



CODE ENFORCEMENT UNIT
COUNTY OF HUMBOLDT

3015 H STREET
EUREKA, CALIFORNIA 95501
PHONE: (707) 476-2429 FAX: (707) 268-3792

March 27, 2018

Immortal Sunshine LLC c/o Conan Cavanaugh
P.O. Box 53
Cutten, CA 95573

Re: Service of a Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty; Immortal Sunshine LLC; Old Three Creek Road, CA 95573; APN: 316-082-006

To Immortal Sunshine LLC:

The Code Enforcement Unit recently inspected your above described property and observed violations of County Code. We are serving you with the attached *Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty* for the following violations:

331-14: Grading Without Permits

331-28: Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes

314-55.4: Violation of Commercial Medical Marijuana Ordinance

Consequently, the Code Enforcement Unit has elected to record a *Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty* against your property.

Please note that these recorded Notices may hinder the property owner's ability to sell or refinance the property. The Notices also states the enforcement actions that can be taken to bring the property into compliance with Humboldt County Codes. Please also note that the attached *Notice of Violation and Proposed Administrative Civil Penalty* states that the County propose an administrative civil penalty in the amount of \$10,000 per day for a period of ninety days. The administrative civil penalty will begin to accumulate ten days after the Notice is served. The Notices list options that may be taken by you and/or the property owner in response to these Notices. If you are willing to bring the property into compliance with Humboldt County Codes, but believe more than 10 days will be required to complete the work, the County of Humboldt may be willing to enter into a *Compliance Agreement* with the property owner and set an extended time frame to complete the corrective actions.

If you have any questions or concerns about these documents or the code enforcement process in general, please feel free to call me at #707-476-2429 or email me at BBowes1@co.humboldt.ca.us.

Sincerely,

Brian Bowes
Investigator, Code Enforcement Unit

cc: Spiegel & Utrera, P.C. P.O.Box 53, Cutten, CA 95534
cc: Conan Cavanaugh, 29600 Red Gate Rd, Blue Lake, CA 95525

Enclosures:

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

NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

Address of Affected Property:

Old Three Creeks Road, Willow Creek, CA 95573

Assessor's Parcel Number:

316-082-006-000

Owner:

Immortal Sunshine LLC
P.O. Box 53
Cuttan, CA 95534

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 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: Brian Bowes

Title: Investigator

Name: Brian Bowes

Date: 3-28-18

ATTACHMENT A

CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action
331-28	Construction of structures in violation of building, plumbing and/or electrical codes	Apply for and obtain permits to develop and implement a restoration plan.
314-55.4	Violation of the Commercial, Medical Marijuana Ordinance	a) Cease commercial, medical marijuana cultivation operations and remove all supporting infrastructure and b) Apply for and obtain permits to develop and implement a restoration plan.
331-14	Grading without permits	Apply for and obtain permits to develop and implement a restoration plan.

ATTACHMENT B
LEGAL DESCRIPTION

For APN/Parcel ID(s): 316-082-002 portion

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

The East Half of the Southwest Quarter and the West Half of the Southeast Quarter of Section 7, Township 6 North, Range 4 East, Humboldt Meridian.

Being the same lands described in Patent recorded in Book 21 of Patents, page 253, Humboldt County Records.

RESERVING THEREFROM a non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the south line Parcel One above and runs in a general northerly direction to the a point on the north line of said Parcel One.

PARCEL TWO

Rights of way and easements across portions of the Northwest Quarter of Section 7 and the Southwest Quarter of the Southwest Quarter of Section 6, Township 6 North, range 4 East, as further described in and subject to the terms and conditions of that certain document entitled "Reciprocal Road Easement" executed by Barnum Timber Company, et al recorded March 24, 2010, as Instrument No. 2010-6151-20, Humboldt County Official Records.

PARCEL THREE

A non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the south line Parcel One above and runs in a general southerly direction through Section 18, Township 6 North, Range 4 East, Humboldt Meridian, to the north line of Hwy 299.

PARCEL FOUR

A non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the north line Parcel One above and runs in a general northerly and westerly direction to the west line of the northeast quarter of said Section 7.

