

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

**408B**



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
October 6, 2015

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No. CV14-03996 [LAWELL]  
Subject Property: 40726 Mayberry Avenue, Hemet; APN: 447-060-044  
District: 3 [\$0.00]

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03996;
  2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03996; and
  3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-03996.

**BACKGROUND:**  
Summary

On September 1, 2015, 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

(Continued)

GREGORY P. PRIAMOS  
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

**SOURCE OF FUNDS:** \_\_\_\_\_ **Budget Adjustment:** \_\_\_\_\_  
For Fiscal Year: \_\_\_\_\_

**C.E.O. RECOMMENDATION:**

APPROVE  
BY:   
Rohini Dasika

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Washington and Benoit  
Nays: None  
Absent: Ashley  
Date: October 20, 2015  
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

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

**FORM 11: Order to Abate [Substandard Structure]**

Case No. CV14-03996 [LAWELL]

Subject Property: 40726 Mayberry Avenue, Hemet; APN: 447-060-044

District: 3 [\$0.00]

**DATE:** October 6, 2015

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

(green house) 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.

**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

2015-0469631

10/26/2015 03:54 PM

\*\*\*Customer Copy Label\*\*\*

The paper to which this label is affixed has not been compared with the filed/recorded document

Peter Aldana  
County Of Riverside  
Assessor-County Clerk-Recorder

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

4  
5  
6 WHEN RECORDED PLEASE MAIL TO:  
Michelle Cervantes, Senior 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  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 14-03996  
12 [SUBSTANDARD STRUCTURE]; )  
APN 447-060-044, 40726 MAYBERRY AVENUE, )  
13 HEMET, RIVERSIDE COUNTY, CALIFORNIA; ) FINDINGS OF FACT,  
MARIAN L. LAWELL, OWNER. ) CONCLUSIONS AND ORDER TO  
14 ) ABATE NUISANCE  
15 ) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on September 1, 2015, 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 as 40726 Mayberry Avenue, Hemet, Riverside County, Assessor's Parcel Number  
20 447-060-044 and referred to hereinafter as "THE PROPERTY."

21 Sophia H. Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear.

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 ("RCO") No. 457 and as a public nuisance.

27 ///

28 ///

**COPY**

1 SUMMARY OF EVIDENCE

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner of  
3 THE PROPERTY as Marian L. Lawell (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Accubanc Mortgage Corporation, First Interstate Bank of California, a  
6 California Corporation, GMAC Mortgage Corporation, and Wells Fargo Bank, N.A.  
7 (“INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 14, 2014,  
9 and on seven (7) subsequent inspections, with the last occurring on August 27, 2015.

10 4. During each inspection, a substandard structure (green house) was observed on THE  
11 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,  
12 including but not limited to: members of walls, partitions, or other vertical supports that split, lean,  
13 list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof  
14 supports or other horizontal members which sag, split, or buckle due to defective material or  
15 deterioration; faulty weather protection; general dilapidation or improper maintenance; fire hazard;  
16 public and attractive nuisance- abandoned /vacant.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 No. 457 by the Code Enforcement Officer.

19 6. On October 14, 2014, Notice of Defects and a “Danger Do Not Enter” sign were  
20 posted on THE PROPERTY. On October 15, 2014, a Notice of Violation and Notice of Defects  
21 were mailed to OWNER by first class mail and posted on THE PROPERTY on October 16, 2014.  
22 On February 3, 2015, a Notice of Violation and Notice of Defects were mailed to INTERESTED  
23 PARTIES by first class mail.

24 7. A Notice of Pendency of Administrative Proceedings was recorded on December 3,  
25 2014, as Instrument Number 2014-0462041 in the Office of the County Recorder, County of  
26 Riverside.

27 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
28 providing notice of the public hearing before the Board of Supervisors on September 1, 2015, was

1 mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on September 1, 2015, finds and concludes that:

5 1. WHEREAS, the substandard structure (green house) on the real property located at  
6 40726 Mayberry Avenue, Hemet, Riverside County, California, also identified as Assessor's Parcel  
7 Number 447-060-044 violates RCO No. 457 and constitutes a public nuisance.

