

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department  
Building Safety Division  
P.O. Box 642  
1010 Tenth Street, Suite 3100  
Modesto, California 95353



Telephone: (209) 577-5232  
Facsimile: (209) 571-5135  
TDD: (209) 526-9211

# **NOTICE OF PASSAGE OF RESOLUTION**

**SEPTEMBER 4, 2014**

**TO: BANK OF AMERICA NA  
C/O OCWEN LOAN SERVICING  
2001 AUSTRALIAN AVENUE, BAY 2  
RIVIERA BEACH, FL 33404**

**OCWEN LOAN SERVICING  
RE: LOAN #7110707879/MARTINEZ  
2001 AUSTRALIAN AVENUE, BAY 2  
RIVIERA BEACH, FL 33404**

**OCWEN FINANCIAL SERVICES  
2002 SUMMIT BOULEVARD  
ATLANTA, GA 30319**

**BANK OF AMERICA NA  
606 PLACID LANE  
MODESTO, CA 95350**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE ABANDONED, OPEN, AND UNSECURED SINGLE-FAMILY  
DWELLING WITH ATTACHED ONE-CAR CARPORT DAMAGED BY  
FIRE LOCATED AT THE PROPERTY KNOWN AS 606 PLACID LANE,  
MODESTO, CALIFORNIA; CITY OF MODESTO CODE  
ENFORCEMENT CASE NO. COD2014-60114**

PLEASE TAKE NOTICE that on August 28, 2014, the Board of Building Appeals of the City of Modesto conducted a public appeal hearing regarding the real property situated in the City of Modesto commonly referred to as 606 Placid Avenue (hereinafter referred to

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-10

A RESOLUTION DECLARING THE BUILDING LOCATED AT 606  
PLACIDE LANE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S)  
OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30)  
DAYS

WHEREAS, Bank of America has title to and is the recorded owner of property located at 606 Placid Lane in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 606 Placid Lane consists of the abandoned, open, and unsecured single-family dwelling with attached one-car carport damaged by fire; and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Building Maintenance Code of the City of Modesto to enforce all provisions of the Code including authority to inspect any building or structure and order that any such building or structure determined under the Building Maintenance Code to be Unsafe and Unfit for Human Occupancy be declared a public nuisance and order the recorded owner to abate the nuisance conditions by demolition of the unsafe structures and the removal of the junk, trash, debris and weeds on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on July 3, 2014; and

WHEREAS, a Notice and Order dated July 16, 2014 was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and Contact the Building Safety Division of the City of Modesto and obtain a permit for the demolition of the abandoned, graffiti covered, unsecured single-family dwelling with attached one-car carport damaged by fire within thirty (30) calendar days of the date of this Notice. Physically commence the demolition of the abandoned, graffiti covered, unsecured single-family dwelling with attached one-car carport damaged by fire within thirty (30) calendar days of the date of the Notice. Call for inspection and obtain final approval from the Building Safety Division for the demolition of the abandoned, graffiti covered, unsecured single-family dwelling with attached one-car carport damaged by fire within sixty (60) calendar days of the date of the Notice. Trim/cut and remove all overgrown landscape vegetation in the front, rear, side yards, and alley within thirty (30) calendar days of the date of this Notice. Completely remove the two (2) overgrown, fruitless mulberry trees or remove all branches leaving only their trunks in the rear yard within thirty (30) calendar days of the date of this Notice. Remove all trash and personal items from the exterior of the property and alley within thirty (30) calendar days of the date of this Notice.

**NOTE:** If you choose not to demolish the single-family dwelling with attached one-car carport at this time, you are required to contact the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to secure all points of entry including the opening in the roof per the enclosed City of Modesto Board Up Specifications within thirty (30) calendar days of the date of this Notice and Order.

