

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

DEPT: ENVIRONMENTAL RESOURCES

BOARD AGENDA # *B-6

Urgent _____ Routine X

AGENDA DATE April 24, 2001

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

4/5 Vote Required YES _____ NO X

SUBJECT:

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT
HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-05; 1023
ALAMO AVENUE, MODESTO.

STAFF
RECOMMEN-
DATIONS:

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT
HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-05; 1023
ALAMO AVENUE, MODESTO.

FISCAL
IMPACT:

There is no fiscal impact.

BOARD ACTION AS FOLLOWS:

No. 2001-294

On motion of Supervisor Simon, Seconded by Supervisor Mayfield
and approved by the following vote,
Ayes: Supervisors: Mayfield, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: Blom
Abstaining: Supervisor: None

- 1) X Approved as recommended
2) _____ Denied
3) _____ Approved as amended

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

Christine Ferraro

File No.

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-05; 1023 ALAMO AVE.

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 seventh case which was brought before the Nuisance Abatement Hearing Board. The property at 1023 Alamo Avenue, Modesto, has a history of a Stanislaus County Code violation, with an unlawful accumulation of garbage, tires, weeds, refuse, debris, and illegally occupied recreational vehicle on the property. This case was brought before the Code Enforcement Task Force by the Planning Department for abatement action as a public nuisance. The case was brought before the Planning Commission, acting as the Nuisance Abatement Hearing Board on April 5, 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, the owners of record 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, unserviceable equipment trash, garbage, tires, debris and refuse to an approved disposal site.
2. Vacating and securing the recreational vehicles in a storage mode, unattached to any utility
3. Causing the removal and proper disposal of all weeds and overgrowth from the property.

Should the owners of record 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 of record. If the owners of record fail to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING ABATEMENT HEARING NO. 2001-05; 1023 ALAMO AVE. MODESTO

Page 3

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. 2001-05 (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: **1023 Alamo Avenue, Modesto, CA.**
Abatement Hearing No. 2001-05

The above-referenced matter was heard on **April 5, 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 **1023 Alamo Avenue, Modesto**, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number **038 35 17**, respectively (the "Property"), is zoned **R-3 (general definition, i.e. multiple family 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 **Elvis J Perdue(deceased) and Verlie R Perdue , 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

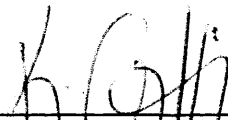
Stanislaus County Nuisance Abatement Hearing Board
Abatement Hearing No. 2001-05

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: **April 5, 2001**



Kathleen Griffin, Chairman
Nuisance Abatement Hearing Board

COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

**TO: ELVIS J PERDUE
VERLIE R PERDUE
1620 Sailfish Drive
Modesto CA 95357-0950**

**RE: File No. NAHB 2001-05
Assessor's Parcel No. 038 35 17
Address: 1023 ALAMO AVENUE
MODESTO CA 95351**

NOTICE IS HEREBY GIVEN TO APPEAR, before the Planning Commission sitting as the Nuisance Abatement Hearing Board April 5, 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:

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By


Jim Sellers, Program Manager

ATTACHMENT A

RE: File No. NAHB 2001-05 (DERCE-0020)
Assessor's Parcel No.038 35 17
Address: 1023 Alamo Avenue, Modesto CA

A. CONDITIONS OF VIOLATION

An inspection of the above-referenced property revealed the following violations of Stanislaus County Code Section 2.92.010.

- (1) Unlawful occupancy of two recreational vehicles on the subject property for human habitation. This is a violation of Stanislaus County Code Section 21.72.020.
- (2) An accumulation of trash, junk and debris on the property. This is a violation of Stanislaus County Code Section 9.04.020.

B. CORRECTIVE ACTION REQUIRED

Any and all occupants must vacate the recreational vehicles, and discontinue use of the vehicles for any form of occupancy at this site. The vehicles must be disconnected from all utility connections.

Cause the complete collection, removal and proper disposal of all trash, junk and debris from the property, organize remaining equipment and return the property to residential conformity.



