

Exhibit T
Inspection Warrant

FILED

JAN 26 2023

**M
B**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 County of Humboldt
2 **CODE ENFORCEMENT UNIT**
3 ALEXANDER GROTEWOHL (SBN 322046)
4 Deputy County Counsel
5 825 Fifth Street
6 Eureka, California 95501
7 Telephone: (707) 445-7236
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 RE PREMISES AT:

Warrant No: SW2300059

18 6766 WEST AVENUE
19 FIELDS LANDING, CA 95537
20 APN: 306-024-004

21 **INSPECTION WARRANT**

22 The People of the State of California to:

23 **SHAUNA SOETH CODE ENFORCEMENT INVESTIGATOR**

24 Proof, by declaration, made this day before me that there is cause for believing that there
25 are conditions of nonconformity in and upon the premises located at 6766 West Avenue, Fields
26 Landing, California, which Humboldt County Tax Collector records indicate belongs to Gerald
27 McGuire, which constitute violations of Humboldt County Code Sections 521-1, 521-4, 521-12
28 (the improper storage and removal of solid waste) and 371-2 (maintaining a junkyard).

YOU ARE HEREBY COMMANDED to enter and inspect the premises described
below and to take evidence, as authorized and required by the Code of Civil Procedure Section
1822.50, for the purpose of determining whether violations of Humboldt County Code Sections
521-1, 521-4, 521-12 (the improper storage and removal of solid waste) and 371-2 (maintaining a
junkyard) exists at the subject premises. The premises is located in the unincorporated area of
Humboldt County described as:

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6766 West Avenue

Fields Landing, CA 95537

APN: 306-024-004

This warrant authorizes entry by you and such other persons as you deem necessary to assist you in conducting the inspection upon the above-described property, including measurement and taking of photographs of the property and the conditions found upon it without limitation.

You may force entry onto the property, including the cutting of chains or locks on gates, if the owner/occupant(s) are not present to provide entry. You may perform any and all other acts reasonably necessary to determine whether conditions on the specified property are in violation of Humboldt County Codes. This warrant is effective from the date hereof for a period not to exceed fourteen (14) days. Said inspection shall not be made between 6:00 p.m. and 8:00 a.m. of the succeeding day, and may be made in the absence of the owner/occupant(s). This warrant shall be returned to the Clerk of the Humboldt County Superior Court after it has been served.

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

Date: January 25th, 2023

Signed Electronically



Lawrence Killoran
SUPERIOR COURT JUDGE

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County of Humboldt
CODE ENFORCEMENT UNIT
ALEXANDER GROTEWOHL (SBN 322046)
Deputy County Counsel
825 Fifth Street
Eureka, California 95501
Telephone: (707) 445-7236
countycounsel@co.humboldt.ca.us

FILED
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Attorney for Applicant
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

IN THE MATTER OF THE
APPLICATION OF THE
COUNTY OF HUMBOLDT FOR
AN INSPECTION WARRANT
RE PREMISES AT:

Warrant No: SW2300059

6766 WEST AVENUE
FIELDS LANDING, CA 95537
APN: 306-024-004

**DECLARATION OF CODE ENFORCEMENT INVESTIGATOR SHAUNA SOETH IN
SUPPORT OF INSPECTION WARRANT**

Comes now the undersigned, who declares as follows:

1. I have personal knowledge of the following facts and would testify competently thereto if called as a witness to do so.
2. I am a Code Enforcement Investigator for the Humboldt County Code Enforcement Unit (hereinafter referred to as the "CEU").
3. As a Code Enforcement Investigator, I am responsible for receiving information and investigating complaints relating to County ordinance violations, code enforcement, and abatement of nuisances, whether they are administrative, civil and/or criminal in nature.
4. The areas within the jurisdiction of the CEU include zoning and building violations, drug houses, illegal junkyards and junk vehicles, waste-disposal violations and coastal zone issues.

1 5. As part of my official duties in investigating the complaints associated with the
2 subject premises, I conducted the following investigation, which included a review of the CEU
3 case file.

