

ATTACHMENT G

Inspection Warrant and Order to Abate



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

April 1, 2021

Certified Mail No: 9171 9690 0935 0062 4911 95

Donald Garcia
6147 Walnut Drive
Eureka, CA 95503

RE: Intent to Serve Inspection Warrant and Order of Abatement
Property: 6147 Walnut Drive, Eureka, CA, 95503, APN: 303-063-029

Dear Donald Garcia,

As you are aware, the Code Enforcement Unit has an open case regarding the above listed parcel for violations of Humboldt County Code dealing with the storage and removal of solid waste, junk vehicles, and substandard housing, Code Enforcement Case 15CEU-56.

A Notice to Abate Nuisance was issued against the property dated March 2, 2021, regarding the above listed conditions. Code Enforcement did not receive a request for a Code Enforcement Appeal Hearing and the conditions on the property were not abated in the timeframe allowed in the Notice to Abate Nuisance.

On or about March 17, 2021, a formal letter was mailed and posted at the Property indicating that the County intended to conduct a public nuisance abatement. This letter also requested your consent for the County to conduct the public nuisance abatement, and it stated that if I did not receive consent by March 29, 2021, I would apply for an Inspection Warrant and Order of Abatement.

As of March 30, 2021, I had not received contact from either owner granting consent for the public nuisance abatement.

An Inspection Warrant and Order of Abatement has been obtained and authorized through the Humboldt County Superior Court.

The Inspection Warrant and Order of Abatement is attached to this letter. It will be posted on the property on Thursday, April 1, 2021, to notify you that I intend to serve the warrant on the above referenced property on Monday, April 5, 2021 at about 9:00 a.m. The warrant is in effect for two (2) weeks from the execution date of the warrant.

If you have any questions or concerns, please contact me by telephone at (707) 441-2627 or by

email at ssoeth@co.humboldt.ca.us.

Sincerely,



Shauna Soeth
Code Enforcement Investigator

Attachment: Inspection Warrant and Order of Abatement.

1 County of Humboldt
2 **CODE ENFORCEMENT UNIT**
3 JOHN B. NGUYEN (SBN 247457)
4 Deputy County Counsel
5 825 Fifth Street
6 Eureka, California 95501
7 Telephone: (707) 476-2429
8 countycounsel@co.humboldt.ca.us

9 Attorney for Applicant
10 COUNTY OF HUMBOLDT

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF HUMBOLDT

13 IN THE MATTER OF THE
14 APPLICATION OF THE
15 COUNTY OF HUMBOLDT FOR
16 AN INSPECTION WARRANT
17 AND ORDER OF ABATEMENT
18 RE PREMISES AT:

19 6147 WALNUT DRIVE
20 EUREKA, CA 95503
21 APN: 303-063-029

Warrant No: SW2100312

22 **INSPECTION WARRANT AND**

23 **ORDER OF ABATEMENT**

24 The People of the State of California to:

25 **SHAUNA SOETH, CODE ENFORCEMENT INVESTIGATOR**

26 Proof, by declaration, made this day before me that there is cause for believing that there
27 are conditions of nonconformity in and upon the premises located at 6147 Walnut Drive, Eureka,
28 California, which Humboldt County Treasurer-Tax Collector records indicate belongs to Nathan
E. Megazzi-Verco and Donald A. Garcia, which constitute violations of Humboldt County Code
("HCC") pertaining to for HCC section 521-4 – improper storage and removal of solid waste,
HCC section 354-1 – junk and/or inoperable vehicles, and Uniform Housing Code ("UHC")
section 1001 & California Health and Safety Code ("H&S") section 17290.3 – substandard
housing, along with HCC section 352-3(t)(3) – failure to comply with the Chief Building

