

# ATTACHMENT J

Montana Road

Notice of Nuisance Abatement Assessment



**COUNTY OF HUMBOLDT**  
PLANNING AND BUILDING DEPARTMENT  
CODE ENFORCEMENT

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3015 H Street • Eureka CA 95501  
Phone: (707) 476-2429 • Fax: (707) 268-3792

May 31, 2022

Certified Mailing No: 9171 9690 0935 0252 8912 62

John R. Davis  
743 Montana Road  
McKinleyville, CA 95519

**RE: Service of Notice of Nuisance Abatement Assessment**  
**743 Montana Road, McKinleyville, CA, 95519**  
**Case No: CE21-1042**

Dear John R. Davis,

Please see attached the Notice of Nuisance Abatement Assessment for Code Enforcement Case CE21-1042.

If you have any questions or concerns about these documents, please feel free to contact me by telephone at (707) 441-2627, or by email [ssoeth@co.humboldt.ca.us](mailto:ssoeth@co.humboldt.ca.us).

Sincerely,

Shauna Soeth  
Code Enforcement Investigator

Attachment: Notice of Nuisance Abatement Assessment



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PLANNING AND BUILDING DEPARTMENT  
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Phone: (707) 476-2429 • Fax: (707) 268-3792

May 31, 2022

Certified Mailing No: 9171 9690 0935 0252 8912 55

Betty L. Davis  
743 Montana Road  
McKinleyville, CA 95519

**RE: Service of Notice of Nuisance Abatement Assessment**  
**743 Montana Road, McKinleyville, CA, 95519**  
**Case No: CE21-1042**

Dear Betty L. Davis,

Please see attached the Notice of Nuisance Abatement Assessment for Code Enforcement Case CE21-1042.

If you have any questions or concerns about these documents, please feel free to contact me by telephone at (707) 441-2627, or by email [ssoeth@co.humboldt.ca.us](mailto:ssoeth@co.humboldt.ca.us).

Sincerely,

Shauna Soeth  
Code Enforcement Investigator

Attachment: Notice of Nuisance Abatement Assessment



COUNTY OF HUMBOLDT  
CODE ENFORCEMENT UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

Government Code §27383

# NOTICE OF NUISANCE ABATEMENT ASSESSMENT

[Humboldt County Code §351-16]

**Address of Affected Property:** 743 Montana Road, McKinleyville, California, 95519

**Assessor's Parcel Number:** 508-211-045

**To:** John R. Davis  
743 Montana Road  
McKinleyville, CA 95519

Betty L. Davis  
743 Montana Road  
McKinleyville, CA 95519

**NOTICE IS HEREBY GIVEN** that the Humboldt County Code Enforcement Unit has taken the actions described in "Attachment A – Actions Required to Abate Nuisance" to correct the condition or conditions found to constitute a nuisance on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description."

**NOTICE IS FURTHER GIVEN** that the Code Enforcement Unit will seek to levy a nuisance abatement assessment against the affected property in the amount of **Twenty Nine Thousand Eight Hundred Thirty One Dollars and Fifty Five Cents (\$29,831.55)** in order to recover the abatement costs, administrative costs and/or attorney's fees, as described in "Attachment C – Account of Costs Incurred and Proceeds Received," that were incurred to correct the condition or conditions found to constitute a nuisance on the affected property.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an objection to the proposed assessment within ten (10) calendar days after service of this Notice of Nuisance Abatement Assessment.

**NOTICE IS FURTHER GIVEN** that an objection to the proposed assessment must be prepared using the form attached hereto as "Attachment D – Cost Recovery Hearing Request Form."

**NOTICE IS FURTHER GIVEN** that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors, and issue a Notice of Cost Recovery Hearing as set forth in Humboldt County Code Section 351-18.

**NOTICE IS FURTHER GIVEN** that the date of the Cost Recovery Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Cost Recovery Hearing is served.

**NOTICE IS FURTHER GIVEN** that the proposed assessment shall be deemed final and summarily approved by the Humboldt County Board of Supervisors without holding a Cost Recovery Hearing, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of this Notice of Nuisance Abatement Assessment.

