

# Exhibit X

## Notice to Abate and Notice of Violation and Proposed Administrative Civil Penalty



**COUNTY OF HUMBOLDT**  
PLANNING AND BUILDING DEPARTMENT

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

February 27, 2023

Certified Mailing No: 9171 9690 0935 0252 8854 69

Gerald McGuire  
P.O. Box 322  
Fields Landing, CA 95537

**Re: Service of Notice to Abate Nuisance and  
Notice of Violation and Proposed Administrative Civil Penalty  
Property: 6766 West Ave, Fields Landing, CA, 95537, APN: 306-024-004  
Case: CE22-1865**

Dear Gerald McGuire,

The Code Enforcement Unit recently inspected your above-described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty. The Notice of Violation and Proposed Administrative Civil Penalty informs you that we have issued an administrative penalty in the amount of \$160.00 per day for a period of ninety (90) days. The penalty will begin to accumulate ten days after the Notice is served. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the penalty will be dismissed as if it was never issued.
2. Request a hearing before a hearing officer to contest the determination that a violation exists and/or the reasonableness of the amount of the penalty. You may request a hearing by completing the attached hearing request form and submitting it to Code Enforcement within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend the penalty for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then some and possibly the entire penalty could be dismissed.
4. You can do nothing. At the end of the ninety (90) day period, the penalty will become final and the County will take steps to have the total amount of the penalty (\$14,400) recorded as a lien against your properties.

Furthermore, please be aware the Code Enforcement Unit charges property owners the direct administrative costs associated with remedying the violations.

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

Sincerely,



Shauna Soeth  
Code Enforcement Investigator

Attachments: Notice to Abate Nuisance  
Notice of Violation and Proposed Administrative Civil Penalty



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

Government Code §27383

# **NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY**

[Humboldt County Code §352-7]

**Address of Affected Property:**

6766 West Ave, Fields Landing, CA, 95537

**Assessor's Parcel Number:**

306-024-004

**Owner:**

Gerald McGuire  
P.O. Box 322  
Fields Landing, CA 95537

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Violation" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "violation" pursuant to Humboldt County Code Section 352-3(t).

**YOU ARE HEREBY ORDERED** to **CORRECT** or **OTHERWISE REMEDY** said violation within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Violation" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative

Civil Penalty, a daily administrative penalty of one hundred and sixty dollars (\$160.00) will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5.

**NOTICE IS FURTHER GIVEN** that each calendar day the violation occurs, continues or exists between the date on which the civil administrative penalty is imposed and the date on which the violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth (90<sup>th</sup>) calendar day.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit's determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty must be prepared using the form attached hereto as "Attachment C – Administrative Civil Penalty Appeal Hearing Request Form," and signed under penalty of perjury.

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Administrative Civil Penalty Appeal Hearing as set forth in Humboldt County Code Section 352-9.

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

**NOTICE IS FURTHER GIVEN** that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect the full amount thereof, along with any and all administrative costs and/or attorney's fees associated therewith, as follows:

- Within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed; or
- Within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in California Government Code Section 53069.4(b)(1)-(2); or
- Within ten (10) calendar days after service of the Humboldt County Superior Court's decision regarding the hearing officer's imposition of the final administrative civil penalty, if the Court finds in favor of the Code Enforcement Unit.

**NOTICE IS FURTHER GIVEN** that the final administrative civil penalty, along with any and all administrative costs and/or attorney's fees associated therewith, may become a lien against the property on which the violation occurred or exists that 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.

**NOTICE IS FURTHER GIVEN** that an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from the date on which the initial civil administrative penalty is imposed.

**FOR THE HUMBOLDT COUNTY CODE ENFORCEMENT UNIT:**

Signature:  Title: Code Enforcement Investigator

Name: Shauna Soeth Date: February 27, 2023

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF HUMBOLDT }

On this 21<sup>st</sup> day of February 2023, before me, Daniela Parada Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her authorized capacity, and that by her/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Daniela (seal)  
Signature



## ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

Code Section	Description	Corrective Action	Category	Amount
371-2	Maintaining a Junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris	1	\$100
521-1, 521-4, 521-12	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly	1	\$50
311-10.1	Property use in violation of Zoning Codes	Remove all items being stored openly on the property including but not limited to: all vehicles, trailers, solid waste, salvaged materials, etc.	1	\$10



# **ATTACHMENT B LEGAL DESCRITPION**

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

The South 60 feet of Lot 5 measured along the East and West lines thereof, in Block 3 of the Second Addition to the Town of Fields Landing, according to the Map thereof on file in the Office of the County Recorder of Humboldt County, in Book 7 of Maps, Page 11.