If you fail to contact the Building Safety Division and state your intent to secure all points of entry including the opening in the roof for review and approval by the Chief

Building Official within seven (7) calendar days of the date of this Notice and Order, you are expected to obtain the demolition permit and physically commence the demolition within thirty (30) calendar days of the date of this Notice and Order and have the demolition of the single-family dwelling with attached one-car carport completed and approved by the Building Safety Division within sixty (60) calendar days from the date of this Notice and Order.

Secure all points of entry including the opening in the roof per the enclosed City of Modesto Board Up Specifications within thirty (30) calendar days of the date of this Notice. Trim/cut and remove all overgrown landscape vegetation in the front, rear, side yards and alley within thirty (30) calendar days of the date of this Notice. Completely remove the two (2) overgrown, fruitless mulberry trees or remove all branches leaving only their trunks in the rear yard within thirty (30) calendar days of the date of this Notice. Remove all trash and personal items from the exterior of the property and alley within thirty (30) calendar days of the date of this Notice. Paint over or remove the graffiti from the exterior of the single-family dwelling with attached one car carport within thirty (30) calendar days of the date of this Notice and Order.

WHEREAS, said Notice and Order dated July 16, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on July 16, 2014, said Notice and Order of July 16, 2014, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, pursuant to Article 12 of the Building Maintenance Code of the City of Modesto; and

WHEREAS, on July 16, 2014, said Notice and Order of July 16, 2014, was posted on the premises; and

WHEREAS, the owner(s) of said premises have failed to complete work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of the Building Maintenance Code of the City of Modesto; and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance; and

WHEREAS, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 66, thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building unless the nuisance is abated by the owner or the person interested within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals as provided in Article 12 of the Building Maintenance Code. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the premises or have the same done under its direction and supervision; and

WHEREAS, on August 18, 2014, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and posted on

the property, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Sections 58 and 60; and

WHEREAS, said "Notice to Abate Nuisance" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on August 28, 2012, at 4:00 p.m., in the Second Floor Conference Room 2005 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 606 Placid Lane; and

WHEREAS, a duly noticed public hearing of the Board was held at date, time, and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance and to consider other appropriate action to abate such nuisance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals of the City of Modesto, that the following be ordered:

1. That the premises commonly referred to as 606 Placid Lane, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. Contact the Building Safety Division of the City of Modesto and obtain a permit for the demolition of the abandoned, graffiti covered, unsecured single-family dwelling with attached one-car carport damaged by fire within thirty (30) calendar days of the date of this Notice. Physically commence the demolition of the abandoned, graffiti covered, unsecured single-family dwelling with attached one-car carport damaged by fire within thirty (30) calendar days of the date of the Notice of Passage of Resolution.
3. Call for inspection and obtain final approval from the Building Safety Division for the demolition of the abandoned, graffiti covered, unsecured single-family dwelling with attached one-car carport damaged by fire within sixty (60) calendar days of the date of the Notice. Trim/cut and remove all overgrown landscape vegetation in the front, rear, side yards, and alley within thirty (30) calendar days of the date of this Notice of Passage of Resolution.
4. Completely remove the two (2) overgrown, fruitless mulberry trees or remove all branches leaving only their trunks in the rear yard within thirty (30) calendar days of the date of this Notice. Remove all trash and personal items from the exterior of the property and alley within thirty (30) calendar days of the date of this Notice of Passage of Resolution.
5. Secure all points of entry including the opening in the roof per the enclosed City of Modesto Board Up Specifications within thirty (30) calendar days of the date of this Notice. Trim/cut and remove all overgrown landscape vegetation in the front, rear, side yards and alley within thirty (30) calendar days of the date of this Notice of Passage of Resolution.

6. Completely remove the two (2) overgrown, fruitless mulberry trees or remove all branches leaving only their trunks in the rear yard within thirty (30) calendar days of the date of this Notice. Remove all trash and personal items from the exterior of the property and alley within thirty (30) calendar days of the date of this Notice. Paint over or remove the graffiti from the exterior of the single-family dwelling with attached one car carport within thirty (30) calendar days of the date of this Notice of Passage of Resolution.
7. Civil Penalties have been changed to One Thousand Dollars (\$1,000.00) per day by order of the Board.