**STAFF REPORT
NUISANCE ABATEMENT HEARING BOARD**

DATE OF HEARING: April 5, 2001

TITLE: Nuisance Abatement Hearing 2001-05; 1023 Alamo Avenue, Modesto, CA.

INTERESTED PARTIES: Elvis J Perdue and Verlie R Perdue, Joint Tenants

LOCATION OF PROPERTY: 1023 Alamo Avenue, Modesto, CA. 95351 APN 038 35 17

STATEMENT OF VIOLATION:

- (1) Unlawful occupancy of two recreational vehicles on the subject property for human habitation. This is a violation of Stanislaus County Code Section 21.72.020.
- (2) An accumulation of trash, junk and debris on the property. This is a violation of Stanislaus County Code Section 9.04.020.

COMPLIANCE EFFORTS:

- October 10, 2000- A complaint was registered with the Department of Planning and Community Development and forwarded to the Department of Environmental Resources. The complaint alleged that a junkyard existed on the property and that recreational vehicles were being occupied there. Exhibit 1
- October 17, 2000- A site inspection was made by Tom Wolfe, Senior Environmental Health Specialist for the Department of Environmental Resources. The inspection revealed an occupied recreational vehicles, and an accumulation of trash, junk and debris.
- October 24, 2000- A Notice and Order was mailed (regular mail) to the owner of record, to notify of violations and order correction. Exhibit 2

- October 30, 2000-Certified Mail Notice and Order, "Vacant", Not delivered. Exhibit 3
- October 30, 2000-The regular mailing of the Notice and Order was returned with a forwarding address sticker stating; Verlie R Perdue, 1620 Sailfish Drive, Modesto CA 95357-0950. Exhibit 4
- November 2, 2000-Received Title search report. Exhibit 5
- November 2, 2000-A copy of the Notice and Order was mailed C/O Tenant, 1023 Alamo Avenue, Modest CA. Exhibit 6
- December 26,2000- A correctly addressed Notice and Order was mailed (Certified mail), to Verlie R Perdue at 1620 Sailfish Drive, Modesto CA . Exhibit 7.
- March 22, 2001-Notice of Hearing to Abate Nuisance sent certified mail to interested parties and posted on the property. Exhibit 8

SUMMARY OF EVIDENCE

- Exhibit Complaint referral from Planning, dated October 7, 2000.
- Exhibit 2-Notice & Order letter dated October 25, 2000.
- Exhibit3-Return mail Notice and Order, Undelivered, received October 30, 2000.
- Exhibit 4-Address correction return mail dated November 2, 2000.
- Exhibit 5- Title Search Information, received November 2, 2000.
- Exhibit 6-Tenant copy mailing of the Notice and Order, dated November 2, 2000.
- Exhibit 7-Corrected copy of Notice and Order, to Verlie R Perdue, dated December 26, 2000.
- Attachment A - Notice of Decision,

DISCUSSION:

The property is zoned R-3, multiple family residential which allows for one single family dwelling, or two dwelling units, on one parcel. Occupancy of recreational vehicles is prohibited, though storage of vacant recreational vehicles is allowed.

Evidence had been collected showing the presence of occupied recreational vehicles, with unlawful utility connections.

The property was also noted to contain significant amounts of refuse material, including trash, junk, rubbish and debris.

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, Code Enforcement Program Manager, Department of Environmental Resources (525-6763), based on reports and notes compiled by Tom Wolfe, Senior Environmental Health Specialist, Department of Environmental Resources.

COUNTY OF STANISLAUS



NOTICE OF HEARING TO ABATE NUISANCE

RE: File No. NAHB 2001-05

Assessor's Parcel No. 038 35 17

Address: 1023 Alamo Avenue, 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 April 5, 2001, 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 1023 Alamo Avenue, Modesto CA (Verlie R Perdue) 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: March 22, 2001

Jim Sellers, Code Enforcement Program Manager
Department of Environmental Resources



DER-CC00-20

REQUEST FOR CODE COMPLIANCE

DATE 10-12-00

LOCATION - EXACT COMPLAINT ADDRESS: 1023 Alamo Ave
MODESTO

NAME OF VIOLATOR, RESPONSIBLE PERSON OR PROPERTY OWNER, IF KNOWN: ELVIS J. PERDUE 1617 WARELY DR. Modesto
CA. 95358

COMPLAINT (BE AS COMPLETE AND SPECIFIC AS POSSIBLE): Junkyard - Occupied METAL
Home. Zoning will address with storage yard.

