

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: ENVIRONMENTAL RESOURCES *EMW*
Urgent _____ Routine x
CEO Concurs with Recommendation YES ✓ NO _____
(Information Attached)

BOARD AGENDA # *B-4
AGENDA DATE February 27, 2001
4/5 Vote Required YES _____ NO L

SUBJECT:

RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD
REGARDING ABATEMENT HEARING NO. 2001-02; 1832 DONALD STREET,
MODESTO, CALIFORNIA

STAFF
RECOMMEN-
DATIONS:

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT
HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-02; 1832
DONALD STREET, MODESTO, CALIFORNIA

FISCAL
IMPACT:

There is no fiscal impact.

BOARD ACTION

No. 2001-136

On motion of Supervisor Caruso, Seconded by Supervisor Simon,
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

ATTEST: RFAGAN M. WILSON, Clerk

Christine Ferraro
Bv: Deputy

File No.

RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD
REGARDING ABATEMENT HEARING NO. 2001-02; 1832 DONALD STREET,
MODESTO, CALIFORNIA

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DISCUSSION: This agenda item is important because it ensures a safe and healthy community, promotes efficient government operation, serves the public's interest in a cost-effective manner, and fosters pride in our local community. The item before the Board today is to adopt, modify, or reject the recommendations of the Planning Commission acting as the Nuisance Abatement Hearing Board, as presented in Attachment A.

This agenda item concerns the tenth, and latest, case which was brought before the Nuisance Abatement Hearing Board. The property at 1832 Donald Street, Modesto, has a recent history of Stanislaus County Code violations. These include:

- Unlawful occupancy of a travel trailer,
- Unlawful operation of a junkyard, and
- The construction and occupancy of an illegal (shed) structure.
- Unlawful accumulation of refuse on the property,

This case was brought before the Code Enforcement Task Force for resolution as a public nuisance. Several attempts have been made to notify and inform Ben A. Davis, the property owner, to achieve an acceptable level of compliance with the Stanislaus County Code (see Attachment B). Continued attempts to gain compliance were made per the provisions in the Stanislaus County Code.

Despite these efforts, Mr. Davis has failed to comply to bring his property into conformance with the residential zoning designation (R-2). It became necessary to bring the case before the Nuisance Abatement Hearing Board on February 15, 2001. The history of this case is disclosed in attached Staff Report, (Attachment B) which was prepared for the Nuisance Abatement Hearing Board.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment A, Mr. Davis will have to abate the nuisance within four weeks after the Board of Supervisor's decision by:

- Removing accumulated refuse from the property to an approved disposal site,
- Vacating the travel trailer and disconnecting it from utilities,

RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD
REGARDING ABATEMENT HEARING NO. 2001-02; 1832 DONALD STREET,
MODESTO, CALIFORNIA

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- Causing the proper removal, storage or elimination of all abandoned vehicles, and
- The vacancy and demolition of the illegally constructed shed, and removal of resulting demolition debris from the property for proper disposal.

Should Mr. Davis fail to comply within that four-week period, the County will proceed with a forced clean-up abatement action, whereby the property will be cleared of the nuisance. The cost of the abatement will be charged to Mr. Davis. If Mr. Davis fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

If the Board adopts the Nuisance Abatement Hearing Board recommendations, this public nuisance can be abated in a timely and efficient manner. This would provide for a safe and healthy community, which helps the public to take greater pride in the areas in which they live.

POLICY
ISSUES:

The Board should decide if it should accept, modify, or reject the written recommendation as presented in the Decision of the Nuisance Abatement Hearing Board, Abatement Hearing No 2001-02 (Attachment A). Acceptance of this recommendation is consistent with the Board's priorities of a safe and healthy community, community service delivery and efficient government operations.

STAFFING
IMPACT:

None.



**STANISLAUS COUNTY
NUISANCE ABATEMENT HEARING BOARD**

DECISION

IN RE: 1832 Donald Street, Modesto, CA.
Abatement Hearing No. 2001-02

The above-referenced matter was heard on **February 15, 2001** by the Stanislaus County Planning Commission sitting as the Nuisance Abatement Hearing Board. Upon consideration of oral and documentary evidence presented at the hearing, the Board finds and determines as follows:

1. The property located at **1832 Donald Street, Modesto**, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number **037-24-02**, respectively (the "Property"), is zoned **R-2 (general definition, i.e. medium-density residential)**.
2. County staff confirmed the existence of and presented evidence of violations of Stanislaus County Code occurring on the Property.
3. All owners of record ("owners"), tenants and others holding an interest of record in the Property (collectively, the "interested Parties") are identified and listed in the title report contained in the staff report regarding this matter. The title report lists **Ben A Davis and Patsy Jean Davis, Husband and Wife, as joint tenants**, as the owners of record for the Property.
4. All interested Parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the Property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the Interested Parties, and all Interested Parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by the Notice.
6. The owners have the legal responsibility for maintenance of the Property in conformance with applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The Interested Parties were served proper Notice of Hearing to Abate Nuisance pursuant


Stanislaus County Nuisance Abatement Hearing Board
Abatement Hearing No. 2001-02

7. The Interested Parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for this matter, still exist on the Property.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the Property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the Owner and Interested Parties to abate the nuisance on the Property within two weeks from the date of the Board's decision by correcting the condition or use of the Property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the cost of abatement by the County to the Owners if the Owner or other Interested Party does not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the Property to abate a nuisance in any manner authorized by law, and to charge the cost of disposal to the Owners as part of the cost of abatement.
4. Order a Notice of Abatement Lien be recorded against the Property if the Owner fails to pay the cost of abatement upon demand by the County.

Dated: **February 15, 2001**


Kathleen Griffin, Chairman
Nuisance Abatement Hearing Board

COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

RE: File No. DER-CE 00-24

Assessor's Parcel No. 037 24 02

Address: 1832 Donald Street, Modesto, CA 95351

THIS IS A COURTESY NOTICE informing the surrounding area that the Planning Commission sitting as the Nuisance Abatement Hearing Board will conduct a Public Hearing on February 15, 2001 at the hour of 6:00 p.m. or as soon thereafter as the matter may be heard in the Joint Chambers Room, Basement Floor, 1010 10th Street, Modesto, California, to determine whether the conditions which exist on property located at 1832 Donald Street, Modesto CA (Ben A Davis) constitute a public nuisance.

At the time and place specified in this Notice, the Hearing Officer or Hearing Board appointed to review the decision of the Director of the responsible County department ordering cessation or abatement of a nuisance occurring at or upon the subject property, shall proceed to hear the testimony of the undersigned enforcement official, his or her deputies, the testimony of the owner or his or her representatives, and the testimony of other competent person concerning persons the conditions constituting such nuisance, the estimated cost of abatement and other matters which the hearing Officer or Hearing Board may deem pertinent.

Upon the conclusion of the hearing, a decision will be rendered as to whether substantial evidence supports a determination that a nuisance exists upon the property.

For further information concerning this notice, please contact the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, California 95358 or call (209)525-6700.

Dated: January 31, 2001

Department of Environmental Resources
Jim Sellers, Senior R.E.H.S.

COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

TO: BEN A and PATSY JEAN DAVIS
4628 CLAUS ROAD, SPACE 6
MODESTO CA 95357

RE: File No. DER-CE 00-24
Assessor's Parcel No. 037-24-02
Address: 1832 DONALD STREET
MODESTO, CA. 95351

NOTICE IS HEREBY GIVEN TO APPEAR, before the Planning Commission sitting as the Nuisance Abatement Hearing Board on February 15, 2001 at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, in the Joint Chambers, Basement Floor, 1010 Tenth Street, Modesto, California, then and there to show cause or give legal reason, if any there be, why such conditions listed on Attachment A should not be condemned as a nuisance and why such nuisance should not be abated by the undersigned enforcement official.

At the time and place specified in this Notice, the Hearing Officer or Hearing Board appointed to review the decision of the Director of the responsible County department ordering cessation or abatement of a nuisance occurring at or upon the subject property, shall proceed to hear the testimony of the undersigned enforcement official, his or her deputies, the testimony of the owner or his or her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement and other matters which the Hearing Officer or Hearing Board may deem pertinent.

Upon the conclusion of the hearing, a decision will be rendered as to whether substantial evidence supports a determination that a nuisance exists upon the property. If a nuisance is found to exist, the Hearing Officer or Hearing Board may order you to abate the nuisance, prescribing the requirements of such abatement and prescribing a reasonable period of time for the completion of such abatement. Such order may further provide that, in the event that such abatement is not commenced, prosecuted or completed within the terms set in the order, the undersigned enforcement official shall be authorized to abate said nuisance and to recover the costs incurred by the County to abate the nuisance. The materials, equipment, vehicles or other personal property or materials contained in the nuisance abated by the enforcement official may be disposed of in any manner deemed appropriate by the enforcement official, including, but not limited to sale or transfer to another department in the same manner as surplus County personal property, and the proceeds from such sale shall be paid into the County general fund and shall offset the cost of abatement.

For further information concerning this Notice, please contact the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, California 95358 or call (209) 525-6700.

Dated: January 31, 2001

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By


JIM SELLERS, SENIOR R.E.H.S.

ATTACHMENT A

RE: File No. DER-CE 00-24
Assessor's Parcel No. 037-24-02
Address: 1832 Donald Street, Modesto, CA. 95351

A. CONDITIONS OF VIOLATION

Inspection of the above referenced property revealed the following violations of the Stanislaus County Code Section 21.92.010.

1. Unlawful occupancy of a travel trailer. This is a violation of the Stanislaus County Code Section 21.72.020.
2. Improper occupancy of a substandard building. This is a violation of Chapter 10, Section 1001.14 of the Uniform Housing Code; Stanislaus County Code Section 16.25.010.

B. CORRECTIVE ACTION REQUIRED

Vacate the occupants from the travel trailer and disconnect it from utilities.

Cause for the proper removal and disposal of the illegally constructed shed structure from the property.

Cause the removal of all illegal or improper utility connections; including electrical, gas, septic or water, from the structure location.



**STAFF REPORT
NUISANCE ABATEMENT HEARING BOARD**

DATE OF HEARING: February 15, 2001

TITLE: Nuisance Abatement Hearing 2001-02; 1832 Donald Street, Modesto, CA.

INTERESTED PARTIES: Ben A. Davis and Patsy Jean Davis, 4628 Claus Road, Space 6, Modesto CA, Property owners.

LOCATION OF PROPERTY: 1832 Donald Street, Modesto, CA. 95351 APN 037-24-02

STATEMENT OF VIOLATION:

1. Unlawful occupancy of a travel trailer. This is a violation of Stanislaus County Code Section 21.72.020.
2. Improper occupancy of a substandard building. This is a violation of Chapter 10, Section 1001.14 of the Uniform Housing Code; Stanislaus County Code Section 16.25.010.

COMPLIANCE EFFORTS:

- October 5, 2000- A complaint was registered with the Department of Environmental Resources.
- October 6, 2000- A site inspection was made by Tom Wolfe, Senior Environmental Health Specialist for the Department of Environmental Resources. The inspection revealed an occupied travel trailer, improperly connected to an electrical source with exposed extension cords.
- October 13, 2000- A second inspection was made by Tom Wolfe to verify the illegal occupancy of the travel trailer, also revealing the improper occupancy of a makeshift plywood shed.

- October 17, 2000- A notice of violation letter was written, signed and mailed to the owner of the property. A compliance date of 7 days was scheduled. Exhibit 1
- October 17, 2000- Received Title search report. Exhibit 2
- October 24, 2000- The occupant of the trailer called the DER office to request an extension for compliance. The request was denied, and a follow-up inspection performed by Tom Wolfe, Senior Environmental Health Specialist. Very little progress was observed. Conditions were still in violation.
- November 17, 2000- Notice and Order sent certified and regular mail to Ben/ Patsy Jean Davis Exhibit 3.
- November 18, 2000-Signed certified mail receipt was received, verifying receipt by the owner. Exhibit 4
- January 31, 2001- Photographs of subject property taken by Steven Sather, E.H.S., showing an illegally occupied travel trailer and improper occupancy of an illegally constructed, substandard structure. Exhibit 5
- February 1, 2001-Notice of Hearing to Abate Nuisance sent certified mail to interested parties and posted on the property. Exhibit 6

SUMMARY OF EVIDENCE

- Exhibit 1-Code Enforcement Notice of Violation Letter dated October 17, 2000.
- Exhibit 2-Notice & Order letter dated September 15, 2000.
- Exhibit 3-Title search and Assessor's record information.
- Exhibit 4-Signed certified mail receipt.
- Exhibit 5-Photographs of the conditions in violation; occupied travel trailer and occupied substandard structure.
- Exhibit 6-Notice of Hearing to Abate Nuisance; attached.
- Attachment A - Notice of Decision,

The property is zoned R-2, medium-density residential which allows for one single family dwelling, or two dwelling units, on one parcel. Occupancy of a travel trailer is prohibited. Storage of the travel trailer is allowed but occupancy is once again prohibited.

Evidence had been collected showing the presence of the travel trailer and the occupant inferred he was in violation to Tom Wolfe, Sr.E.H.S., when asking for an extension to comply.

The property was also noted to contain significant amounts of refuse material.

The code chapter only allows storage of a travel trailer, camper or motor home when not used for residential purpose. Evidence has been collected which indicates occupancy of the travel trailer, on the property. There have been no permits issued to allow occupancy of recreational vehicles on this property. Storage of the trailer is allowed, however, occupancy is expressly prohibited. The property has been determined to be in violation Stanislaus County Code Section 21.72.

