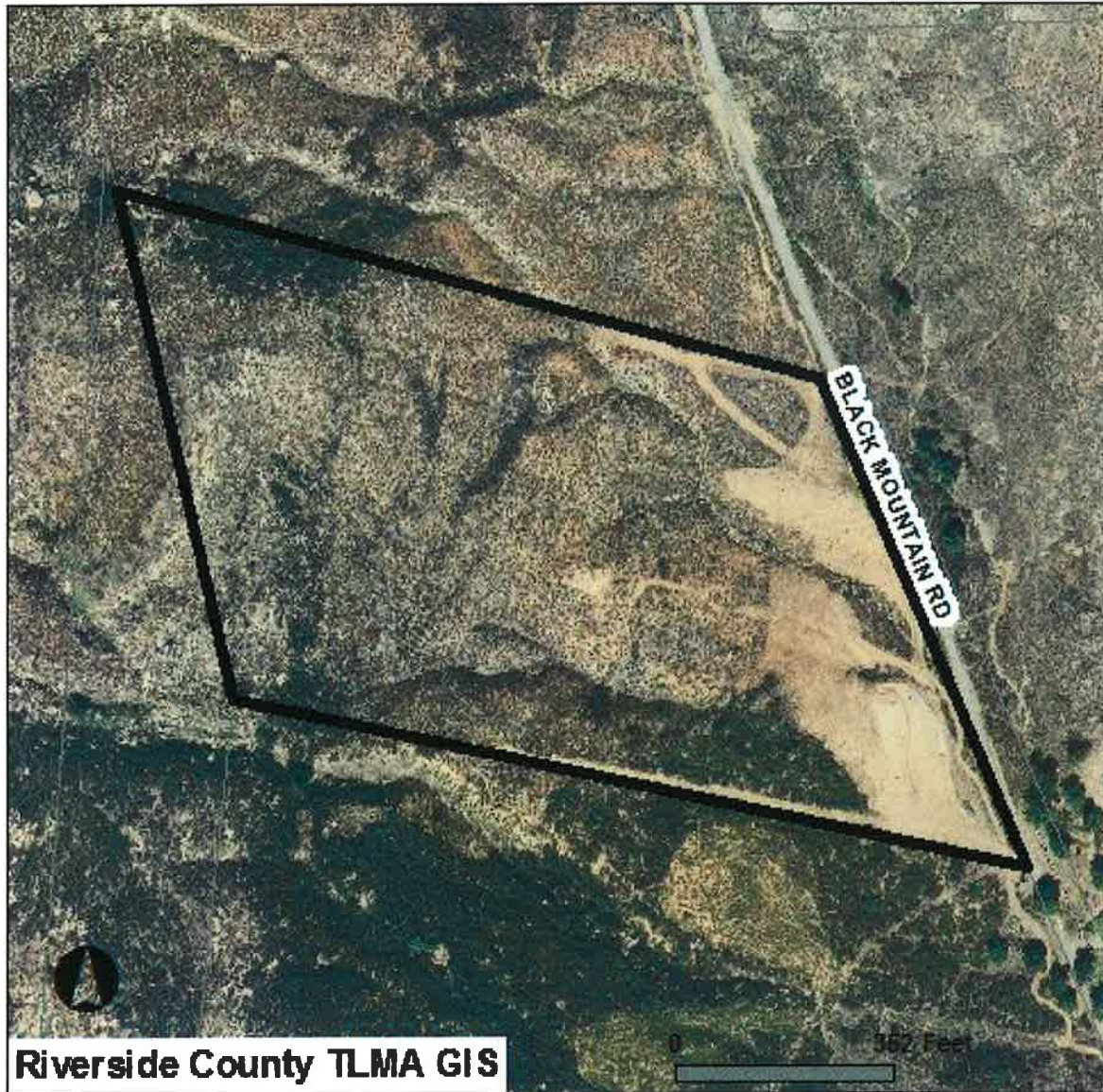
Assessment Roll For the 2010-2011 Tax Year as of January 1,2010

Assessment #470340023-7		Parcel # 470340023-7	
Assessee:	HUARD RICK J	Land	87,546
Assessee:	HUARD MARANDA K	Full Value	87,546
Mail Address:	32205 CORTE UTNETTMER	Total Net	87,546
City, State Zip:	TEMECULA CA 92592		
Real Property Use Code:	AY		
Base Year	2002		
Conveyance Number:	0343134		
Conveyance (mm/yy):	5/2003		
PUI:	R070000		
TRA:	94-119		
Taxability Code:	0-00		
ID Data:	Lot 1 PM 004/035		

View Parcel Map

EXHIBIT NO. B

RIVERSIDE COUNTY GIS



Selected parcel(s):
470-340-023

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 WITH PERMITS REPORT

APNs

470-340-023-7

OWNER NAME / ADDRESS

RICK J HUARD
MARANDA HUARD
ADDRESS NOT AVAILABLE

MAILING ADDRESS

(SEE OWNER)
32205 CORTE UTNETTMER
TEMECULA CA. 92592

EXHIBIT NO. _____

B²

LEGAL DESCRIPTION

RECORDED BOOK/PAGE: PM 4/35
SUBDIVISION NAME: NOT AVAILABLE
LOT/PARCEL: 1, BLOCK: NOT AVAILABLE
TRACT NUMBER: NOT AVAILABLE

LOT SIZE

RECORDED LOT SIZE IS 19.6 ACRES

PROPERTY CHARACTERISTICS

NO PROPERTY DESCRIPTION AVAILABLE

THOMAS BROS. MAPS PAGE/GRID

PAGE: 900 GRID: G4

CITY BOUNDARY/SPHERE

NOT WITHIN A CITY
NOT WITHIN A CITY SPHERE
NO ANNEXATION DATE AVAILABLE
NO LAFCO CASE # AVAILABLE
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)

JEFF STONE, DISTRICT 3

TOWNSHIP/RANGE

T6SR1W SEC 28

ELEVATION RANGE

2132/2568 FEET

PREVIOUS APN

470-340-010

PLANNING

LAND USE DESIGNATIONS

Zoning not consistent with the General Plan.
RM

AREA PLAN (RCIP)

SOUTHWEST AREA

GENERAL PLAN POLICY OVERLAYS

NOT IN A GENERAL PLAN POLICY OVERLAY AREA

GENERAL PLAN POLICY AREAS

NONE

ZONING CLASSIFICATIONS (ORD. 348)

R-A-10

ZONING DISTRICTS AND ZONING AREAS

RANCHO CALIFORNIA AREA

ZONING OVERLAYS

NOT IN A ZONING OVERLAY

SPECIFIC PLANS

NOT WITHIN A SPECIFIC PLAN

AGRICULTURAL PRESERVE

NOT IN AN AGRICULTURAL PRESERVE

REDEVELOPMENT AREAS

NOT IN A REDEVELOPMENT AREA

AIRPORT INFLUENCE AREAS

NOT IN AN AIRPORT INFLUENCE AREA

NOT IN AN AIRPORT COMPATIBILITY ZONE

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)
Chaparral
Coastal Sage Scrub

FIRE

HIGH FIRE AREA (ORD. 787)
IN HIGH FIRE AREA - Grading And Building Permit Applications Require Fire Dept Clearance Prior To Permit Issuance.