4 6. On December 27, 2022, I was requested to attend a meeting with the Planning
5 and Building Department Director, John Ford (hereinafter referred to as "Director Ford"),
6 regarding a property I was familiar with due to another CEU Case, located at 6766 West
7 Avenue, Fields Landing, California, APN: 306-024-004.

8 7. During the meeting Director Ford advised that he had been receiving complaints
9 about the property regarding the improper storage and removal of solid waste and maintaining a
10 junkyard. Director Ford requested a CEU Case be opened for the property to investigate the
11 nature of the complaints. Subsequently, CEU Case CE22-1865 was opened.

12 8. If the allegations of the complaint are true, the property would be in violation of
13 Humboldt County Code (HCC) 521-1, 521-4, 521-12 (the improper storage and removal of solid
14 waste) and HCC 371-2 (maintaining a junkyard). These conditions would also constitute a
15 public nuisance.

16 9. The current grant deed was still in the name of an owner I was familiar with due
17 to the previous CEU Case, Gerald McGuire (hereinafter referred to as the "Owner").
18 Additionally, the information in the Humboldt County Tax Collectors System, Megabyte,
19 contained the same information on the Owner as the previous CEU Case, *see Attachment A*.

20 10. I had been assigned to the previous CEU Case, which is about to be closed due to
21 the property being in compliance at the time of previous inspections.

22 11. The previous case had to deal with dangerous building conditions, construction
23 without proper permits, improper storage and removal of solid waste, and junk and/or inoperable
24 vehicles. Eventually, the Owner demolished the unpermitted structure and abated the remaining
25 violations on the property. However, the Building Division allowed the Owner to keep reusable
26 building material from the demolition of the structure on the property to re-use for a new
27 construction that the Owner applied for at the Building Department.

28 12. However, Director Ford said that it appeared the Owner has brought additional

1 material and items onto the property other than what was initially allowed by the building
2 department. It was reported that these materials constitute solid waste that were being stored
3 improperly and/or items that would constitute the owner maintaining a junkyard.

4 13. On December 29, 2022, I completed a formal letter to mail to the Owner that
5 notified him of the allegations of the complaint and that CEU has opened a new case on the
6 property. The letter also stated that an inspection of the property would need to be conducted to
7 confirm or refute the allegations and CEU was asking for the Owner to consent to an inspection
8 of the property. Additionally, the letter advised that if CEU didn't hear from the Owner by
9 January 9, 2023, that CEU would assume that the Owner denied the request for a consent
10 inspection. The formal letter was mailed first class and certified by Planning and Building
11 Department Administrative Analyst, Roman Dylan Fierro, on December 29, 2022, *see*
12 *Attachment B*.

13 14. Later in the day on December 29, 2022, I was able to reach the Owner by
14 telephone. We spoke briefly about this case and another case that CEU had open on another
15 property of the Owner's. The Owner stated he was busy and wouldn't be able to meet to discuss
16 this matter or the matters regarding his other property until the following week, at which time we
17 would discuss a consent inspection. We arranged to meet on January 4, 2023.

18 15. On January 4, 2023, there was a large storm in the area and it was advised not to
19 travel unless absolutely necessary. Due to this advisement, I attempted to contact the Owner by
20 telephone to re-schedule the meeting. The Owner didn't answer so I left a voicemail for him to
21 contact me.

22 16. On January 5, 2023, I had not heard back from the Owner, so I attempted to
23 contact him by telephone again, but it went to voicemail.

24 17. On January 9, 2023, I attempted to contact the Owner by telephone numerous
25 times, but it still went to voicemail each time.

26 18. On January 19, 2023, I drove by the property to take photos from the
27 sidewalk/roadway to see what I could observe without going onto the property. There were a lot
28 of items on the property and it was difficult to see and tell what kinds of items were being stored

1 there without going onto the property. However, it does appear almost all of the property is
2 covered to some extent with various miscellaneous items including: miscellaneous salvaged
3 wood products, tarps, kitchen chairs, toilets, and numerous tarps, *see Attachment C*. Without
4 being able to see what kinds of items are being stored there I am unable to identify what code
5 violation(s) may be occurring.