RECOMMENDATION:

- Find that the Department's determination that the conditions on the subject property constitute a public nuisance, conforms with applicable law and is supported by substantial evidence.
- Forward to the Board of Supervisors for adoption a recommended decision as set forth in Attachment A.

This report has been prepared by Jim Sellers, Senior Environmental Health Specialist, Department of Environmental Resources (525-6763), based on reports and notes compiled by Tom Wolfe, Senior Environmental Health Specialist, Department of Environmental Resources.



FILE COPY

3800 Cornucopia Way, Suite C, Modesto, CA 95358-3492
Phone: 209.525.6700 Fax: 209.525.6774

OCTOBER 17, 2000

Ben A Davis
4628 Claus RD
MODESTO CA 95351

RE: 1832 Donald St. MODESTO, CA. APN 037-24-02

Mr. Davis:

CODE ENFORCEMENT TASK FORCE REFERRAL

An Inter-agency Code Enforcement Task Force has been formed to investigate and resolve long-standing code violations in the unincorporated areas of the County. The referenced property was referred to the Committee for resolution. It is the intent of the County to commit all available resources to abate and correct the present conditions, listed below:

1. UNLAWFUL OCCUPANCY OF A TRAVEL TRAILER AND AN UNAPPROVED STRUCTURE ON THE REFERENCED PROPERTY.

These conditions constitute a public nuisance and are in violation of County Code section 2.92.010. A copy of that code is enclosed.

This Notice of Violation and Order to correct will serve as the first step in the final resolution of this ongoing problem.

You are ordered to vacate the two units in question and disconnect them from utilities within seven (7) days, to restore the property to residential conformity.

If, for any reason, you should fail to comply with this Order, the County will begin proceedings to cause the conditions to be abated by County or contract personnel, **at your cost**, according to the provisions of the code.

For further information or more specific details, please contact this office at 525-6700, or me at 525-6756.

Thank you,

TOM WOLFE, Sr.E.H.S.
ENVIRONMENTAL HEALTH SPECIALIST



Recording Requested By
And For The Benefit Of:
and
When Recorded Mail To:

County of Stanislaus
Environmental Resources
Attn: Tom Wolfe, R.E.H.S.
3800 Cornucopia Way, #C
Modesto, CA 95358-9492

FILE COPY

Space Above For Recorder's Use

NOTICE AND ORDER TO ABATE NUISANCE

TO: BEN A. and PATSY JEAN DAVIS 4628 CLAUS RD MODESTO CA 95351	RE: File No. DER-CE 00-24 Assessor's Parcel No.037-24-02 Address: 1832 DONALD ST Modesto CA
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NOTICE IS HEREBY GIVEN, pursuant to Stanislaus County Code § 2.92.030, that conditions described on **Attachment A** which, by this reference is made a part hereof, exist on the above-referenced real property in the County of Stanislaus, State of California, which conditions are in violation of Stanislaus County Code. These conditions exist to an extent that endangers, the life, health, property, safety or welfare of the public and, as such, constitute a nuisance under Stanislaus County Code § 2.92.010.

YOU ARE HEREBY ORDERED to commence the abatement of the aforementioned nuisance within forty-five (45) days from the date of this Notice and Order to Abate, and to thereafter diligently prosecute and complete such abatement. If corrective action is not undertaken and diligently pursued within the time allotted, then the responsible County department may (1) impose an administrative penalty (§ 2.92.060); (2) initiate abatement proceedings pursuant to Government Code sections 25845 or 26528 (§ 2.92.070); (3) commence criminal prosecution (§ 2.92.080); (4) file a civil lawsuit for injunctive relief (§ 2.92.090); and/or (5) initiate any other remedy available under the law (§ 2.92.100).

In the event that abatement proceedings are initiated, all costs incurred by the County to abate the nuisance will be charged to the owner of the property and shall become a lien against the property under Government Code § 25845.

In the event that an administrative citation is issued, the fine or penalty imposed, as confirmed by the Board of Supervisors, shall become a lien against the property under Stanislaus County Code § 2.92.060 E.

For further information concerning this Notice, please contact the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, California 95358-9492 or call (209) 525-6700.

Dated: NOVEMBER 17, 2000

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By Tom Wolfe
Tom Wolfe, R.E.H.S.

ATTACHMENT A

RE: File No. DER-CE 00-24
 Assessor's Parcel No. 037-24-02
 Address: 1832 DONALD ST. MODESTO, CA.

A. CONDITIONS OF VIOLATION

Inspection of the above referenced property revealed the following violations of the Stanislaus County Code Section 2.92.010.

1. Unlawful occupancy of a travel trailer. This is a violation of Stanislaus County Code Section 21.72.020.
2. Improper occupancy of a substandard building. This is a violation of Chapter 10 Section 1001.14 of the Uniform Housing Code. (Stanislaus County Code Section 16.25.010)

B. CORRECTIVE ACTION REQUIRED

Vacate occupants from the travel trailer and disconnect it from utilities.

Vacate occupants from the substandard building and disconnect it from utilities.

SENDER: COMPLETE THIS SECTION

- Complete item 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**BEN DAVIS
 PATSY DAVIS
 4628 CLAUS RD
 MODESTO CA (535)**



**EH
 RE: 1832 DONALD ST.**

2. Article Number (Copy from service label)
7099 3220 0000 9479 0098

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Print Clearly) B. Date of Delivery

C. Signature *Ben Davis* D. Is delivery address different from item 1? Agent Address

E. Attach this card to the back of the mailpiece, or on the front if space permits. Yes No

3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

102595-99-M-1789

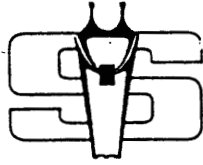
**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

Article Sent To: _____

Postage	5	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	S	

Name (Please Print Clearly) (To be completed by mailer)
BEN/PATSY JEAN DAVIS
 Street, Apt. No., or PO Box No.
4628 CLAUS RD
 City, State, ZIP+4
MODESTO CA 95351
 PS Form 3800, July 1999 See Reverse for Instructions

9600 64hb 0000 022E 6602



Sanctity of Contract

STEWART TITLE OF CALIFORNIA, INC.

Modesto Division - Escrow Services

1401 I Street, Modesto, CA 95354

(209) 529-8550 Fax: (209) 579-0105

rec'd w/r/w



October 17, 2000

ENVIRONMENTAL RESOURCES
ATTN: TOM WOLF
3800 CORNUCOPIA WAY, SUITE C
MODESTO, CA 95358

RE: Escrow Number : 01144206/ DAVIS
Property Address: 1832 DONALD ST., MODESTO, CA

With regard to the above referenced title transaction, we are pleased to enclose the following:

(X) SHORT FORM POLICY AND INVOICE

Please do not hesitate to contact us should you have any questions.

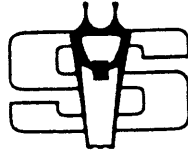
Sincerely,

STEWART TITLE OF CALIFORNIA, INC.

PAM LAWRENCE
TITLE OFFICER

enclosures

STEWART TITLE GUARANTY COMPANY



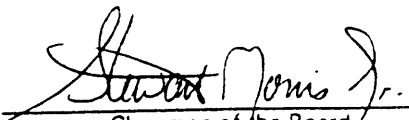
Security of Contract

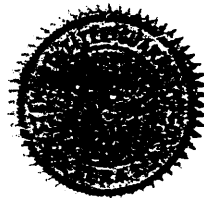
SHORT FORM LOAN POLICY


SUBJECT TO THE CONDITIONS AND STIPULATIONS HEREOF, STEWART TITLE GUARANTY COMPANY, a Texas corporation, herein called the Company, insures the insured, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, sustained or incurred by said insured by reason of any incorrectness of the assurances set forth in Schedule A.

In Witness Whereof, STEWART TITLE GUARANTY COMPANY has caused this policy to be signed and sealed by its duly authorized officers as of Date of Policy shown in Schedule A.

STEWART TITLE
GUARANTY COMPANY


Chairman of the Board
Countersigned




President


Authorized Countersignature

ATTACHMENT B - Page 11 of 34

Policy Serial Number SFLP-1576- 154133

SHORT FORM LOAN POLICY NO. SLFP-1576154133
Premium: \$75.00

Order No.: 01144206

SCHEDULE A

DATE OF POLICY : September 27, 2000 at 8:00 a.m.
COUNTY : STANISLAUS
BORROWER : BEN A DAVIS AND PATSY JEAN DAVIS,
AMOUNT OF INSURANCE : \$10,000.00
NAME OF INSURED : ENVIRONMENTAL RESOURCES
REF. NO. :

THE ASSURANCES REFERRED TO ON THE FACE PAGE ARE:

A. Subject to any conflicts in boundary lines, or discrepancies that would be revealed by a correct survey, the land referred to in this policy is that land located in the County shown above, in the State of California, and is described in the hereinbelow referenced instrument as follows:

1. 1832 DONALD ST. MODESTO, CA
2. That property which is more fully described in "Legal Description" attached hereto.
3. Tax Information:

Parcel No.	:	037-24-02-010		
First Installment	:\$	43.00	Second Installment	:\$ 43.00
Land	:\$	3,352.00	Improvements	:\$
Exemptions	:\$		Exempt Under	:

B. The last document in the chain of title to said land as disclosed by the Official Records of the Recorder of said County purporting to convey the fee title to said land is:

Recorded: April 19, 1962
Instrument No.: 15190; VOLUME 1759; PAGE 502
Documentary Transfer Tax: \$ 2.75
Conveyed to: BEN A DAVIS AND PATSY JEAN DAVIS, HUSBAND AND WIFE AS JOINT
TENANTS

C. That an examination of the chain of title to said land as disclosed by such official records reveals no homestead executed by the party(ies) named in paragraph B above, nor mortgages or liens purporting to affect said land, other than those set out below under exceptions; provided, however, that no liability is assumed with respect to the identity of any party named or referred to in this schedule, nor with respect to the validity, legal effect or priority of any matter shown as an exception.

See "Exceptions" Attached hereto

LEGAL DESCRIPTION

Order No.: 01144206

The land referred to herein is situated in the State of California,
County of Stanislaus described as follows:

LOT 2, BLOCK 9157 IN RIVER VIEW TRACT, AS PER MAP FILED FEBRUARY
28, 1946, IN VOLUME 14 OF MAPS, PAGE 44, OF STANISLAUS COUNTY
RECORDS.

EXCEPTIONS

1. General and Special City and/or County taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2000 -2001:

1st Installment:	\$43.00	due 12/10/00
Penalty:	\$0.00	
2nd Installment:	\$43.00	due 04/10/01
Penalty:	\$0.00	
Cost:	\$0.00	
Land:	\$3,352.00	
Building:	\$0.00	
Personal Property:	\$0.00	
Exemption:	\$0.00	
Bill No.:	1099161	
Code Area:	80 010	
Assessment No.	037-24-02-010	

Special Assessment of \$7.60 is collected with each installment for Burbank/Paradise Fire Protection District.

Special Assessment of \$14.58 is collected with each installment for Riverview LIghting and Landscaping District.

Special Assessment of \$2.60 is collected with each installment for Burbank-Paradise Fire District.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California.
3. Taxes and assessments levied by the Modesto Irrigation District for the year(s) 1999-2000.

Water charges, use fee's, levy's, stand by charges, etc. may also be due in addition to the irrigation taxes; however, Stewart Title Guaranty Company will not be responsible for reporting nor collecting said charges unless said charges have become a levy on the land pursuant to Sec. 25806 of the California Water Codes, or specific written instructions, stating the amounts to be paid, are provided by the principals of this transaction.

4. Assessments, if any, for community facility districts affecting said land which may exist by virtue of assessment maps or notices filed by said districts. Said assessments are collected with the County Taxes.

5. Any unpaid and/or delinquent Bond or Assessment amounts for any Assessment Districts which may have been removed from the rolls of the County Tax Assessor and which may have been removed from

Continued on next page

EXCEPTIONS - CONTINUED

Order No. 01144206

tax bills and tax default redemption amounts.

6. A Homestead Declaration, executed by Ben A. and Patsy Jean Davis, recorded August 5, 1974, as Instrument NO. 4953, Book 2645, Page 613.