OFFICE USE ONLY

APN: 038-35-17 ZONE: R-3 PARCEL SIZE: 165' x 67' DIST: 5

FIELD CHECK DATE: 10-10-00

FIELD NOTES: REFERRED TO DER

DEBR, tree branches, metal cans, metal, wood, trash, discarded clothes,
3. Non-op. v.l.k.

OPEN CASE FILE: YES NO FILE NO: _____

INFORMATION IN THIS SECTION WILL BE TREATED AS CONFIDENTIAL

YOUR NAME: REN F. - PLANNING

YOUR ADDRESS: _____

YOUR DAYTIME TELEPHONE NUMBER: _____



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

Space Above For Recorder's Use

NOTICE AND ORDER TO ABATE NUISANCE

TO: ELVIS J PERDUE 1617 WAVERLY DR MODESTO CA 95351	RE: File No. DER CE00-20 Assessor's Parcel No.038-35-17 Address:1023 ALAMO Modesto, CA. 95351
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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: OCTOBER 18, 2000

DEPARTMENT OF ENVIRONMENTAL RESOURCES

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

ATTACHMENT A

RE: File No. DER CE-0020
Assessor's Parcel No. 038-35-17
Address: 1023 ALAMO AVE., MODESTO, CA.

A. CONDITIONS OF VIOLATION

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

1. Unlawful occupancy of two travel trailers on subject property for human habitation. This is a violation of the Stanislaus County Code Section 21.72.020.
2. An accumulation of trash, junk and debris on the property. This is a violation of the Stanislaus County Code Section 9.04.020.

B. CORRECTIVE ACTION REQUIRED

Vacate all occupants from the travel trailers. Disconnect from these travel trailers.

Cause for the proper removal and disposal of all trash, junk and debris.

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

7099 3400 0018 7309 4134

Postage		Postmark Here <i>Tom White</i>
Contract Fee		
Special Postage Rate (Postage paid by addressee)		
Registered Postage Fee (Postage paid by addressee)		
Total Postage & Fees		0
Recipient's Name (Should be completed by addressee) ELVIS PERDUE Street, Apt. No. or P.O. Box No. 1617 WAVERLY DR City, State, ZIP+4 MODESTO CA 95351		

PS Form 3800, February 2000. See Reverse for Instructions.

We will redeliver OR you or your agent can pick up your mail at the post office. (Bring this form and proper ID. If your agent will pick up, sign below in item 2, and enter agent's name here):

1. a. Check all that apply in section 3;
 b. Sign in section 2 below;
 c. Leave this notice where the carrier can see it.

2. Sign Here to Authorize Redelivery or to Authorize an Agent to Sign for You:

3. Redeliver (Enter day of week.):

(Allow at least two delivery days for redelivery, or call your post office to arrange delivery.)
 Leave item at my address

(Specify where to leave. Example: "porch", "side door". This option is not available if box is checked on the front requiring your signature at time of delivery.)
 Refused Forward Return

PARADISE STATION
 1717 PARADISE RD.
 M-F: 7:30AM-6:00PM SAT: 10:00AM-2:00PM
 1-800-275-8777

Delivery Section

Signature: *X*

Printed Name:

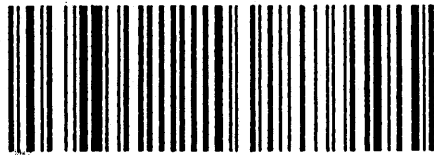
Delivery Address: *1617 Waverly*

USPS

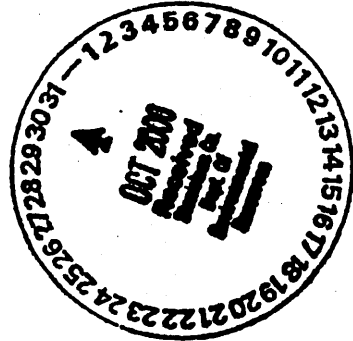
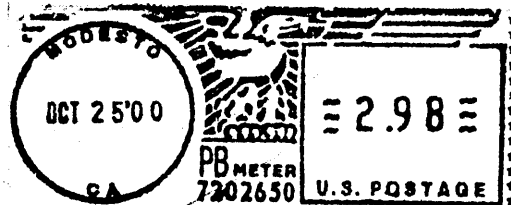
5260 0021 0200 7265

PS Form 3849, November 1999 (Reverse)

401307
 Stanislaus County
 Department of
 Environmental Resources
 3800 Cornucopia Way, Suite C
 Modesto, CA 95358-9492



7099 3400 0018 7309 4134



~~ELVIS J PERDUE
 1617 WAVERLY DR
 MODESTO CA 95351~~

vacant

Not Known
 Address
 such number
 In State
 not remain in this env.

7099 3400 0018 7039 4134

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

Postage	\$	Tom Wolfe
Restricted For		Postmark Here
Return Receipt and Restricted For		
Restricted For and For		
Total Postage & Fees	\$	
Recipient's Name (Please Print Name to be Completed by Mail) ELVIS PERDUE Street, Apt. No. or P.O. No. 1617 WAVERLY DR City, State, ZIP+4 MODESTO CA 95351		

PS Form 3800, February 2000 See Reverse for Instructions

We will redeliver OR you or your agent can pick up your mail at the post office. (Bring this form and proper ID. If your agent will pick up, sign below in item 2, and enter agent's name here):

1. a. Check all that apply in section 3;
 b. Sign in section 2 below;
 c. Leave this notice where the carrier can see it.

2. Sign Here to Authorize Redelivery or to Authorize an Agent to Sign for You:

3. Redeliver (Enter day of week):

(Allow at least two delivery days for redelivery, or call your post office to arrange delivery)
 Leave item at my address

(Specify where to leave. Example: "porch", "side door". This option is not available if box is checked on the front requiring your signature at time of delivery.)
 Refused Forward Return

PARADISE STATION
 1717 PARADISE RD.
 M-F: 7:30AM-6:00PM SAT: 10:00AM-2:00PM
 1-800-275-8777

Delivery Section

Signature: X

Printed Name:

Delivery Address: 1617 Waverly

USPS

PS Form 3849, November 1999 (Reverse) 5260 0021 0200 7265

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS FOLD AT DOTTED LINE

Is your RETURN ADDRESS completed on the reverse side?

SENDER: TOM WOLFE

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 ELVIS PERDUE
 1617 WAVERLY DR
 MODESTO CA 95351

4a. Article Number: 7099 3400 00187039 4134

4b. Service Type:
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery:

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
 X

8. Addressee's Address (Only if requested and fee is paid)

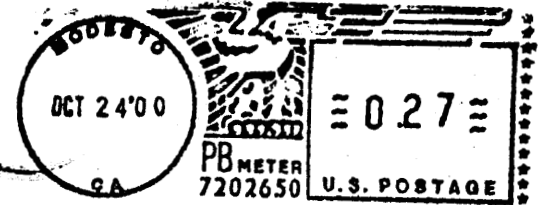
Thank you for using Return Receipt Service.