PARCEL FIVE

The right to take 50% of the water flowing from existing springs in the Northeast Quarter of Section 7, together with the right to lay pipelines and such other facilities necessary for the conveyance of said water.

EXCEPTING AND RESERVING UNTO GRANTOR, IN GROSS, AND GRANTOR'S SUCCESSORS AND ASSIGNS, FROM ALL LANDS DESCRIBED ABOVE ("the Property"), all timber and timber management rights in perpetuity, including, but not necessarily limited to, the right to preserve, harvest, access, manage, inventory, inspect, and conduct silvicultural practices, including, but not necessarily limited to, pre-commercial thinning, planting, vegetation control, and fertilization.

Subject to the limitations contained herein, it is the intent of the Grantor to reserve all timber and forest products of any size, kind, or nature, including any and all forest products now or hereafter standing, growing, lying or being on said

ATTACHMENT C
CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:
Old Three Creeks Road, Willow Creek, CA 95573

Assessor's Parcel Number: 316-082-006-000

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 nuisance exists on the affected property]: _____

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

[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: _____



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

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

Old Three Creeks Road, Willow Creek, CA 95573

Assessor's Parcel Number:

316-082-006-000

Owner:

Immortal Sunshine LLC
P.O. Box 53
Cutten, CA 95534

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 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 **Ten Thousand Dollars (\$10,000.00)** 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 (90th) 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 the service of the 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 the 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 the 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 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 judgement lien governed by the California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in the 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 which the initial civil administrative penalty is imposed.

For the Humboldt County Code Enforcement Unit

Signature: B. Bowes

Title: Investigator

Name: Brian Bowes

Date: 3-28-18

ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action
331-28	Construction of structures in violation of building, plumbing and/or electrical codes	Apply for and obtain permits to develop and implement a restoration plan.
314-55.4	Violation of the Commercial, Medical Marijuana Ordinance	a) Cease commercial, medical marijuana cultivation operations and remove all supporting infrastructure and b) Apply for and obtain permits to develop and implement a restoration plan.
331-14	Grading without permits	Apply for and obtain permits to develop and implement a restoration plan.

ATTACHMENT B

LEGAL DESCRIPTION

For APN/Parcel ID(s): 316-082-002 portion

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PARCEL ONE

The East Half of the Southwest Quarter and the West Half of the Southeast Quarter of Section 7, Township 6 North, Range 4 East, Humboldt Meridian.

Being the same lands described in Patent recorded in Book 21 of Patents, page 253, Humboldt County Records.

RESERVING THEREFROM a non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the south line Parcel One above and runs in a general northerly direction to the a point on the north line of said Parcel One.

PARCEL TWO

Rights of way and easements across portions of the Northwest Quarter of Section 7 and the Southwest Quarter of the Southwest Quarter of Section 6, Township 6 North, range 4 East, as further described in and subject to the terms and conditions of that certain document entitled "Reciprocal Road Easement" executed by Barnum Timber Company, et al recorded March 24, 2010, as Instrument No. 2010-6151-20, Humboldt County Official Records.

PARCEL THREE

A non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the south line Parcel One above and runs in a general southerly direction through Section 18, Township 6 North, Range 4 East, Humboldt Meridian, to the north line of Hwy 299.

PARCEL FOUR

A non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the north line Parcel One above and runs in a general northerly and westerly direction to the west line of the northeast quarter of said Section 7.

PARCEL FIVE

The right to take 50% of the water flowing from existing springs in the Northeast Quarter of Section 7, together with the right to lay pipelines and such other facilities necessary for the conveyance of said water.

EXCEPTING AND RESERVING UNTO GRANTOR, IN GROSS, AND GRANTOR'S SUCCESSORS AND ASSIGNS, FROM ALL LANDS DESCRIBED ABOVE ("the Property"), all timber and timber management rights in perpetuity, including, but not necessarily limited to, the right to preserve, harvest, access, manage, inventory, inspect, and conduct silvicultural practices, including, but not necessarily limited to, pre-commercial thinning, planting, vegetation control, and fertilization.