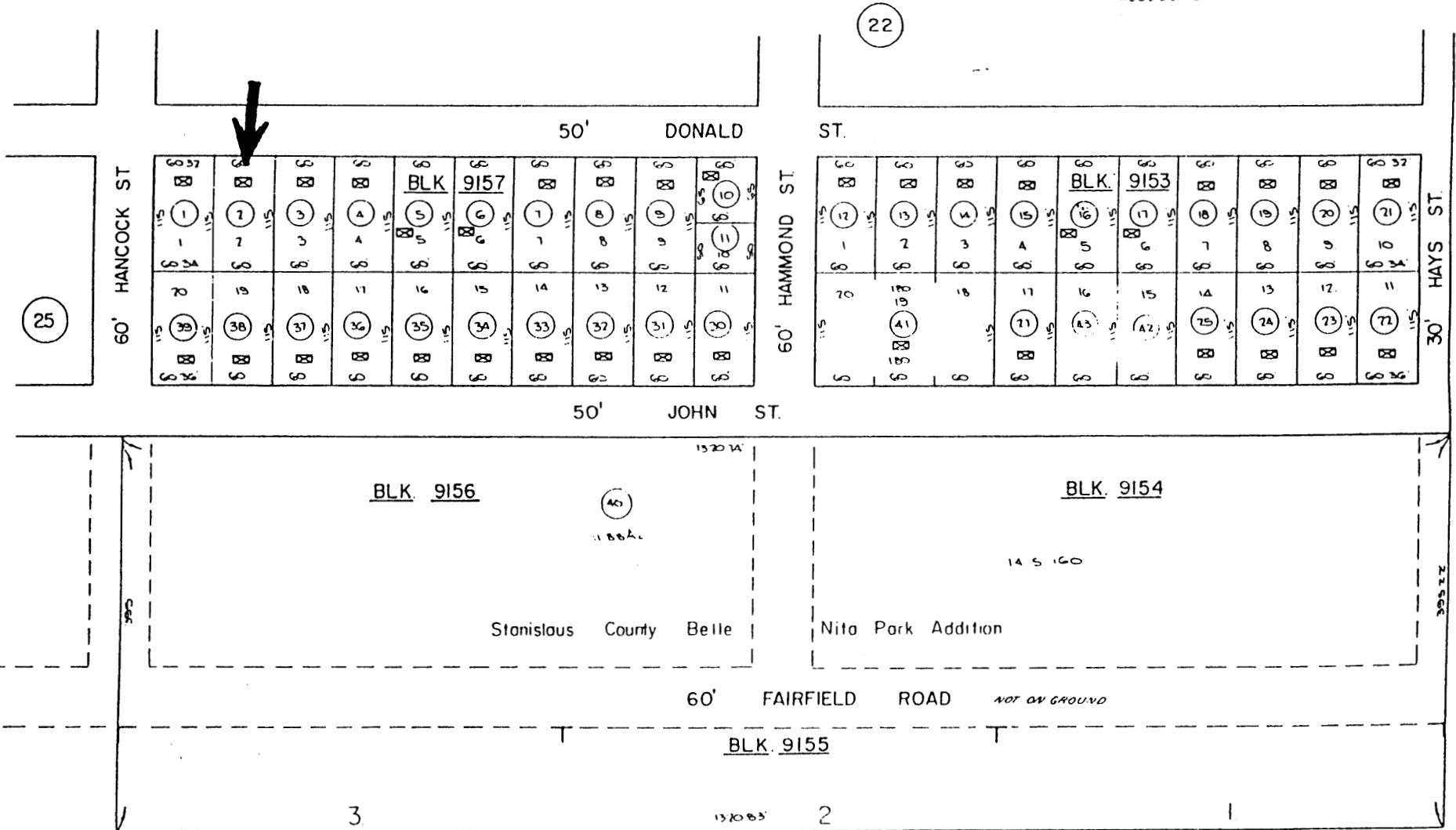
7. Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:
 - Amount : \$16,700.00
 - Dated : February 1, 1997
 - Trustor : Ben A. Davis
 - Trustee : GT Service Corp.
a California Corporation
 - Beneficiary : U.S. Small Business Administration
 - Recorded : March 6, 1997
 - Instrument No.: 97-00117294-00, of Official Records

PORTION SW 1/4 SECTION 6 T.4S R.9E. M.D.B.&M.
 RIVERVIEW TRACT—BLKS. 9153, 9154, 9156, 9157 & POR. 9155

80 10

37-4

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



ATTACHMENT B - Page 16 of 34

FROM BK 2, 37-24
 R.A. 14-44
 UPDATED 5-27-19

37

THIS IS NOT A SURVEY
 This map is provided as reference material only. Sewer Title of Modesto assumes no liability or loss of damages resulting from any reliance thereon.



66

37-4

We, the undersigned owners of the land shown on the accompanying map do hereby consent to the making and filing of the same and we hereby dedicate to public use all the avenues, streets, alleys or other public places as shown on this map.

Donald L. Robertson Walter W. Ford For William L. Hanson
Donald L. Robertson Walter W. Ford For Kenneth W. Robertson

State of California ss
 County of Stanislaus

On the 21 day of January 1946, before me, a notary public in and for said County and State, personally appeared Donald L. Robertson Walter W. Ford For William L. Hanson and Donald L. Robertson known to me to be the persons whose names are subscribed to the above instrument and they acknowledged to me that they executed the same.

James H. Board
 Notary Public, Stanislaus Co. California.

This is to certify that there are no liens for any unpaid state, county, school, municipal or irrigation taxes or special assessments except special assessments or taxes not yet payable, against the land shown on this map.

As to County, State, or School Taxes Dated Jan 18 1946 J. G. Hayward
 County Auditor

As to Irrigation Taxes Dated Jan 18 1946 A. L. Corder
 Tax Collector

This is to certify that this map is approved in accordance with the requirements of the Land Subdivision Act of 1937 and with Stanislaus Co Ordinance N° 148 and as to such matters is correct.

Dated Feb. 1 1946 Lee J. Wimmer
 County Surveyor

Approved by the Stanislaus County Planning Commission in accordance with the requirements of law at a duly authorized meeting held January 14 1946
Paul Kammeth
 Chairman

Approved by the Modesto Planning Commission in accordance with the requirements of law at a duly authorized meeting January 14 1946
J. M. Thomas
 Chairman

Approved in accordance with the requirements of law on January 10 1946
W. H. Cross
 Modesto City Engineer

I hereby certify that the land shown on the accompanying map is not subject to any special assessments that have not been paid off in full other than special assessments collected as taxes, but this certificate does not include any assessment district bonds of which have not yet become a lien.

Dated Feb. 1 1946 Lee J. Wimmer
 County Surveyor

This is to certify that the owners of the property shown on the accompanying map have filed a bond with the Board of Supervisors, a bond approved by said Board conditional for the payment of taxes and special assessments collected as taxes which are at the time of filing this map a lien against said property or any part thereof.

Dated Feb. 4 1946 C. C. Eastup
 County Clerk

This is to certify that this map duly acknowledged and certified as required by law having been presented to the Board of Supervisors, Stanislaus Co, State of California which Board is the governing body having control of the roads, highways, avenues, and alleys, lanes, ways, places, etc in the territory shown on this map and it is ordered that all roads, highways, avenues and alleys, lanes, ways, places, etc be rejected on behalf of the public except those heretofore declared to be Public Highways otherwise this map is approved.

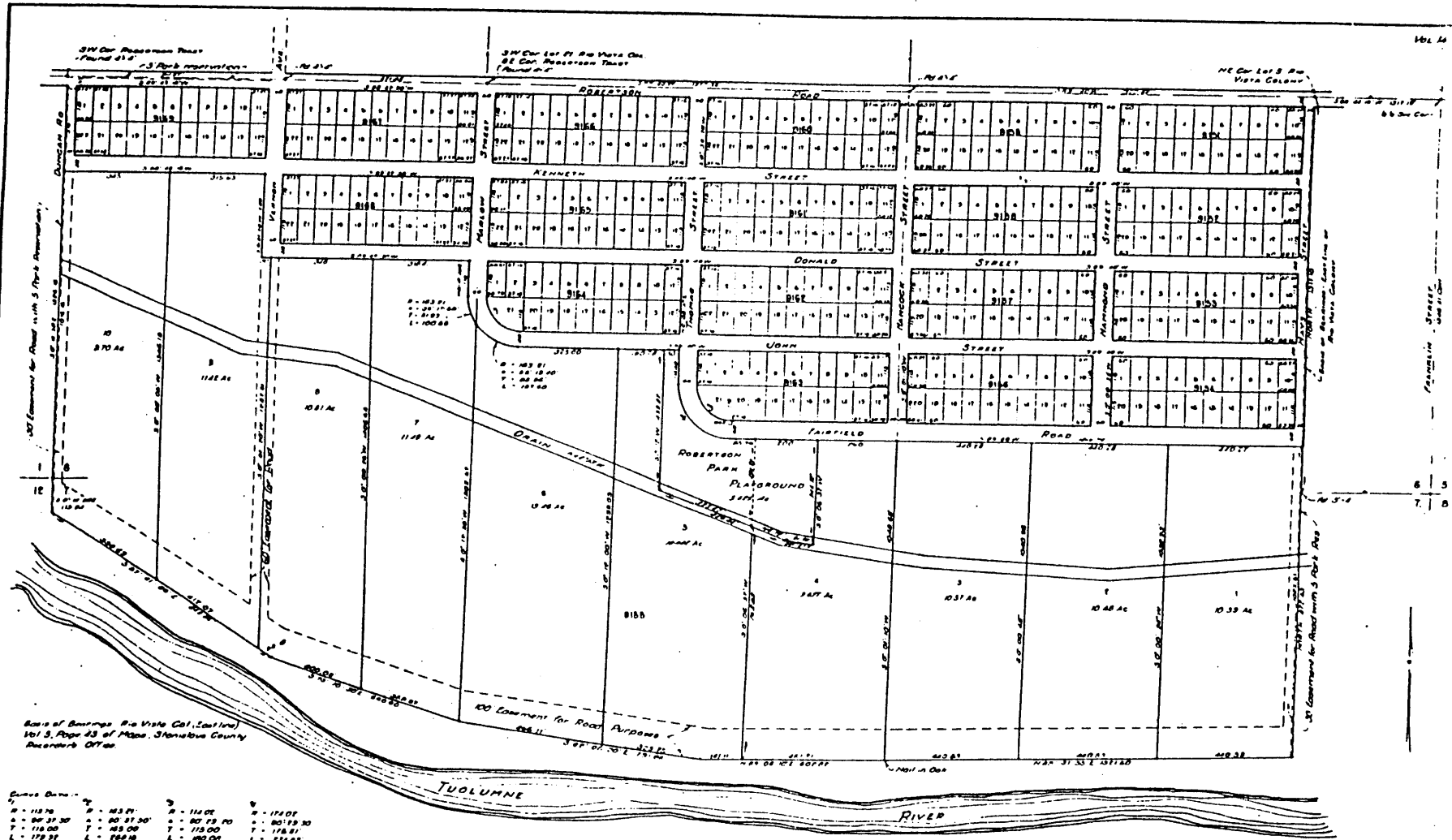
Dated Feb. 4 1946 W. H. Cross
 Chairman Stanislaus Co Board of Supervisors
C. C. Eastup County Clerk
 By A. H. Valerius Deputy

I, C. L. Bundy, a duly Licensed Surveyor in the State of California do hereby certify that I have surveyed the land shown on the accompanying map and that said map shows correctly the physical conditions portrayed. Also all monuments set are durable and are sufficient to retrace this survey.

C. L. Bundy
 Licensed Surveyor N° 2092

—
 Th
 of
 in

RIVER VIEW TRACT
 BEING A SUBDIVISION OF LOTS 5 TO 8 AND 17 TO 20 INC OF THE
 RIO VISTA COL AND OF PORTIONS OF SECS. 6 AND 7 ALL IN
 TWP 4 S, R 9 E M D B & M
 Scale 1"=200 Dec. 28 1946



Base of Bearings: Rio Vista Col. Eastline
 Vol. 3, Page 43 of Maps Stanislaus County
 Recorder's Office

Cross Data:

W - 112.70	S - 112.01	S - 114.00	S - 114.00
S - 80.37 30	S - 80.37 30	S - 80.37 30	S - 80.37 30
T - 118.00	T - 118.00	T - 118.00	T - 118.00
L - 178.32	L - 178.32	L - 178.32	L - 178.32

*Iron Pipe at all Block and Alley corners and at all
 outside boundary points

Recorded Feb 21 1916
 Vol. 14 of Maps of Page 44
 Geo. S. Krawling Recorder
 Restriction, Vol. 15 Page 23

RIVER VIEW TRACT.
 BEING A SUBDIVISION OF LOTS 5 TO 8 AND 17 TO 20 INC OF THE
 RIO VISTA COL AND OF PORTIONS OF SEGS 6 AND 7 ALL IN
 TWP 4 S, R 9 E
 M.D.B. & M.
 SCALE 1" = 200'
 DEC 24, 1913
 SURVEYED BY C. L. BUNDY, L.S. NO 2082

SHEET 20 OF 2 16L M-44

H-34B, 34C, 35

144206-PL

WHEN RECORDED, PLEASE MAIL THIS INSTRUMENT TO

VOL 1759 PAGE 502

Ben A. Davis
1832 Donald Street
Modesto, California

RECORDED BY
SECURITY TITLE
INSURANCE COMPANY
APR 19 1962
OFFICE OF THE CLERK OF STANISLAUS COUNTY, CALIF.
VOL 1759 PAGE 502
R. Waring Recorder

15190

Order No.
Esrow No. 164-409-F

SPACE ABOVE FOR RECORDER'S USE ONLY

SEC



PLACE INTERNAL REVENUE STAMPS IN THIS SPACE

Joint Tenancy Grant Deed

(Individual)

P.R.S. 2.75

MAGGIE RIDLEY, A Widow and Ben A. Davis and Patsy Jean Davis,
Husband and Wife, (GRANTOR - GRANTORS)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

Do Hereby Grant To **B** BEN A. DAVIS and PATSY JEAN DAVIS **B**
Husband and Wife, As Joint Tenants. **V**

the real property in the **B**
County of Stanislaus, State of California, described as follows:

D Lot 2, Block 9157 in RIVER VIEW TRACT, as per Map filed February 28, 1946, in Volume 14 of Maps, page 44 of Stanislaus County Records. **D**

Dated April 2, 1962

STATE OF CALIFORNIA

RECORDING REQUEST BY:

U.S. Small Business Administration

WHEN RECORDED MAIL TO:

U.S. Small Business Administration
P.O. Box 13795
Sacramento, California 95853-4795

Loan No.: MH 99183130-03
Control No.: 2925-00343
Borrower: DAVIS, Ben

Stanislaus Co Recorder's Office
Karen Mathews, County Recorder

DOC - 97-0017294-00
Acct "401-Over The Counter Documents
Thursday, MAR 06, 1997 14:46:08
REC \$5.00!MOD \$5.00!MIC \$1.00
STF \$2.00!
Ttl Pd \$13.00 Nbr-0000025009
RSJ/R2/3

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

TITLE(S):

DEED OF TRUST

017294 MAR-6 97

553

MAIL ANY NOTICE OF DEFAULT TO:
U.S. SMALL BUSINESS ADMINISTRATION
200 West Santa Ana Boulevard #700
Santa Ana, California 92701

WHEN RECORDED MAIL TO:
U.S. SMALL BUSINESS ADMINISTRATION
P.O. Box 13795
Sacramento, California 95853-4795

DAVIS, Ben A.
2925-00343 Loan No. DLH 99183130-03

SPACE ABOVE THIS LINE FOR RECORDER'S USE

50 224000

DEED OF TRUST

BY THIS DEED OF TRUST, made this 1st day of February, 1997, between Ben A. Davis herein called Trustor, whose address is

1832 Donald Street Modesto, California 95351
(number and street) (city) (state) (zip)

and GT SERVICE CORP., a California corporation, P.O. Box 667, Burbank, California 91503-0667 herein called Trustee, and U.S. SMALL BUSINESS ADMINISTRATION, an agency of the U.S. Government, with an office at 200 West Santa Ana Boulevard #700, Santa Ana, California 92701, herein called Beneficiary. Trustor grants, transfers, and assigns to Trustee, in trust, with power of sale, that property in Stanislaus County, State of California, described as:

Lot 2, Block 9157 in RIVER VIEW TRACT, as per Map filed February 28, 1946, in Volume 14 of Maps, page 44 of Stanislaus County Records.