401307
Stanislaus County
Department of
Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9492

RETURN SERVICE REQUESTED

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS

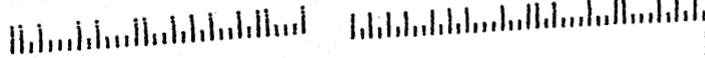


ELVIS J PERDUE
1617 WAVERLY DR
MODESTO

PERDUE17 953580205 1A00 04 10/31/00
RETURN TO SENDER
PERDUE, VERLIE R
1620 SAILFISH DR
MODESTO CA 95357-0950

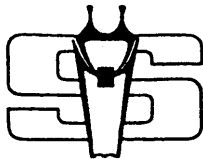
RETURN TO SENDER

404



95358
RUB 95358





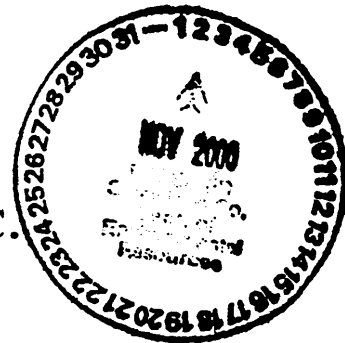
Sanctity of Contract

STEWART TITLE OF CALIFORNIA, INC.

Modesto Division - Escrow Services

1401 I Street, Modesto, CA 95354

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



October 31, 2000

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

RE: Escrow Number : 01144396/ UNKNOWN
Property Address: 1023 ALAMO AVE., 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,

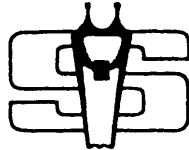
STEWART TITLE OF CALIFORNIA, INC.

PAM LAWRENCE
TITLE OFFICER

enclosures

STEWART TITLE

GUARANTY COMPANY



Society of America

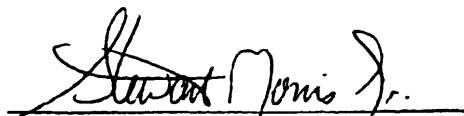
SHORT FORM LOAN POLICY

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.

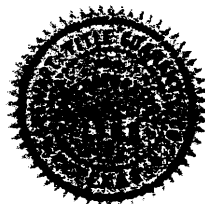
In Witness Whereof, STEWART TITLE GUARANTY COMPANY has caused this policy to be signed and sealed by its duly authorized officers as of Date of Policy shown in Schedule A.

STEWART TITLE

GUARANTY COMPANY


Chairman of the Board

Countersigned:




President


Authorized Countersignature

Authorized Countersignature

ATTACHMENT B - Page 14 of 25

Policy
Serial
Number

SFLP-1576-

154160

SCHEDULE A

DATE OF POLICY : October 05, 2000 at 8:00 a.m.
COUNTY : STANISLAUS
BORROWER : ELVIS J. PERDUE AND VERLIE R. PERDUE

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. 1023 ALAMO AVE. MODESTO, CA
2. That property which is more fully described in "Legal Description" attached hereto.
3. Tax Information:

Parcel No.	:	038-35-17-121		
First Installment	:\$	281.59	Second Installment	:\$ 281.59
Land	:\$	34,518.00	Improvements	:\$ 9,204.00
Exemptions	:\$	0.00	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: November 23, 1992

Instrument No.: 114206

Documentary Transfer Tax: \$ 42.90

Conveyed to: ELVIS J. PERDUE AND VERLIE R. PERDUE 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.: 01144396

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

LOT 16 IN BLOCK 3275 OF SOUTH MODESTO ACRES, TRACT NO. 4, AS
PER MAP FILED JULY 26, 1943, IN VOLUME 14 OF MAPS, PAGE 23,
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:	\$281.59	due 12/10/00
Penalty:	\$0.00	
2nd Installment:	\$281.59	due 04/10/01
Penalty:	\$0.00	
Cost:	\$0.00	
Land:	\$34,518.00	
Building:	\$9,204.00	
Personal Property:	\$0.00	
Exemption:	\$0.00	
Bill No.:	1100469	
Code Area:	80 054	
Assessment No.	038-35-17-121	

Special Assessment of \$18.10 is collected with each installment for Industrial Fire District.

Special Assessment of \$16.67 is collected with each installment for Shackelford Landscape and Lighting District.

Special Assessment of \$9.10 is collected with each installment for Industrial 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. Taxes and assessments levied by the Turlock Irrigation District for the year(s) 2000-2001.

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. 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.
5. 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

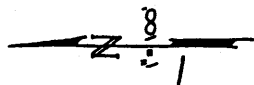
Continued on next page

EXCEPTIONS - CONTINUED
Order No. 01144396

with the County Taxes.