FIRE RESPONSIBILITY AREA
STATE RESPONSIBILITY AREA

DEVELOPMENT FEES

CVMSHCP FEE AREA (ORD. 875)
NOT WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

WRMSHCP FEE AREA (ORD. 810)
IN OR PARTIALLY WITHIN THE WESTERN RIVERSIDE MSHCP FEE AREA. SEE MAP FOR MORE INFORMATION.

ROAD & BRIDGE DISTRICT
NOT IN A DISTRICT

EASTERN TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 673)
NOT WITHIN THE EASTERN TUMF FEE AREA

WESTERN TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 824)
IN OR PARTIALLY WITHIN A TUMF FEE AREA. SEE MAP FOR MORE INFORMATION. SOUTHWEST

DIF (DEVELOPMENT IMPACT FEE AREA ORD. 659)
SOUTHWEST AREA

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
123

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

EMWD

FLOOD CONTROL DISTRICT

RIVERSIDE COUNTY FLOOD CONTROL DISTRICT

WATERSHED

SANTA MARGARITA

GEOLOGIC

FAULT ZONE

NOT IN A FAULT ZONE

FAULTS

NOT WITHIN A 1/2 MILE OF A FAULT

LIQUEFACTION POTENTIAL

NO POTENTIAL FOR LIQUEFACTION EXISTS

SUBSIDENCE

NOT IN A SUBSIDENCE AREA

PALEONTOLOGICAL SENSITIVITY

LOW POTENTIAL.

FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.

MISCELLANEOUS

SCHOOL DISTRICT

TEMECULA VALLEY UNIFIED

COMMUNITIES

SAGE

COUNTY SERVICE AREA

NOT IN A COUNTY SERVICE AREA.

LIGHTING (ORD. 655)

ZONE B, 19.42 MILES FROM MT. PALOMAR OBSERVATORY

2000 CENSUS TRACT

043203

FARMLAND

OTHER LANDS

TAX RATE AREAS

094-119

- COUNTY FREE LIBRARY
- COUNTY STRUCTURE FIRE PROTECTION
- COUNTY WASTE RESOURCE MGMT DIST
- CSA 152
- EASTERN MUNICIPAL WATER
- FLOOD CONTROL ADMINISTRATION
- FLOOD CONTROL ZONE 4
- GENERAL
- GENERAL PURPOSE
- M W D EAST 21ST FR 1301021
- MT SAN JACINTO JUNIOR COLLEGE
- RIV CO REG PARK & OPEN SPACE
- RIV. CO. OFFICE OF EDUCATION
- SAN JACINTO BASIN RESOURCE CONS

- TEMECULA UNIFIED
- TEMECULA UNIFIED B & I
- VALLEY WIDE REC & PARK

SPECIAL NOTES

NO SPECIAL NOTES

CODE COMPLAINTS

Case #	Description	Start Date
CV0912100	NEIGHBORHOOD ENFORCEMENT	Nov. 13, 2009

BUILDING PERMITS

Case #	Description	Status
BRS090789	SF RES 1218 SF OVER 5400 SF PRIVATE GARAGE	EXPIRED
BGR070450	GRAD SF RES LOT	EXPIRED

ENVIRONMENTAL HEALTH PERMITS

Case #	Description	Status
EHW060222	NOT AVAILABLE	APPLIED
EHS071702	NOT AVAILABLE	APPLIED

PLANNING PERMITS

REPORT PRINTED ON...Wed Aug 25 13:28:37 2010
Version 100412



P.O. Box 1193
 Whittier, CA 90609
 Tel # (562) 325-8351
 Fax # (714) 783-3038

Lot Book Report

Order Number: **21921**

Customer:

RIVERSIDE COUNTY TLMA-CODE INFORCEMENT

4080 Lemon Street

Riverside

CA 92501

Attn: Brent Steele

Reference: CV09-12100 / Anna Vasquez

IN RE: HUARD, RICK J. AND HUARD, MARANDA K.

Order Date: 7/30/2010

Dated as of: 7/23/2010

County Name: Riverside

FEE(s):

Report: \$114.00

Property Address: Vacant Land

CA

Assessor's Parcel No. : 470-340-023-7

Assessments:

Land Value:	\$87,755.00
Improvement Value:	\$0.00
Exemption Value:	\$0.00
Total Value:	\$87,755.00

Tax Information

Property Taxes for the Fiscal Year	2009-2010
Total Annual Tax	\$1,212.84
Status: Paid through	06/30/2010

Property Vesting

The last recorded document transferring title of said property

Dated 05/05/2003

Recorded 05/13/2003

EXHIBIT NO. _____

C



P.O. Box 1193
Whittier, CA 90609
Tel # (562) 325-8351
Fax # (714) 783-3038

Order Number: 21921

Reference: CV09-12100 / Ann

Document No.	2003-343134
D.T.T.	\$0.00
Grantor	Rick J. Huard, a married man
Grantee	Rick J. Huard and Maranda K. Huard, husband and wife as community property with right of survivorship

Deeds of Trust

No Deeds of Trust of Record

Additional Information

NO JUDGMENTS AND/OR LIENS FOUND.