Commonly known as: 1832 Donald Street, Modesto, California, 95351

Trustor also assigns to Beneficiary all rents, issues and profits of said realty reserving the right to collect and use the same except during continuance of default hereunder and during continuance of such default authorizing Beneficiary to collect and enforce the same by any lawful means in the name of any party hereto.

For the purpose of securing:

(1) Payment of the indebtedness evidenced by a promissory note or notes in the principal sum of \$ 16,700.00 dated February 1, 1997, payable to Beneficiary, and any extensions or renewals thereof; (2) the payment of any money that may be advanced by the Beneficiary to Trustor, or his successors, with interest thereon, evidenced by additional notes (indicating they are so secured) or by endorsement on the original note, executed by Trustor or his successor; (3) performance of each agreement of Trustor incorporated by reference or contained herein, (4) payment of any guaranty or guaranties of the above referenced promissory note or notes.

017294 MAR-6 97

DAVIS, Ben A.
2925-00343 / DLH 99183130-03

On October 25, 1973, identical fictitious Deeds of Trust were recorded in the offices of the County Recorders of the Counties of the State of California, the first page thereof appearing in the book and at the page of the records of the respective County Recorder as follows:

COUNTY	Book	Page	COUNTY	Book	Page	COUNTY	Book	Page	COUNTY	Book	Page
Alameda	3540	89	Kings	1018	394	Placer	1528	440	Siskiyou	897	407
Alpine	18	753	Lake	743	552	Plumas	227	443	Solano	1860	581
Amador	250	243	Lassen	271	367	Riverside	1973	139405	Sonoma	2810	975
Rutte	1870	678	Los Angeles	T8512	751	Sacramento	731025	59	Stanislaus	2587	332
Calaveras	368	92	Madera	1176	234	San Benito	386	94	Sutter	817	182
Colusa	409	347	Marin	2736	463	San Bernardino	8294	877	Tehama	630	522
Contra Costa	7077	178	Mariposa	143	717	San Francisco	8820	585	Trinity	161	89
Del Norte	174	526	Mendocino	942	242	San Joaquin	3813	8	Tulare	3137	567
El Dorado	1229	594	Merced	1940	381	San Luis Obispo	1750	491	Tuolumne	396	309
Fresno	6227	411	Modoc	225	688	San Mateo	6491	600	Ventura	4182	662
Glenn	585	290	Mono	160	215	Santa Barbara	2486	1244	Yolo	1081	335
Humboldt	1213	31	Monterey	877	243	Santa Clara	0823	713	Yuba	564	163
Imperial	1355	801	Napa	922	98	Santa Cruz	2358	744			
Inyo	205	660	Nevada	865	303	Shasta	1195	293			
Kern	4809	2351	Orange	10961	398	Sierra	59	439			
									San Diego	File No. 73-299568	

The provisions contained in Section A, including paragraphs 1 through 5, and the provisions contained in Section B, including paragraphs 1 through 9 of said fictitious Deeds of Trust are incorporated herein as fully as though set forth at length and in full herein. In Section A, paragraph 5, and in the last paragraph of Section B, paragraph 5 of said provisions, the interest rate stated as "at seven percent" is hereby amended to read "at interest rate called for in the Promissory Note". The undersigned Trustor requests that a copy of any notice of default and any notice of sale hereunder be mailed to Trustor at the address hereinabove set forth, being the address designated for the purpose of receiving such notice.

In compliance with section 101.1(d) of the rules and regulations of the Small Business Administration [13 C.F.R. 101.1 (d)], this instrument is to be construed and enforced in accordance with applicable federal law. The undersigned hereby waives any right or immunity purportedly conferred by state law limiting SBA's right to a deficiency judgment after either a judicial foreclosure or a summary foreclosure under the terms of this Deed of Trust.

State of California
County of Stanislaus, s.s.:

On February 18, 1997 before me, a Notary Public in and for the State of California, personally appeared

Ben A. Davis

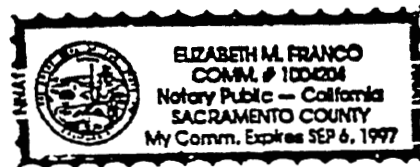
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature]

Signature(s) of Trustor

Ben A. Davis
Ben A. Davis



017294 MAR 6 97

9

B. CORRECTIVE ACTION REQUIRED

Vacate occupants from the travel trailer and disconnect it from utilities.

Vacate occupants from the substandard building and disconnect it from utilities.

SENDER: COMPLETE THIS SECTION

- Complete items 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
**BEN DAVIS
 PATSY DAVIS
 4628 CLAUS RD
 MODESTO CA (535)**



**EH
 RE: 1832 DONALD ST.**

2. Article Number (Copy from service label)
7099 3220 0000 9479 0098
 PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Print Clearly) _____ B. Date of Delivery _____

C. Signature *Ben Davis* Agent
 Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

102595-99-M-1789

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

Article Sent To: _____

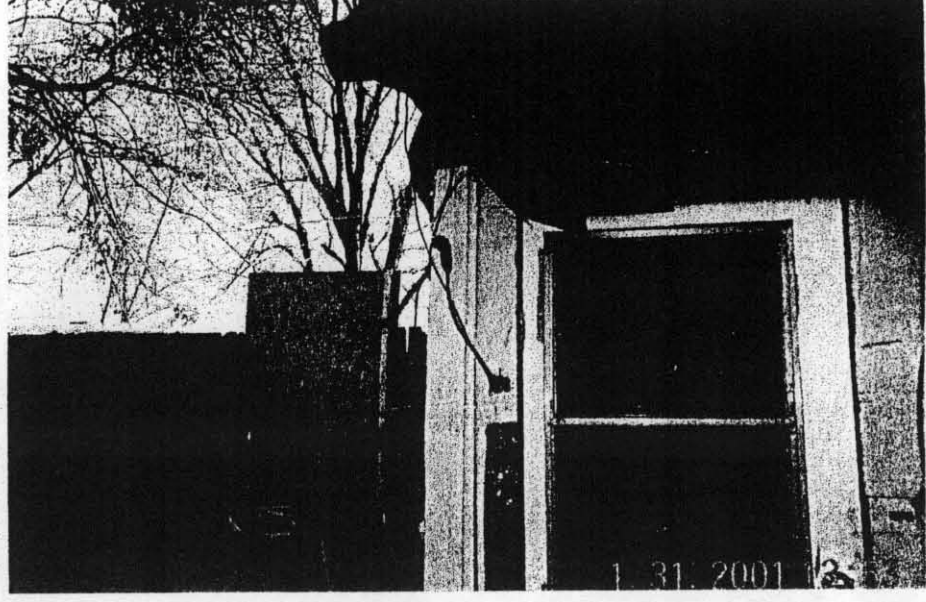
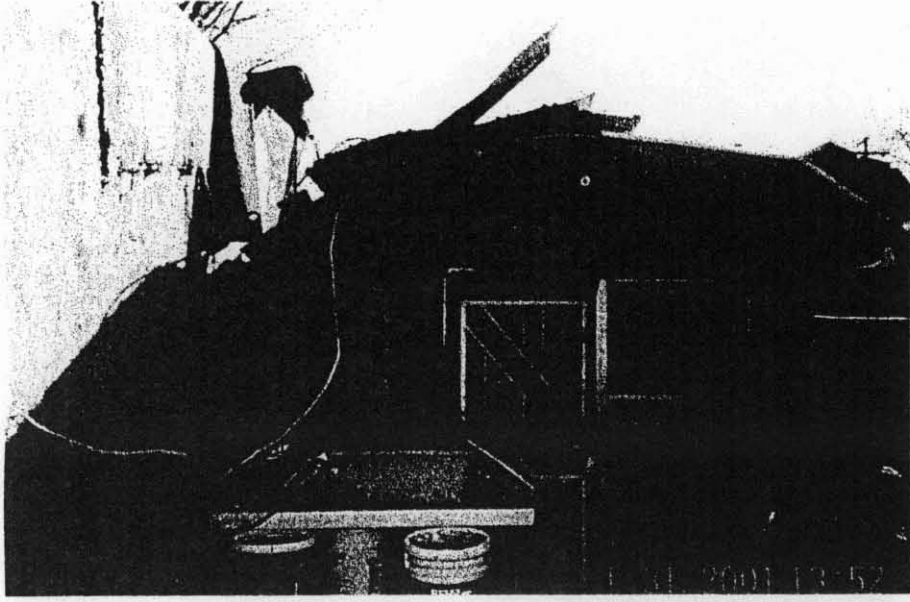
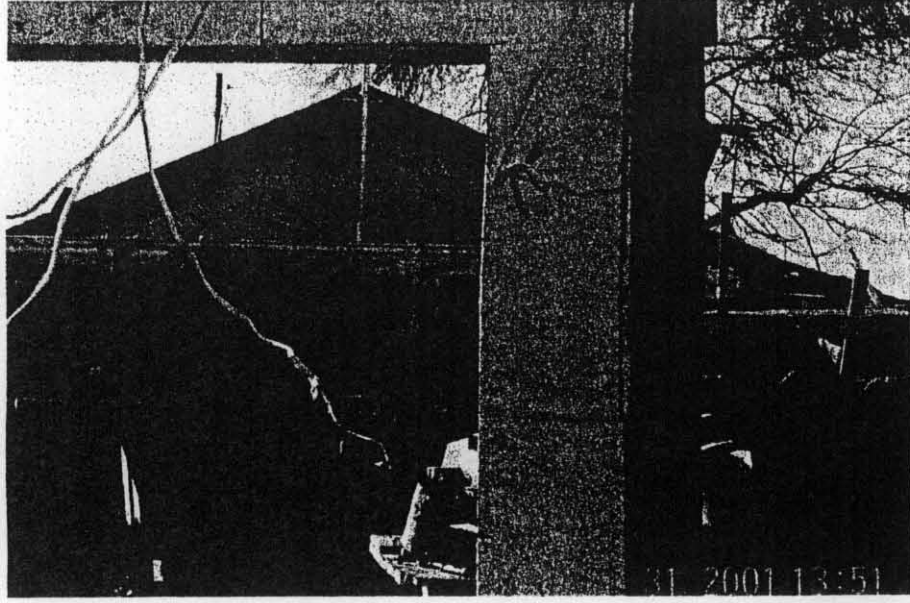
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