PORTION SW 1/4 SECTION 4 T.4S. R.9E. M.D.B. & M.

SOUTH MODESTO ACRES - BLKS. 3275, 3284, 3288 - A



STATE HIGHWAY 99

50' BUTCHER TOWN RAILROAD SPUR

50' PECOS AVE.

60' ALAMO AVE.

ALLEY

BLK. 3284

60' BOULDER AVE.

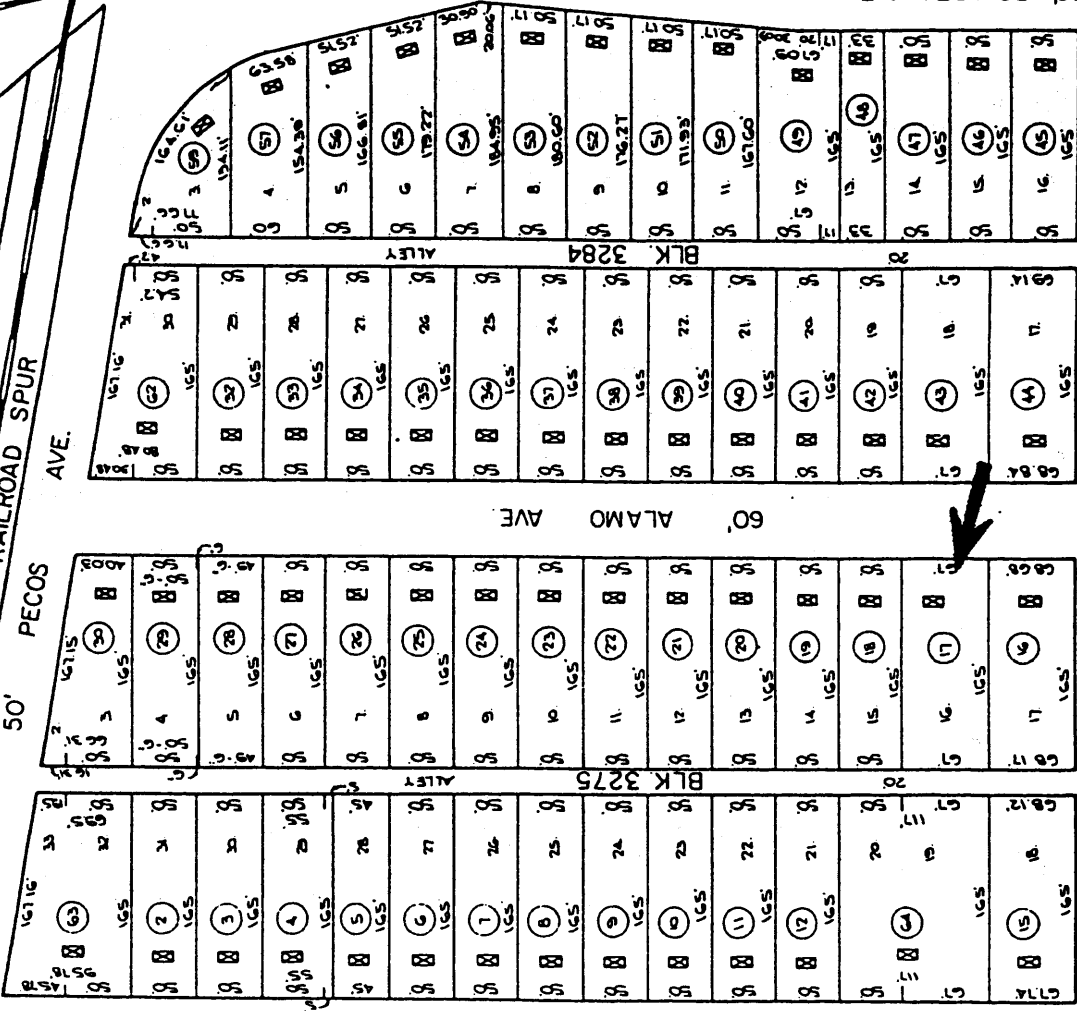
66' S. 7th ST.