Legal Description

THE LAND REFERRED TO IN THIS REPORT IS LOCATED IN AND IS DESCRIBED AS FOLLOWS:

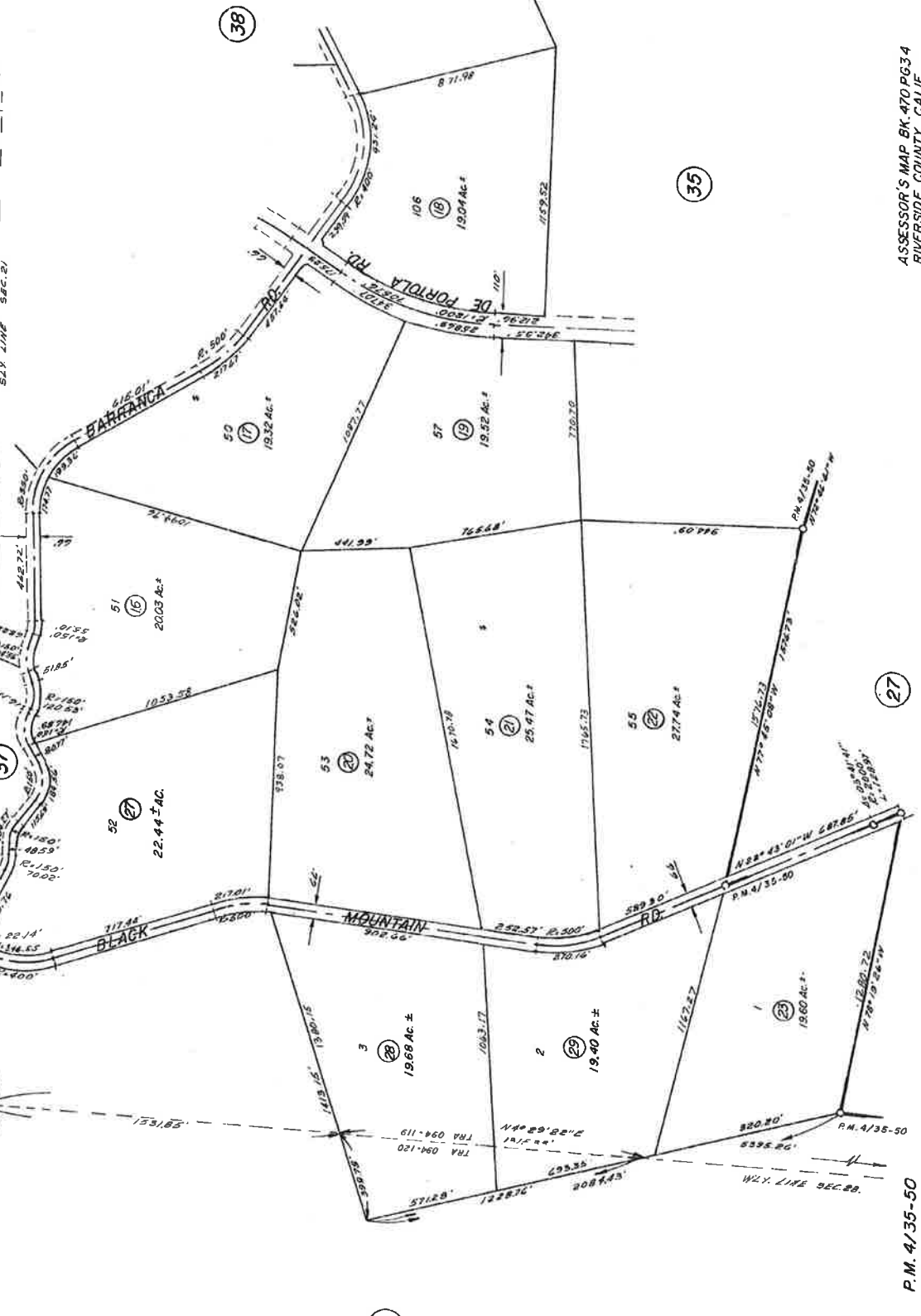
PARCEL 1 AS SHOWN BY MAP PARCEL MAP 27-3, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON FILE IN BOOK 4, PAGES 35 TO 50 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

22-49, 22-51 T.R.A. 094-119
094-120

POR. SEC. 21, 28, 29, T. 6 S., R. 1 W.

M 88° 25' 23" W
S 1/2 LINE
S 2/2 LINE
S 4/4 LINE
S 2/2 LINE
S 4/4 LINE
S 2/2 LINE

20 21
29 28
THA 094-119
THA 094-120



1" = 400'

DATE	OLD AC.	NEW AC.
4-25 19 28	27	
5-27 12 23	28	
	12.24	29

DATE	OLD AC.	NEW AC.
12/25	15.57	
	16.57	
	17.57	
	18.57	
	19.57	
	20.57	
	21.57	
	22.57	
	23.57	
	24.57	
	25.57	
	26.57	

P.M. 4/35-50
FEB. 1972

ASSASSOR'S MAP BK. 470 PG. 34
RIVERSIDE COUNTY, CALIF.
P. 2

AMERICAN TITLE FROM
SAN BERNARDINO

DOC # 2003-343134

05/13/2003 08:00A Fee:39.00

Page 1 of 5

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

Rick J. Huard
Maranda K. Huard
32205 Corte Utnehtmer
Temecula, CA 92592

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC
	1		5				1		
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

A.P.N: 470-340-023

Order No:

MA013

GRANT DEED

T
AM

39

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS: COUNTY \$NONE

computed on full value of property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale,
unincorporated area; City of Temecula, and

Grantees are expressly declaring that the transfer of the property is to be community property with right of survivorship, as per attached Exhibit One.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Rick J. Huard, a married man

hereby GRANT(s) to **Rick J. Huard and Maranda K. Huard, Husband and Wife, as Community Property with right of Survivorship**

the following described property in the City of Temecula, County of Riverside State of California;
Parcel 1 as shown by Parcel Map 27-3, on file in Book 4, Page(s) 35 to 50 of Parcel Maps in the Office of the County Recorder of said County.

The undersigned Grantees hereby acknowledge that it is their Intent to vest title to subject property as Community Property with Right of Survivorship.

Document Date: May 5, 2003

Rick J. Huard

STATE OF CALIFORNIA
COUNTY OF Riverside)
On May 8, 2003 before me, Tiffany Grapoli, Notary Public
personally appeared RICK J. HUARD

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.

Signature Tiffany Grapoli

The area below is for official notarial seal.



GRANT DEED CONTINUED ON NEXT PAGE

Mail Tax Statements to: Same as Above or Address Noted Below

Public Record

A.P.N: 470-340-023

GRANT DEED - CONTINUED

EXHIBIT ONE

Grantees hereby expressly declare and accept the transfer of the herein described property as community property with right of survivorship.

