

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

DEPT: **ENVIRONMENTAL RESOURCES** *Final*

BOARD AGENDA # *B-12

Urgent _____ Routine X

AGENDA DATE March 13, 2001

CEO Concurs with Recommendation YES prt NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-03; 5537 CLAUS ROAD, MODESTO

STAFF
RECOMMEN-
DATIONS:

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-03; 5537 CLAUS ROAD, MODESTO

FISCAL
IMPACT:

There is no fiscal impact.

BOARD ACTION

No. 2001-178

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Simon

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

ATTEST: REAGAN M. WILSON, Clerk

Christine Ferraro
By: Deputy

File No.

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-03; 5537 CLAUS ROAD, MODESTO

Page 2

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 latest case which was brought before the Nuisance Abatement Hearing Board. The property at 5537 Claus Road, Modesto, has a history of Stanislaus County Code violation, with an unlawful accumulation of junk, barrels, pallets, equipment is disrepair, tires, weeds, refuse and other debris. Many attempts have been made to coax the property owners to compliance. However, the owners, a father and daughter, have not been able to agree on a suitable compliance outcome. The daughter wishes resolution, but the father refuses to cooperate. This case was brought before the Code Enforcement Task Force for action as a public nuisance for resolution. Exhausting the efforts to locate the heirs, the case was brought before the Planning Commission, acting as the Nuisance Abatement Hearing Board on March 1, 2001. The history of this case is disclosed in Attachment B.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment A, Charles W. Lyon and Charlotte A. Eaton will have to abate the nuisance within two weeks after the Board of Supervisor's decision by:

1. Cleaning, collecting and removing all of the accumulated junk, tires, debris, equipment, vehicles, barrels, pallets and refuse to an approved disposal site.
2. Causing the removal and proper disposal of all weeds and overgrowth from the property.

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-03; 5537 CLAUS ROAD, MODESTO

Page 3

Should the owners fail to comply within that two-week period, the County will proceed with the abatement process through a forced clean-up action, whereby the property will be cleared of all contributing factors to the public nuisance. The cost of the abatement will be charged to the owners. If the responsible persons fail 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's recommendations, this public nuisance can be abated in a timely and efficient manner thus providing for a safe and healthy community, allowing the public to take greater pride in the areas they live in and frequent.

POLICY ISSUES:

The Board should decide if it should accept, modify, or reject the written recommendation as presented in Decision of Abatement Hearing No. 2001-03. Attachment A. Acceptance of this recommendation is consistent with the Board's policy to provide: a) safe and healthy communities; b) community service delivery; c) efficient government operations.

STAFFING IMPACT:

None.



**STANISLAUS COUNTY
NUISANCE ABATEMENT HEARING BOARD**

DECISION

IN RE: 5537 Claus Road, Modesto, Ca.
Abatement Hearing No. 2001-03

The above-referenced matter was heard on March 1, 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 Nuisance Abatement Hearing Board finds and determines as follows:

1. The property located at 5537 Claus Road, Modesto, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 075 22 21, respectively (the "Property"), is zoned A-2-10, General Agriculture District.
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 Charles W. Lyon and Charlotte A. Eaton as 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 to Stanislaus County Code Section 2.92.070.

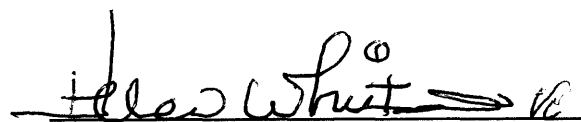
Stanislaus County Nuisance Abatement Hearing Board
Abatement Hearing No. 2001-03

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: March 1, 2001



Kathleen Griffin, Chair
Nuisance Abatement Hearing Board

COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

TO: CHARLES W. LYON &
CHARLOTTE A EATON, OWNERS
5537 CLAUS ROAD
MODESTO CA 95357

RE: File No. DER-CE 00-17
Assessor's Parcel No. 075 22 21
Address: 5537 CLAUS ROAD
MODESTO CA 95357

NOTICE IS HEREBY GIVEN TO APPEAR, before the Planning Commission sitting as the Nuisance Abatement Hearing Board on **March 1, 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: February 14, 2001

DEPARTMENT OF ENVIRONMENTAL RESOURCES

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

ATTACHMENT A

RE: File No. DER-CE 00-17
Assessor's Parcel No. 075 22 21
Address: 5537 Claus Road, Modesto CA

A. CONDITIONS OF VIOLATION

"Inspection of the above-referenced property revealed the following violations of Stanislaus County Code Section 21.16.020 as uses that are not allowed in an Agricultural zone:

- "(1) Unlawful junkyard (§21.12.310) in an unapproved area. This is a violation of the Stanislaus County Code §21.02.020 and §21.16.040.

- "(2) Unlawful Vehicle storage yard (§21.12.625) located within an area not approved for that purpose. This is a violation of the Stanislaus County Code §21.02.020 and §21.16.040.

"Further investigation may reveal additional violations."

B. CORRECTIVE ACTION REQUIRED

Remove all accumulated junk, equipment, vehicles, debris, barrels and other materials from the property, that are not allowed under the permitted use, associated with A-2-10 zoning.



**STAFF REPORT
NUISANCE ABATEMENT HEARING BOARD**

DATE OF HEARING: March 1, 2001

TITLE: Nuisance Abatement Hearing 2001-03

INTERESTED PARTIES: Charles W. Lyon, Trustee, and Charlotte A Eaton, property owners

LOCATION OF PROPERTY: 5537 Claus Road, Modesto CA
APN 075 22 21

STATEMENT OF VIOLATION:

1. Unlawful accumulation of junk and vehicles on the property, constituting an illegal junkyard. This is a violation of the Stanislaus County Code Section 21.16.040.
2. Continued storage of junk and other associated materials on this property, in violation of Stanislaus County Code Section 21.20.020, after the Use Permit No. 76-04-Charles Lyon, permitting such operation was revoked by Stanislaus County Board of Supervisors action, April 18, 2000.

COMPLIANCE EFFORTS:

September 14, 1999- A zoning violation letter, citing an illegal junkyard, case no. Z99-6023 was issued to the owner, Charles Lyons, by Phil Irons of the Planning and Community Development Department. The letter allowed 30 days for compliance with the order to remove all illegal junk. Exhibit 1

April 18, 2000- The Stanislaus County Board of Supervisors considered and unanimously approved the revocation of Use Permit No. 76-04- Charles Lyon.

April 19, 2000- A certified notice of the April 18, 2000 action was mailed to Charles Lyon. Exhibit 2

May 3, 2000- A Notice to Appear, for violation of Stanislaus County Code Section 21.16.040, (Two counts of non-permitted uses; Junkyard and Vehicle Storage Yard) was issued to Charles Lyon. Exhibit 3

September 29, 2000- Title Search information was received from Steward Title Company. Exhibit 4

November 21, 2000- A Notice and Order to Abate a Nuisance was issued by the Department of Environmental Resources, after the case was referred to that department for resolution. Exhibit 5

December 13, 2000- Charlotte A. Eaton called the DER office to request that the Notice and Order also be mailed to her father, Charles W. Lyon at the 5537 Claus Road, Modesto CA 95357, address. Exhibit 6

December 15, 2000- A copy of the Notice and Order was mailed to Charles Lyon, as requested. Exhibit 7

January 11, 2001.-Photographs of the conditions in violation were taken at the property. Exhibit 8

SUMMARY OF EVIDENCE:

Exhibit 1-Zoning Violation Letter from Planning dated September 14, 1999.

Exhibit 2-Planning letter dated April 19, 2000.

Exhibit 3-Notice to Appear, issued May 3, 2000

Exhibit 4-Title Search information

Exhibit 5-Notice and Order, issued by DER.

Exhibit 6-Personal correspondence from Charlotte A. Eaton.

Exhibit 7-Follow-up Notice and Order.

Exhibit 8- Photographs of property.

This case was referred to the Department of Environmental Resources to resolve, under the provisions of the Nuisance Abatement Hearing procedures, by the Code Enforcement Task Force. The case is a long-standing condition, resulting from a Use Permit being issued in past years for an agriculturally related processing plant that never was completed. The equipment for the plant was brought onto the property and scattered about, but never made operational, and thus became illegal. Planning and Community Development issued notices of violation, but the equipment for the plant, and additional non-related equipment and vehicles continued to accumulate. The Use permit was revoked, citations have been issued, and presumably fines were assessed, but the site remains in violation.

Photographs of the property were taken on January 11, 2001, with no appreciable change taking place since that time.

•

DISCUSSION:

The property currently contains a single family dwelling and is zoned A-2-10 (General Agricultural Division).

Evidence has been collected which clearly identifies a property littered with junk, debris, old equipment, barrels, pallets and building materials. This is in violation of The Stanislaus County Code Sections 21.16.040 and 9.04.20.

The property has been used for the storage of several vehicles, many of which have little or no value. They are stored in such a manner so as to impede reasonable access to the property dwellings in case of emergency or fire. The accumulation and storage of the vehicles creates a condition which tends to reduce the value of private property, promotes blight and deterioration, and creates a harborage for rodents and insects.

