

**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: RICHARD N. FRIEDLAND  
19051 BARNHART AVENUE  
CUPERTINO, CA 95014**

**RICHARD N. FRIEDLAND  
1604 ROUSE AVENUE  
MODESTO, CA 95351**

**SUNIL L. YADAV  
C/O COUNTY ESCROW  
1050 SOUTH CHEROKEE LANE  
LODI, CA 95240**

**DEUTSCHE BANK NATIONAL TRUST COMPANY  
1800 TAPO CANYON ROAD – CA6-914-01-94  
SIMI VALLEY, CA 93063**

**LONG BEACH MORTGAGE COMPANY  
1 CIVIC PLAZA  
CARSON, CA 90745**

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

**RE: THE ABANDONED SINGLE-FAMILY DWELLING WITH ATTACHED  
GARAGE WHICH IS OCCUPIED BY SQUATTERS, WITHOUT  
ELECTRICAL, GAS, AND WATER SERVICE, AND LACKING  
PROPERTY MAINTENANCE RESULTING IN UNSAFE CONDITIONS  
WHICH HAVE CAUSED THE SINGLE-FAMILY DWELLING WITH  
ATTACHED GARAGE TO BE DEEMED AS UNFIT FOR OCCUPANCY**

**LOCATED ON THE PROPERTY IDENTIFIED AS  
1604 ROUSE AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO  
CODE ENFORCEMENT CASE NO. NPU2014-00924**

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 1604 Rouse Avenue (hereinafter referred to collectively as the "premises"). Following the public appeal hearing, the Board adopted Resolution No. 2014-08, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-08, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY REMOVING ALL OF THE SQUATTERS LIVING ON THE PROPERTY, REMOVING ALL TRASH, PERSONAL ITEMS, GARBAGE, TOOLS, FURNITURE, RVs, BOATS, TRAILERS, AND TRAVEL TRAILERS FROM THE DRIVEWAY, PATIO, FRONT, SIDE AND REAR YARDS WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.**

**IF THE NUISANCE IS NOT ABATED, ADMINISTRATIVE ABATEMENT BY REMOVAL OF ALL SQUATTERS LIVING ON THE PROPERTY AND THE REMOVAL OF ALL TRASH, PERSONAL ITEMS, GARBAGE, TOOLS, FURNITURE, RVs, BOATS, BOAT TRAILERS, AND TRAVEL TRAILER FROM THE DRIVEWAY, PATIO, FRONT, SIDE AND REAR YARDS BY THE CITY OF MODESTO AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED.**

PLEASE TAKE FURTHER NOTICE that the owners of the premises or any other interested person having any objections, or feeling aggrieved at any proceeding taken by the City of Modesto in ordering abatement of the nuisance, must bring an action in a court of competent jurisdiction within thirty (30) days after the date of posting on the premises the notice of passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

Dated: September 4, 2014

  
\_\_\_\_\_  
H. BRENT SINCLAIR  
SECRETARY TO THE BOARD

HBS:cp  
Attachment

cc:

RICHARD N. FRIEDLAND  
19051 BARNHART AVENUE  
CUPERTINO, CA 95014

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SIMI VALLEY, CA 93063

LONG BEACH MORTGAGE COMPANY  
1 CIVIC PLAZA  
CARSON, CA 90745

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-08

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1604 ROUSE AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Sunil L. Yadav has title to and is the recorded owner of property located at 1604 Rouse Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1604 Rouse Avenue consists of the abandoned single-family dwelling with attached garage which is occupied by squatters, without electrical, gas, and water service, and lacking property maintenance resulting in unsafe conditions which have caused the single-family dwelling with attached garage to be deemed as unfit for occupancy; 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 May 12, 2014; and