Dated: 5/8/03

[Signature] Grantee

Dated: 5/8/03

[Signature] Grantee

STATE OF CALIFORNIA)
COUNTY OF Riverside)
On May 8, 2003 before me, Tiffany Grapoli, Notary Public
personally appeared Rick J. Howard and Maranda R. Howard
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.

Signature Tiffany Grapoli

The area below is for official notarial seal.



2003-343134
05/13/2003 08:00R
2 of 5

CERTIFICATION

Under 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):

Clarity Attached

Date: 5-13-03

Signature: *RD*

Print Name: Rock Duam



2003-343134
05/13/2003 08:08A
3 of 5

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

Rick J. Huard
Maranda K. Huard
32205 Corte Utnettmer
Temecula, CA 92592

~~NOTARY UNDER PENALTY OF PERJURY
THAT THE ATTACHED COPY IS A TRUE
AND CORRECT COPY OF THE ORIGINAL
ATTACHED INSTRUMENT, PURSUANT TO
GOVERNMENT CODE SECTION 27361.7~~

~~COUNTY: RIVERSIDE~~

Space Above This Line for Recorder's Use Only

A.P.N: 470-340-023

Order No: 5252415-40

Escrow No: 16723-LJB

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS: COUNTY \$NONE

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- unincorporated area; City of Temecula, and

Grantees are expressly declaring that the transfer of the property is to be community property with right of survivorship, as per attached Exhibit One.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Rick J. Huard, a married man

hereby GRANT(s) to **Rick J. Huard and Maranda K. Huard, Husband and Wife, as Community Property with right of Survivorship**

the following described property in the City of **Temecula**, County of **Riverside** State of California;
Parcel 1 as shown by Parcel Map 27-3, on file in Book 4, Page(s) 35 to 50 of Parcel Maps in the Office of the County Recorder of said County.

The undersigned Grantees hereby acknowledge that it is their intent to vest title to subject property as Community Property with Right of Survivorship.

Document Date: May 5, 2003

Rick J. Huard

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____ before me, _____

personally appeared _____

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.

The area below is for official notarial seal.

Signature _____



2003-343134
05/13/2003 09:00A
4 of 5

GRANT DEED CONTINUED ON NEXT PAGE

Mail Tax Statements to: Same as Above or Address Noted Below

Public Record

EXHIBIT ONE

Grantees hereby expressly declare and accept the transfer of the herein described property as community property with right of survivorship.

Dated: _____

Grantee _____

Dated: _____

Grantee _____

STATE OF CALIFORNIA)
COUNTY OF _____)

JSS

On _____ before me, _____
personally appeared _____

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.

The area below is for official notarial seal.

Signature _____



2003-343134
05/13/2003 08 00A
5 of 5

When recorded please mail to:
Mail Stop# 5155
Riverside County
Code Enforcement Department
39493 Los Alamos Rd.
Murrieta, CA 92563

DOC # 2010-0381721
08/13/2010 08:00A Fee:NC
Page 1 of 1
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



8 043
M
043

NOTICE OF NONCOMPLIANCE for UNAPPROVED GRADING

In the matter of the Property of

Case No.: CV09-12100

RICK J. HUARD
MIRANDA K. HUARD

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. 457 (RCC Title 15.12) described as grading without approval from the Department of Building and Safety. Such proceedings are based upon the noncompliance of such real property, located at 34635 BLACK MOUNTAIN ROAD, TEMECULA, CA and more particularly described as Assessment Parcel No. 470-340-023 and having a legal description of 19.60 ACRES M/L IN PAR 1 PM 004/035 with the requirements of Ordinance No.457, (RCC Title 15.12.020(J)(2)).

The owner has been advised to immediately correct the above-referenced violation to avoid further action by the County of Riverside, which may include remediation or restoration to abate the public nuisance or other remedies available to the department by a court of competent jurisdiction. 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, 39493 Los Alamos Road, Murrieta, CA.; Attention Code Enforcement Officer Brett Pollard (951) 600-6140.

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.

NOTICE IS FURTHER GIVEN that pursuant to Riverside County Ordinance 457.96 Section 4, Subdivision 3306.03, and upon order of the Board of Supervisors, any grading or clearing done in violation of this Ordinance shall be grounds for denying for five years all applications for building permits, use permits, subdivisions, changes of zones, specific plans, specific plan amendments, general plan amendments, and any other land development application proposed for the property in which the violation occurred.

COUNTY OF RIVERSIDE
DEPARTMENT OF CODE ENFORCEMENT

By: 
Hector Viray
Code Enforcement Department

ACKNOWLEDGEMENT

State of California)
County of Riverside)

On 08/05/10 before me, Elizabeth B. Ross, Notary Public, personally appeared Hector Viray, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Commission # 1838743 Comm. Expires March 12, 2013





CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE

39493 LOS ALAMOS ROAD
MURRIETA, CALIFORNIA 92563
(951) 600-6140 • FAX (951) 600-6190

CASES#: CV09-12100

PROPERTY SITUS: 34635 Black Mountain , Temecula CA 92592

A.P.N.: 470-340-023

DRAWN ON: 082510

DRAWN BY: B. Pollard #73

Provide North Arrow



REAR PROPERTY LINE

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D
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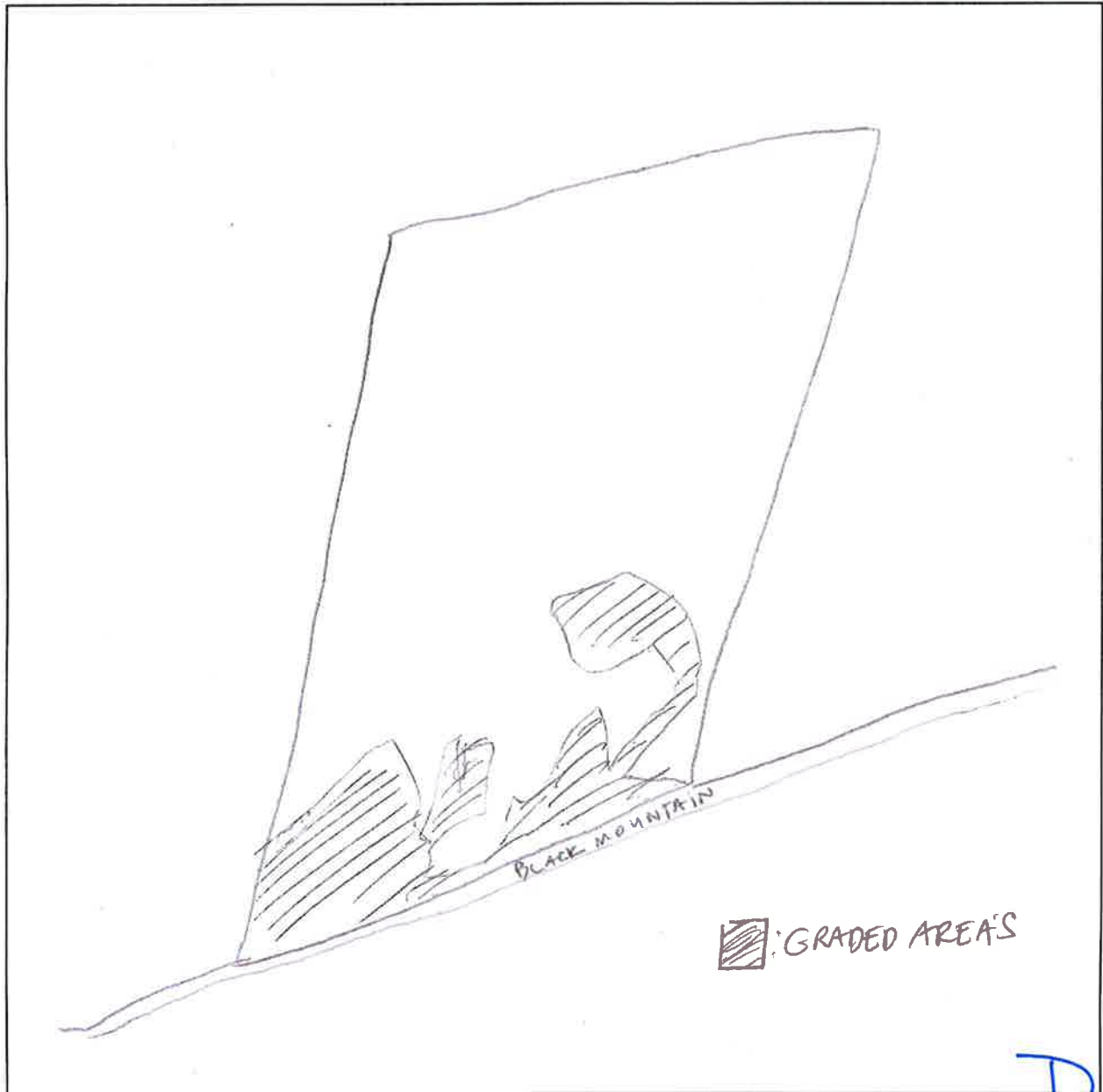
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NOT TO SCALE