Evidence has been collected which indicates an unapproved storage of vehicles on the property. This is in violation of the Stanislaus County Code Section 11.28.020.

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 Registered Environmental Health Specialist**, Department of Environmental Resources. (525-6763).

COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

RE: DER-CE 00-17

Assessor's Parcel No. 075 22 11

Address: 5537 Claus Road, Modesto CA

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 **March 1, 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 5537 Claus Road, Modesto CA, (owners: Charles W. Lyon and Charlotte A. Eaton), constitute a public nuisance.

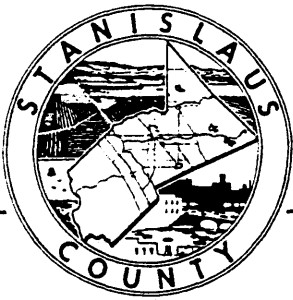
At the time and place specified in this Notice, the Hearing Officer or Hearing Board appointed to review the decision of the Director of the responsible County department ordering cessation or abatement of a nuisance occurring at or upon the subject property, shall proceed to hear the testimony of the 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: February 14, 2001

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



Stanislaus County

Department of Planning and Community Development

ZONING ENFORCEMENT DIVISION

1100 H STREET

MODESTO, CALIFORNIA 95354

PHONE: (209) 525-7664

FAX: (209) 525-5911

September 14, 1999

FIRST AND FINAL NOTICE
CERTIFIED MAIL

Charles Lyon Trust Et. al
5537 Claus Road
Modesto, CA 95357

RE: ZONING VIOLATION - JUNKYARD
REFERENCE NO. Z99-6023

This office is conducting an investigation regarding your property at 5537 Claus Road, Modesto, California, APN: 075-22-21. The property is within the zoning designation of General Agriculture District (A-2) and Chapter 21.20.020 of the Stanislaus County Zoning Ordinance regulates permitted uses in your zone.

Investigation of the subject property reveals an excessive amount of scrap metal and misc. is being stored which constitutes a junkyard and a violation of the Stanislaus County Code. Chapter 21.12.310 defines a junkyard as the use of more than two hundred (200) square feet of the area of any parcel for the storing or keeping of junk. Chapter 21.12.305 defines junk, and the above mentioned materials are listed in this chapter.

To bring your property into compliance with the Regulated Land Use Laws, the scrap materials, etc., must be removed or reduced in size and number so as to conform to the allowed limit.

Please contact this office within seven (7) calendar days after the receipt of this notice and present an acceptable plan of correction and abatement, with completion time parameters not to exceed thirty (30) calendar days. Failure to comply may result in enforcement procedures.

If there are any questions concerning this situation, the best time to contact me is weekdays between 8:00 a.m. and 9:00 a.m.

Phillip J. Irons
Deputy Zoning Enforcement Officer
PJl:sl



April 19, 2000

CERTIFIED MAIL

Charles W. Lyon, Tr. Et. al
18078 Rob Ric Road
Sonora, CA 95370

SUBJECT: REVOCATION OF USE PERMIT NO. 76-4 - CHARLES LYON

On Tuesday, April 18, 2000, the Stanislaus County Board of Supervisors considered and unanimously approved the revocation of Use Permit No. 76-04 - Charles Lyon.

If you have any questions regarding this matter, please contact me at (209) 525-6330.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron E. Freitas".

Ron E. Freitas
Director of Planning & Community Development

I:\BOS\after-letter\4-18-2000 aft. ltr

NOTICE TO APPEAR

Court Copy - White
Violator Copy - Yellow
File Copy - Pink

DATE 5-3-00		TIME 3:00 P M		0616	
NAME (FIRST, MIDDLE, LAST) CHARLES W. LYON					
RESIDENCE ADDRESS P.O. Box 1233				CITY REVERBANK	
BUSINESS ADDRESS				CITY 95367	
DRIVERS LICENSE NO. N4052971			STATE CA.	BIRTHDATE 5-3-11	
SEX <input checked="" type="radio"/> M <input type="radio"/> F	HAIR None	EYES BLU	HEIGHT 5-7	WEIGHT 150	OTHER DESC.

OFFENSE(S):

21.16.040 SCOC
(2 COUNTS) NON-PERMITTED USE

1. JUNKYARD
2. VEHICLE STORAGE YARD

EVIDENCE SEIZED	BOOKING REQUIRED <input type="checkbox"/>
-----------------	---

LOCATION OFFENSE(S) COMMITTED
5537 CLAUS RD

OFFENSE(S) NOT COMMITTED IN MY PRESENCE - CERTIFIED ON INFORMATION AND BELIEF I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON THE DATE SHOWN ABOVE AT

ISSUING OFFICER
P. IROSS, 220 _____ PLACE CALIF.
NAME OF ARRESTING OFFICER - IF DIFFERENT FROM ABOVE

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR BEFORE A JUDGE OR A CLERK OF THE MUNICIPAL OR JUSTICE COURT AT THE TIME AND PLACE INDICATED BELOW:

SIGNATURE Charles W. Lyon

COURT MODESTO TRAFFIC COURT

ADDRESS 2260 FLOYD AVE

ON THE 5TH DAY OF July 2000 AT 9:30 A M

FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA(S) 2-22-1989 P.C. 853.9

2075-7 PH # 869-1233 SEE REVERSE SIDE

CG-6023



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: CHARLES W LYON and CHARLOTTE A EATON 18078 ROB RIC RD SONORA CA 95370	RE: File No. DER-CE 00-17 Assessor's Parcel No.075-22-21 Address:5537 CLAUS RD Modesto, CA. 95355
--	--

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 21, 2000

DEPARTMENT OF ENVIRONMENTAL RESOURCES

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

F:\DATA\2BE-DONE\READING FILES\Nov_2000\NOTICE&ORDER.wpd tom.wpd

ATTACHMENT A

RE: File No.DER-CE 00-17
Assessor's Parcel No. 075-22-21
Address: 5537 CLAUS RD. MODESTO, CA

A. CONDITIONS OF VIOLATION

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

1. Unlawful junk yard (§ 21.12.310) in an unapproved area. This is a violation of the Stanislaus County Code § 21.20.020 and § 21.16.040.

B. CORRECTIVE ACTION REQUIRED

Cause for the proper removal and disposal of all accumulated junk on the property.

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

7099 3229 9999 9479 0791

Article Sent To:

CHARLES W LYON CHARLOTTE A EATON

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)

CHARLES W LYON CHARLOTTE A EATON

Street, Apt. No., or PO Box No.
18078 ROB RIC RD

City, State, ZIP+4
SONORA CA 95370

PS Form 3811, July 1999

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 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:

CHARLES W LYON
 CHARLOTTE A EATON
 18078 ROB RIC ROAD
 SONORA CA 95370

C.E.
 ATTN: Tom

2. Article Number (Copy from service label)

7099 3229 9999 9479 0791

PS Form 3811, July 1999

A. Received by (Please Print Clearly)

B. Date of Delivery

11/24/00

C. Signature

Charlotte Eaton

Agent

Addressee

D. Is delivery address different from item 1? Yes

No

If YES, enter delivery address below:

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

12-13-00

Jim,

Charlotte Eaton called and
request that the NFO also
be mailed to her father,
Charles W. Lyon @ 5537 Clow
Mod. Ca.
95357

Tom

Please Mail to:

Charles W. Lyon
5537 Claus Road
Modesto CA 95355

Space Above For Recorder's Use

12/15/00

Due 1/12/01

TO ABATE NUISANCE

RE: File No. DER-CE 00-17
Assessor's Parcel No.075-22-21
Address:5537 CLAUS RD
Modesto, CA. 95355

Stanislaus County Code § 2.92.030, that conditions described or
part hereof, exist on the above-referenced real property in the County,
are in violation of Stanislaus County Code. These conditions exist
in violation of the health, safety or welfare of the public and, as such, constitute a nuisance

under Stanislaus County Code § 2.92.030

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.

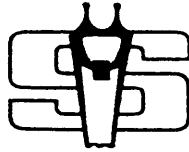
For further information concerning this Notice, please contact the Department of Environmental Resources, 3800
Cornucopia Way, Suite C, Modesto, California 95358-9492 or call (209) 525-6700.

Dated: NOVEMBER 21, 2000

DEPARTMENT OF ENVIRONMENTAL RESOURCES
By Tom Wolfe, R.E.H.S.
TOM WOLFE, R.E.H.S.

F:\DATA\2BE-DONE\N&O 5537 CLAUS RD., TOM.wpd

STEWART TITLE GUARANTY COMPANY



Security of Commerce

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.

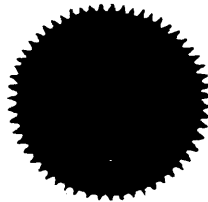
In Witness Whereof, STEWART TITLE GUARANTY COMPANY has caused this policy to be signed and sealed by its duly authorized officers as of Date of Policy shown in Schedule A.