8 2. WHEREAS, the OWNER, occupants, and any person having possession or control of  
9 THE PROPERTY shall abate the substandard structure by razing, removing and disposing of the  
10 substandard structure, including the removal and disposal of all structural debris and materials, and  
11 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 RCO No. 457 within ninety (90) days.

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

18 **ORDER TO ABATE NUISANCE**

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

26 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
27 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
28 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and

1 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural  
2 debris and materials, may be abated by representatives of the Riverside County Code Enforcement  
3 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court  
4 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

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

19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 Department will be recoverable from the OWNER even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3

4 Dated: October 20, 2015

COUNTY OF RIVERSIDE

5

6 By Marion Ashley  
7 Marion Ashley  
8 Chairman, Board of Supervisors

7

8

9 ATTEST:

9

10 KECIA HARPER-IHEM

10

11 Clerk to the Board

11

12

12 By Kellie Boyton  
13 Deputy

13

14

14 (SEAL)

15

16

17

18

19

20

21

22

23

24

25

26

27

28



**PETER ALDANA  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

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

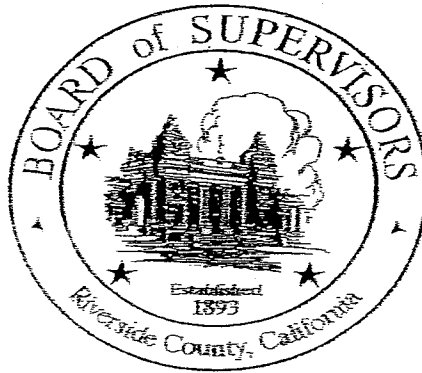
www.riversideacr.com

**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:

10-20-18

Signature:

*Karen Barton*

Print Name:

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





## CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

### AFFIDAVIT OF POSTING OF NOTICES

November 5, 2015

RE CASE NO: CV1403996

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 11/5/2015 at 1:45 p.m., I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, In RE: Abatement of Public Nuisance: (Substandard Structure); Summary of Evidence, Findings and Conclusions, Order to Abate Nuisance, Certification and Notice List at the property described as:

**Property Address:** 40726 MAYBERRY AVE, HEMET

**Assessor's Parcel Number:** 447-060-044

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

Executed on November 5, 2015 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Anita Bustillos, Code Enforcement Technician

**PROOF OF SERVICE**  
**Case No. CV14-03996 Lawell**

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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, 12<sup>th</sup> Floor, Riverside, California 92501.

That on November 3, 2015, I served the following document(s):

- **FINDING OF FACT CONCLUSIONS & ORDER TO ABATE NUISANCE**
- **RESPONSIBLE OR INTERESTED PARTIES LIST**

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

**OWNERS OR INTERESTED PARTIES**  
**(SEE ATTACHED RESPONSIBLE OR INTERESTED PARTIES 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 November 3, 2015, at Riverside, California.

  
\_\_\_\_\_  
STACY BAUMGARTNER  
CODE ENFORCEMENT OFFICER III

## NOTICE LIST

Subject Property: 40726 Mayberry Avenue, Hemet;

Case No.: CV14-03996

APN: 447-060-044; District: 3

MARIAN L. LAWELL  
40726 MAYBERRY AVENUE  
HEMET, CA 92544

ACCUBANC MORTGAGE CORPORATION  
P.O. BOX 809069  
DALLAS, TX 75380-9068

WELLS FARGO BANK, N.A.  
P.O. BOX 5140  
PORTLAND, OR 97208-5140

FIRST INTERSTATE BANK  
OF CALIFORNIA  
SAN DIEGO DLC  
P.O. BOX 210028  
SAN DIEGO, CA 92121

GMAC MORTGAGE, LLC  
C/O OWEN LOAN SERVICING, LLC  
1100 VIRGINIA DRIVE, SUITE 175  
FORT WASHINGTON, PA 19034