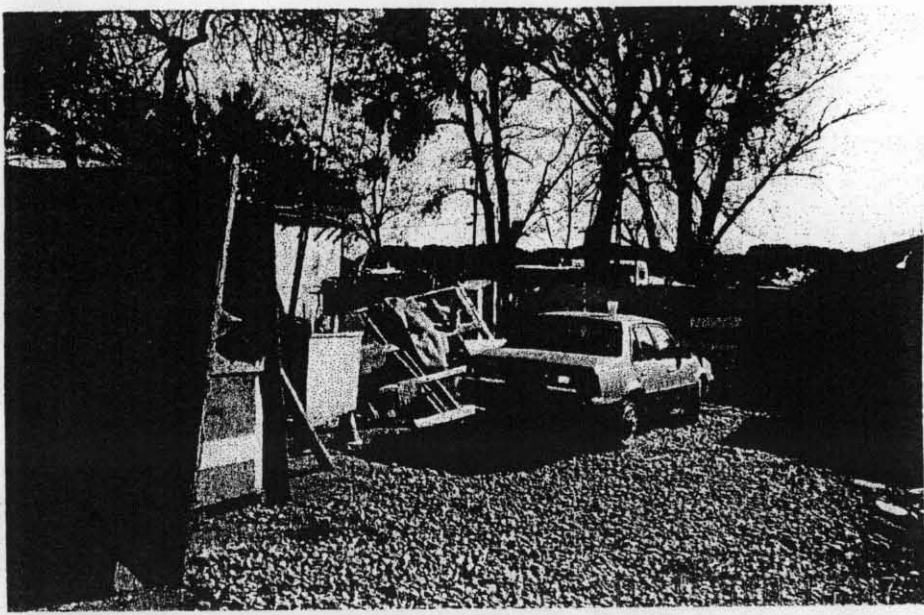
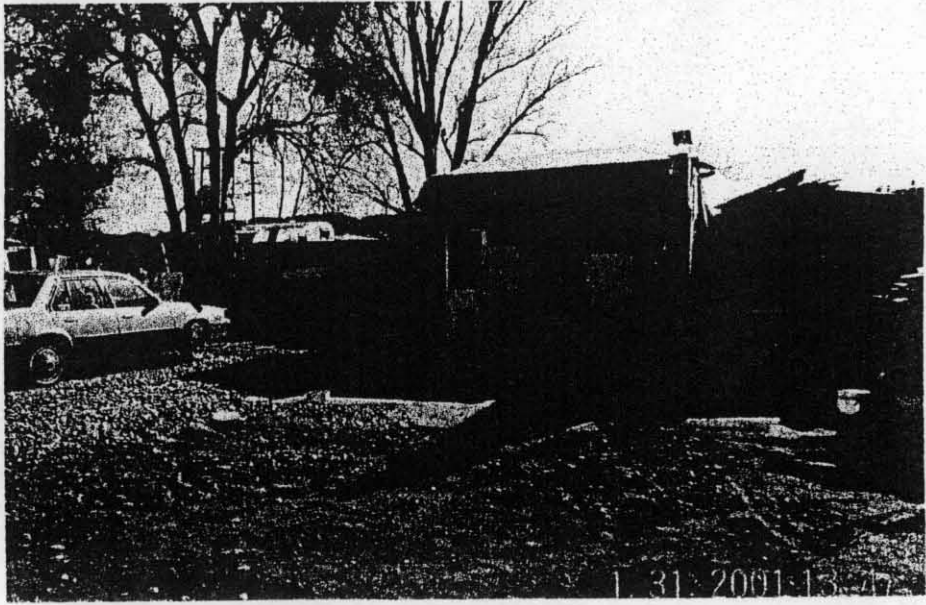
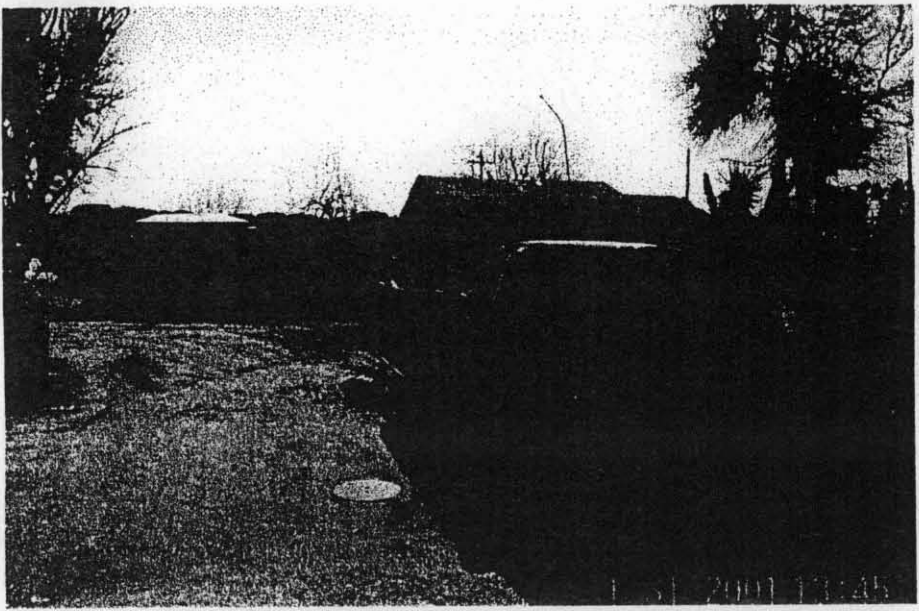
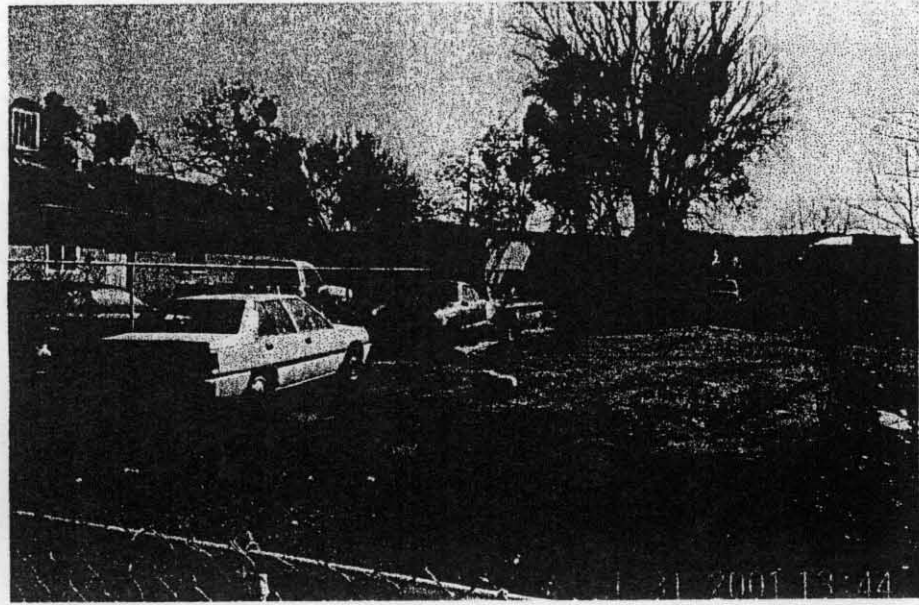
Name (Please Print Clearly) (To be completed by mailer)
BEN/PATSY JEAN DAVIS
 Street, Apt. No., or PO Box No.
4628 CLAUS RD
 City, State, Zip+4
MODESTO CA 95351
 PS Form 3800, July 1999 **See Reverse for Instructions**

9600 6246 0000 0222 6602

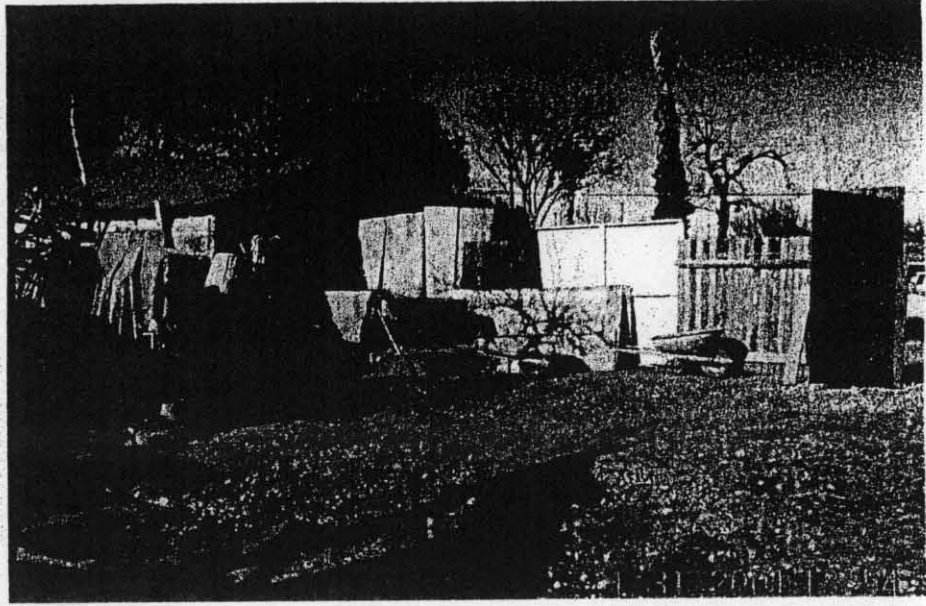
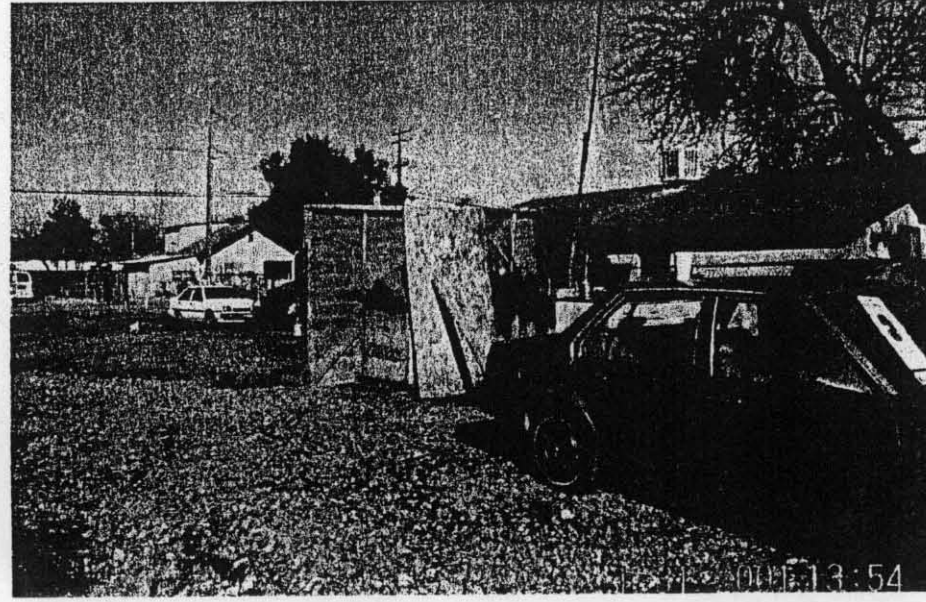
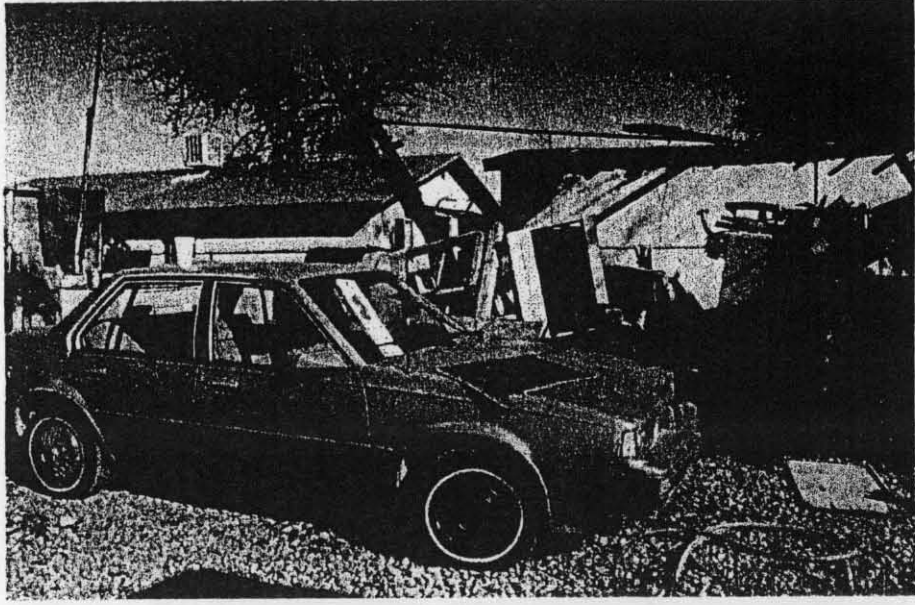
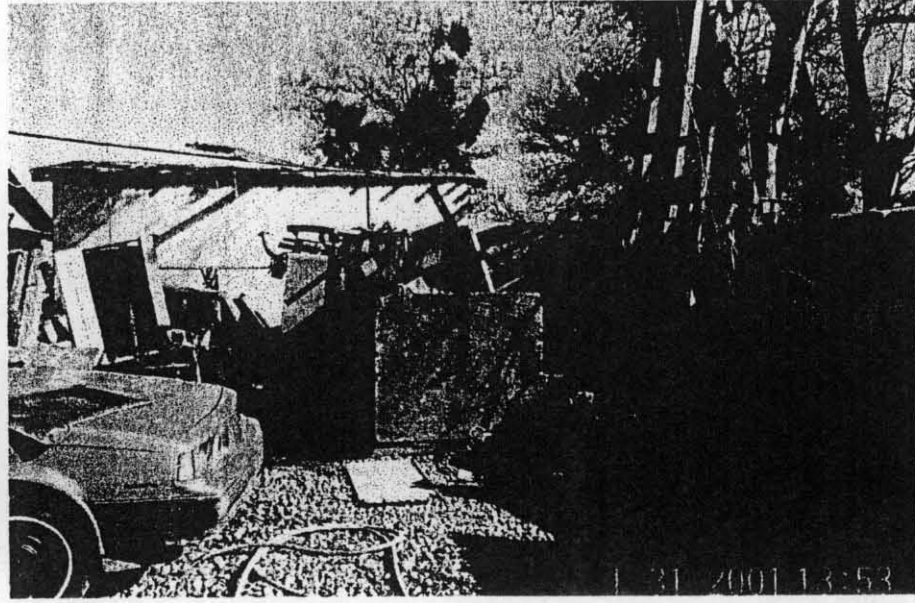
1832 DONALD AVE. 1-31-01