**NOTICE IS FURTHER GIVEN** that the final nuisance abatement assessment, as approved by the Humboldt County Board of Supervisors, may become a charge against the affected property and may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

**NOTICE IS FURTHER GIVEN** that the final nuisance abatement assessment, as approved by the Humboldt County Board of Supervisors, may also become a charge against the affected property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

Signature:  \_\_\_\_\_

Title: Director – Planning and Building

Name: John Ford

Date: MAY 19, 2022

# ATTACHMENT A

## ACTIONS REQUIRED TO ABATE NUISANCE

| Violations  | Nature of Corrective Actions Taken   | Date                   |
|---|--|------------------------|
| §521-4<br>&<br>§354-1   | Received Complaint and Opened Case   | May 6, 2021            |
|   | Joint Response to Property to Contact Occupants  | May 11, 2021           |
|   | Scheduled Consent Inspection for May 18 <sup>th</sup> , 2021   | May 12, 2021           |
|   | Occupant Cancelled/Rescheduled Inspection for June 8, 2021   | May 17, 2021           |
|   | Consent Inspection Conducted   | June 8, 2021           |
|   | Additional Complaints Received   | October 5, 2021        |
|   | Response to Property to Document any Progress/Regress and Attempt to Contact Occupant (no contact made, conditions did not improve)  | December 1, 2021       |
|   | Occupant Contacted by Phone, Scheduled Consent Inspection for December 7, 2021   | December 1, 2021       |
|   | Occupant Cancels Consent Inspection  | December 7, 2021       |
|   | Contacted Occupant and Rescheduled Consent Inspection for December 15, 2021  | December 8, 2021       |
|   | Responded to Property for Consent Inspection, Occupant Was Not Present, No Inspection Could be Conducted                             | December 15, 2021      |
|   | Completed Inspection Warrant, Inspection Warrant Signed by Judge   | January 5, 2022        |
|   | Inspection Warrant Served, Inspection Conducted  | January 6, 2022        |
|   | Drove By Property, Confirmed a Stolen Vehicle Had Been Removed by CHP  | January 11, 2022       |
|   | Worked with Public Administrator in an Attempt to Start Probate on the Property due to Property Owners Being Deceased                | January of 2022        |
|   | Letter of Intent to Tow Mailed to Property Owners and Registered Owners for the Junk Vehicles  | February 3 and 4, 2022 |
|   | Notice to Abate Nuisance Served (Mailed and Posted at Property)  | February 3, 2022       |
|   | Drove By Property to Document Condition of Property, No Progress Made, Conditions Worsened   | February 23, 2022      |
|   | Complainant Continue to Contact Regarding Conditions Worsening   | February/March 2022    |
|   | Inspection Warrant and Order of Abatement Completed, Signed by Judge to Abate the Junk Vehicles and Solid Waste, and Install Fencing | March 17, 2022         |
| Inspection Warrant and Order of Abatement Posted at Property and Mailed to Owners and Occupants, Indicated Warrant Would be Served March 21, 2022 | March 18, 2022   |                        |
| Inspection Warrant and Order of Abatement Served, Inspection Conducted and Abatement Work Commenced by Mercer-Fraser Company                      | March 21, 2022   |                        |

|  |  |                |
|--|--|----------------|
|  | Responded to Property to Check Progress and Assist Mercer-Fraser Company   | March 22, 2022 |
|  | Responded to Property to Document Progress and Assist Mercer-Fraser Company  | March 23, 2022 |
|  | Responded to Property to Take Final Photos of Solid Waste and Junk Vehicle Removal, Construction of Fence  | March 24, 2022 |
|  | Pest Mitigation Completed and Completion of Abatement Work   | March 30, 2022 |
|  | Completed Declaration of Execution of Inspection Warrant and Order of Abatement and Return of Inspection Warrant and Order of Abatement to the Court | April 7, 2022  |
|  | Completed Notice of Nuisance Abatement Assessment  | May 12, 2022   |

# ATTACHMENT B LEGAL DESCRIPTION

That real property situated in the County of Humboldt, State of California, described as follows:

Those portions of the Northeast Quarter of the Northeast Quarter of Section 1, Township 6 North, Range 1 West, Humboldt Meridian, described as follows:

## PARCEL ONE:

BEGINNING at a point on the South line of said Northeast Quarter of the Northeast Quarter distant North 89 degrees 32 minutes West thereon 404 feet from the Southeast corner of said Northeast Quarter of the Northeast Quarter, said point being that Southwest corner of a Parcel of land described in Deed to Henry James Ockel and Katherine B. Ockel, his wife, recorded December 6, 1950 in book 152 of Official Records, Page 55 in the office of the county Recorder of Humboldt County;

thence North 0 degrees 5 minutes East along the West line of land described in said Deed 177 feet;

thence South 89 degrees 32 minutes East parallel with with South line of said Northeast Quarter of Northeast Quarter 128 feet;

thence South 0 degrees 5 minutes West 177 feet to the south line of said subdivision; and

thence North 89 degrees 32 minutes West along the last mentioned line 128 feet to the point of beginning.

