

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

6098



FROM: County Counsel/TLMA  
Code Enforcement Department

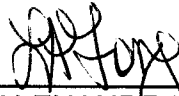
SUBMITTAL DATE:  
February 16 2011

SUBJECT: Order to Abate [Substandard Structure]  
Case No: CV 09-12380 [LOPEZ]  
Subject Property: 21740 Martin Street, Perris; APN: 315-242-013  
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12380 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 09-12380; 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 09-12380.

(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:

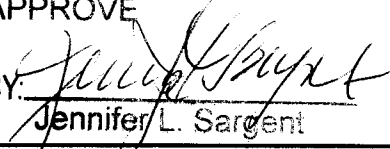
Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

  
Jennifer L. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley  
Nays: None  
Absent: Benoit  
Date: March 1, 2011  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

Prev. Agn. Ref.: 1/25/11; 9.2

District: 1

Agenda Number:

2.9

Abatement of Public Nuisance  
Case No.: CV09-12380 [LOPEZ]  
21740 Martin Street, Perris  
District One  
Page 2

**BACKGROUND:**

On January 25, 2011, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structure (accessory structure) located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare 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 # 2011-0102774  
03/07/2011

Customer Copy Label  
The paper to which this label is  
affixed has not been compared  
with the recorded document

Larry W Ward  
County of Riverside  
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, Suite 500 (Stop #1350)  
Riverside, CA 92501

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 09-12380  
12 [SUBSTANDARD STRUCTURE]; APN 315-242- )  
013, 21740 MARTIN STREET, PERRIS, )  
13 COUNTY OF RIVERSIDE, STATE OF ) FINDINGS OF FACT,  
COUNTY OF RIVERSIDE, STATE OF ) CONCLUSIONS AND ORDER TO  
14 CALIFORNIA; ANITA LOPEZ AND JULIE ) ABATE NUISANCE  
LOPEZ, OWNERS. )  
15 ) [R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on January 25, 2011, 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 21740 Martin Street, Perris, Assessor's Parcel Number 315-242-013 and referred  
20 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 Property Owner Julie Lopez appeared and did not address the Board.

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

27 ///

28 ///

COPY

**SUMMARY OF EVIDENCE**

1  
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
3 THE PROPERTY as Anita Lopez and Julie Lopez ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Standard Mortgage Financial Services, Inc., American Contractors Indemnity  
6 Company and Anne Bartholetti ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on June 8, 2010,  
8 October 18, 2010, December 27, 2010 and January 24, 2011.

9 4. During each inspection, one substandard structure (accessory structure) was observed  
10 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The  
11 structures contained numerous deficiencies, including but not limited to: members of walls, partitions  
12 or other vertical supports that split, lean, list or buckle due to defective material or deterioration;  
13 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or  
14 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather  
15 protection; fire hazard; extensive fire damage; and public and attractive nuisance.

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

18 6. A Notice of Noncompliance was recorded on March 9, 2010, as Document Number  
19 2010-0107054 in the Office of the County Recorder, County of Riverside.

20 7. On June 8, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not  
21 Enter" sign were posted on THE PROPERTY. On June 9, 2010, a Notice of Violation for the  
22 substandard structure was mailed to OWNERS by certified mail, return receipt requested. On August  
23 25, 2010, a Notice of Violation for the Substandard Structure was mailed to OWNERS and  
24 INTERESTED PARTIES via certified mail return receipt requested.

25 8. On December 27, 2010, a "Notice to Correct County Ordinance Violations and Abate  
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January  
27 25, 2011, was mailed by certified mail, return receipt requested, to OWNERS and was posted on  
28 THE PROPERTY on December 27, 2010.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on January 25, 2011, finds and concludes that:

4 1. WHEREAS, the substandard structure (accessory structure) on the real property  
5 located at 21740 Martin Street, Perris, Riverside County, California, also identified as Assessor's  
6 Parcel Number 315-242-013 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.16)  
7 and constitutes a public nuisance.

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

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

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the substandard structure (accessory structure) on THE  
21 PROPERTY be abated by the OWNERS, Anita Lopez, Julie Lopez, or anyone having possession or  
22 control of THE PROPERTY, by razing and removing the substandard structure including the removal  
23 and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction  
24 and rehabilitation of said structure provided such reconstruction and rehabilitation can be  
25 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to  
26 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order  
27 to Abate Nuisance.

28 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and

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

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

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
17 County Ordinance Nos. 457 (RCC Chapter 15.16) and 725 (RCC Chapter 1.16). Under Riverside  
18 County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the  
19 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be  
20 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the

21 \\\

22 \\\

23 \\\

24 \\\

25

26

27

28

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

5  
6 Dated: March 1, 2011

COUNTY OF RIVERSIDE

7  
8 By Bob Buster

Chairman, Board of Supervisors

Bob Buster

9  
10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13  
14 By Kecia Harper-Ihem

15 Deputy

16 (SEAL)

17  
18  
19  
20  
21  
22  
23 L:\Code Enforcement\Abatements\2010\2009\CV09-12380\457 FOF.DOC  
24  
25  
26  
27  
28

FORM APPROVED COUNTY COUNSEL  
BY: 2/9/11 DATE  
L. ALEXANDRA FONG



**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:

3-1-11

Signature:

Karen Barton

Print Name:

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



**PROOF OF SERVICE**

Case No. CV09-12380

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, Suite 500, Riverside, California 92501-3674.

That on March 15, 2011, 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 15, 2011, at Riverside, California.