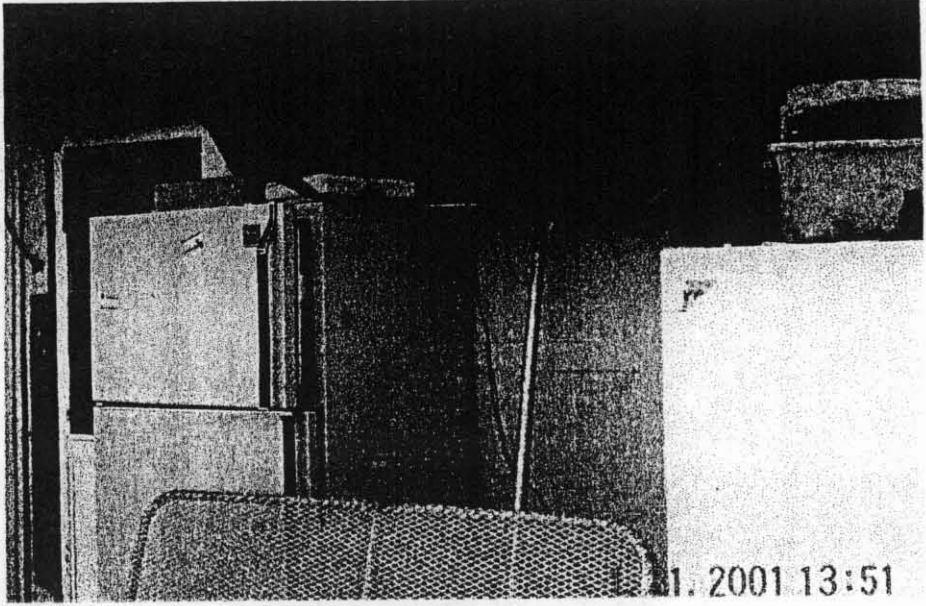
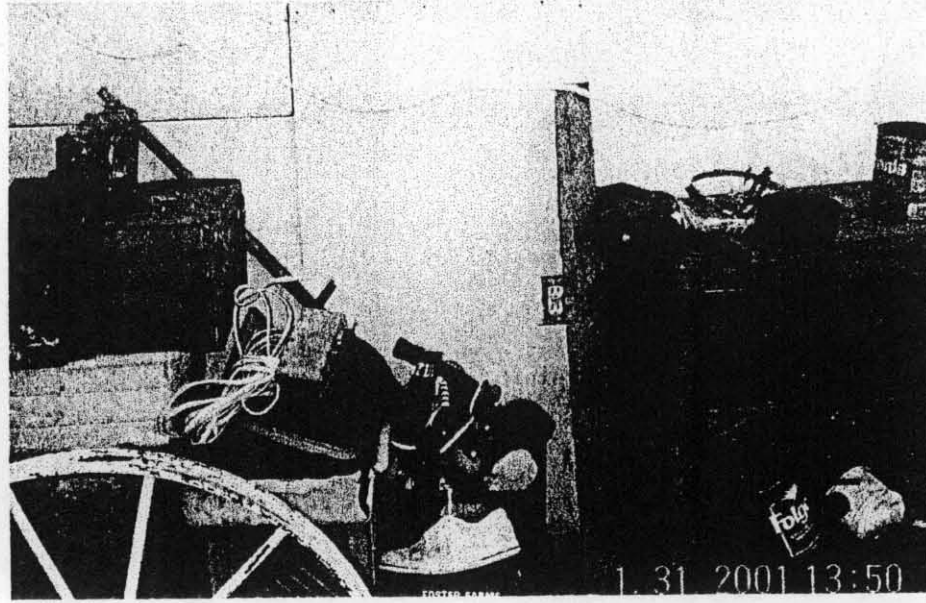
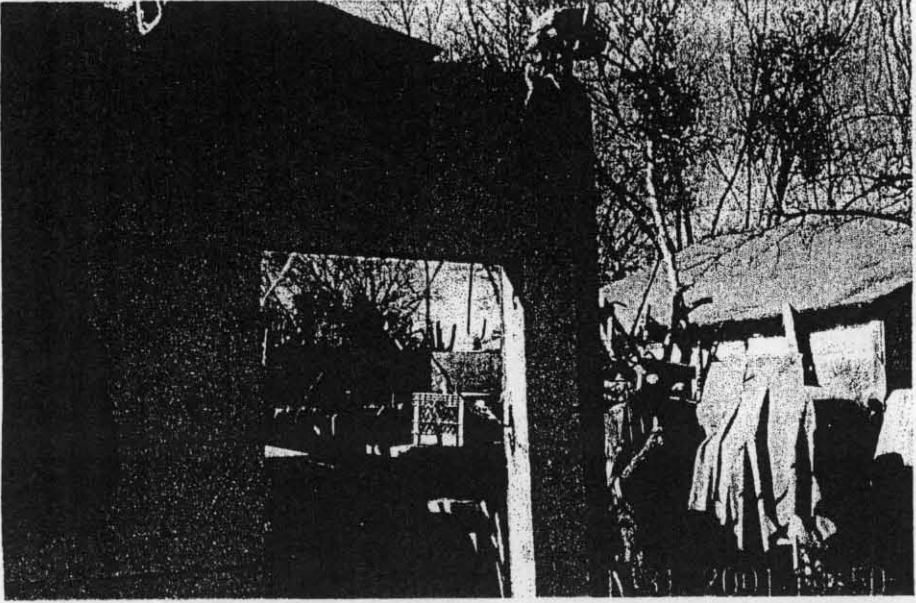
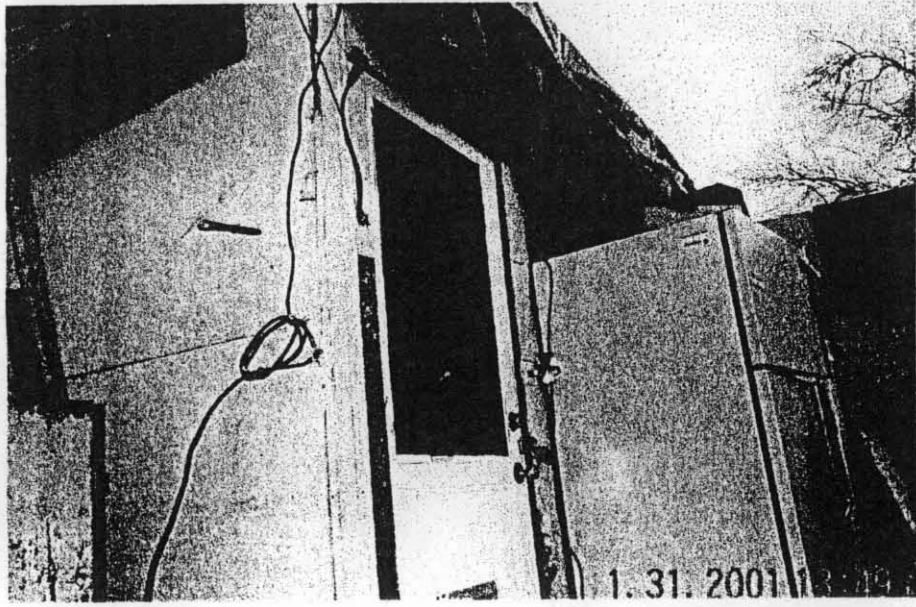
1832 DONALD AVE. 1-31-01