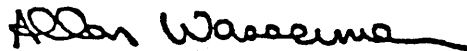
STEWART TITLE
GUARANTY COMPANY


Chairman of the Board

Countersigned:


President





Authorized Countersignature

Policy
Serial
Number

SFLP-1576-

154150

**AMENDED
SCHEDULE A**

DATE OF POLICY : September 29, 2000 at 8:00 a.m.
COUNTY : STANISLAUS
BORROWER : CHARLES W. LYON, TRUSTEE OF THE CHARLES W. LYON
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. 5537 CLAUS ROAD RIVERBANK, CA
2. That property which is more fully described in "Legal Description" attached hereto.
3. Tax Information:

Parcel No.	:	075-22-21-711		
First Installment	:\$	265.08	Second Installment	:\$ 265.08
Land	:\$	30,017.00	Improvements	:\$ 18,955.00
Exemptions	:\$	0.00	Exempt Under	: 0.00

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 09, 1997
Instrument No.: 97-0026712-00; 060211
Documentary Transfer Tax: \$
Conveyed to: CHARLES W. LYON, TRUSTEE OF THE CHARLES W. LYON TRUST UDT
DATED 3/26/97 & CHARLOTTE A. EATON, A MARRIED WOMAN AS HER
SOLE & SEPARATE PROPERTY

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

STEWART TITLE
Guaranty Company

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: \$265.08 due 12/10/00
Penalty: \$0.00
2nd Installment: \$265.08 due 04/10/01
Penalty: \$0.00
Cost: \$0.00
Land: \$30,017.00
Building: \$18,955.00
Personal Property: \$0.00
Exemption: \$0.00
Bill No.: 1132172
Code Area: 91 001
Assessment No. 075-22-21-711

Special Assessment of \$10.10 is collected with each installment for Riverbank Fire Protection 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. Said property has been declared tax defaulted for non-payment of delinquent taxes for the fiscal year 1999:
Default No. : 46541
Assessment No.: 075-22-21-711
Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:
Amount : \$550.490
By : November 2000
4. Taxes and assessments levied by the Modesto Irrigation District for the year(s) 2000-01.

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.

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 tax bills and tax default redemption amounts.

Continued on next page

EXCEPTIONS - CONTINUED
Order No. 01144314

6. 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.

7. Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:
Amount : \$26,000.00
Dated : November 11, 1975
Trustor : Charles W. Lyon and Ann B. Lyon
husband and wife as joint tenants
Trustee : Title Insurance and Trust
a California Corporation
Beneficiary : Francis Clemens and Wanda Clemens
husband and wife as joint tenants
Recorded : November 13, 1975
Instrument No.: 21852, of Official Records
Book : 2746
Page : 118

8. A Homestead Declaration, executed by Charles W. Lyon and Ann b. Lyon, recorded April 1, 1982, as Instrument No. 53583, Liber 3541, Page 25.

9. Any invalidity or defect in the title of the vestees in the event that the trust referred to in the vesting portion of Schedule A is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

LEGAL DESCRIPTION

Order No.: 01144314

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

PARCEL A AS SHOWN ON A PARCEL MAP FILED FEBRUARY 7, 1974 IN BOOK 18, PAGE 55, OF PARCEL MAPS IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, BEING A PORTION OF LOT 24 OF THE ROSELLE TRACT, IN THE EAST HALF OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN.

STEWART TITLE
Guaranty Company

PORTION E.1/2 SECTION 36 T.2 S. R.9 E. M.D.B.&M.
 POR. ROSELLE TR. LTS. 19 THRU 24

091 001

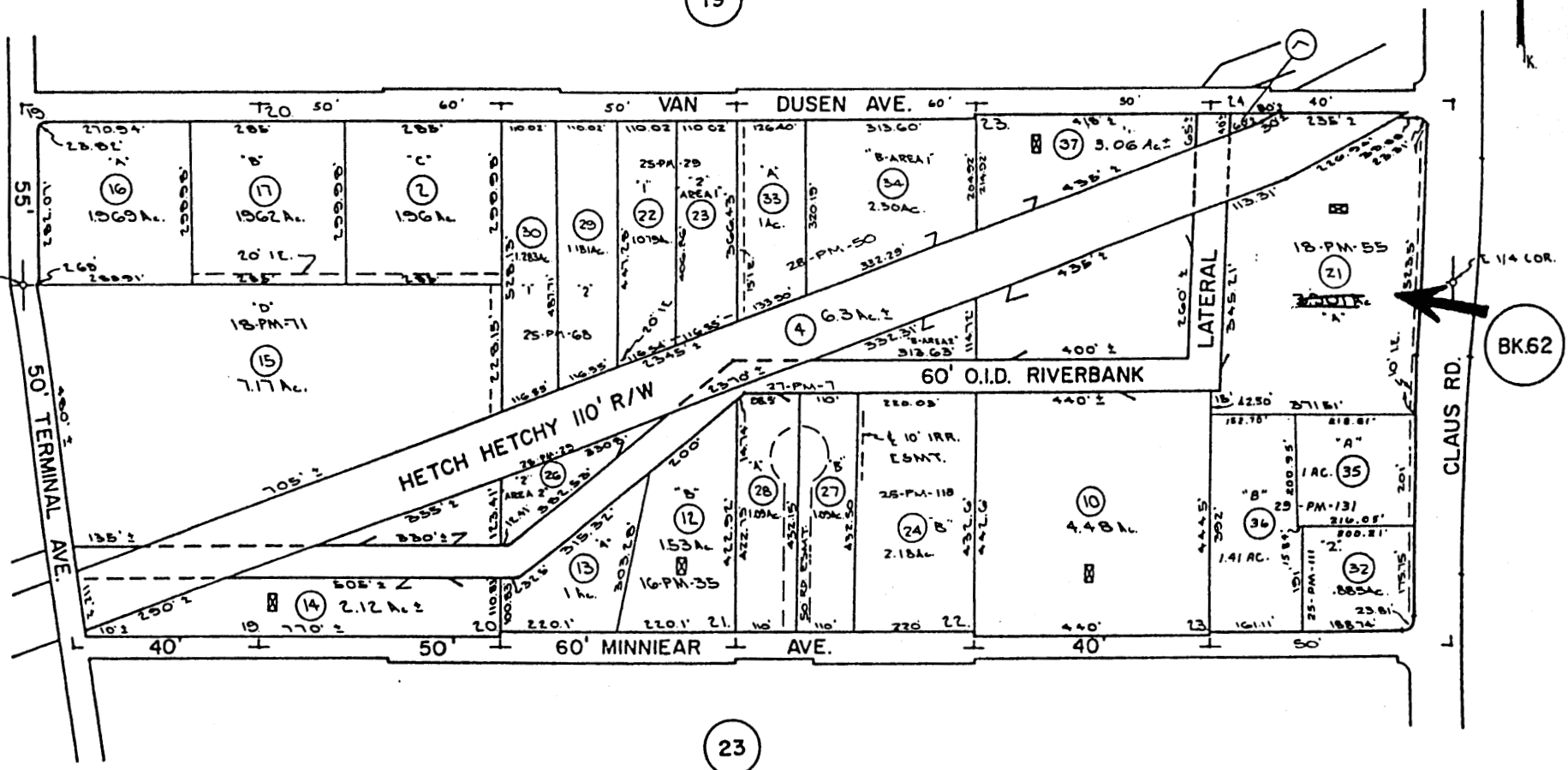
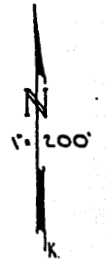
75-22

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY

THIS IS NOT A SURVEY

This map is provided as reference material only.
 This Company assumes no liability for loss or
 damages resulting from any reliance thereon.