FRONT PROPERTY LINE **EXHIBIT NO.**

Black Mountain

D

Code Enforcement Case: CV0912100

Printed on: 08/25/2010

Photographs



B Pollard 102009 015.jpg - 10/20/2009

EXHIBIT NO. D²



B Pollard 102009 012.jpg - 10/20/2009

EXHIBIT NO. D³



B POLLARD 110909 076.jpg - 12/09/2009

EXHIBIT NO. D⁴



B POLLARD 110909 075.jpg - 12/09/2009

EXHIBIT NO. D⁵



B POLLARD 040510 003.jpg - 04/05/2010

EXHIBIT NO. D⁶



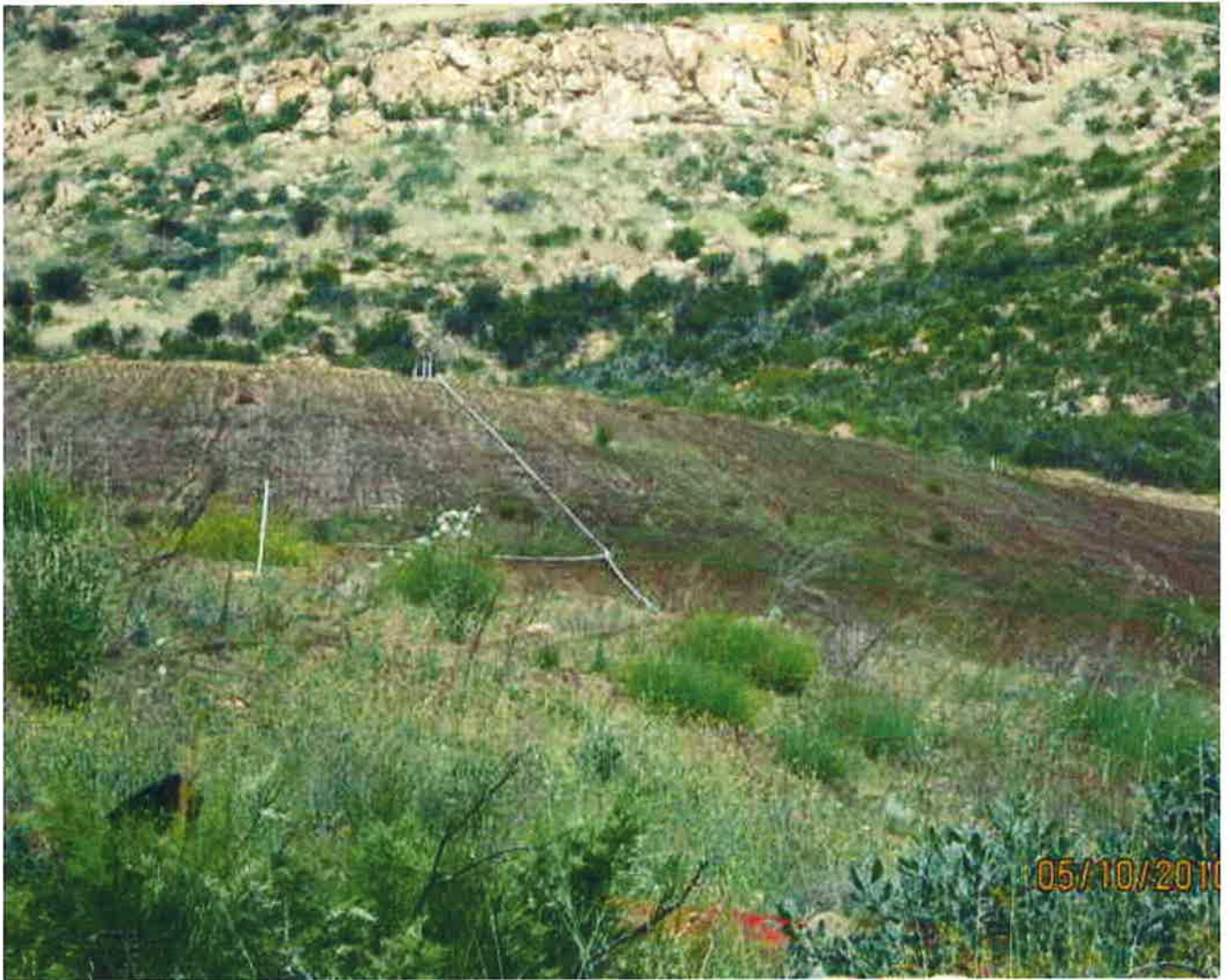
B POLLARD 040510 002.jpg - 04/05/2010

EXHIBIT NO. D7



B POLLARD 051010 007.jpg - 05/10/2010

EXHIBIT NO. D⁸



B POLLARD 051010 005.jpg - 05/10/2010

EXHIBIT NO. D⁹



B POLLARD 051010 006.jpg - 05/10/2010

EXHIBIT NO. D¹⁰



B POLLARD 062210 004.jpg - 06/22/2010

EXHIBIT NO. D¹¹



B POLLARD 062210 005.jpg - 06/22/2010

EXHIBIT NO. D¹²



B POLLARD 062210 006.jpg - 06/22/2010

EXHIBIT NO. D¹³



B POLLARD 062210 007.jpg - 06/22/2010

EXHIBIT NO. D¹⁴



B POLLARD 062810 019.jpg - 06/28/2010

EXHIBIT NO. D¹⁵



B POLLARD 062810 018.jpg - 06/28/2010

EXHIBIT NO. D¹⁶



B POLLARD 070910 009.jpg - 07/09/2010

EXHIBIT NO. D¹⁷



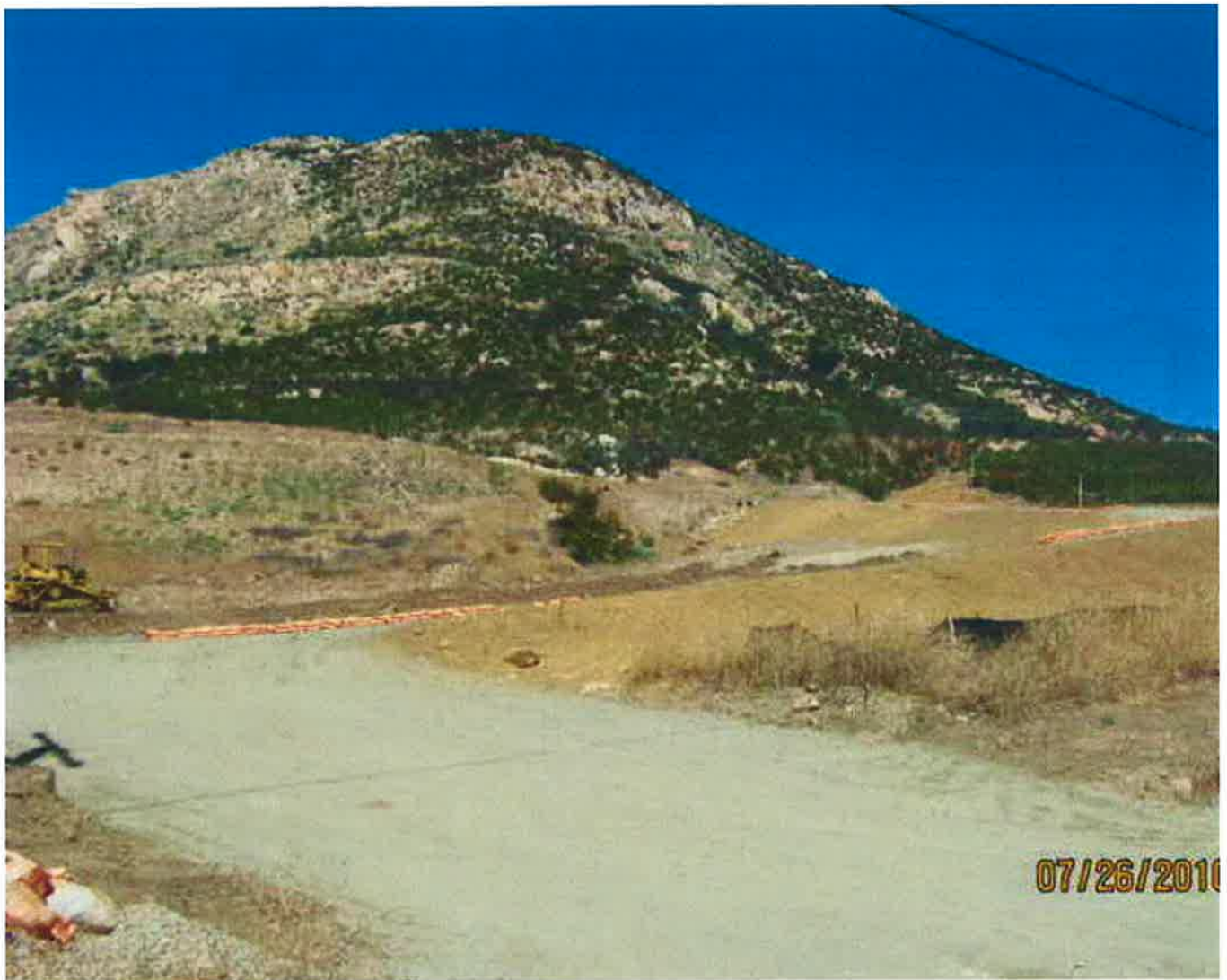
B POLLARD 070910 007.jpg - 07/09/2010

EXHIBIT NO. D¹⁸



B POLLARD 070910 008.jpg - 07/09/2010

EXHIBIT NO. D¹⁹



B POLLARD 072610 016.jpg - 07/26/2010

EXHIBIT NO. D²⁰



B POLLARD 072610 017.jpg - 07/26/2010

EXHIBIT NO. D²



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

NOTICE OF VIOLATION

November 17, 2009

RICK J HUARD / MARANDA K HUARD
32205 CORTE UTNETTMER
TEMECULA, CA 92592

RE CASE NO: CV0912100

NOTICE IS HEREBY GIVEN that property owned or controlled by you at 34635 BLACK MOUNTIAN, Temecula California, Assessor's Parcel Number 470-340-023, is in violation of Section(s) RCC Section No. 15.12.020.J.2 (Ord. 457), of the Riverside County Code.