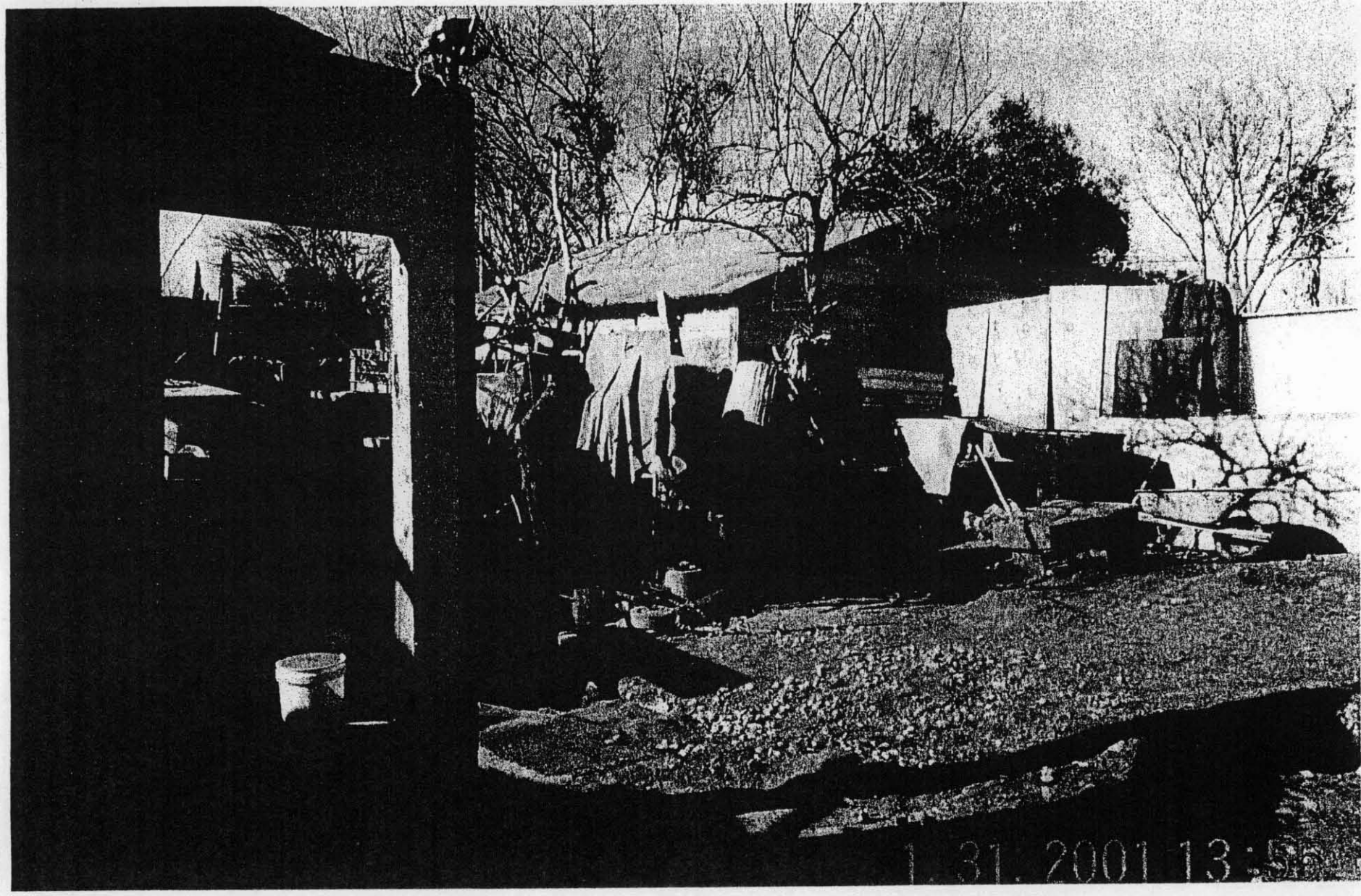
1832 DONALD AVE. 1-31-01



1832 DONALD AVE. 1-31-01



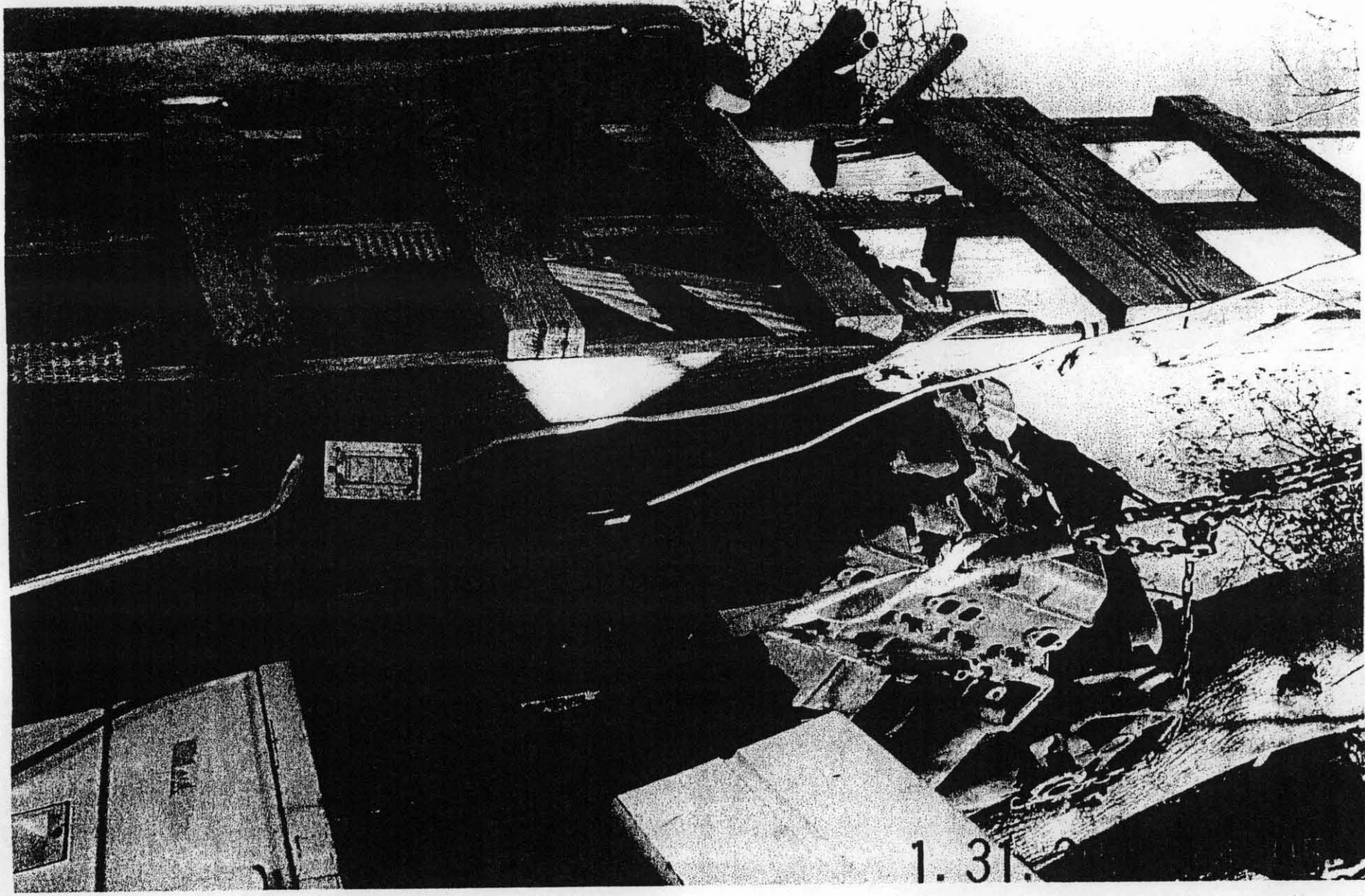
1832 DONALD AVE. 1-31-01



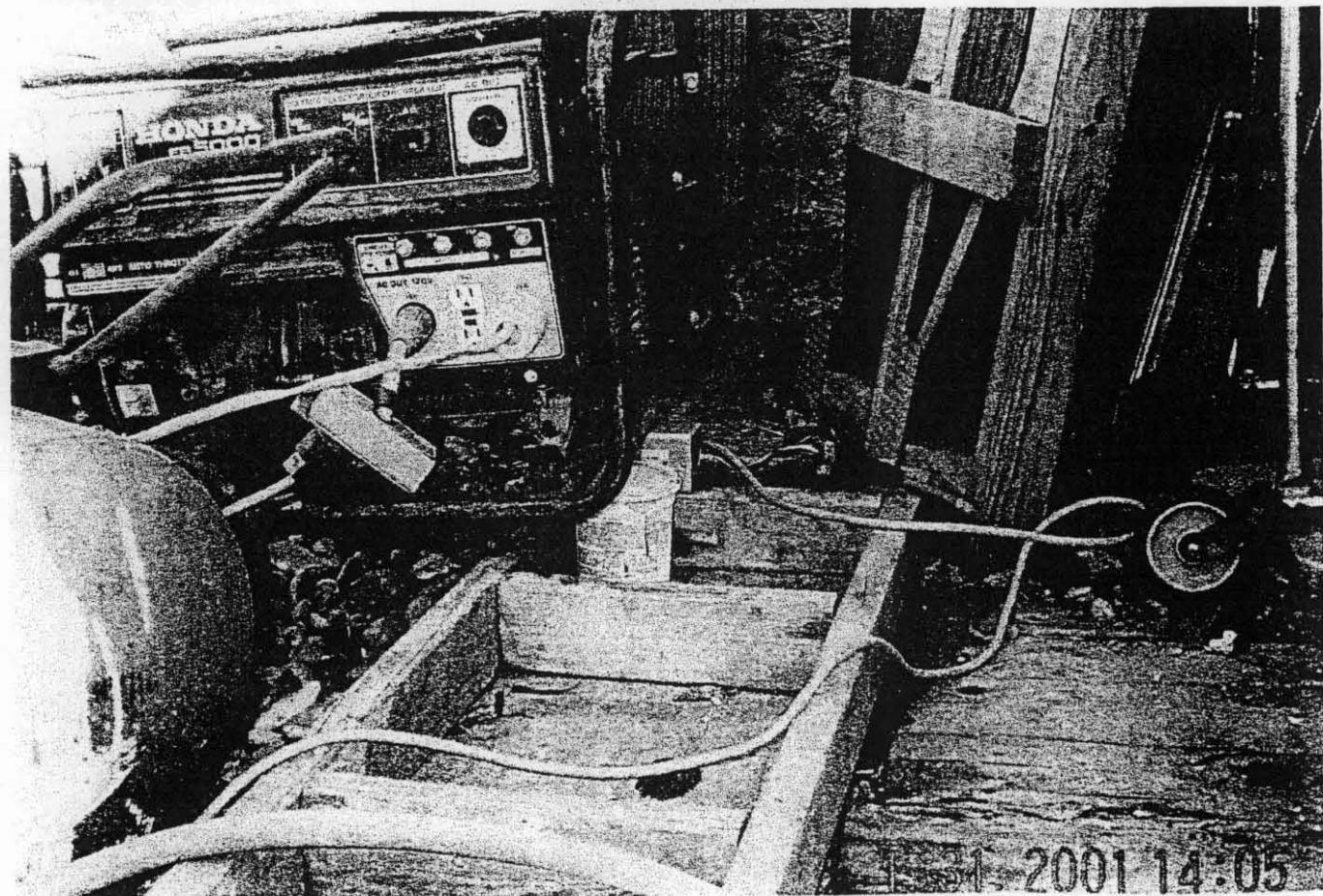
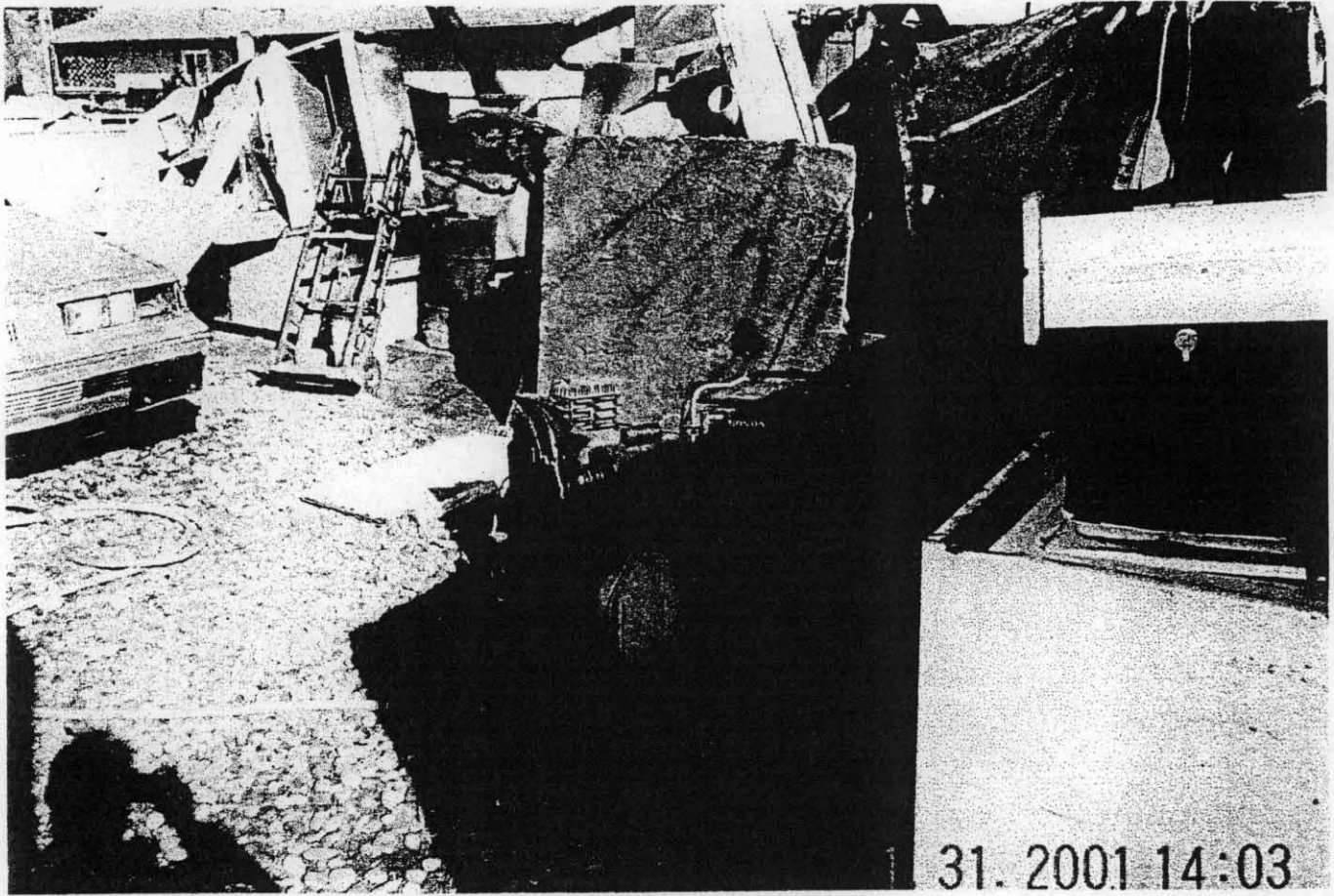
1-31-2001 13:56

