

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

MAY 10, 2017

**TO: MICHAEL L. BILODEAU
411 EAST MORRIS AVENUE
MODESTO, CA 95354-0437**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026**

**FEDERAL NATIONAL MORTGAGE ASSOCIATION
C/O IBM LENDER BUSINESS PROCESS SERVICES INC.
14523 SW MILLIKAN WAY, STE. 200
BEAVERTON, OR 97005-2352**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE UNSAFE, FIRE-DAMAGED SINGLE-FAMILY DWELLING WITH
AN UNPERMITTED, ATTACHED ADDITION OF HABITABLE AND
STORAGE SPACE WITHIN THE WESTSIDE BUILDING SETBACK, ON
THE PROPERTY KNOWN AS 411 EAST MORRIS AVENUE, MODESTO,
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE
NO. COD2016-80131**

PLEASE TAKE NOTICE that on April 27, 2017, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 411 East Morris Avenue (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2017-02, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2017-02, THE NOTICE AND ORDER DATED NOVEMBER 4, 2016, SHALL BE MODIFIED AND THE PROPERTY OWNER IS ORDERED AS FOLLOWS:

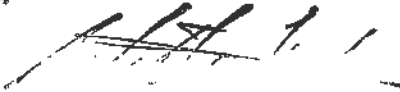
- 1. THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY CLEAN UP OF ALL DEBRIS AND REMOVAL OF THE NON-PERMITTED STRUCTURE WITHIN THIRTY CALENDAR (30) DAYS OF TODAY'S DATE OF APRIL 27, 2017; AND**
- 2. A CONSTRUCTION SCHEDULE SHALL BE SUBMITTED TO THE CITY BUILDING SAFETY DIVISION WITHIN 7 CALENDAR DAYS OF TODAY'S DATE OF APRIL 27, 2017; AND**
- 3. THE CONSTRUCTION WORK CYCLE SHALL BE COMPLETED WITHIN 6 MONTHS OF TODAY'S DATE OF APRIL 27, 2017; AND**
- 4. THE PROPERTY IS TO REMAIN SECURE.**

FUTHERMORE, IF THE ANY OF THE ITEMS IN THE MODIFIED NOTICE AND ORDER OF APRIL 27, 2017, INCLUDING THE 6-MONTH CONSTRUCTION WORK CYCLE ARE IN VIOLATION OF ANY OF THE FOUR (4) ITEMS AS ORDERED, THE ORIGINAL NOTICE AND ORDER OF NOVEMBER 4, 2016, WILL BE REINSTATED AND THE CASE WILL BE BROUGHT BACK BEFORE THE NEXT SCHEDULED MEETING OF THE BOARD OF BUILDING APPEALS.

IF THE NUISANCE IS NOT ABATED THE CITY SHALL PROCEED WITH ADMINISTRATIVE ABATEMENT 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: MAY 10, 2017



WILLIAM CREW
SECRETARY TO THE BOARD

WC:cp
Attachment

cc: MICHAEL L. BILODEAU
411 EAST MORRIS AVENUE
MODESTO, CA 95354-0437

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026

FEDERAL NATIONAL MORTGAGE ASSOCIATION
C/O IBM LENDER BUSINESS PROCESS SERVICES INC.
14523 SW MILLIKAN WAY, STE. 200
BEAVERTON, OR 97005-2352

City Attorney
William Crew, Chief Building Official
Thomas Trimberger, Assistant Chief Building Official
Bert Lippert, Building Safety Program Coordinator
Chris Kemper, Neighborhood Preservation Supervisor
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2017-02

A RESOLUTION DECLARING THE BUILDING LOCATED AT 411 EAST MORRIS AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Michael Bilodeau has title to and is the recorded owner of the property located at 411 East Morris Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

Whereas, the premises at 411 East Morris Avenue consists of the unsafe, fire-damaged single-family dwelling with an unpermitted, attached addition of habitable and storage space within the west side building setback, on the property; 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 November 1, 2016; and

WHEREAS, a Notice and Order dated November 4, 2016, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and ordered: YOU SHALL OBTAIN A DEMOLITION PERMIT FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO FOR THE DEMOLITION OF THE FIRE-DAMAGED UNPERMITTED, ATTACHED ADDITION OF HABITABLE AND STORAGE SPACE CONSTRUCTED WITHIN THE WEST SIDE BUILDING SETBACK. COMPLETE THE DEMOLITION AND OBTAIN FINAL APPROVAL WITHIN THIRTY (30) CALENDAR DAYS OF THE DATE OF THIS NOTICE AND ORDER. IN ADDITION, YOU MUST MAINTAIN THE PROPERTY AND THE REMAINING DWELLING SECURELY BOARDED, UNOCCUPIED, CLEAN, AND FREE OF NUISANCE CONDITIONS; and

WHEREAS, said Notice and Order dated November 4, 2016, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on November 4, 2016, said Notice and Order of November 4, 2016, 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 November 4, 2016, said Notice and Order of November 4, 2016, 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 April 17, 2017, 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 April 27, 2017, at 4:00 p.m., in the Second Floor Conference Room 2008 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 411 East Morris 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:

That the premises commonly referred to as 411 East Morris Avenue, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.

1. The premises has been declared a public nuisance and the owners of the premises are hereby ordered and directed to abate such nuisance by cleanup of all debris and removal of the non-permitted structure within thirty calendar (30) days of today's date of April 27, 2017; and
2. A construction schedule shall be submitted to the City Building Safety Division within 7 calendar days of today's date of April 27, 2017; and
3. The construction work cycle shall be completed within 6 months of today's date of April 27, 2017; and
4. The property is to remain secure.