  
BRENDA PEELER



## CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

GLENN BAUDE  
Director

### AFFIDAVIT OF POSTING OF NOTICES

March 21, 2011

RE CASE NO: CV0912380

I, Marco Diaz, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 03/17/2011 at 4:01pm, I securely and conspicuously posted a FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE at the property described as:

**Property Address:** 21740 MARTIN ST, PERRIS

**Assessor's Parcel Number:** 315-242-013

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

Executed on March 21, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Marco Diaz, Code Enforcement Technician

# NOTICE LIST

Subject Property: 21740 Martin Street, Perris  
Case No.: CV 09-12380; APN: 315-242-013; District 1

ANITA LOPEZ  
JULIE LOPEZ  
21740 MARTIN STREET  
PERRIS, CA 92570

ANITA D. TORRES LOPEZ  
10475 MULL AVE.  
RIVERSIDE, CA 92505-1546

STANDARD MORTGAGE FINANCIAL SERVICES, INC.  
5892 MAGNOLIA AVE.  
RIVERSIDE, CA 92506

AMERICAN CONTRACTORS INDEMNITY COMPANY  
601 SOUTH FIGUEROA STREET  
LOS ANGELES, CA 90017-5704

JOSE RAMIREZ  
21740 MARTIN STREET  
PERRIS, CA 92570

ANNE BARTHOLETTI  
C/O STANDARD MORTGAGE FINANCIAL SERVICES, INC.  
5892 MAGNOLIA AVE.  
RIVERSIDE, CA 92506

# NOTICE LIST

Subject Property: 21740 MARTIN STREET, PERRIS  
Case No.: CV09-12380  
APN: 315-242-013; District 1

Office of County Counsel  
3960 Orange Street, Suite 500  
Riverside, CA 92501

CERTIFIED MAIL™



7010 1670 0001 7232 1244



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P  
\$005.710  
0003958246 MAR 15 2011  
MAILED FROM ZIP CODE 92501

AMERICAN CONTRACTORS INDEMNITY  
COMPANY  
9841 AIRPORT BLVD 9<sup>TH</sup> FLOOR  
LOS ANGELES CA 90045

X 900 N7E 1 0000 00 0001 1911  
FORWARD TIME EXP RTN TO SEND  
:AMERICAN CONTRACTORS INDEMNITY CO  
501 FIGUEROA ST  
LOS ANGELES CA 90017-5704

RETURN TO SENDER

90045+5431 2101@3644

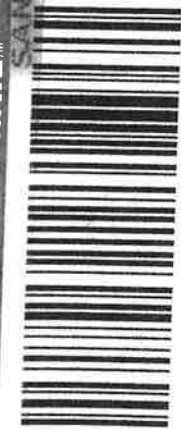


# NOTICE LIST

Subject Property: 21740 Martin Street, Perris  
Case No.: CV 09-12380; APN: 315-242-013; District 1

Office of County Counsel  
3960 Orange Street, Suite 500  
Riverside, CA 92501

CERTIFIED MAIL<sup>TM</sup>



7010 1670 0001 7232 9998

SAN BERNARDINO CA 924

15 MAR 2011



02 1P  
\$ 005.710  
0003958246 MAR 15 2011  
MAILED FROM ZIP CODE 92501

1228  
40  
217

JOSE RAMIREZ  
21740 MARTIN STREET  
PERRIS CA 92570

NIXIE

923 SE 1 00 04/03/11

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 92501364425 \*0904-01452-16-39

92570+73150103644



# NOTICE LIST

Subject Property: 21740 Martin Street, Perris  
Case No.: CV 09-12380; APN: 315-242-013; District 1

Office of County Counsel  
3960 Orange Street, Suite 500  
Riverside, CA 92501

CERTIFIED MAIL™



7010 1670 0001 7232 9981

ANITA LOPEZ  
JULIE LOPEZ  
21740 MARTIN STREET  
PERRIS CA 925

NIXIE

923 SE 1 00 04/09/11  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 92501364425 \*2604-20322-16-33

92570175250103644



02 1P  
0003958246 MAR 15 2011  
MAILED FROM ZIP CODE 92501



\$ 005.710

40  
218  
7-17

# NOTICE LIST

Subject Property: 21740 MARTIN STREET, PERRIS

Case No.: CV09-12380

APN: 315-242-013; District 1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature <b>X</b> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to:  ANNE BARTHOLETTI C/O STANDARD MORTGAGE FINANCIAL SERVICES INC 5892 MAGNOLIA AVE RIVERSIDE CA 92506		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery
2. Article Number (Transfer from service label) <i>CV09-12380 (LOPEZ) F66</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004		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 1670 0001 7233 0000	
		Domestic Return Receipt	
		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature <b>X</b> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to:  STANDARD MORTGAGE FINANCIAL SERVICES INC 5892 MAGNOLIA AVE RIVERSIDE CA 92506		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery
2. Article Number (Transfer from service label) <i>CV09-12380 (LOPEZ) F66</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004		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 1670 0001 7232 3507	
		Domestic Return Receipt	
		102595-02-M-1540	

# NOTICE LIST

Subject Property: 21740 MARTIN STREET, PERRIS

Case No.: CV09-12380

APN: 315-242-013; District 1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature <b>X</b> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) <i>Michael Macias</i> C. Date of Delivery <i>3/17/01</i></p>	
<p>1. Article Addressed to:</p> <p>ANITA D TORRES LOPEZ 10475 MULL AVE RIVERSIDE CA 92505-1546</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>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.</p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>CV09-12380 (LOPEZ) FOF 6</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>7010 1670 0001 7232 1251</p>	

PS Form 3811, February 2004 Domestic Return Receipt 15-00002-M-1540