6 19. Considering the Property Owner did not make any attempt to contact me by
7 telephone, in person, by regular mail, or email, since our last telephone conversation on
8 December 29, 2022, or contacting in response to the formal letter mailed to him, I believe that an
9 inspection warrant is the best way to conduct a thorough site inspection of the Property to
10 inspect for the alleged violations.

11 20. I am kindly requesting that this application for an inspection warrant be granted
12 so that I can determine the extent of County Code violations on the parcel located at 6766 West
13 Avenue, Fields Landing, California, 95537, APN: 306-024-004.

14 21. I also request that I be allowed to have law enforcement officers, Planning and
15 Building Department inspectors, and CEU personnel assist me while serving the warrant as a
16 safety precaution and in order to conduct a thorough site inspection.

17 22. I request that I be allowed to inspect the Property in the absence of the Owner
18 and/or Occupants as they could unduly delay the investigation by simply not being present,
19 which would allow the alleged violations to remain and such delay would affect the work
20 schedules and productivity of several persons from multiple agencies. I also request that I be
21 allowed to force entry onto the Property, including the cutting of locks or chains on gates, if the
22 Owners/occupants are not present for the same reason.

23 23. Lastly, I request that any Officer or Investigator within the CEU be authorized to
24 serve this warrant in my absence.

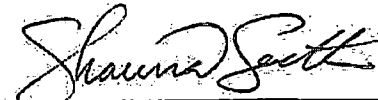
25 24. Should this application for an Inspection Warrant be approved, I will post a copy
26 of the warrant on the Property at least twenty-four (24) hours prior to the service of the warrant.

27 25. This declaration has been reviewed and approved in draft format by Deputy
28 County Counsel Alexander Grotewohl on January 24, 2023.

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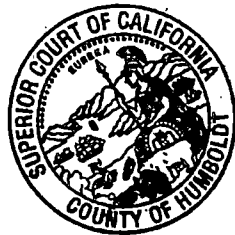
I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true and correct to my knowledge and belief and that if called upon to do so, I could and would competently testify thereto.

Executed on January 25, 2023, in Eureka, California.



SHAUNA SOETH, Declarant
Code Enforcement Investigator

Sworn by oath in my presence on January 26, 2023, at 8:00 AM/~~PM~~



Lawrence Killoran
SUPERIOR COURT JUDGE

Signed Electronically; Oath Administered Telephonically

Attachment A

7 of 18
2010-23086-2

Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder

Recorded by HUMBOLDT LAND TITLE CO.
Rec Fee 16.00
Clerk: LH Total: 16.00
Oct 22, 2010 at 10:54

RECORDING REQUESTED BY
Humboldt Land Title Company
WHEN RECORDED RETURN TO
AND MAIL TAX STATEMENTS TO:

Name **Gerald McGuire**
Address **1545 Peninsula Drive
Arcata, CA 95521**

Order No. **00133560-001-SG**

SPACE ABOVE THIS LINE FOR RECORDING USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

Documentary Transfer Tax is \$00.00 R&T 11911 changing manner in which title is held

City of unincorporated area
Parcel No. 306-024-004

- computed on full value of interest or property conveyed, or
- full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Gerald McGuire, who acquired title as a married man as his separate property,
 hereby GRANT(s) to
Gerald McGuire, an unmarried man,
 the following real property in the unincorporated area, County of **Humboldt**, State of **California**:

See Exhibit A attached hereto and made a part hereof.

Dated: October 21, 2010

State of California
County of Humboldt


Gerald McGuire

On October 21, 2010 before me, Shannon D. Hill
a Notary Public, personally appeared Gerald McGuire

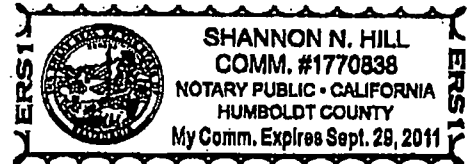
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Shannon D. Hill

My commission expires: Sept. 29, 2011



(This area for official notarial seal)

(1)

Exhibit A

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.

ASW0100INQ - Megabyte Property Tax System - County of HUMBOLDT			
File Edit View Help		Assessor Inquiry	
ASW0100INQv2.4.0.271: Main		Jan 18, 2023 10:12:39 AM (-08:00)	
Asmt: 306-024-004-000		Feeparcel: 306-024-004-000 Status: ACTIVE Owner: MCGUIRE GERALD UM	
Situs Address 6766 WEST AVE FIELDS LANDING Name Address MCGUIRE GERALD UM P O BOX 322 FIELDS LANDING CA 95537		Values Land: 14,705 MHP: <input type="checkbox"/> Structure: 31,264 PP: <input type="checkbox"/> FixtureRP: <input type="checkbox"/> Exemption: <input type="checkbox"/> Growing: <input type="checkbox"/> Net: 45,969 Total L&I: 45,969 Homesite: <input type="checkbox"/> Fixtures: <input type="checkbox"/> R/C #: <input type="checkbox"/> TR/Date: <input type="checkbox"/> Status: <input type="checkbox"/> Description: ENROLLED in BASE YEAR	
Status ACTIVE Taxability Code 000 TRA 077-008 Creating Doc# <input type="text"/> Current Doc# 2010R23086 Terminating Doc# <input type="text"/> Neighborhood Code 306		Status Date <input type="text"/> Descr NORMAL OWNERSHIP Base Date <input type="text"/> Create Date <input type="text"/> Cur Date 10/22/2010 Term Date <input type="text"/> Supl Cnt 1	
Asmt Description S 60' LT5 BLK3 2ND ADDN TO FIELDS LANDING BK7 P11 LandUse 1 2150 Improved, 5-9 Units LandUse 2 <input type="text"/> Zoning 1 <input type="text"/> Dwell 1 0 Acres 0.08 SqFt 3,600 Comments <input type="text"/>		<input type="checkbox"/> TPZ <input type="checkbox"/> Ag Pres <input type="checkbox"/> Etal <input type="checkbox"/> Bonds <input type="checkbox"/> Multi Situs <input type="checkbox"/> 910 MH <input type="checkbox"/> Flag 1 <input type="checkbox"/> Flag 2 <input type="checkbox"/> Asmt PP <input type="checkbox"/> Tax PP <input type="checkbox"/> Appeal <input type="checkbox"/> Split	
Main Ownership Detail Ownership History Mfg Homes Situs Parcel Desc			
1/1 Phy Char. IC Inq. Images			
1 records found.		ALL\mpts2000, 07/06/2022 5:32:42 PM	

Attachment B



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

December 29, 2022

Certified Mailing No: 9171 9690 0935 0252 8854 07

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

Re: New Code Enforcement Complaint

Property: 6766 West Avenue, Fields Landing, California, 95537, APN: 306-024-004

CEU Case: CE22-1865

Dear Mr. McGuire,

The Code Enforcement Unit received an additional complaint on your above-referenced parcel for violations of the Humboldt County Code dealing with solid waste and maintaining a junkyard.

I will need to inspect the property in order to refute or confirm these allegations. Consequently, I am writing you seeking consent to inspect the parcel. Please contact me at (707) 441-2627, or by email at ssoeth@co.humboldt.ca.us to schedule an inspection.

As you may be aware, you have the right to refuse my request for consent to inspect your parcel. If I do not hear from you by January 9, 2023, I will assume that you have refused my request for consent.

Please feel free to contact me if you have any questions or concerns regarding this request or the code enforcement process in general.

Sincerely,

Shauna Soeth
Code Enforcement Investigator

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, ROMAN DYLAN FIERRO, 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 December 29, 2022, I served a true copy of a Consent Inspection.

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 & Certified Mail)

**Gerald McGuire
PO Box 322
Fields Landing, CA 95537**

APN # 306-024-004

_____ 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 29th day of December 2022, in the City of Eureka, County of Humboldt, State of California.



Roman Dylan Fierro – Administrative Analyst

Attachment C