IF THE ANY OF THE ITEMS IN THE MODIFIED NOTICE AND ORDER OF APRIL 27, 2017, INCLUDING THE 6-MONTH CONSTRUCTION WORK CYCLE ARE IN VIOLATION OF ANY OF THE FOUR (4) ITEMS AS ORDERED, THE ORIGINAL NOTICE AND ORDER OF NOVEMBER 4, 2016, WILL BE REINSTATED AND THE CASE WILL BE BROUGHT BACK BEFORE THE NEXT SCHEDULED MEETING OF THE BOARD OF BUILDING APPEALS.

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. 2017-02, declaring a nuisance and directing abatement of the nuisance.


BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2017-02, 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 27th day of April 2017, by Board Member, Rick Reid, who moved its adoption, which motion being duly seconded by

Board Member, Richard Dalton, was upon roll call carried in the resolution adopted by the following vote:

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

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



RICK REID
BOARD OF BUILDING APPEALS

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

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

5 On May 10, 2017, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 411
6 East Morris Avenue, Modesto, California; Assessor's Parcel No. 111-002-012; on all parties in said
7 action by serving a true copy thereof as follows:

8 MICHAEL L. BILODEAU
9 411 EAST MORRIS AVENUE
10 MODESTO, CA 95354-0437

11 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
12 P.O. BOX 2026
13 FLINT, MI 48501-2026

14 FEDERAL NATIONAL MORTGAGE ASSOCIATION
15 C/O IBM LENDER BUSINESS PROCESS SERVICES INC.
16 14523 SW MILLIKAN WAY, STE. 200
17 BEAVERTON, OR 97005-2352

18 X

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

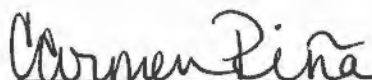
24 X

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

 BY PERSONAL SERVICE: I caused the within document to be hand delivered to
the parties herein at the addresses set forth above.

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

29 I declare under penalty of perjury under the laws of the State of California that the foregoing
30 is true and correct. Executed this 10th day of May 2017 at Modesto, California.

31 

32 Carmen Piña
33 Acting Sr Admin Office Assistant

7016 2140 0000 2058 1276

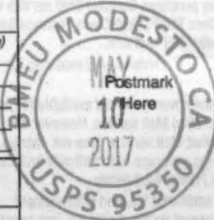
U.S. Postal Service™ *PASS OF RESO.*
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

9210 (BKA) NHO

Certified Mail Fee

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$



Postage

\$ 6.77
Total Postage and Fees

COD2016-80131
FEDERAL NATIONAL MORTGAGE ASSOC
C/O IBM LENDER BUS. PROC. SVC.
14523 S.W. MILLIKAN WAY, #200
BEAVERTON OR 97005-2352

tions

8921 9502 0000 2140 9702

U.S. Postal Service™ *PASS OF RESO.*
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

9210 (BKA) NHO

Certified Mail Fee

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$



Postage

\$ 6.77
Total Postage

Sent To
Street and A
City, State, Z

COD2016-80131
MICHAEL BILODEAU
411 E MORRIS
MODESTO CA 95354

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 2140 0000 0412 9102

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

Res. IF No. 50

For delivery information, visit our website at www.usps.com®.

04210 (BKO) MFD

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ _____
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____

Postage \$

Total Postage and Fees \$

Sent To

Street and

City, State,

PS Form

COD2016-80131

MERS

PO BOX 2026

FLINT MI 48501-2026



PASS. OF RESD.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

COD2016-80131
 MERS
 PO BOX 2026
 FLINT MI 48501-2026



9590 9402 2138 6132 4783 84

2. Article Number (Transfer from service label)

7016 2140 0000 2058 1269

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 [Signature] Addressee

B. Received by (Printed Name) C. Date of Delivery
 Michael LaLonde

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



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PASS. OF. KESO.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

* COD2016-80131
 FEDERAL NATIONAL MORTGAGE ASSOC.
 C/O IBM LENDER BUS. PROC. SVC.
 14523 S.W. MILLIKAN WAY, #200
 BEAVERTON OR 97005-2352



9590 9402 2138 6132 4783 91

2. Article Number (Transfer from service label)

7016 2140 0000 2058 1276

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name) *[Handwritten Name]*

C. Date of Delivery

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

- Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Mail Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Notice to Abate (update)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

COD2016-80131
 FEDERAL NATIONAL MORTGAGE ASSOC
 C/O IBM LENDER BUS. PROC. SVC.
 14523 S.W. MILLIKAN WAY, #200
 BEAVERTON OR 97005-2352



9590 9403 0406 5163 2213 37

2. Article Number (Transfer from service label)

7016 2140 0000 2058 1191

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

LUNDQUIST

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Mail Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

14210



CITY of MODESTO

P.O. Box 642, Modesto, CA 95353

CERTIFIED MAIL



7016 2140 0000 2058 1283

neopost
05/10/2017

FIRST CLASS MAIL

US POSTAGE \$006.77



ZIP 95354
041L12205121

RETURN SERVICE REQUESTED

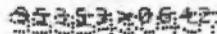
COD2016-80131
MICHAEL BILODEAU

NIXIE 957 DE 1 0205/16/17

RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

9400922472135170

BC: 95353064242 *0341-05372-10-43



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

PASS. OF RESO.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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.

COD2016-80131
 MICHAEL BILODEAU
 11 E MORRIS
 MODESTO CA 95354



9590 9402 2138 6132 4784 14

2. Article Number (Transfer from service label)

7016 2140 0000 2058 1283

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Registered Mail Restricted Delivery (\$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

14210 (BKU) MFO