1 Official's order

2 **YOU ARE HEREBY COMMANDED** to enter and inspect the premises described
3 below and to take evidence, as authorized and required by the Code of Civil Procedure section
4 1822.50, for the purpose of confirming the previously determined violations of HCC section
5 521-4 – improper storage and removal of solid waste, HCC section 354-1 – junk and/or
6 inoperable vehicles, and UHC section 1001 and H&S section 17290.3 – substandard housing,
7 along with HCC section 352-3(t)(3) – failure to comply with the Chief Building Official's order
8 still exists on the subject premises, including the current conditions of the subject premises and
9 to conduct an abatement of the solid waste, junk vehicles, and substandard housing, without
10 limitation, the removal and disposal of solid and hazardous waste, garbage, trash, demolition
11 waste, refuse, and debris, removal of the junk vehicles and/or junk vehicle parts. Additionally,
12 you are hereby commanded to board up the substandard structure to secure it from entry. The
13 premises is located in the unincorporated area of Humboldt County described as:

14 **6147 Walnut Drive**
15 **Eureka, CA 95503**
16 **APN: 303-063-029**

17 This warrant authorizes entry by you, other Humboldt County Planning and Building
18 staff, employees with Hudspeth and Associated, Inc. and its subcontractors, Law Enforcement
19 for security purposes, and such other persons as you deem necessary to assist you in conducting
20 the inspection and abatement upon the above-described property, including measurements and
21 taking of photographs of the property and the conditions found upon it without limitation; the
22 removal and disposal of solid and hazardous waste, garbage, trash, demolition waste, refuse, and
23 debris, removal of junk vehicles and/or junk vehicle parts, and boarding up the substandard
24 structure to secure it from entry, and any other reasonable steps necessary to accomplish the
25 abatement. Additionally, this warrant authorizes Hudspeth and Associates, Inc. to store any
26 equipment or materials deemed necessary on the property for the entirety of the abatement.

27 You may force entry onto the property, including without limitation the cutting of chains
28 or locks on gates, removal of any and all vehicles blocking access into the subject premises if the

1 owner/occupant(s) are not present to provide entry. You may force entry into the main structure
2 and any outbuildings pursuant to this warrant located on the property to confirm conditions cited
3 and abate the cited violations. You may perform any and all other acts reasonably necessary to
4 determine the current conditions on the specified property and conduct the abatement allowed by
5 HCC section 351-13(a).

6 This warrant is effective from the date hereof for a period not to exceed two (2) weeks.
7 Said inspection shall not be made between 5:00 p.m. and 7:00 a.m. of the succeeding day, and
8 may be made in the absence of the owner/occupant(s). This warrant shall be returned to the
9 Clerk of the Humboldt County Superior Court after it has been served.

10 You shall advise the owner/occupant(s) that a willful refusal to permit the inspection
11 authorized by this warrant is a misdemeanor pursuant to Section 1822.57 of the Code of Civil
12 Procedure and willful refusal to permit the abatement is a violation of this order.

13
14 Date: April 1, 2021



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18 SUPERIOR COURT JUDGE
19 KALEB V. COCKRUM

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, Daniela Parada, 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 April 1st, 2021 I served a true copy

Intent to Serve Inspection Warrant and Order of Abatement

XXX 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 and Cert.)

Donald Garica
6147 Walnut Drive
Eureka, CA 95503

_____ by personally hand delivering a true copy thereof to the occupant at the premises located at:

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

_____ 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 day 1st of April 2021, in the City of Eureka, County of Humboldt, State of California.

Daniela Parada

Daniela Parada, Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, Daniela Parada, 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 April 1st, 2021 I served a true copy

Notice of Intent to Abate and Remove Junk Vehicle per Humboldt County Code 354-1 et seq.

XXX 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 and Cert.)

Nathan Megazzi-Verco
6147 Walnut Drive
Eureka, CA 95503

_____ by personally hand delivering a true copy thereof to the occupant at the premises located at:

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

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

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Executed on this day 1st of April 2021, in the City of Eureka, County of Humboldt, State of California.

Daniela Parada

Daniela Parada, Code Enforcement Legal Office Assistant