Said violation is described as:

- 1) 15.12.020.J.2 (Ord. 457) - No person shall conduct any grading or clearing of any kind without first obtaining a grading permit from the building official, except in accordance with the specific exemptions listed in Ord 348.

YOU ARE HEREBY REQUIRED TO COMPLY with the provisions of the ordinance by:

- 1) Obtain a Restoration Assessment from the Department of Building & Safety and comply with the process and conditions.

COMPLIANCE MUST BE COMPLETED BY December 16, 2009. FAILURE TO COMPLY WILL RESULT IN LEGAL ACTION BEING BROUGHT AGAINST YOU.

NOTICE IS HEREBY GIVEN THAT AT THE CONCLUSION OF THIS CASE YOU WILL RECEIVE A SUMMARY OF ADMINISTRATIVE COSTS ASSOCIATED WITH THE PROCESSING OF SUCH VIOLATION(S), AT AN HOURLY RATE OF \$109.00 AS DETERMINED BY THE BOARD OF SUPERVISORS.

YOU WILL HAVE THE RIGHT TO OBJECT TO THESE CHARGES BY FILING A REQUEST FOR HEARING WITH THE DEPARTMENT OF CODE ENFORCEMENT WITHIN TEN (10) DAYS OF SERVICE OF THE SUMMARY OF CHARGES, PURSUANT TO SECTION 1.16.080 OF RIVERSIDE COUNTY CODE.

CODE ENFORCEMENT DEPARTMENT

By: B Pollard, Code Enforcement Officer II

EXHIBIT NO. E



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

PROOF OF SERVICE

Case No. CV0912100

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Anna Vasquez, 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 at the footer of this notice.

That on November 17, 2009, I served the following document(s):

NOTICE RE: Notice of Violation

by placing a true copy thereof enclosed in a sealed envelope(s) by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED** address as follows:

RICK J HUARD / MARANDA K HUARD 32205 CORTE UTNETTMER, TEMECULA, CA 92592

- XX BY FIRST CLASS MAIL.** 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 with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.
- XX STATE.** I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED ON November 17, 2009 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anna Vasquez, Code Enforcement Aide

39493 LOS ALAMOS ROAD, SUITE #A, MURRIETA, CALIFORNIA 92563
(951) 600-6140 • FAX (951) 600-6190

EXHIBIT NO. _____

E²



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

NOTICE OF VIOLATION

November 17, 2009

RICK J HUARD / MARANDA K HUARD
32205 CORTE UTNETTMER
TEMECULA, CA 92592

RE CASE NO: CV0912100

NOTICE IS HEREBY GIVEN that property owned or controlled by you at 34635 BLACK MOUNTIAN, Temecula California, Assessor's Parcel Number 470-340-023, is in violation of Section(s) RCC Section No. 15.12.020.J.2 (Ord. 457), of the Riverside County Code.

Said violation is described as:

- 1) 15.12.020.J.2 (Ord. 457) - No person shall conduct any grading or clearing of any kind without first obtaining a grading permit from the building official, except in accordance with the specific exemptions listed in Ord 348.

YOU ARE HEREBY REQUIRED TO COMPLY with the provisions of the ordinance by:

- 1) Obtain a Restoration Assessment from the Department of Building & Safety and comply with the process and conditions.

COMPLIANCE MUST BE COMPLETED BY December 16, 2009. FAILURE TO COMPLY WILL RESULT IN LEGAL ACTION BEING BROUGHT AGAINST YOU.

NOTICE IS HEREBY GIVEN THAT AT THE CONCLUSION OF THIS CASE YOU WILL RECEIVE A SUMMARY OF ADMINISTRATIVE COSTS ASSOCIATED WITH THE PROCESSING OF SUCH VIOLATION(S), AT AN HOURLY RATE OF \$109.00 AS DETERMINED BY THE BOARD OF SUPERVISORS.

YOU WILL HAVE THE RIGHT TO OBJECT TO THESE CHARGES BY FILING A REQUEST FOR HEARING WITH THE DEPARTMENT OF CODE ENFORCEMENT WITHIN TEN (10) DAYS OF SERVICE OF THE SUMMARY OF CHARGES, PURSUANT TO SECTION 1.16.080 OF RIVERSIDE COUNTY CODE.

CODE ENFORCEMENT DEPARTMENT

By: B Pollard, Code Enforcement Officer II

EXHIBIT NO. _____

E⁴



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

November 23, 2009

RE CASE NO: CV0912100

I, Ariana Meza, 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 11/23/2009 at 1:12pm, I securely and conspicuously posted Notice Of Violation (Rcc Section No. 15.12.020.J.2 (Ord. 457)) at the property described as:

Property Address: 34635 BLACK MOUNTAIN RD, TEMECULA

Assessor's Parcel Number: 470-340-023

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

Executed on November 23, 2009 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Ariana Meza, Code Enforcement Technician

EXHIBIT NO. ES

When recorded please mail to:
Mail Stop# 5155
Riverside County
Code Enforcement Department
39493 Los Alamos Rd.
Murrieta, CA 92563

DOC # 2010-0381721

08/13/2010 08:00A Fee:NC

Page 1 of 1

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



NOTICE OF NONCOMPLIANCE for UNAPPROVED GRADING

8-13
M
043

In the matter of the Property of

Case No.: CV09-12100

RICK J. HUARD
MIRANDA K. HUARD

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. 457 (RCC Title 15.12) described as grading without approval from the Department of Building and Safety. Such proceedings are based upon the noncompliance of such real property, located at 34635 BLACK MOUNTAIN ROAD, TEMECULA, CA and more particularly described as Assessment Parcel No. 470-340-023 and having a legal description of 19.60 ACRES M/L IN PAR 1 PM 004/035 with the requirements of Ordinance No.457, (RCC Title 15.12.020(J)(2)).

The owner has been advised to immediately correct the above-referenced violation to avoid further action by the County of Riverside, which may include remediation or restoration to abate the public nuisance or other remedies available to the department by a court of competent jurisdiction. 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, 39493 Los Alamos Road, Murrieta, CA.; Attention Code Enforcement Officer Brett Pollard (951) 600-6140.