19



BK.62

21

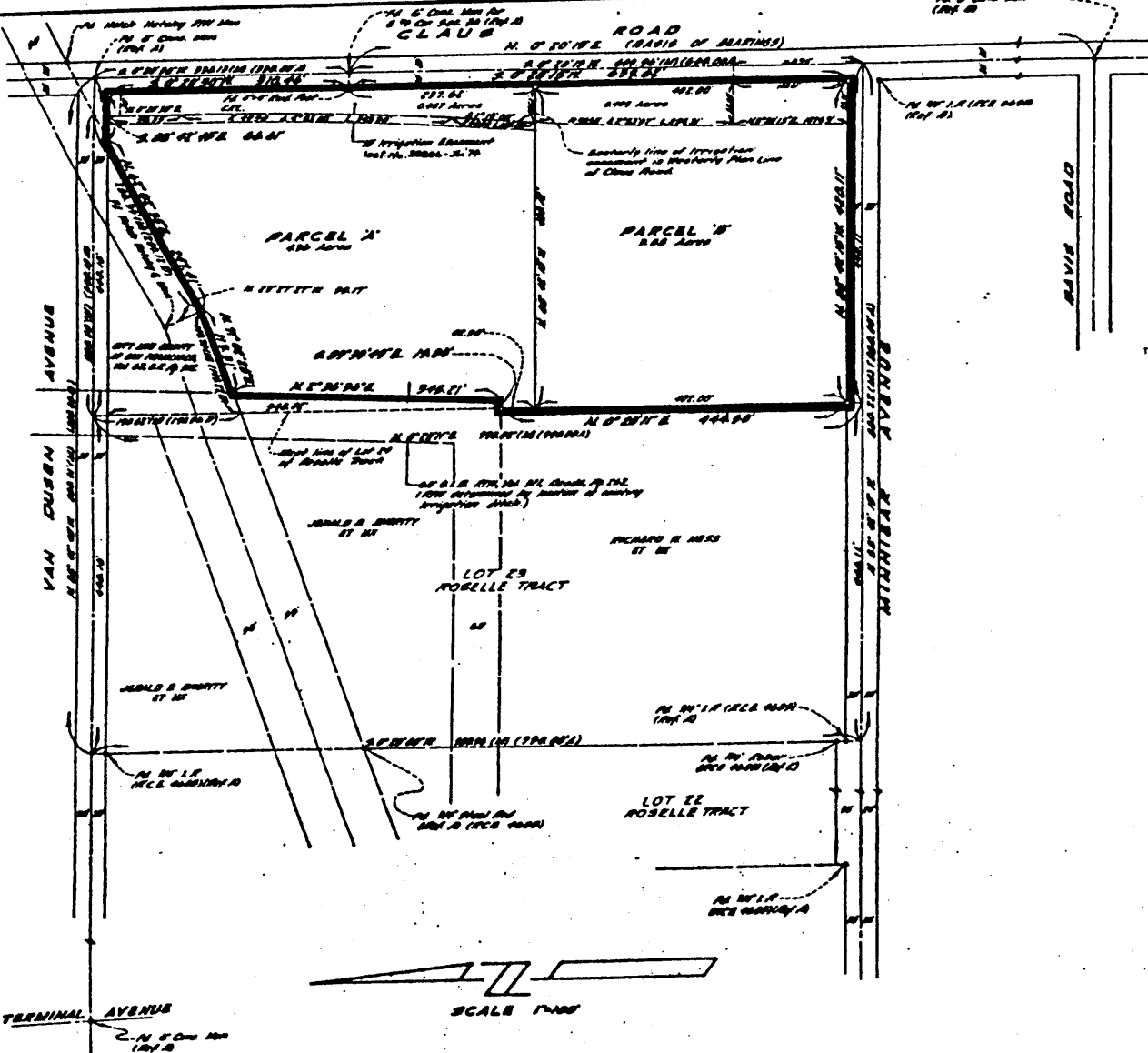
23

FROM 4-26
 RM 7-3
~~ABE 3DB 26~~
 B-15-74
 UPDATED 1-26-89



75

75-22



- NOTES**
1. BASIS OF BEARINGS: N 0° 20' 12" E for the East line of the Southeast quarter of Section 36 as shown on the Map of the Roselle Tract, filed in Volume 7, of Maps, Page 3 of Stanislaus County Records.
 2. MONUMENTS: All the monument pins referred to on this map are outside corners. Indicated monuments set, if true, may be dug with metal they stamped 1922 T150 attached.
 3. REFERENCES: (a) Measured distances (b) Book 5, of Parcel Maps, Page 32 (c) Book 6, of Parcel Maps, Page 32 (d) Book 11, of Parcel Maps, Page 32 (e) Volume 25, C.R., Page 915, (Book 1).
 4. Boundary and control distances were measured with a Heubach Rodent Model 1000 A Distance Meter.

OWNERS CERTIFICATE

We, the undersigned owners of the land shown on this parcel map, do hereby consent to the preparation and filing of same.

F.I.C. 1978
 4721 Parker Road
 Modesto, California

By *Francis Clemens*
 Francis Clemens

By *Wanda Clemens*
 Wanda Clemens

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF FRANCIS CLEMENS ON DEC 9 1978. I HEREBY CERTIFY THAT IT CONFORMS TO THE APPROVED TENTATIVE MAP AND CONDITIONS OF APPROVAL THEREOF, THAT ALL PROVISIONS OF APPLICABLE STATE LAW AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Thomas J. DeLorenzo



THIS MAP HAS BEEN EXAMINED THIS 6th DAY OF FEBRUARY, 1979, FOR CONFORMANCE WITH THE REQUIREMENTS OF SECTION 1705 OF THE SUBDIVISION MAP ACT.

By *Richard G. Barthe*
 COUNTY SURVEYOR

By *Boyer E. Shuman*
 DEPUTY

FILED THIS 7 DAY OF Feb. 1979 AT 9:50 A.M. IN BOOK 18 OF PARCEL MAPS AT PAGE 55 AT THE REQUEST OF SURVEYOR INSTRUMENT NO. 30496 PLS 15.02 PMS

By *Steve R. Nelson*
 COUNTY RECORDER

By *R. E. Fredricksen*
 DEPUTY

PARCEL MAP
 IN THE UNINCORPORATED TERRITORY OF
 STANISLAUS COUNTY, CALIFORNIA
 A PORTION OF LOT 24 OF THE ROSELLE TRACT IN
 THE EAST HALF OF SECTION 36, T.25, R.9E., N.M.B.M.

SCALE 1"=100' DATE DECEMBER 1978 COUNTY STANISLAUS

R. E. FREDRICKSEN & ASSOCIATES CIVIL ENGINEERS

18-P19-55

RECORDING REQUESTED BY

060211 JUN 24 85

144314-PL

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

RECORDED AT 16:55 BY

053

NAME Charles W. Lyon
ADDRESS 5537 Claus Road
CITY & STATE Modesto, CA 95355
ZIP

OFFICIAL RECORDS
STANISLAUS CO., CALIF.
DAVID A. WURM,
RECORDER

0986

5537
CLaus rd

Title Order No. Escrow No.

SURVEY MONUMENT-FEE \$10
SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOINT TENANT GRANT DEED

The undersigned declares that the documentary transfer tax is \$ -0- and is
 computed on the full value of the interest or property conveyed, or is
 computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land, tenements or realty is located in
 unincorporated area city of _____ and

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

CHARLES W. LYON

hereby GRANT(S) to CHARLES W. LYON, a widower, and CHARLOTTE A. EATON, a married woman as her sole and separate property, as ~~Joint Tenants~~,

the following described real property in the county of Stanislaus state of California:

Parcel A as shown on a parcel map filed February 7, 1974 in Book 18 Page 55 of Parcel Maps in the office of the recorder of Stanislaus County, being a portion of Lot 24 of the Roselle Tract in the East half of Section 36, Township 2 South, Range 9 East, Mount Diablo Base and Meridian.

Dated 6-21-85

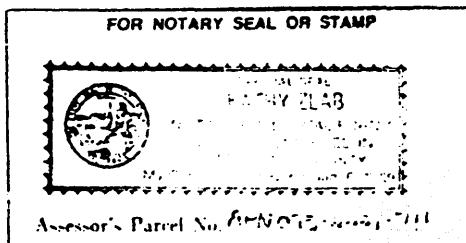
Charles W. Lyon
CHARLES W. LYON

STATE OF CALIFORNIA
COUNTY OF Stanislaus
Or, this the 21st day of June 1985, before me the undersigned, a Notary Public in and for said County and State, personally appeared

Charles W. Lyon

personally known to me or proved to me on the basis of satisfactory evidence to be the person who to name subscribed to the within instrument and acknowledged that he executed the same

Kathy Zlab
Kathy Zlab Signature of Notary



060211 JUN 24 85

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

10

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

LAW OFFICES OF STEVEN A. SMITH
215 Mc HENRY AVENUE
MODESTO, CA 95354

MAIL TAX STATEMENTS TO:

MR. CHARLES W. LYON
5537 CLAUS RD.
MODESTO, CA 95357

Stanislaus Co Recorder's Office
Karen Mathews, County Recorder

DOC - 97-0026712-00
Check Number 3262

REQD BY
Wednesday, APR 09, 1997 10:50:03

REC \$3.00 MOD \$3.00 MIC \$1.00

STF \$0.00

Ttl Pd \$7.00

Nbr-0000038839

RIW/R1/1

Trust Transfer Deed

Grant Deed (Excluded from Reappraisal Under Proposition 13 i.e., Calif. Const. Art 13A et seq.)

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:
THERE IS NO CONSIDERATION FOR THIS TRANSFER.

THE DOCUMENTARY TRANSFER TAX IS \$ 0.00.

THIS IS A TRANSFER TO A REVOCABLE TRUST FOR THE BENEFIT OF THE TRUSTOR.