## PARCEL TWO:

A non-exclusive easement for ingress and egress over a strip of land 20 feet wide, the South line of which is described as follow:

BEGINNING at the Southeast corner of Parcel One;

and running thence South 89 degrees 32 minutes East along the South line of said Northeast Quarter of Northeast Quarter 276 feet to the Southeast corner of said Northeast Quarter of Northeast Quarter, as conveyed to Dan Parson and wife, by Deed recorded October 13, 1953 in Book 267 of Official Records, Page 1.



# ATTACHMENT C

## ACCOUNT OF COSTS INCURRED AND PROCEEDS RECEIVED

| ABATEMENT COSTS          |   |                    |
|--------------------------|---|--------------------|
| Violation                | Nature of Cost Incurred   | Amount             |
| §521-4<br>&<br>§351-3(c) | Labor   | \$9,764.26         |
|                          | Equipment   | \$1,724.86         |
|                          | Materials (including disposal costs, removal/disposal of junk vehicles) | \$12,681.88        |
|                          |   |                    |
|                          |   |                    |
|                          | <b>Total:</b>   | <b>\$24,171.00</b> |
| ADMINISTRATIVE COSTS     |   |                    |
| Violation                | Nature of Cost Incurred   | Amount             |
| 521-4<br>&<br>§351-3(c)  | Staff Time  | \$5,453.15         |
|                          | Mileage   | \$171.72           |
|                          | Mailing Costs   | \$35.68            |
|                          | <b>Total:</b>   | <b>\$5,660.55</b>  |

# ATTACHMENT C

## ACCOUNT OF COSTS INCURRED AND PROCEEDS RECEIVED

| <b>ATTORNEY'S FEES</b>                                  |                                |                        |
|---|--------------------------------|------------------------|
| <b>Violation</b>  | <b>Nature of Cost Incurred</b> | <b>Amount</b>          |
| §521-4<br>&<br>§351-3(c)                                | None                           | <b>\$0.00</b>          |
| <b>PROCEEDS RECEIVED FROM SALE OF PERSONAL PROPERTY</b> |                                |                        |
| <b>Violation</b>  | <b>Property Sold</b>           | <b>Amount Received</b> |
| §521-4<br>&<br>§351-3(c)                                | None                           | <b>\$0.00</b>          |

# ATTACHMENT D

## COST RECOVERY HEARING REQUEST FORM

**Address of Affected Property:** 743 Montana Road, McKinleyville, California, 95519

**Assessor's Parcel Number:** 508-211-045

**To:** Humboldt County Code Enforcement Unit  
3015 H Street  
Eureka California, 95501

Pursuant to Humboldt County Code Section 351-18, I am requesting a hearing to contest the amount of the nuisance abatement assessment proposed to be levied against the affected property in order to recover the abatement costs, administrative costs and/or attorney's fees incurred by the Humboldt County Code Enforcement Unit during the performance of the actions required to correct the condition or conditions found to constitute a nuisance on the affected property.

[Brief statement of the material facts that the requesting party claims support the contention that amount of the proposed assessment is inappropriate under the circumstances of this case]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the amount of the proposed assessment]:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I understand, and agree, that if I fail to appear at the place and time set for the requested Cost Recovery Hearing, as set forth in the Notice of Cost Recovery Hearing issued pursuant to Humboldt County Code Section 351-18, the amount of the proposed assessment will become final, and be summarily approved by the Humboldt County Board of Supervisors, ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment pursuant to Humboldt County Code Section 351-21.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_



**COUNTY OF HUMBOLDT**  
PLANNING AND BUILDING DEPARTMENT  
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Sincerely,

Shauna Soeth  
Code Enforcement Investigator

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Sincerely,

Shauna Soeth  
Code Enforcement Investigator

Attachment: Notice of Nuisance Abatement Assessment

**PROOF OF SERVICE**

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT )

I, SHAUNA SOETH, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on May 31, 2022, I served a true copy of **NOTICE OF NUISANCE ABATEMENT ASSESSMENT.**

\_\_\_\_\_ by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class & Certified Mail)

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:

XXX by personally posting a true copy thereof on the premises located at:

**743 Montana Road  
McKinleyville, CA 95519  
APN: 508-211-045**

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ by placing a true copy in the County's Mailroom designated to the attorney named below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 31<sup>st</sup> day of May, 2022, in the City of Eureka, County of Humboldt, State of California.

  
\_\_\_\_\_  
Shauna Soeth - Investigator