1832 DONALD AVE. 1-31-01

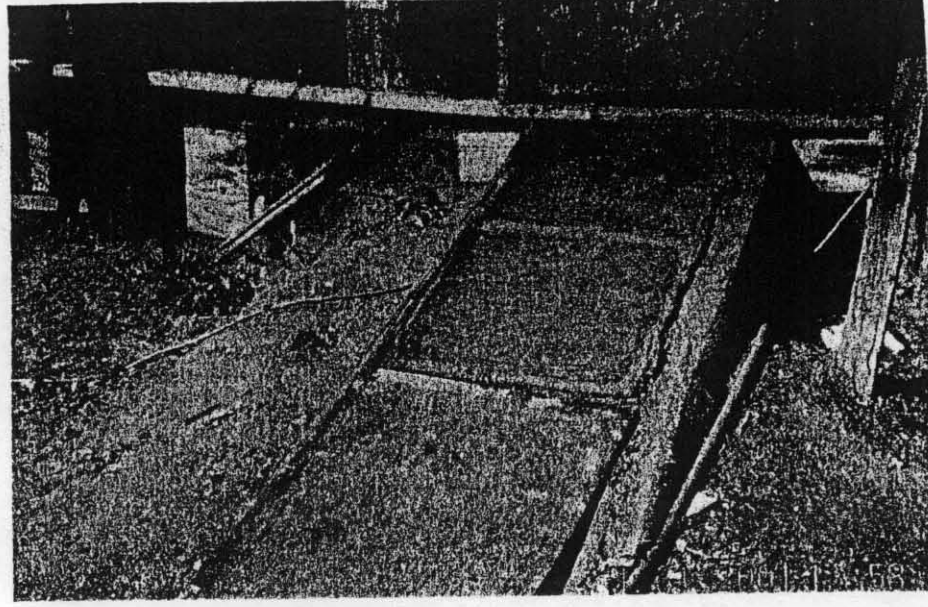
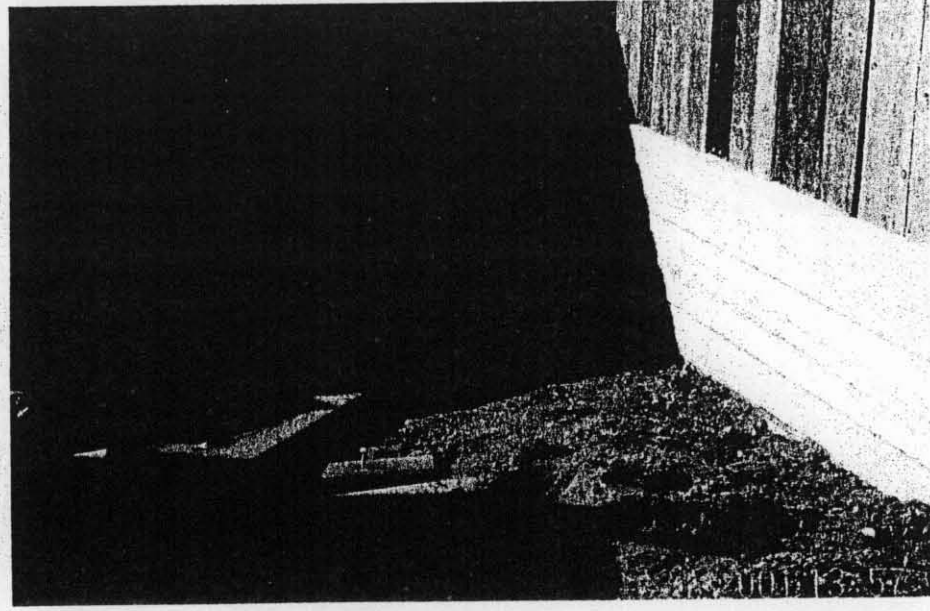
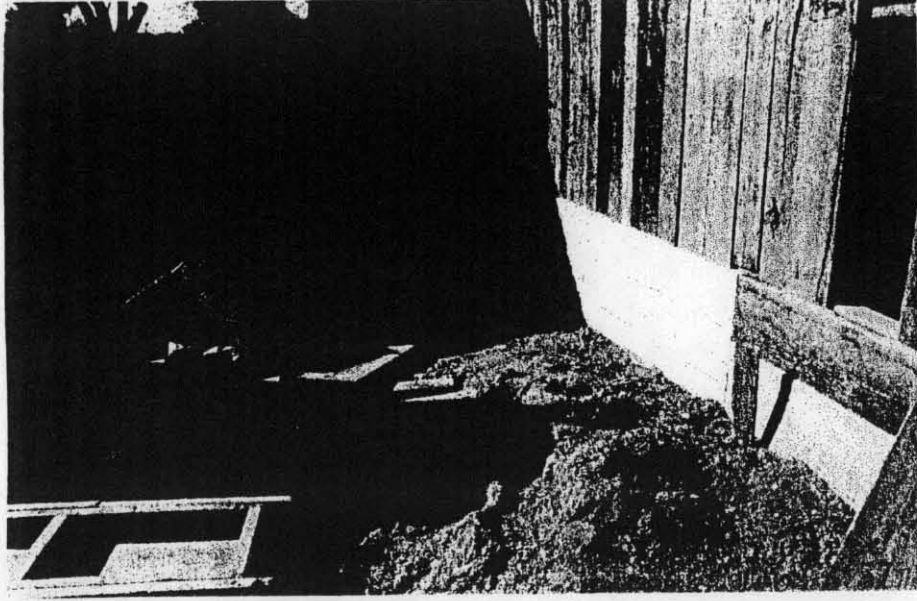
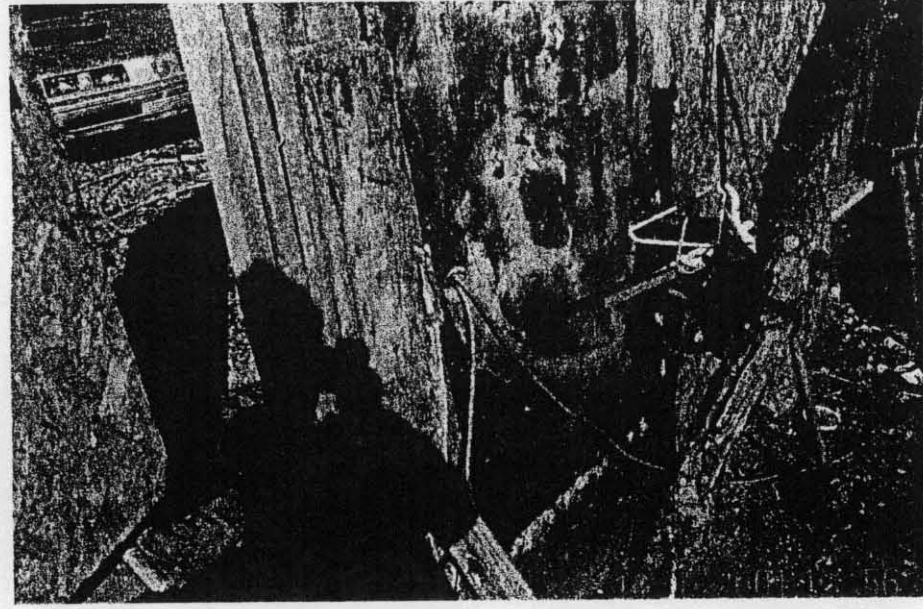
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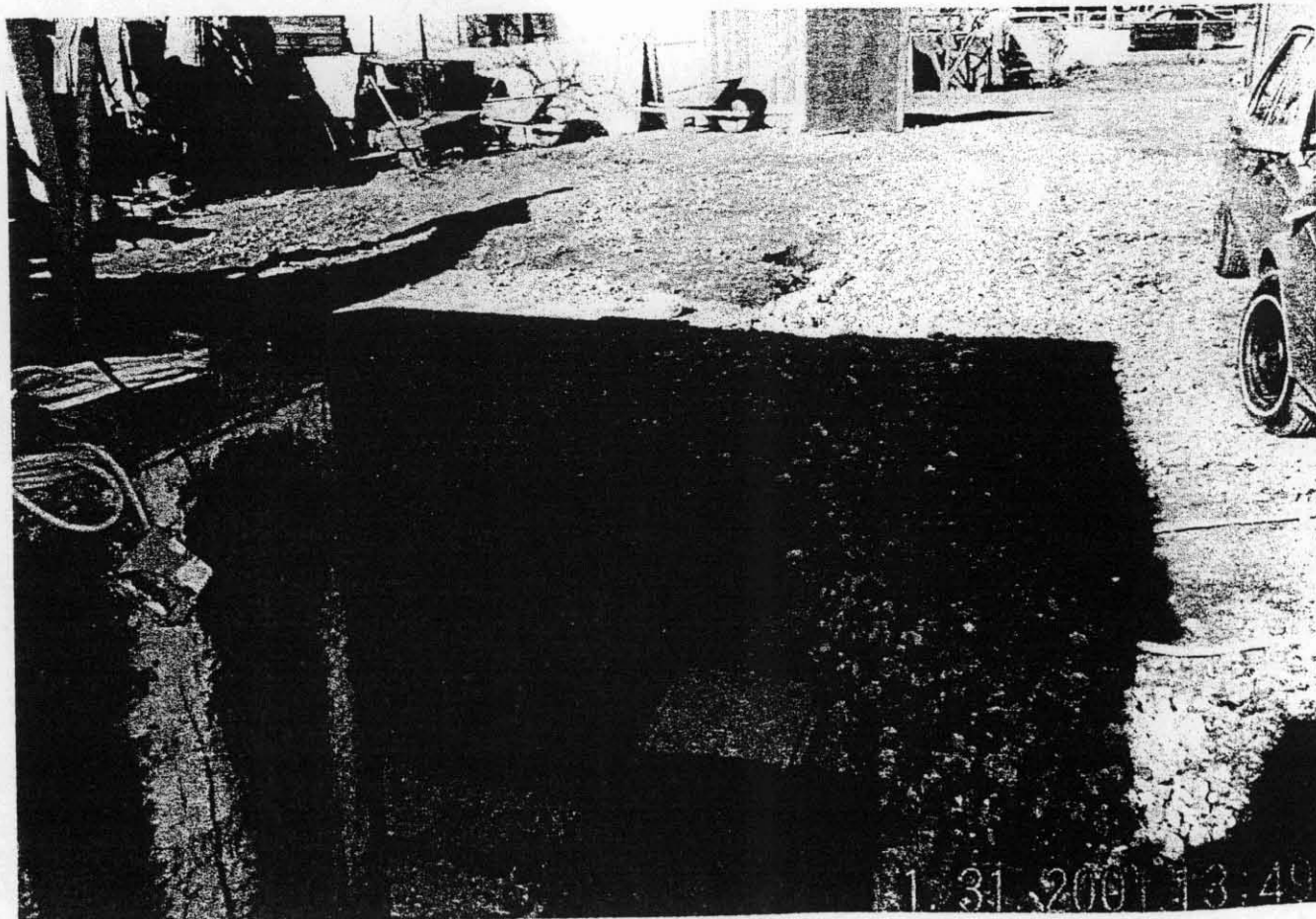
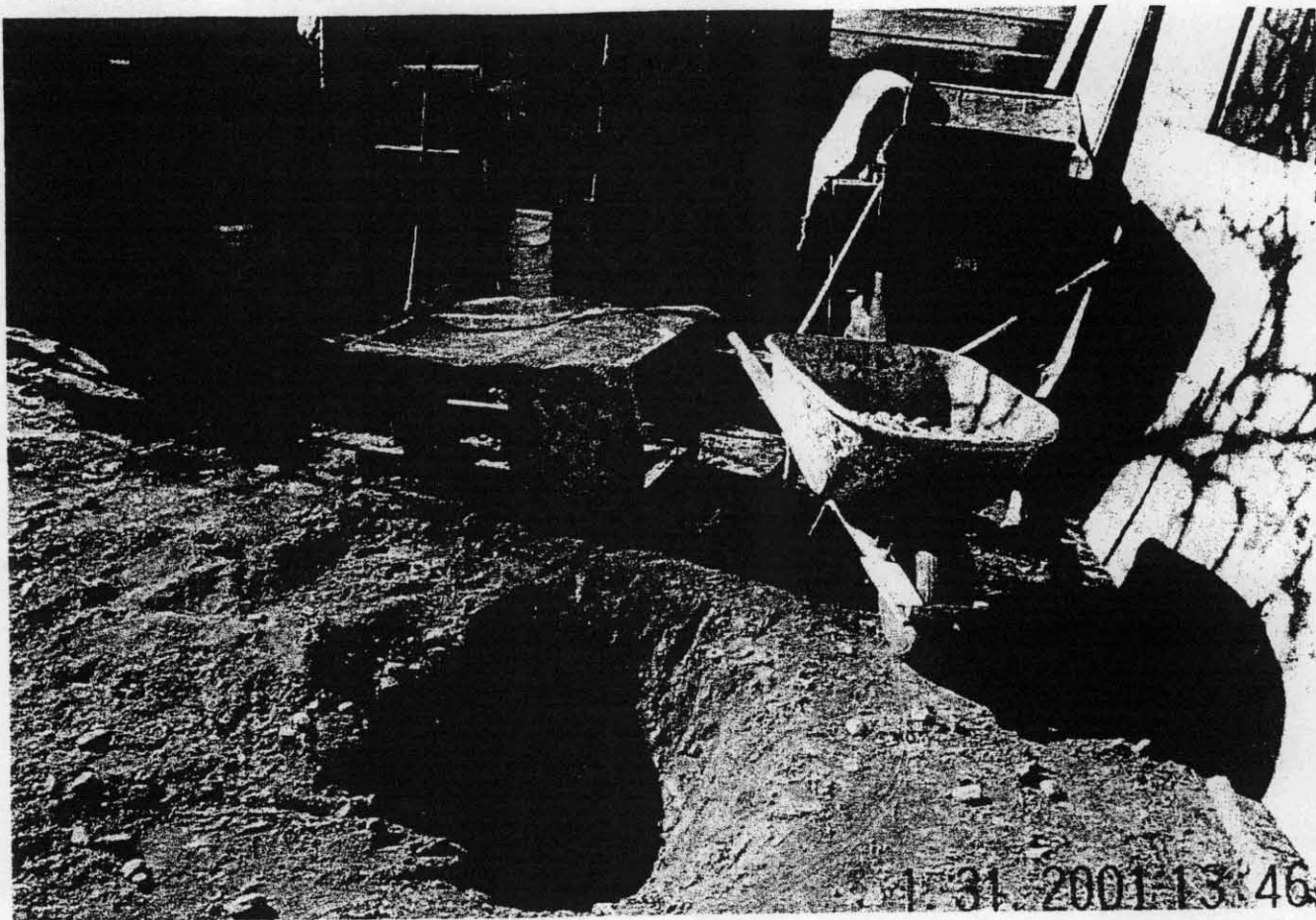


1. 31. 2



1832 DONALD AVE. 1-31-01





COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

TO: BEN A and PATSY JEAN DAVIS
4628 CLAUS ROAD, SPACE 6
MODESTO CA 95357

RE: File No. DER-CE 00-24
Assessor's Parcel No. 037-24-02
Address: 1832 DONALD STREET
MODESTO, CA. 95351

NOTICE IS HEREBY GIVEN TO APPEAR, before the Planning Commission sitting as the Nuisance Abatement Hearing Board on February 15, 2001 at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, in the Joint Chambers, Basement Floor, 1010 Tenth Street, Modesto, California, then and there to show cause or give legal reason, if any there be, why such conditions listed on Attachment A should not be condemned as a nuisance and why such nuisance should not be abated by the undersigned enforcement official.

At the time and place specified in this Notice, the Hearing Officer or Hearing Board appointed to review the decision of the Director of the responsible County department ordering cessation or abatement of a nuisance occurring at or upon the subject property, shall proceed to hear the testimony of the undersigned enforcement official, his or her deputies, the testimony of the owner or his or her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement and other matters which the Hearing Officer or Hearing Board may deem pertinent.

Upon the conclusion of the hearing, a decision will be rendered as to whether substantial evidence supports a determination that a nuisance exists upon the property. If a nuisance is found to exist, the Hearing Officer or Hearing Board may order you to abate the nuisance, prescribing the requirements of such abatement and prescribing a reasonable period of time for the completion of such abatement. Such order may further provide that, in the event that such abatement is not commenced, prosecuted or completed within the terms set in the order, the undersigned enforcement official shall be authorized to abate said nuisance and to recover the costs incurred by the County to abate the nuisance. The materials, equipment, vehicles or other personal property or materials contained in the nuisance abated by the enforcement official may be disposed of in any manner deemed appropriate by the enforcement official, including, but not limited to sale or transfer to another department in the same manner as surplus County personal property, and the proceeds from such sale shall be paid into the County general fund and shall offset the cost of abatement.

For further information concerning this Notice, please contact the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, California 95358 or call (209) 525-6700.

Dated: January 31, 2001

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By

JIM SELLERS, SENIOR R.E.H.S.

ATTACHMENT A

RE: File No. DER-CE 00-24
Assessor's Parcel No. 037-24-02
Address: 1832 Donald Street, Modesto, CA. 95351

A. CONDITIONS OF VIOLATION

Inspection of the above referenced property revealed the following violations of the Stanislaus County Code Section 21.92.010.

1. Unlawful occupancy of a travel trailer. This is a violation of the Stanislaus County Code Section 21.72.020.
2. Improper occupancy of a substandard building. This is a violation of Chapter 10, Section 1001.14 of the Uniform Housing Code; Stanislaus County Code Section 16.25.010.

B. CORRECTIVE ACTION REQUIRED

Vacate the occupants from the travel trailer and disconnect it from utilities.

Cause for the proper removal and disposal of the illegally constructed shed structure from the property.

Cause the removal of all illegal or improper utility connections; including electrical, gas, septic or water, from the structure location.