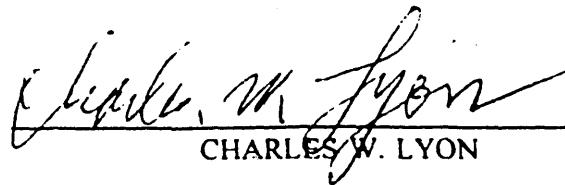
GRANTOR(S): CHARLES W. LYON

hereby GRANT(S) to: CHARLES W. LYON, Trustee of the CHARLES W. LYON Trust, u/d/t dated March 26, 1997, all of his right, title and interest in and to the following described real property in the County of Stanislaus, State of California:

Parcel A as shown on a parcel Map ^{And XOX P 10} file: February 7, 1974, in Book 18, page 55, of Parcel Maps in the Office of the Recorder of Stanislaus County, being a portion of Lot 24 of the Roselle Tract in the East half of Section 36, Township 2 South, Range 9 East, Mount Diablo Base and Meridan

Street address: 5537 Claus Rd., Modesto, CA 95357
APN: 075-22-21

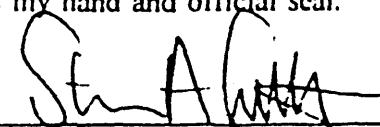
Dated: March 26, 1997

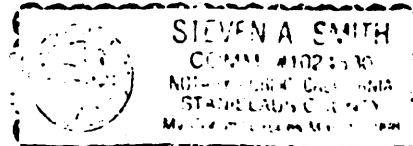

CHARLES W. LYON

State of California)
)SS
County of Stanislaus)

On March 26, 1997, before me, Steven A. Smith, Notary Public, personally appeared CHARLES W. LYON personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entities upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature 
Notary Public in and for said State



026712 APR-9 97

212
19C

RECORDING REQUESTED BY
Title Insurance and Trust Company

AND WHEN RECORDED MAIL TO

Francis Clemens
4619 Parker Road
Modesto, California

RECORDED AT 92 BY
TITLE INSURANCE
AND TRUST COMPANY
OFFICE RECORDS STAN-
ISLAUS CO. CALIF.
STEVE R. NELSON,
RECORDER
BY [Signature]
ASST. RECORDER

BOOK 2746 PAGE 118
21852 NOV 13 75

21852 NOV 13 75

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS (INDIVIDUAL)

This Deed of Trust, made this 11th day of November, 1975, between CHARLES W. LYON and ANN B. LYON, husband and wife, as joint tenants.

whose address is 14809 Orange Blossom Road Oakdale, California, herein called TRUSTOR.
(number and street) (city) (state) (zip)

Title Insurance and Trust Company, a California corporation, herein called TRUSTEE, and FRANCIS CLEMENS and WANDA CLEMENS, husband and wife, herein called BENEFICIARY.

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Stanislaus County, California, described as: Parcel A as shown on a Parcel Map filed February 7, 1974 in Book 18 Page 55 of parcel Maps in the office of the recorder of Stanislaus County, being a portion of Lot 24 of the Roselle Tract in the East half of Section 36, Township 2 South, Range 9 East, Mount Diablo Base and Meridian.

Should the property described herein be sold or otherwise disposed of by the makers hereof their heirs or assigns, prior to the maturity of the note secured hereby, then the holders hereof reserve the right to approve such sale or conveyance or the whole sum of principal and interest shall become immediately due and payable.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary by paragraph (10) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of \$ 26,000.00 executed by Trustor in favor of Beneficiary or order. 3. Payment of such further sum as the then record owner of said property hereafter may borrow from Beneficiary, when evidenced by another note (or notes) reciting it is so secured.

To Protect the Security of This Deed of Trust, Trustor Agrees: By the execution and delivery of this Deed of Trust and the note secured hereby, that provisions (1) to (14), inclusive, of the fictitious deed of trust recorded in Santa Barbara County and Sonoma County October 18, 1961, and in all other counties October 23, 1961, in the book and at the page of Official Records in the office of the county recorder of the county where said property is located; noted below opposite the name of such county, viz.:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	433	484	Kings	792	833	Placer	895	301	Sierra	29	335
Alpine	1	290	Los Angeles	262	39	Plumas	151	5	Siskiyou	468	181
Amador	184	348	Mariposa	171	471	Riverside	3805	573	Solano	1185	182
Butte	1145	1	Monterey	12055	899	Sacramento	4331	63	Sonoma	1851	689
Calaveras	145	152	Nevada	810	170	San Benito	271	283	Stanislaus	1715	456
Colusa	296	617	Orange	1508	239	San Bernardino	3547	61	Sutter	373	297
Contra Costa	3978	47	Placer	77	292	San Francisco	A322	985	Tahama	481	289
Del Norte	78	414	San Joaquin	379	330	San Luis Obispo	2470	311	Trinity	93	266
El Dorado	548	456	Stanislaus	1547	338	San Mateo	1151	12	Tulare	2294	275
Fresno	4836	573	Santa Clara	184	851	San Diego	4078	428	Tuolumne	125	47
Gleason	422	184	San Diego	32	429	Santa Barbara	1878	860	Ventura	2662	286
Hamilton	687	527	Shasta	2194	338	Santa Cruz	3336	341	Yuba	683	245
Imperial	1091	381	Siskiyou	679	86	Shasta	1431	494		324	686
Inyo	147	398	Sonoma	385	238	Sierra	684	528			
Kern	3437	60	Stanislaus	5889	611	San Diego	Series 2 Book 1961, Page 182887				

(which provisions, identical in all counties, are printed on the reverse hereof) hereby are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in said provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

STATE OF CALIFORNIA, }
COUNTY OF _____ } SS.
On _____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____

Signature of Trustor
Charles W. Lyon
Charles W. Lyon

Ann B. Lyon
Ann B. Lyon

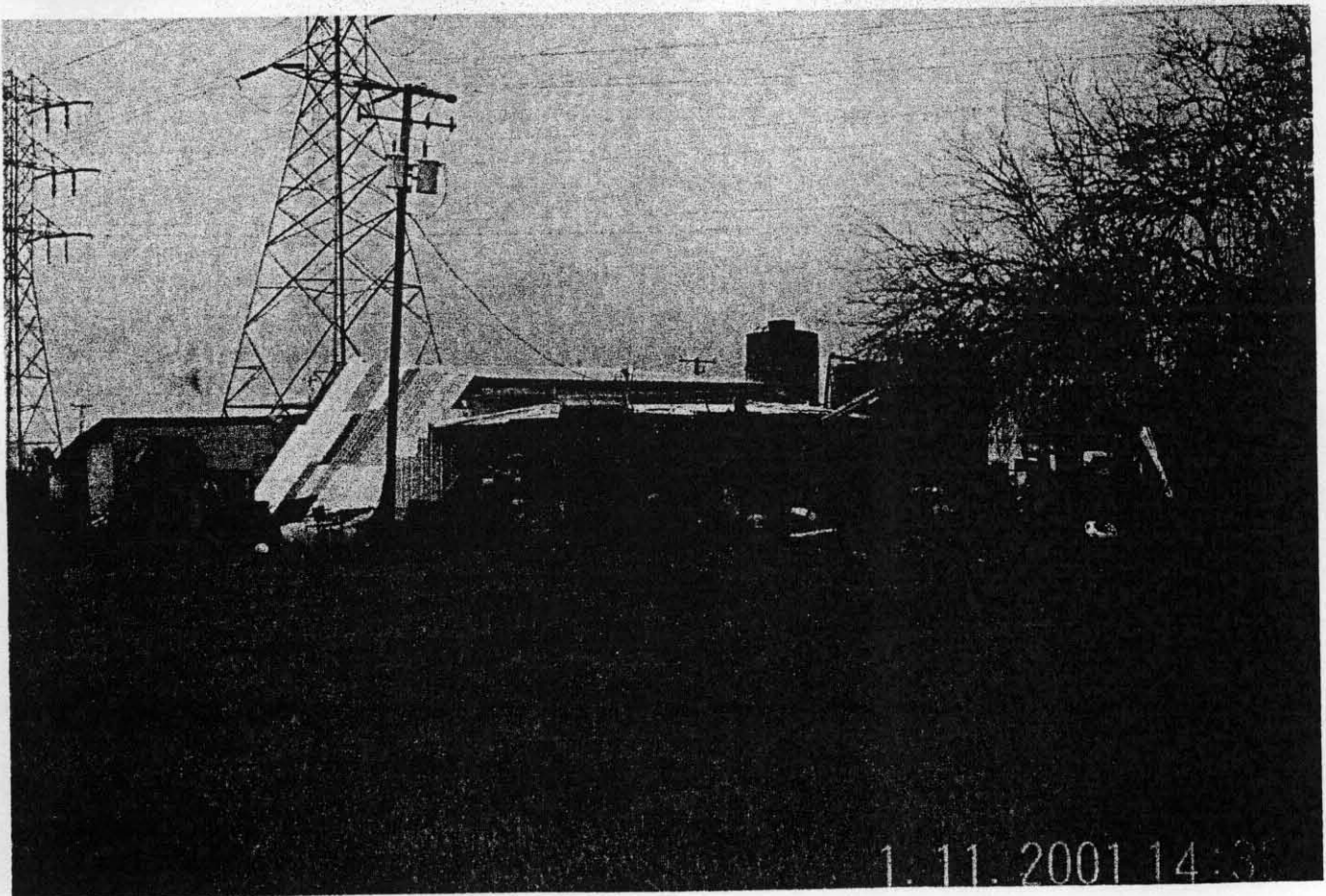
_____ known to me to be the person whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same. WITNESS my hand and official seal.