BE IT FURTHER RESOLVED:

1. Thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the buildings, unless the nuisance is abated by the owner or other person within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.
2. In the event that the City of Modesto razes and removes the buildings so declared to constitute a nuisance or have the same done under its direction and supervision, the City of Modesto shall keep an itemized account of the expense involved in the razing or removing of any such buildings and shall deduct therefrom the amount received from the sale of any building materials pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68. The City of Modesto may proceed to recover its expenses in the razing or removing of any such buildings pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68 and Section 70.

BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a notice of the passage of this Resolution No. 2014-10, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-10, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the buildings are located as such person's name and address appear on the last equalized assessment roll, and (2) to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 58.

The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 28th day of August 2014, by Board Member Reid, who moved its adoption, which motion being duly seconded by Board Member Dalton, was upon roll call carried in the resolution adopted by the following vote:

Ayes: Dalton, Reid, Rodriguez, Yoshino, Ragsdale  
Noes: None  
Absent: None

BY ORDER OF THE BOARD OF BUILDING APPEALS OF THE CITY OF  
MODESTO.

  
\_\_\_\_\_  
TIM RAGSDALE  
BOARD OF BUILDING APPEALS

Dated: September 4, 2014



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H. BRENT SINCLAIR  
SECRETARY TO THE BOARD

HBS:cp  
Attachment

cc: BANK OF AMERICA NA  
C/O OCWEN LOAN SERVICING  
2001 AUSTRALIAN AVENUE, BAY 2  
RIVIERA BEACH, FL 33404

OCWEN LOAN SERVICING  
RE: LOAN #7110707879/MARTINEZ  
2001 AUSTRALIAN AVENUE, BAY 2  
RIVIERA BEACH, FL 33404

OCWEN FINANCIAL SERVICES  
2002 SUMMIT BOULEVARD  
ATLANTA, GA 30319

BANK OF AMERICA NA  
606 PLACID LANE  
MODESTO, CA 95350

City Attorney  
H. Brent Sinclair, Acting Chief Building Official  
Bert Lippert, Building Inspection Program Coordinator  
Chris Kemper, Code Enforcement Officer II  
File

**PROOF OF SERVICE - CCP §1013(a)(3)**

I am employed in the County of Stanislaus, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: 1010 10<sup>th</sup> Street, Modesto, California 95354.

On September 4, 2014, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 606 Placid Lane, Modesto, California; Assessor's Parcel No. 037-047-022; on all parties in said action by serving a true copy thereof as follows:

BANK OF AMERICA NA  
C/O OCWEN LOAN SERVICING  
2001 AUSTRALIAN AVENUE, BAY 2  
RIVIERA BEACH, FL 33404

OCWEN LOAN SERVICING  
RE: LOAN #7110707879/MARTINEZ  
2001 AUSTRALIAN AVENUE, BAY 2  
RIVIERA BEACH, FL 33404

OCWEN FINANCIAL SERVICES  
2002 SUMMIT BOULEVARD  
ATLANTA, GA 30319

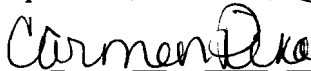
BANK OF AMERICA NA  
606 PLACID LANE  
MODESTO, CA 95350

  X   **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to be placed in the United States Mail at Modesto, California. I am readily familiar with the office's practice for collection and processing of correspondence for mailing, and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

  X   **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to be placed in the United States Mail at Modesto, California. I am readily familiar with the office's practice for collection and processing of correspondence for mailing, and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

       **BY POSTING:** I posted such document on the front door/doors of the structure/structures of the address as indicated above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4<sup>th</sup> day of September, 2014, at Modesto, California.

  
\_\_\_\_\_  
CARMEN PIÑA  
ADMINISTRATIVE OFFICE ASSISTANT III