**ATTACHMENT C**  
**ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING**  
**REQUEST FORM**

**Address of Affected Property:**  
6766 West Ave, Fields Landing, CA, 95537

**Assessor's Parcel Number:**  
306-024-004

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

Pursuant to Humboldt County Code Section 352-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a violation has occurred or exists on the above-referenced property and/or the amount of the proposed administrative civil penalty.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

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[Brief statement of the material facts that the requesting party claims support the contention that a violation has not occurred, and/or does not exist, on the affected property, if applicable]:

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[Brief statement of the material facts that the requesting party claims support the contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable]:

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[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative penalty]:

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

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

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

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

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: \_\_\_\_\_

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

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



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

Government Code §27383

# **NOTICE TO ABATE NUISANCE**

[Humboldt County Code §351-7]

**Address of Affected Property:** 6766 West Avenue, Fields Landing, CA, 95537

**Assessor's Parcel Numbers:** 306-024-004

**Owners:** Gerald McGuire  
P.O. Box 322  
Fields Landing, CA 95537

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

**YOU ARE HEREBY ORDERED to ABATE** said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

**NOTICE IS FURTHER GIVEN** that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after

service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit's determination that a nuisance exists on the affected property must be prepared using the form attached hereto as "Attachment C – Code Enforcement Appeal Hearing Request Form."

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

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

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment 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 costs of the required abatement 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.

**NOTICE IS FURTHER GIVEN** that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

For the Humboldt County Code Enforcement Unit:

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

Title: Code Enforcement Investigator

Name: Shauna Soeth

Date: February 27, 2023

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF HUMBOLDT }

On this 27<sup>th</sup> day of February 20 23, before me, Daniela Parada Notary Public, personally appeared Shanna Soeth who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her authorized capacity, and that by her/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Daniela (seal)  
Signature



## ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

Code Section	Description	Corrective Action
371-2	Maintaining a Junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
521-1, 521-4, 521-12	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly
311-10.1	Property use in violation of Zoning Codes	Remove all items being stored openly on the property including but not limited to: all vehicles, trailers, solid waste, salvaged materials, etc.

# **ATTACHMENT B LEGAL DESCRIPTION**

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

The South 60 feet of Lot 5 measured along the East and West lines thereof, in Block 3 of the Second Addition to the Town of Fields Landing, according to the Map thereof on file in the Office of the County Recorder of Humboldt County, in Book 7 of Maps, Page 11.

# ATTACHMENT C

## CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

**Address of Affected Property:** 6766 West Avenue, Fields Landing, CA, 95537

**Assessor's Parcel Number:** 306-024-004

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

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

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[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]:

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[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

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 appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

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: \_\_\_\_\_

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

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



PROOF OF SERVICE

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT )

I, Tim Nicoll, 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 February 28<sup>th</sup>, 2023, I served a true copy of **SERVICE OF NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY.**

XX 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):

Gerald McGuire  
P.O. Box 322  
Fields Landing, CA 95537

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant who resides 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 28th day of February 2023 in the City of Eureka, County of Humboldt, State of California.

  
\_\_\_\_\_  
Tim Nicoll --- Legal Office Assistant

**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 February 28, 2023, I served a true copy of **NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY.**

\_\_\_\_\_ 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:

**Gerald McGuire  
6766 West Ave  
Fields Landing, CA 95537  
APN: 306-024-004**

\_\_\_\_\_ 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 2<sup>nd</sup> day of March, 2023, in the City of Eureka, County of Humboldt, State of California.



\_\_\_\_\_  
Shauna Soeth – Code Enforcement Investigator



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

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

February 27, 2023

Certified Mailing No: 9171 9690 0935 0252 8854 69

Gerald McGuire  
P.O. Box 322  
Fields Landing, CA 95537

**Re: Service of Notice to Abate Nuisance and  
Notice of Violation and Proposed Administrative Civil Penalty  
Property: 6766 West Ave, Fields Landing, CA, 95537, APN: 306-024-004  
Case: CE22-1865**

Dear Gerald McGuire,

The Code Enforcement Unit recently inspected your above-described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty. The Notice of Violation and Proposed Administrative Civil Penalty informs you that we have issued an administrative penalty in the amount of \$160.00 per day for a period of ninety (90) days. The penalty will begin to accumulate ten days after the Notice is served. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the penalty will be dismissed as if it was never issued.
2. Request a hearing before a hearing officer to contest the determination that a violation exists and/or the reasonableness of the amount of the penalty. You may request a hearing by completing the attached hearing request form and submitting it to Code Enforcement within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend the penalty for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then some and possibly the entire penalty could be dismissed.
4. You can do nothing. At the end of the ninety (90) day period, the penalty will become final and the County will take steps to have the total amount of the penalty (\$14,400) recorded as a lien against your property.

02/28/2023 10:58