WHEREAS, a Notice and Order dated June 17, 2014, was issued by the Acting Chief Building Official to contact the Building Safety Division of the City of Modesto and remove all of the squatters living on the property within thirty (30) calendar days of the date of this Notice and Order. Remove all trash, personal items, garbage, tools, furniture, RVs, boats, boat trailers, and travel trailer from the driveway, patio, front, side, and rear yards within thirty (30) calendar days of the date of this Notice and Order. Contact the Finance Department of the City of Modesto and restore water and garbage service to the property within thirty (30) calendar days of the date of this Notice and Order. Contact the Modesto Irrigation District and restore electrical service to the property within thirty (30) calendar days of the date of this Notice and Order. Contact PG&E and restore gas service to the property within thirty (30) calendar days of the date of this Notice and Order. Replace the broken glass panes at all exterior windows and install insect screens at all openable sections of the windows within thirty (30) calendar days of the date of this Notice and Order. Remove all accumulated trash, garbage, personal items, furniture, and junk from the interior of the single-family dwelling and attached garage within thirty (30) calendar days of the date of this Notice and Order. Hire the services of a licensed electrical contractor to replace or repair the missing or broken light fixtures on the exterior and interior walls of the single-family dwelling and attached garage within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated June 17, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on June 17, 2014, said Notice and Order of June 17, 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 June 17, 2014, said Notice and Order of June 17, 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, 2014, 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 1604 Rouse Avenue; 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 1604 Rouse Avenue, hereinafter referred to collectively as the “premises,” be hereby declared a public nuisance.
2. That the owner(s) of said premises are hereby directed and ordered to abate the nuisance by the removal of all of the squatters living on the

property within thirty (30) calendar days from the date of the posting of the notice of the passage of the resolution.

3. Remove all trash, personal items, garbage, tools, furniture, RVs, boats, trailers, and travel trailers from the driveway, patio, front, side and rear yards within thirty (30) calendar days of the posting of the notice of passage of the resolution.
4. If the nuisance is not abated, said building(s) will be razed or removed and the City will begin administrative abatement by removal of all squatters living on the property and the removal of all trash, personal items, garbage, tools, furniture, RVs, boats, boat trailers removed by the City of Modesto and the expense thereof made a lien on the lot or parcel of land upon which said building is located.
5. Civil Penalties to be upheld as stated in said Notice and Order dated June 17, 2014 .

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. 2014-08, declaring a nuisance and directing abatement of the nuisance.

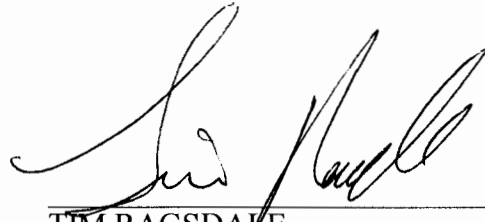
BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-08, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another 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 Ragsdale, who moved its adoption, which motion being duly seconded by Board Member Rodriguez, was upon roll call carried in the resolution adopted by the following vote:

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

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

A handwritten signature in black ink, appearing to read 'Tim Ragsdale', written over a horizontal line.

TIM RAGSDALE  
BOARD OF BUILDING APPEALS

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

2  
3 I am employed in the County of Stanislaus, State of California. I am over the age of eighteen  
4 years and not a party to the within entitled cause; my business address is: 1010 10<sup>th</sup> Street, Modesto,  
California 95354.

5 On September 4, 2014, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION  
6 for 1604 Rouse Ave, Modesto, California; Assessor's Parcel No: 037-046-049-000; on all parties in  
said action by serving a true copy thereof as follows:

7  
8 RICHARD N. FRIEDLAND  
19051 BARNHART AVENUE  
CUPERTINO, CA 95014

9  
10 RICHARD N. FRIEDLAND  
1604 ROUSE AVENUE  
MODESTO, CA 95351

11  
12 SUNIL L. YADAV  
C/O COUNTY ESCROW  
1050 SOUTH CHEROKEE LANE  
LODI, CA 95240

13  
14 DEUTSCHE BANK NATIONAL TRUST COMPANY  
1800 TAPO CANYON ROAD - CA6-914-01-94  
SIMI VALLEY, CA 93063


15  
16 LONG BEACH MORTGAGE COMPANY  
1 CIVIC PLAZA  
CARSON, CA 90745

17   X   **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to  
18 be placed in the United States Mail at Modesto, California. I am readily familiar with  
19 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  
20 Postal Service the same day.

21   X   **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon  
22 fully prepaid to be placed in the United States Mail at Modesto, California. I am  
23 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.

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

25  
26 I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct. Executed this 4th day of September, 2014, at Modesto, California.

27 

28 Carmen Piña  
Administrative Office Assistant III