

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**14.4**

During the oral communication section of the agenda for Tuesday, August 28, 2012, Robert Mabee read his statement into the record.

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**ATTACHMENTS FILED WITH  
CLERK OF THE BOARD**

**AGENDA NO.  
14.4**

Robert D. Mabce- Pro Per  
Martha A. Mabce  
3086 Miguel St.  
Riverside, Ca 92506  
(951) 788-4858

**FILED**  
AUG 23 2012  
COURT OF APPEAL FOURTH DISTRICT

COURT OF APPEAL FOURTH DISTRICT  
DIVISION TWO  
STATE OF CALIFORNIA

ROBERT D. MABEE and MARTHA A. MABEE )  
Plaintiffs and Appellants )  
vs. )  
COUNTY OF RIVERSIDE ET AL. )  
Defendants and Respondents )

Case No. 187104-E009108

Motion to Recall Remittitur  
Supporting Memorandum  
Declarations of Robert D. Mabce & Martha A. Mabce

Robert D. Mabce, Martha A. Mabce- Appellants moves this court to recall the remittitur in this case on June 2, 1992. This motion is made on the following grounds: The judgment was inadvertently made in that the County of Riverside induced the court by fraudulently misstating the facts to enter judgment and issue the remittitur in these proceedings. This motion is based on the attached declaration of Robert D. Mabce and Martha A. Mabce, supporting memorandum and on the record of appeal.

Robert D. Mabce- Pro Per  
Martha A. Mabce

*Robert D. Mabce*  
*Martha A. Mabce*

2012-8-114622

Robert D. Mabec- Pro Per  
Martha A. Mabec  
3086 Miguel St.  
Riverside, Ca 92506  
(951) 788-4858

COURT OF APPEAL FOURTH DISTRICT  
DIVISION TWO  
STATE OF CALIFORNIA

ROBERT D. MABEE and MARTHA A. MABEE )  
Plaintiffs and Appellants )  
vs. )  
COUNTY OF RIVERSIDE )  
Defendants and Respondents )

Case No. 187104-E009108

1. I am the attorney for appellant. I am making this declaration in support of the motion for an order recalling the remittitur issued in this case. If called as a witness, I could testify competently to the matters set forth below.

2. The judgment was inadvertently made in that the County of Riverside induced the court by fraudulently misstating the facts to enter judgment and issue the remitter in these proceedings.

I declare under penalty of perjury that the forgoing is true and correct and that the declaration was executed on 8-20-2021 Riverside, California.

Robert D. Mabec  
Martha A. Mabec  
Declarant

*Robert D. Mabec*  
*Martha A. Mabec*

**Exhibit-A-** A statement of decision and judgment in Case No. 187104- inverse condemnation, filed November 27, 1990 the court finding- 1- that plaintiffs had a non exclusive private easement for ingress and egress. 2- that as evidenced by easement deed- exhibit 1- plaintiffs easement was extinguished on May 11, 1988 when the Riverside County Flood Control and Water Conservation District granted to the County of Riverside an easement of public road and drainage purposes, which was accepted by the County of Riverside as evidenced by exhibit 10- the easement deed. Exhibit 1- by its terms provided that the easement would terminate if a public highway was extended to section 22 providing Plaintiffs with access to their property. The court found that there was no taking of plaintiffs' property because the easement deed, exhibit 1 by its terms provided that the easement would cease and determine if a public highway or street was extended to section 22. Plaintiff filed an appeal in the Appellate Court in case 187104 E009108.

**Exhibit-B-** The respondents' brief Oct 25, 1991 states paragraph 3, page 5, "the District developed a plan to provide to the Deischels' or their successors in interest alternate, unobstructed access." Page 6, paragraph 5, "the new road extended from Fairview Avenue to Plaintiffs' property."

**Exhibit-C-** Appellate Courts decision June 2, 1992.

**Exhibit-D-** Supervisor Ashley, as Chairman of the Riverside County Board of Supervisors made an independent investigation of the facts and public documents. He submitted a report April 12, 2011 in agenda 3.30 in which he found fraud upon the court. Page 1, paragraph 3, "outside counsel for the county represented to the Appellate Court that the plan focused on the construction of a new road that would provide plaintiffs with a alternate unobstructed access to their land." Paragraph 3, page 2, "no easement was ever recorded nor was any settlement ever provided for the loss of easement." Supervisor Ashley in his report pages 1 and 2 states, "that the county's actions resulted in a apparent lack of justice and that the county has a responsibility and obligation to pay compensation of \$242,626.00." Supervisor Stone whose district includes the public road said no one had a right to interfere in his district and agenda 3.30 was voted down. Supervisor Stone has a history of corruption in public office. In 1999 when he was Mayor of Temecula and a pharmacist he agreed to a settlement with the State Board of Pharmacy in 20 accusations made, including that he had operated a unlicensed pharmacy, improperly labeled drugs and committed dishonesty, fraud, deceit and corruption. Under the settlement he admitted to four of the charges, all of them minor and reimbursed the Pharmacy Board and the State Attorney General a total of \$10,000.00 for the cost of the investigation. The Press Enterprise June 10, 2011 reported Supervisor Stone paid a \$16,000 fine by the State Fair Political Practices Commission.

**Exhibit E-** A certified copy of agenda 10.3, Oct 3, 1995 was obtained from the Clerk of the Board by plaintiff Feb 22, 2012. Plaintiff has obtained a tape of agenda 10.3, Oct 3, 1995. In the tape Supervisor Tavaglione clearly violates the Brown Act. He bundled the agenda with three others. There was no comment from the board or the public. In agenda 10.3 Kenneth Edwards, General Manger of Riverside County Flood Control asked the Board to approve resolution No. F95-5. Authorization to convey 4 non exclusive easements for ingress and egress

over district owned land. Justification, page 2, "the County had modified several side channel conveyances resulting in Plaintiffs' physical access being obstructed. The granting of these easements will provide new unobstructed access to the property owners." Plaintiffs had no knowledge of agenda 10.3, Oct 3, 1995 until shortly before Supervisor Ashley's report April 12, 2011 when he states that in the second page of chronology that the easement deeds was never recorded. Supervisor Buster voted to grant the deeds and Supervisor Tavaglione as Chairman of the Flood Control Board signed the deeds.

Exhibit F- Supervisor Younglove report with Supervisor's Buster name on the cover informing Supervisor Buster of Younglove's concern over the public road and plaintiffs' access to the public road. This was nearly 3 years prior to agenda 10.3, Oct 3, 1995. Clearly the exhibits E and F shows that Supervisor Buster was involved in this fraud upon the court.

Exhibit G- State Assemblyman Kevin Jeffries wrote the Attorney General April 22, 2011 asking for an investigation.

Exhibit H- Minutes from Riverside County Board of Supervisors agenda 3.60, Jun 14, 2011, Supervisors Ashley and Tavaglione recommended motion regarding proposed arbitration with Robert Mabec. Once again the report describing fraud and missing deeds. The board ordered to delay action until a response from the Attorney General.

Exhibit I- Oct 27, 2011, agenda 2.11: The Attorney General responded Sept 22, 2011, paragraph 4, page 1-2, "there are two essential reasons why the Attorney General declines to intervene. It is a private dispute between the County and Robert Mabec and has no statewide importance and the State has no funds." Agenda 2.11 received and filed, no action taken.

Exhibit J- Request under the Public Records Act for a copy of the four recorded deeds as described in Resolution No. F95-50, agenda 10.3, Oct 3, 1995.

Exhibit K- March 1, 2012 Letter from the Clerk of the Board stating the Assessor Clerk Recorder was unsuccessful in finding any matches.

Exhibit L- Robert Mabec went before the Board of Supervisors and asked for the deeds to be recorded and a letter of apology to the four property owners: no response.

Exhibit M- Certified letter from Corps of Eng. stating no permits were ever issued by the Corps of Eng. To place fill in the public road.

Exhibit N- Report may 27, 2008 from Corps of Eng. describing how the channel could fail because of the fill over a drainage levee blocking the public road.

Exhibit O- A report dated may 18, 2012 by FEMA documenting the illegal acts of Riverside county.

Exhibit P- Video 6/12/12 Chairman Tavaglione lies to the board stating that the deeds were not

recorded because, "the escrow failed to close."

Exhibit Q- Letter from County Counsel there are no records of any escrow.

Exhibit R- Points and authorities.

As the court can see exhibits A through R clearly shows that the county committed fraud upon the court. The court and plaintiffs could not have known about agenda 10.3 in which the county states that "the County had modified several side channel conveyances resulting in Plaintiff physical access being obstructed."

Supervisor Younglove, Supervisor Ashley, Supervisor Tavaglione, and Assemblyman Jeffries all have behaved with honor to right a miscarriage of justice. Plaintiff Robert Mabce has as the age of 81 and after 23 years always believed that one day he would receive justice. Plaintiffs begs the court to recall remitter in case 187104 based on fraud upon the court.

Robert Mabce  
Martha Mabce  
3086 Miguel St.  
Riverside, Ca 92506

*Robert Mabce*  
*Martha Mabce*

**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:** ROBERT MABLE

**Address:** 3086 Miboele St  
(only if follow-up mail response requested)

**City:** Riverside **Zip:** 92506

**Phone #:** 768-4858

**Date:** 8-28-12 **Agenda #** Oral

**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:

ORAL COMMUNICATIONS

**Support**       **Oppose**       **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_