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.

NOTICE IS FURTHER GIVEN that pursuant to Riverside County Ordinance 457.96 Section 4, Subdivision 3306.03, and upon order of the Board of Supervisors, any grading or clearing done in violation of this Ordinance shall be grounds for denying for five years all applications for building permits, use permits, subdivisions, changes of zones, specific plans, specific plan amendments, general plan amendments, and any other land development application proposed for the property in which the violation occurred.

COUNTY OF RIVERSIDE
DEPARTMENT OF CODE ENFORCEMENT

By: Hector Viray
Hector Viray
Code Enforcement Department

ACKNOWLEDGEMENT

State of California)
County of Riverside)

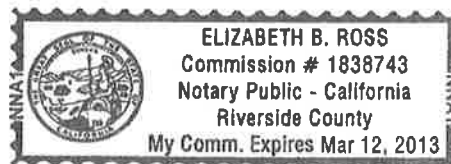
On 08/05/10 before me, Elizabeth B. Ross, Notary Public, personally appeared Hector Viray, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Elizabeth B. Ross
Commission # 1838743 Comm. Expires March 12, 2013

EXHIBIT NO. F



PAMELA J. WALLS
County Counsel

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE



KATHERINE A. LIND
Assistant County Counsel

3960 ORANGE STREET, SUITE 500
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 951/955-6363

November 30, 2010

**NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS AND
ABATE PUBLIC NUISANCE**

TO: Owners and Interested Parties
(See Attached Proof of Service
and Notice List)

Case No.: CV09-12100
APN: 470-340-023; HUARD
Property: 34635 Black Mountain, Temecula

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 457 (RCC Title 15) and 725 (RCC Title 1) to consider the abatement of the grading without permits located on the SUBJECT PROPERTY described as 34635 Black Mountain, Temecula, **Riverside County, California**, and more particularly described as Assessor's Parcel Number 470-340-023.

YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by demonstrating compliance with a restoration assessment from Riverside County Department of Building and Safety or by complete restoration/remediation of the un-permitted grading so as to return the SUBJECT PROPERTY to its previous natural condition. Additionally, notice is hereby given that Riverside County Ordinance No. 457 allows for the Department of Building and Safety to place a five year flag on the issuance of building permits and land use approvals for property that has been graded without approval or permits. The Code Enforcement Department will request that the five year flag be placed on the SUBJECT PROPERTY at the hearing.

SAID HEARING will be held on **Tuesday, January 11, 2011**, at **9:30 a.m.** in the Board of Supervisors Room, County Administrative Center, 4080 Lemon Street, 1st Floor Annex, Riverside, California at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to the Code Enforcement Department ("Department") will be presented to the Board of Supervisors for consideration and deliberation in this matter.

Please be advised that the costs already accrued in this case, including but not limited to, enforcement and investigation costs, are recoverable by the Department, as allowed under Riverside County Ordinance No. 725. The Department may seek recovery of such costs from the property owner(s) which may result in a special assessment lien against the SUBJECT PROPERTY. Additionally, should the Department abate the property, the costs associated therewith, as well as all abatement costs allowed under Riverside County Ordinance No. 725 (RCC Title 1), will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

You are encouraged to contact Supervising Code Enforcement Officer Hector Viray at (951) 600-6140 or the undersigned prior to the hearing. Please meet the undersigned and Brian Black, Senior Code Enforcement Officer, 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.

PAMALA J. WALLS
Riverside County Counsel


L. Alexandra Fong
Deputy County Counsel

EXHIBIT NO. 6

NOTICE LIST

Subject Property: 34635 Black Mountain, Temecula
Case No.: CV 09-12100; APN: 470-340-023; District 3

RICK J HUARD
MARANDA K HUARD
32205 CORTE UTNETTMER
TEMECULA CA 92592

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 type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>RJA</i> <input type="checkbox"/> Addressee	
1. Article Addressed to: RICK J HUARD MARANDA K HUARD 32205 CORTE UTNETTMER TEMECULA CA 92592		B. Received by (Printed Name) <i>RICK HUARD</i>	C. Date of Delivery <i>12/6/10</i>
2. Article Number (Transfer from service label) <i>CV09-12100 (HUARD) ABT 1</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>30655 Jedediah Smith Temecula CA 92592</i>	
		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	
		7010 0290 0002 1422 4848	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

EXHIBIT NO. 6²

1 **PROOF OF SERVICE**

2 Case No. CV 09-12100

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

4 I, Brenda Peeler, declare that I am a citizen of the United States and am employed in the County of
5 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, Suite 500, Riverside, California 92501.

7 That on November 30, 2010, I served the following document(s):

8 **NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS
9 AND ABATE PUBLIC NUISANCE**

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

11 **Owners or Interested Parties
12 (see attached notice list)**

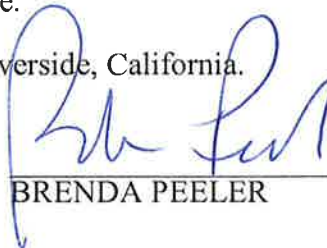
13 XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar"
14 with the office's practice of collection and processing correspondence for mailing. Under
15 that practice it would be deposited with the U.S. Postal Service on that same day with
16 postage thereon fully prepaid at Riverside, 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 November 30, 2010, at Riverside, California.

24 

25 BRENDA PEELER

26 **EXHIBIT NO.** 6³



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

December 6, 2010

RE CASE NO: CV0912100

I, Mark Mandel, 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 12/6/10 at 12:55 PM, I securely and conspicuously posted Notice to Correct County Ordinance Violations and Abate Public Nuisance at the property described as:

Property Address: 1 parcel WEST of 34690 BLACK MOUNTIAN ROAD, SAGE

Assessor's Parcel Number: 470-340-023

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

Executed on December 6, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Mark E. Mandel

By: Mark Mandel, Code Enforcement Officer

EXHIBIT NO. _____

G⁴

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: ANTHONY POLO

Address: _____
(only if follow-up mail response requested)

City: MURKLESTA Zip: 92562

Phone #: (951) 764-7886

Date: 1/11/11 Agenda # 9.4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item: _____
Support _____ Oppose _____ Neutral _____

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: RICK HUARD

Address: _____
(only if follow-up mail response requested)

City: Temecula Zip: 92592

Phone #: 951-326-4072

Date: 1-11-11 Agenda # 9.4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item: _____
Support _____ Oppose _____ Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____