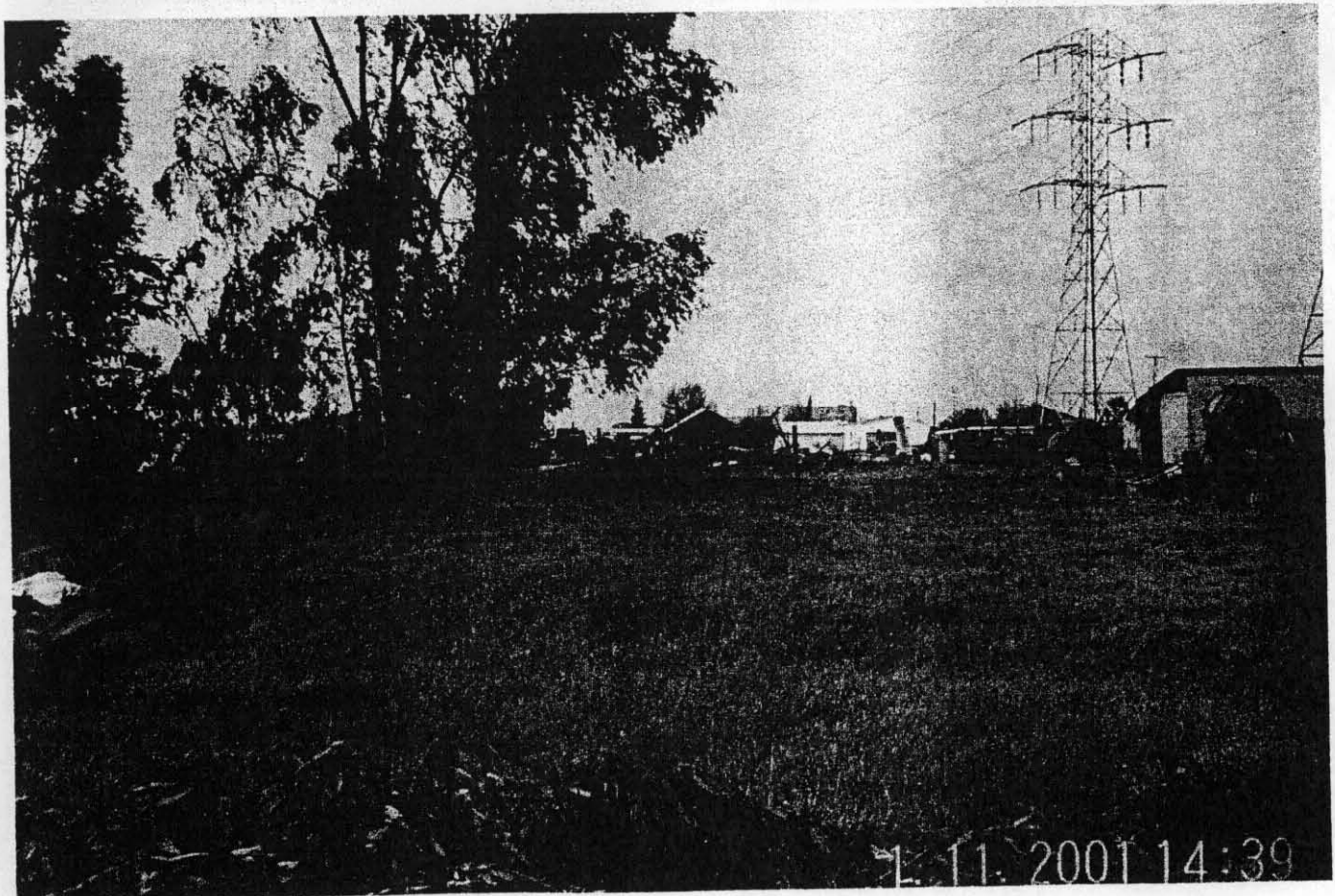
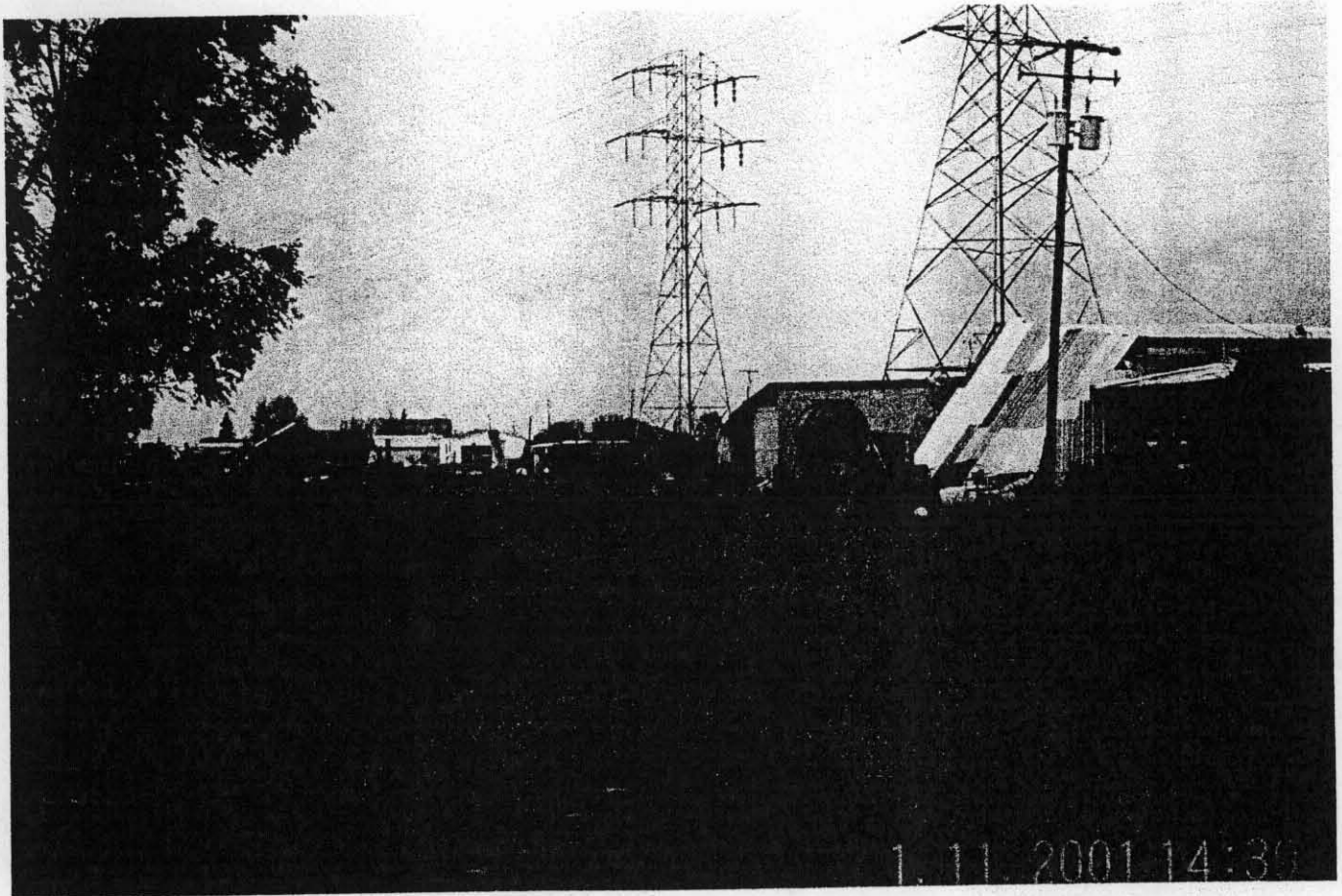
WITNESS, George J. Dedier

Signature _____ EXHIBIT 7 PAGE 10 OF 10

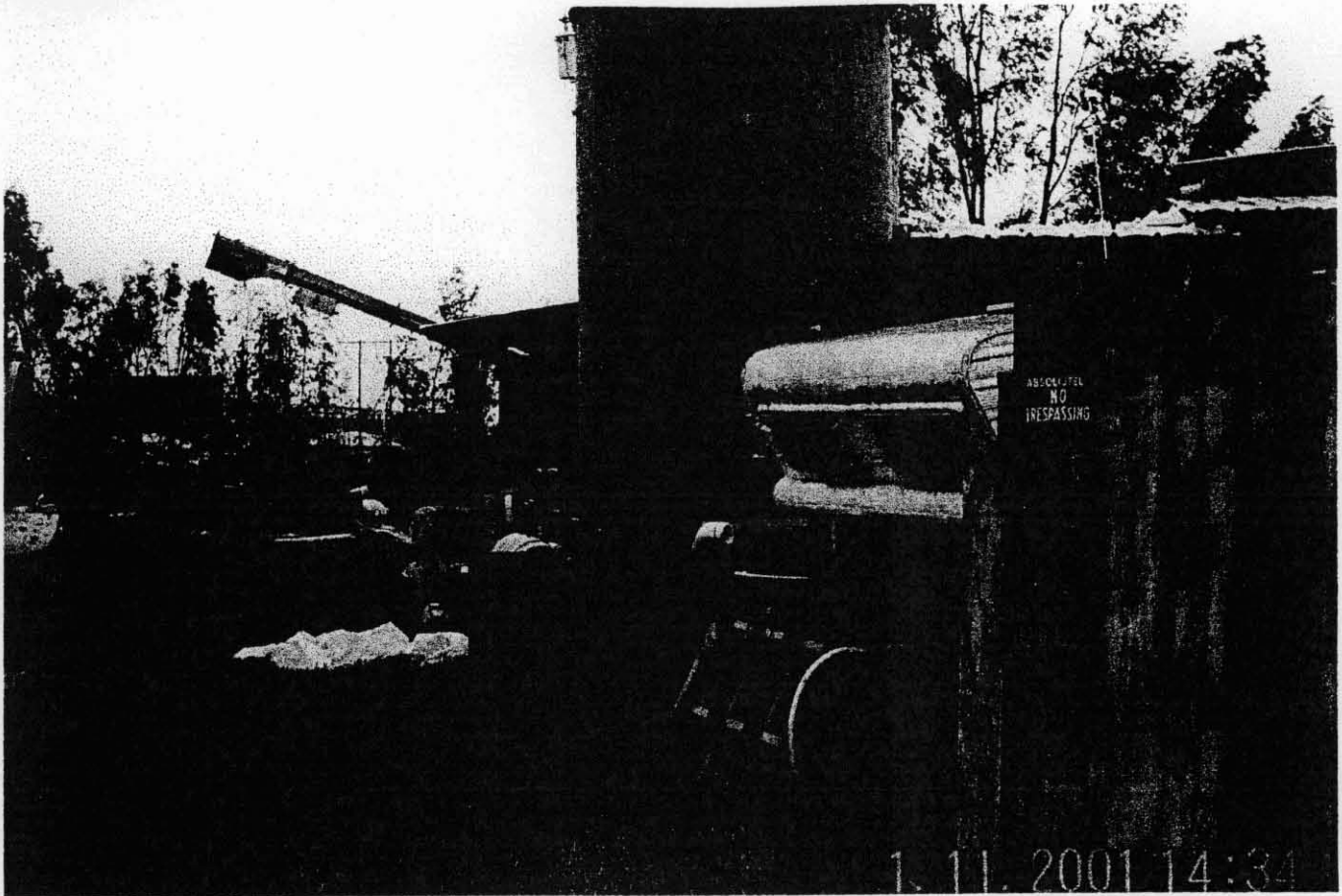
Title Order No. _____
Escrow or Loan No. 103264-BS

(5)





5537 CLAUS RD.



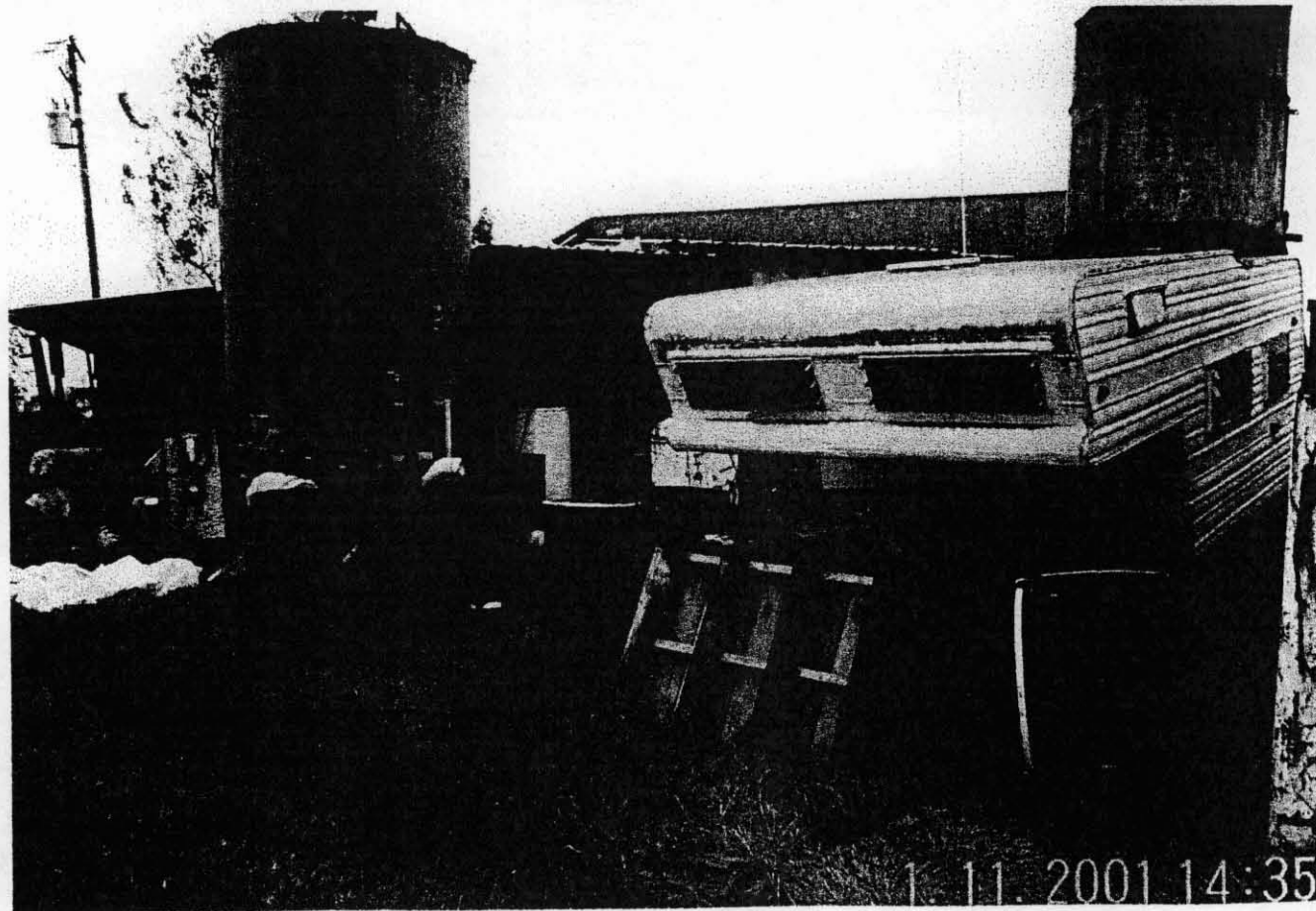
Code Enforcement Exhibit



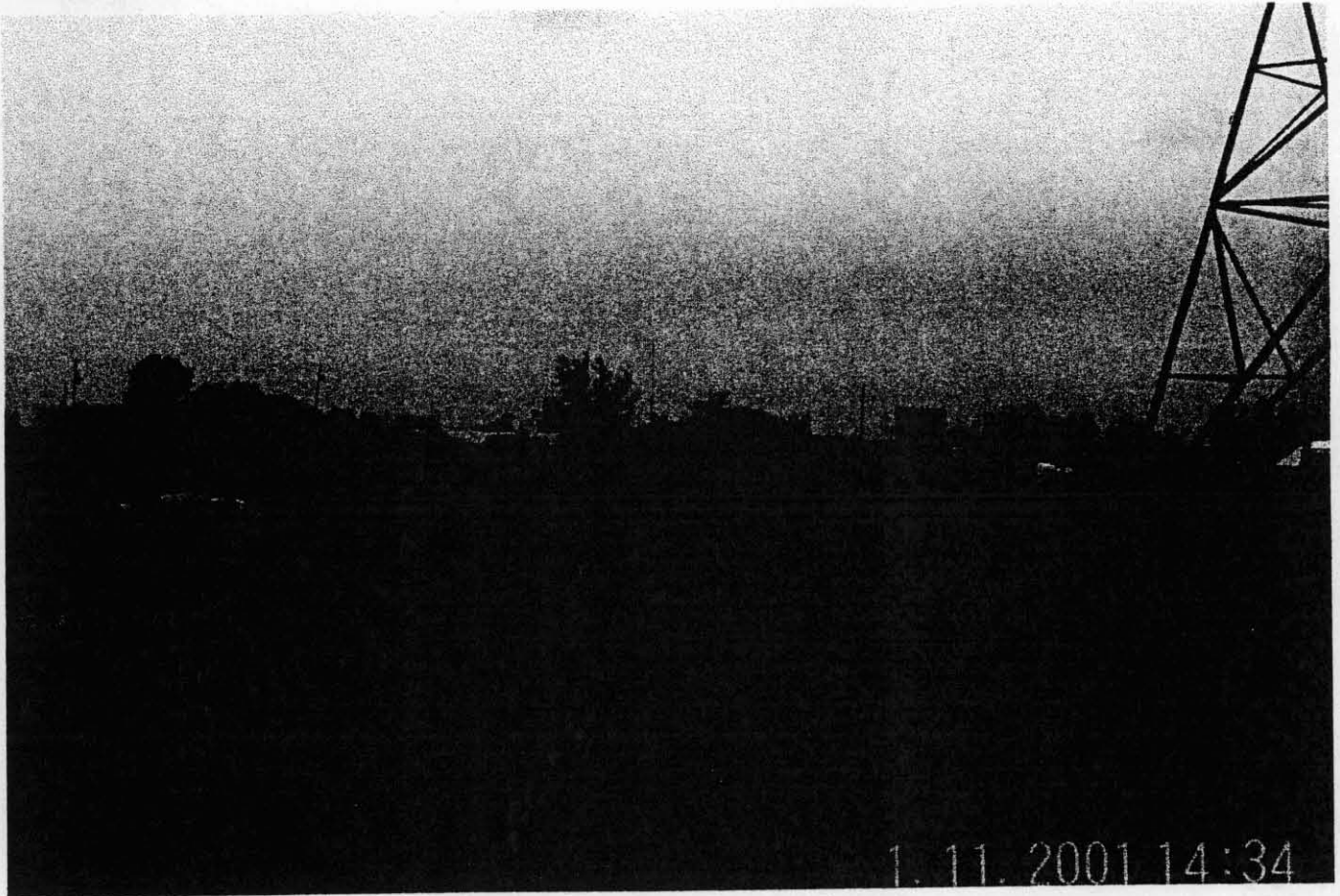
1. 11. 2001 14:43

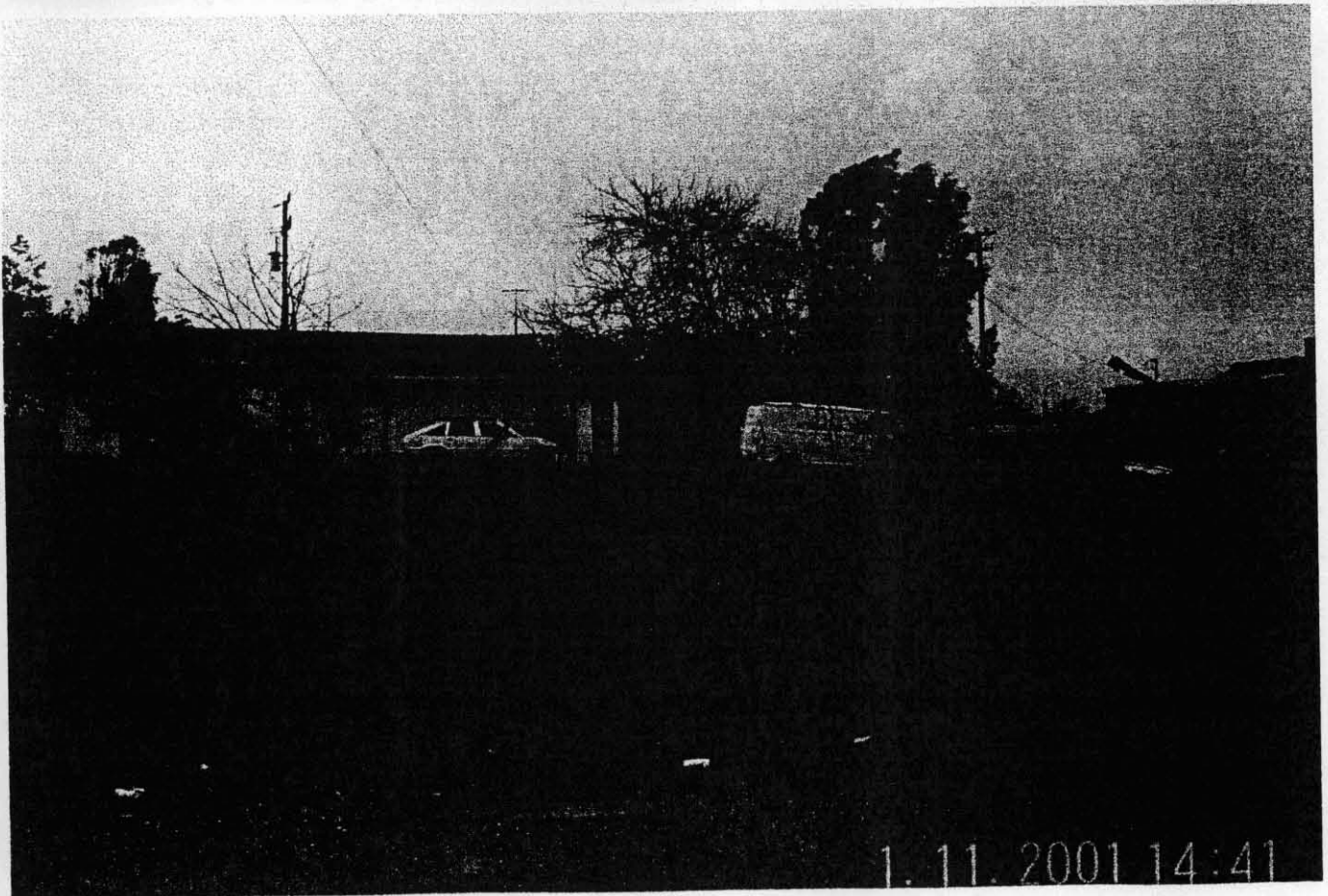
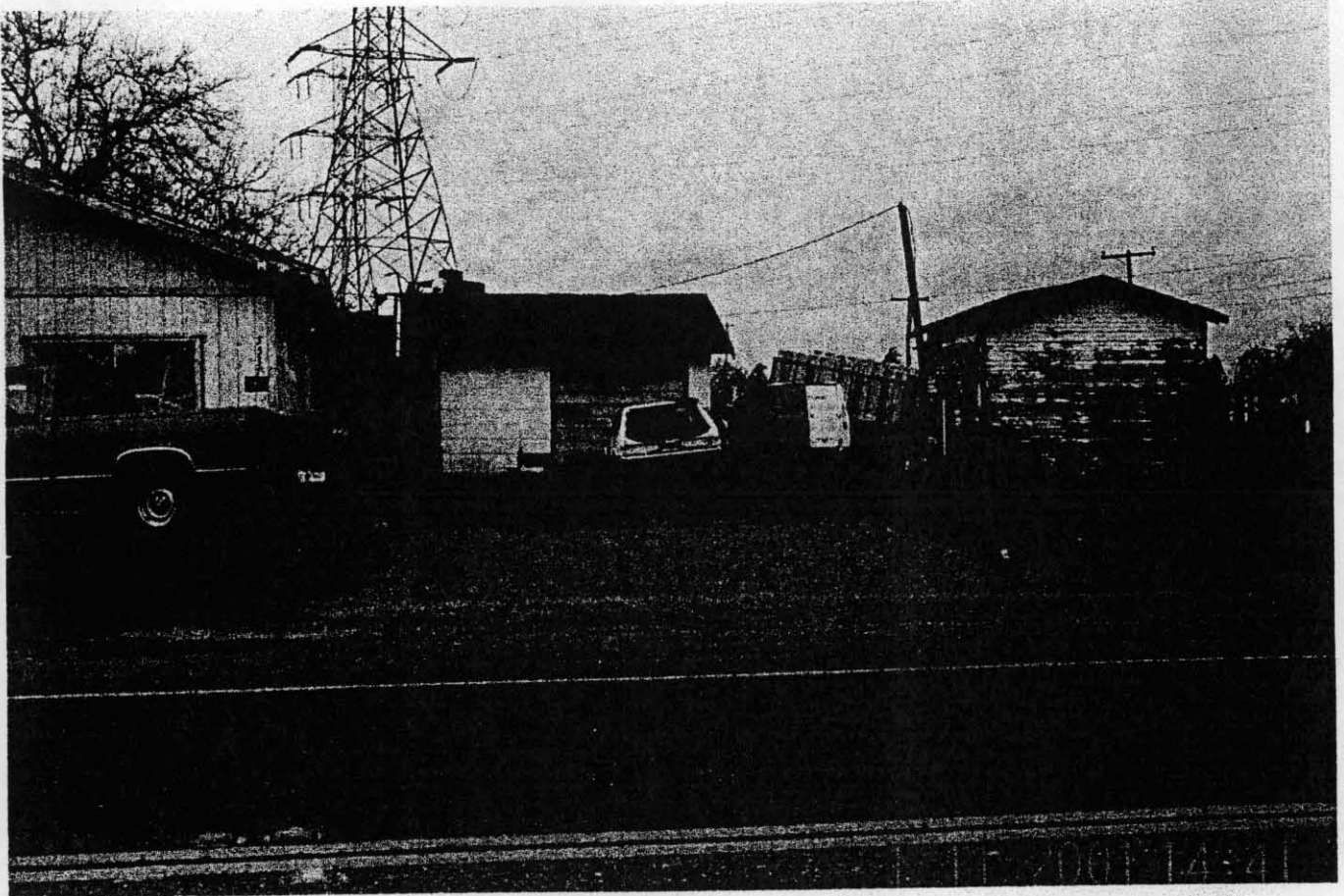


1. 11. 2001 14:43



Code Enforcement Exhibit





5537 CLAUS RD.