100' S.P.R.R.

50' T.S.R.R.

THIS IS NOT A SURVEY ASSESSMENT

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.



32

33

36

38-35

FROM BLK. 38-35
S.A. 14-73
REGRAN 6-2-71

RECORDING REQUESTED BY

114206 NOV 23 92

144396-PL

DUAL ARCH INTERNATIONAL, INC.

When Recorded Mail to:

ELVIS AND VERLIE PERDUE
1421 WAVERLY DRIVE
MODESTO, CA 95351

RECORDED AT 3:50 BY

Dual Arch

OFFICIAL RECORDS
STANISLAUS CO. CALIF.
KAREN MATHEWS, RECORDER

4/1

SPACE ABOVE THIS LINE FOR RECORDER'S USE

LOCAL NO. 054770

OTHER REF.

T.S. NO. 2048

DSA

TRUSTEE'S DEED
UPON SALE

DOCUMENTARY TRANSFER TAX IS COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES EXISTING AT TIME OF SALE \$42.90
AMOUNT OF CONSIDERATION \$38,626.32 AMOUNT OF UNPAID DEBT \$38,626.32 GRANTEE IS NOT IDENTIFIED AS THE BENEFICIARY. DUAL ARCH INTERNATIONAL, INC. A CALIFORNIA CORPORATION

Ralph R. Absher
Signature of Deed Grantor or Agent Delivering Tax

Ralph R. Absher
Deed Grantor's Name

DUAL ARCH INTERNATIONAL, INC. A CALIFORNIA CORPORATION

Trustee, (whereas so designated in the Deed of Trust herein under more particularly described or as duly appointed Trustee), does hereby GRANT and CONVEY to ELVIS J. PERDUE AND VERLIE R. PERDUE, HUSBAND AND WIFE AS JOINT TENANTS

(herein called grantee), but without covenant or warranty, express or implied, all right, title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the CITY OF MODESTO County of STANISLAUS State of California, described as follows:

LOT 16 IN BLOCK 3275 OF SOUTH MODESTO ACRES, TRACT NO. 4, AS PER MAP FILED JULY 23, 1943 IN VOL. 14 OF MAPS PAGE 23, STANISLAUS COUNTY RECORDS.

APN NO. 38-35-17-121

114206 NOV 23 92

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by JOHN LEE DEF MAKE AND REGINA TALDE DERMAKE, HUSBAND AND WIFE

and recorded on 07/19/1991 in book _____, page _____, instrument number 054770 of official records, in the office of the Recorder of STANISLAUS County, California, under the authority and power vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust and pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded 07/22/1992 in book _____, page _____, instrument number 058956 of official records, Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending of a Notice of Default and Election to sell within 10 days after its recording and a Notice of Sale at least 20 days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b.

Notice of Trustee's Sale was published once a week for three consecutive weeks commencing 11/02/1992 in MODESTO BEE a newspaper, and at least twenty days before the date fixed therein a copy of the Notice of Trustee's Sale was posted in a conspicuous place on the property described above and in one public place in the city where the sale was to be held. At the time and place fixed in said notice, Trustee did, by public announcement, as in said provided, postpone the sale from time to time thereafter and did sell the property described above on 11/23/1992 at public auction to the grantee herein, Grantee being the highest qualified bidder therefor, for \$38,626.32 cash, lawful money of the United States, or by the satisfaction of the indebtedness then secured by said Deed of Trust.

In Witness Whereof, DUAL ARCH INTERNATIONAL, INC. A CALIFORNIA CORPORATION, as this Trustee, has this day, 11/23/1992 caused its name to be hereunto affixed by its officer thereunto duly authorized by its corporation by-laws. DUAL ARCH INTERNATIONAL, INC. A CALIFORNIA CORPORATION as said Trustee

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

} S.S.

