

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

909B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
June 2, 2011

SUBJECT: Order to Abate [Accumulated Rubbish]  
Case No: CV 10-06635 [NGUYEN]  
Subject Property: 43337 Edith Way, Hemet; APN: 549-234-004  
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06635 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 10-06635; 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 10-06635.

(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*  
Tina Grande

County Executive Office Signature

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: June 14, 2011  
xc: Co.Co (3); Recorder

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

Prev. Agn. Ref.: 5/3/11; 9.3

District: 3

Agenda Number:

2.9

Departmental Concurrence

Policy ☐

Consent ☒

Policy ☐

Consent ☒

Dep't Recomm.:

Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No.: CV 10-06635 [NGUYEN]  
43337 Edith Way, Hemet  
APN# 549-234-004  
District Three  
Page 2

**BACKGROUND:**

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

DOC # 2011-0266836  
06/16/2011

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:  
L. Alexandra Fong, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Suite 500 (Stop #1350)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-06635  
[ACCUMULATION OF RUBBISH]; APN 549- )  
12 234-004, 43337 EDITH WAY, HEMET, COUNTY ) FINDINGS OF FACT,  
OF RIVERSIDE, STATE OF CALIFORNIA; ) CONCLUSIONS AND ORDER TO  
13 SHAWN NGUYEN, OWNER. ) ABATE NUISANCE  
14 - ) [R.C.O. Nos. 541 (RCC Title 8) and  
15 \_\_\_\_\_ ) 725 (RCC Title 1)]

16  
17 The above-captioned matter came on regularly for hearing on May 3, 2011, before the Board  
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
20 described as 43337 Edith Way, Hemet, County of Riverside and further described as Assessor's  
21 Parcel Number 549-234-004 referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of Owner.

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

COPY

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Union Bank of California, N.A. and Lake Hemet Municipal Water District  
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 24, 2010,  
8 November 17, 2010, January 25, 2011, April 19, 2011 and April 28, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: green woody waste, tires, scrap  
11 wood, carpet and carpet padding, torn up furniture, tires and trash.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
13 No. 541 (RCC Title 8) 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 December 8, 2010, as instrument number 2010-0586666.

16 7. On August 24, 2010, a Notice of Violation was posted on THE PROPERTY. On  
17 August 25, 2010, a Notice of Violation was mailed by certified mail, return receipt requested to  
18 OWNER. On December 9, 2010, a Notice of Violation was mailed by certified mail return receipt  
19 requested to OWNER and INTERESTED PARTIES.

20 8. On April 14, 2011, a "Notice to Correct County Ordinance Violations and Abate  
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 3,  
22 2011, was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
23 PARTIES and posted on THE PROPERTY on April 19, 2011.

24 **FINDINGS AND CONCLUSIONS**

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

27 1. WHEREAS, the accumulation of rubbish on the real property located at 43337 Edith  
28 Way, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 549-234-004



1 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
2 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
3 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

6 Dated: June 14, 2011

COUNTY OF RIVERSIDE

7  
8 By Bob Buster  
9 Bob Buster  
Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

13  
14 By Karen B. Fong  
15 Deputy  
16

17 (SEAL)  
18  
19  
20  
21  
22

23 L:\Code Enforcement\Abatements\2011\2010\CV 10-06635\541 FOF.DOC  
24  
25  
26  
27  
28



**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

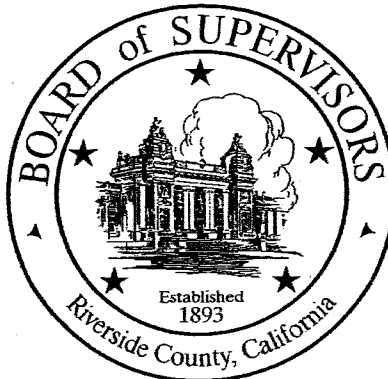
<http://riverside.asrclrec.com>

**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:

6-14-11

Signature:

*Karen Barton*

Print Name:

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

## NOTICE LIST

Subject Property: 43337 Edith Way, Hemet  
Case No.: CV 10-06635; APN: 549-234-004; District 3

SHAWN NGUYEN  
43337 EDITH WAY  
HEMET CA 92544

SHAWN NGUYEN  
367 MAR VISTA DR  
VISTA CA 92083

UNION BANK OF CALIFORNIA, N.A.  
DOCUMENT FOLLOW-UP DEPT M-520  
8248 MERCURY COURT SUITE B  
SAN DIEGO CA 92111

LAKE HEMET MUNICIPAL WATER DISTRICT  
PO BOX 5039  
HEMET CA 92544-0039

UNION BANK OF CALIFORNIA, N.A.  
PO BOX 85643  
SAN DIEGO CA 92186-5643

L:\Code Enforcement\Abatements\2011\2010\CV 10-06635\Notice List.DOC

6/14/2011 2.9



**PROOF OF SERVICE**

Case No. CV10-06635

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, LaKesha Covington, 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 July 21, 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)**

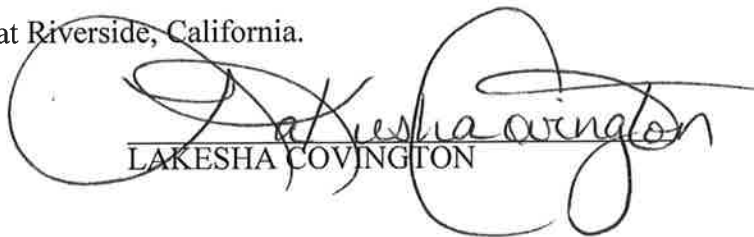
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 JULY 21, 2011, at Riverside, California.

  
LAKESHA COVINGTON



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

July 26, 2011

RE CASE NO: CV1006635

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 07/26/2011 at 11:10 a.m., I securely and conspicuously posted Findings of Facts at the property described as:

**Property Address:** 43337 EDITH WAY, VALLE VISTA

**Assessor's Parcel Number:** 549-234-004

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

Executed on July 26, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician