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



SUBMITTAL DATE:

FROM: County Counsel/TLMA

Code Enforcement Department

SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage &

Accumulated Rubbishl;

Case No. CV11-08309 [TOMSON]

Subject Property: 41035 Sunset Lane, Hemet; APN: 449-300-005

District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08309;

2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08309; and

3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-08309.

BACKGROUND:

Summary

On April 8, 2014, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structure, excessive outside storage, and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)

Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent Policy
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUN	DS:	Budget Adjustment:			
			For Fiscal Year:		

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes:

Jeffries, Stone, and Ashley

Nays:

None

Absent:

Tavaglione and Benoit

Date:

June 3, 2014

Co. Co. TLMA-Code Enforcement., Recorder

Kecia Harper-Ihem

Prev. Agn. Ref.: 04/08/14; 9.2

District: 3/3

Agenda Number:

4/5 Vote

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA FORM 11: Order to Abate [Substandard Structure, Excessive Outside Storage &

Accumulated Rubbish]

Case No. CV11-08309 [TOMSON]

Subject Property: 41035 Sunset Lane, Hemet; APN: 449-300-005

District: 3/3 [\$0.00]

DATE:

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1	RECORDING REQUESTED BY: Kecia Harper-Ihem, Clerk of the	DOC # 2014-0204686				
2	Board of Supervisors	Customer Copy Label The paper to which this label is compared				
3	(Stop #1010)	with the filed/recorded document				
4		Larry W Ward County of Riverside Assessor, County Clerk & Recorder				
5	WHEN RECORDED PLEASE MAIL TO:					
6	Michelle Cervantes, Code Enforcement Officer Regina Keyes, Senior Code Enforcement Officer					
7	CODE ENFORCEMENT DEPARTMENT 4080 Lemon Street, Twelfth Floor (Stop #1012)					
8	Riverside, CA 92501	[EXEMPT GC §§ 6103 and 27383]				
9	DOADD OF SUDE	DVICADC				
10	BOARD OF SUPERVISORS COUNTY OF RIVERSIDE					
11		CASE NO. CV 11 09200				
12	IN RE ABATEMENT OF PUBLIC NUISANCE:) [SUBSTANDARD STRUCTURE, EXCESSIVE)	CASE NO. CV 11-08309				
13	OUTSIDE STORAGE AND ACCUMULATION) OF RUBBISH]; APN 449-300-005, 41035)	FINDINGS OF FACT, CONCLUSIONS AND ORDER TO				
14	SUNSET LANE, HEMET, RIVERSIDE) COUNTY, CALIFORNIA; TIMOTHY N.)	ABATE NUISANCE				
15	TOMSON, OWNER.	R.C.O. Nos. 348, 457, 541 and 725				
16						
17	The above-captioned matter came on regularly for hearing on April 8, 2014, before the Board					
18	of Supervisors of the County of Riverside, State of Cal	ifornia in the Board Room, First Floor Annex,				
19	County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property					
20	described 41035 Sunset Lane, Hemet, Riverside County, Assessor's Parcel Number 449-300-005 and					
21	referred to hereinafter as "THE PROPERTY."					
22	L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Code					
23	Enforcement Officer, on behalf of the Director of the Code Enforcement Department.					
24	Owner did not appear.					
25	The Board of Supervisors received the Declaration of the Code Enforcement Officer together					
26	with attached Exhibits, evidencing the substandard structure, excessive outside storage of materials					
27	and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.					
28	348, 457 and 541 and as a public nuisance.					

06.03.14 2-12

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

SUMMARY OF EVIDENCE

- 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Timothy N. Tomson ("OWNER").
- 2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Lake Hemet Municipal Water District, State of California Franchise Tax Board and Internal Revenue Service ("INTERESTED PARTIES").
- 3. THE PROPERTY was inspected by Code Enforcement Officers on July 11, 2012, and on approximately six other occasions, the last being April 3, 2014.
- 4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal member which sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; general dilapidation or improper maintenance; and public and attractive nuisance abandoned/vacant.
- 5. During each inspection an accumulation of rubbish and excess outside storage was also observed throughout THE PROPERTY consisting of but not limited to: metal, wood, construction materials, green waste and miscellaneous items in excess of 5,950 square feet.
- 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance Nos. 348, 457 and 541 by the Code Enforcement Officer.
- 7. On March 6, 2012, a Notice of Pendency of Administrative Proceedings as to the accumulated rubbish and excessive outside storage was recorded at the Riverside County Recorder's Office as instrument number 2012-0101752. On August 20, 2012, a Notice of Pendency of Administrative Proceedings as to the substandard structure was recorded at the Riverside County

Recorder's Office as instrument number 2012-0396755.

- 8. On January 5, 2012 and July 11, 2012, a Notice of Violation, Notice of Defects and "Danger- Do Not Enter" signs were posted on THE PROPERTY. On January 10, 2012 and May 9, 2013, Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested. On July 12, 2012, a Notice of Violation was mailed to OWNER by certified mail with return receipt requested. On September 11, 2012, a Notice of Violation and Notice of Defects were mailed to INTERESTED PARTIES by first class mail and certified mail with return receipt requested.
- 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 8, 2014, finds and concludes that:

- 1. WHEREAS, the substandard structure (dwelling), excessive outside storage of materials and accumulation of rubbish on the real property located at 41035 Sunset Lane, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 449-300-005 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a public nuisance.
- 2. WHEREAS, the OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structure (dwelling) by razing, removing and disposing of the substandard structure including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structure provided that said reconstruction or demolition can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days.
- 3. WHEREAS, the OWNER, occupants and any other person having possession or control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of materials by removing and disposing of all rubbish and excessive outside storage on THE

PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE PROPERTY be abated by the OWNER, specifically Timothy N. Tomson, or anyone having possession or control of THE PROPERTY, by razing and removing the substandard structure including the removal and disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure the removal of all asbestos containing materials discovered through such survey and testing by

contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines by South Coast Air Quality Management District (SCAQMD).

IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside storage of materials is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive outside storage of materials may be abated and disposed of by representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code

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- 1						
1	Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brough					
2	into compliance within ninety (90) days of the date of this Order to Abate Nuisance.					
3						
4	Dated: June 3, 2014 COUNTY OF RIVERSIDE					
5	2 0 0 NA					
6	By Jeff Storie Jeff Storie Jeff Storie					
7	Chairman, Board of Supervisors					
8	ATTEST:					
9	KECIA HARPER-IHEM					
10	Clerk to the Board					
11						
12	By faller glow					
13	Deputy					
14	(SEAL)					
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LARRY W. WARD **COUNTY OF RIVERSIDE** ASSESSOR-COUNTY CLERK-RECORDER

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

http://niverside.asrc/krec.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)



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

ACR 601P-AS4REO (Rev. 01/2005)

Date:

Signature:

Print Name:



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

AFFIDAVIT OF POSTING OF NOTICES

June 18, 2014

RE CASE NO: CV1108309

I, Anita Bustillos, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is: 37600 Sky Canyon Drive, Suite G Murrieta, California 92563 Mail Stop #5155.

That on <u>06/18/2014</u> at <u>10:17 a.m.</u>, I securely and conspicuously posted In RE: Abatement of Public Nuisance: (Substandard Structure, Excessive Outside Storage and Accumulation of Rubbish); Findings of Fact, Conclusions and Order to Abate Nuisance, Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification, Notice List and Proof of Service at the property described as:

Property Address: 41035 SUNSET LN, HEMET

Assessor's Parcel Number: 449-300-005

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

Executed on June 18, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician

RECEIVED JUMES OF THE

Originals filed with the Clerk of the Board: Agenda No. $\frac{2.12}{6}$ of $\frac{6/3/14}{2}$: on the Consent calendar.

PROOF OF SERVICE Case No. CV11-08309 Tomson

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on June 20, 2014, 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 June 20, 2014, at Riverside, California.

NOTICE LIST

Subject Property: 41035 Sunset Lane, Hemet; Case No.: CV11-08309 Tomson APN: 449-300-005; District 3/3

TIMOTHY N. TOMSON 41035 SUNSET LANE HEMET, CA 92544

LAKE HEMET MUNICIPAL WATER DISTRICT P.O. BOX 5039 HEMET, CA 92544

INTERNAL REVENUE SERVICE P.O. BOX 145585, STOP 8420G CINCINNATI, OH 45250-5585

STATE OF CALIFORNIA FRANCHISE TAX BOARD SPECIAL PROCEDURES SECTION P.O. BOX 2952 SACRAMENTO, CA 95812-2952 County Administrative Center- 4th Floor 4080 Lemon Street, P.O. Box 12005 Riverside, CA 92502-2205 (951) 955-3900 (951) 955-3990 - Fax

E-mail: ttc@co.riverside.ca.us www.countytreasurer.org



Palm Desert Office 38-686 El Cerrito Road Palm Desert, CA 92211

Temecula Office 40935 County Center Drive, Suite C Temecula, CA 92591

July 22, 2015

COUNTY OF RIVERSIDE BOARD OF SUPERVISORS C/O COUNTY ADMINISTRATIVE CENTER - CASE # CV11-08309 4080 LEMON STREET , FIRST FLOOR ANNEX RIVERSIDE, CA 92501

Re: EXCESS PROCEEDS FROM SALE OF TAX DEFAULTED PROPERTY

Assessment No.: 449300005-1

item: 342

Situs Address: 41035 Sunset Ln Hemet 92544

Assessee: Tomson, Timothy N

Date Sold: May 5, 2015

Date Deed to Purchaser Recorded: June 18, 2015

Final Date to Submit Claim: June 20, 2016

Dear Sir or Madame:

The property referenced above was declared subject to the Tax Collector's power of sale for non-payment of taxes and later sold. Parties of Interest, as defined in Section 4675 of the California Revenue and Taxation Code (e.g., the last assessee and any lienholders of record), have a right to file a claim for any excess proceeds that remain after the tax liens and the costs of the sale have been satisfied. Our records show that you may be a party of interest, and we are enclosing for your convenience a claim form and a return envelope. Please note that your claim must be filed within one year of the date the deed to the purchaser was recorded (shown above). By law, we cannot accept claims after one year from this recording date. Claims submitted will be evaluated by our legal counsel and awarded in accordance with state law. The submission of a claim merely initiates that review.

The enclosed form is relatively simple and we must stress that <u>most applicants will be able to fill it out without help</u>. However, if you need help, please feel free to contact our office by mail, telephone or in person and we will help you without charge. You may telephone us at (951) 955-3336.

If you prefer to have an agent file your claim for you, or if you should decide to sell your claim (often referred to as "assignment") so that the purchaser of the claim may receive the funds, please advise us and we will send the proper form.

Please note also that the statutory procedures and the County's internal procedures dictate that most claims will not be processed until at least twenty (20) months following the date of recordation of the tax deed.

Sincerely,

DON KENT TREASURER-TAX COLLECTOR

By **Jennifer Pazicni**Deputy

117-170(Rev. 5-03)

U/3/14 2-12 2015 -7-12**82**U2

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY (SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

To:	Don Kent, Treasurer-Tax Collector		
Re:	Claim for Excess Proceeds		
TC 203	3 Item 342 Assessment No.: 449300005-1		
Assess	see: TOMSON, TIMOTHY N		
Situs:	41035 SUNSET LN HEMET 92544		
Date S	old: May 5, 2015		
Date D	Deed to Purchaser Recorded: June 18, 2015		
Final D	Pate to Submit Claim: June 20, 2016		
\$ p Record	pursuant to Revenue and Taxation Code S from the sale of the above mention roperty owner(s) [check in one box] at the tinder's Document No; recorded the rightful claimants by virtue of the attack each item of documentation supporting the claimants.	ned real property. I/We were the Innered the sale of the property as don A copy of the dassignment of interest. I/We	is evidenced by Riverside County this document is attached hereto.
NOTE	: YOUR CLAIM WILL NOT BE CONSIDERED	UNLESS THE DOCUMENTATIO	N IS ATTACHED.
nave to claimar	roperty is held in Joint Tenancy, the taxsale property is held in Joint Tenancy, the taxsale properties the claimant submits postion to the properties of the properties of the properties that the foregoing	roof that he or she is entitled to of the claim.	
Execut	ed this day of,	20at	
		County, State	
Signati	ure of Claimant	Signature of Claimant	· .
Print N	ame	Print Name	
Street	Address	Street Address	A STATE OF THE STA
City, S	tate, Zip	City, State, Zip	
Phone	Number	Phone Number	SCO 8-21 (1-99)

INSTRUCTIONS FOR FILING CLAIM

(See Claim Form on Reverse Side)

The California Revenue and Taxation Code, Section 4675, states in part (paraphrased):

For the purposes of this article, parties of interest and their order of priority are:

- (a) First, lienholders of record prior to the recordation of the tax deed to the purchaser in the order of their priority; and
- (b) Then, any person with title of record to all or any portion of the property prior to the recordation of the tax deed to the purchaser.

If you consider yourself to be a party of interest in the sale of tax-defaulted property as defined above, please fill out the reverse of this form stating how you have determined your status as a party of interest. If you need help in filling out the form, please contact our office by telephone at 951-955-3336, mail, or in person.

You must attach copies of documents to support your claim as follows:

- 1. In case (a), attach a copy of your trust deed or other evidence of lien or security interest, along with a statement under penalty of perjury setting forth the original amount of the lien or interest, the total amount of payments received reducing the original amount of the lien or interest, and the amount still due and payable as of the date of the sale of the tax defaulted property by the Tax Collector.
- 2. In case (b), attach copies of any other documents (e.g., deed, certified death certificate, will, court order, etc.) supporting your claim.

PLEASE NOTE: We cannot, by law, begin processing of claims until one year has passed from the date of the deed to the purchaser. In order to receive consideration by the Riverside County Board of Supervisors, claims must be filed ON OR BEFORE THE EXPIRATION OF ONE YEAR following the date of the recording of the deed to the purchaser. Please see the "Date Deed to Purchaser Recorded" appearing on the attached notice (Form 117-170). The Tax Collector will submit a recommendation to the County Board of Supervisors as to what disposition should be made on your claim. Following the Board's review, the claim will either be approved or denied. The Clerk of the Board of Supervisors will notify you of the action taken by the Board. Should the claim be approved, the Auditor-Controller will issue a County warrant in payment. By law, the Auditor-Controller cannot issue a warrant in payment of the approved claim until 90 days following the action taken by the Board.

MAIL COMPLETED FORMS TO:

Don Kent, Treasurer-Tax Collector Post Office Box 12005 Riverside, CA 92502-2205

Attention: Excess Proceeds