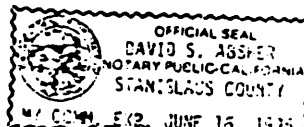
By *Ralph R. Absher*
RALPH R. ABSHER
PRESIDENT

On 11/23/1992, before me, the undersigned, a Notary Public for said State, personally appeared RALPH R. ABSHER 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 same.

WITNESS my hand and official seal.

Signature

DAVID S. ABSHER

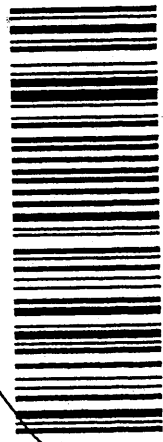


401307
Stanislaus County
Department of
Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9492
RETURN SERVICE REQUESTED

11-27-00 TW



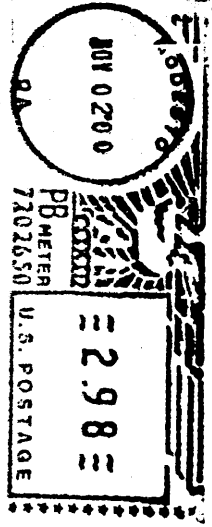
CERTIFIED MAIL



7099 3400 001A 7309 5254

TENANT
1023 ALAMO AVENUE
MODESTO, CA 95351

95351-5403 1A



PERM
1st POSTICE NOV 3 2000
2nd POSTICE NOV 8 2000
NOV 18 2000

FINAL NOTICE

Is your RETURN ADDRESS completed on the reverse side?

SENDER: T. WOLFE ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: TENANT 1023 ALAMO AVENUE MODESTO, CA 95351 (NOTICE & ORDER)		4a. Article Number 7099 3400 0018 7309 5254	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X			

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: JIM SELLERS
 ■ Complete items 1 and/or 2 for additional services.
 ■ Complete items 3, 4a, and 4b.
 ■ Print your name and address on the reverse of this form so that we can return this card to you.
 ■ Attach this form to the front of the mailpiece, or on the back if space does not permit.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

FILE COPY

3. Article Addressed to:
 ELVIS J. PERDUE
 VERLIE R. PERDUE
 1620 SAILFISH DRIVE
 MODESTO, CA 95357-0950
 (1023 ALAMO, MODESTO)

4a. Article Number
 7099 3400 0018 7309 5179
 4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD
 7. Date of Delivery
 1-19-01

5. Received By: (Print Name)
 6. Signature: (Addressee or Agent)
Verlie R. Perdue

8. Addressee's Address (Only if requested and fee is paid)
 MODESTO

Thank you for using Return Receipt Service.

Service
MAIL RECEIPT
 Only; No Insurance Coverage Provided)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

**TO: ELVIS J PERDUE
 VERLIE R PERDUE
 1620 SAILFISH DRIVE
 MODESTO CA 95357-0950**

RTD
000
DH
E
6
9
0
0

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

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
 ELVISJ./VERLIE R. PERDUE
 Street, Apt. No. or PO Box No.
 1620 SAILFISH DRIVE
 City, State, ZIP+4
 MODESTO, CA 95357-0950
 PS Form 3800, February 2000 See Reverse for Instructions

NOTICE IS HEREBY GIVEN, pursuant to Stanislaus County Code Section 2.92.010, on Attachment A which, by this reference is made to the attached map of property in the County of Stanislaus, State of California. 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: DECEMBER 26, 2000 DEPARTMENT OF ENVIRONMENTAL RESOURCES
 By JIM SELLERS, R.E.H.S.



**STANISLAUS COUNTY
NUISANCE ABATEMENT HEARING BOARD**

DECISION

**IN RE: 1023 Alamo Avenue, Modesto, CA.
Abatement Hearing No. 2001-05**

The above-referenced matter was heard on **April 5, 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 **1023 Alamo Avenue, Modesto**, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number **038 35 17**, respectively (the "Property"), is zoned **R-3 (general definition, i.e. multiple family 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 **Elvis J Perdue(deceased) and Verlie R Perdue , 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. 2001-05**

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: April 5, 2001

**Kathleen Griffin, Chairman
Nuisance Abatement Hearing Board**