Subject to the limitations contained herein, it is the intent of the Grantor to reserve all timber and forest products of any size, kind, or nature, including any and all forest products now or hereafter standing, growing, lying or being on said

ATTACHMENT C
CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:
Old Three Creeks Road, Willow Creek, CA 95573

Assessor's Parcel Number: 316-082-006-000

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

[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]:

[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]:

[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 Zip: _____

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: _____

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 March 28, 2018, I served a true copy of NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTIES.

X 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)

**Immortal Sunshine LLC
P.O. Box 53
Cuttan, CA 95534**

_____ 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 28 day of March, 2018, in the City of Eureka, County of Humboldt, State of California.


Tasheena Evenson - Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 March 28, 2018, I served a true copy of **NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTIES.**

X 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:

**Spiegel & Utrera, P.C.
P.O. Box 53
Cutten, CA 95534**

_____ 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 28 day of March, 2018, in the City of Eureka, County of Humboldt, State of California.


Tashena Evenson - Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 March 28, 2018, I served a true copy of NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTIES.

X 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:

**Conan Cavanaugh
29600 Red Gate Rd.
Blue Lake, CA 95525**

_____ 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 28 day of March, 2018, in the City of Eureka, County of Humboldt, State of California.


Tasheena Evenson - Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, Brian Bowes, 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 County of Humboldt Planning & Building Dept.; 3015 H Street, Eureka, California; that on March 28, 2018, I served a true copy of **NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTIES & NOTICE TO ABATE NUISANCE.**

_____ by placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

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

X _____ by personally posting a true copy thereof on the steel gate entering to premises located at:
Mason Gulch Rd., Willow Creek, CA 95573
APN: 316-082-006; GPS 40.90239, -123.76759

_____ 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:

_____ by fax as set forth below:

_____ by electronic service as set forth below:

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

Executed on this 10th day of April, 2018, in the City of Eureka, County of Humboldt, State of California.



Brian Bowes, Investigator – Code Enforcement Unit



CODE ENFORCEMENT UNIT
COUNTY OF HUMBOLDT

3015 H STREET
EUREKA, CALIFORNIA 95501
PHONE: (707) 476-2429 FAX: (707) 268-3792

September 24, 2018

Immortal Sunshine, LLC
P.O. Box 53
Cuttan, CA 95534

RE: Service of a Notice of Administrative Civil Penalty Assessment.
Immortal Sunshine, LLC, Old Three Creeks Road, Willow Creek, CA
APN: 316-082-006

Dear Immortal Sunshine,

We are serving you with the *Notice of Administrative Civil Penalty Assessment* for the following violations:

- 331-28: *Construction of Building/Structure in Violation of building, Plumbing and/or Electrical Codes*
331-14: *Grading Without Permits*
314-55.4: *Violation of Commercial Medical Marijuana Ordinance*

If you have any questions or concerns about these documents, the code enforcement process in general, or to schedule an appointment, please feel free to call me at 707-476-2429.


Tasheena Evenson, Legal Office Assistant

Enclosures:
Notice of Administrative Civil Penalty Assessment



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

NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

[Humboldt County Code §352-15]

Address of Affected Property:

Old Three Creeks Road, Willow Creek, CA

Assessor's Parcel Number:

316-082-006

Owner:

Immortal Sunshine, LLC
P.O. Box 53
Cutten, CA 95534

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Nine Hundred Thousand Dollars (\$900,000.00)** has been imposed based on the Humboldt County Code Enforcement Unit's determination that a violation, as defined by Humboldt County Code Section 352-3(t), has occurred or exists on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment A – Legal Description."

NOTICE IS FURTHER GIVEN that the Code Enforcement Unit will seek to levy an administrative civil penalty assessment against the property on which the violation occurred or exists in the amount of **Nine Hundred Thousand Dollars (\$900,000.00)** in order to collect the administrative civil penalty and recover the administrative costs and/or attorney's fees, as described in "Attachment B – Account of Costs Incurred," associated with the actions taken by the Code Enforcement Unit to impose the administrative civil penalty, as described in "Attachment C – Actions Required to Impose Administrative Civil Penalty."

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an objection to the proposed assessment that is limited to the amount of the administrative civil penalty, and/or the amount of the administrative costs and/or attorney's fees associated therewith, within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

NOTICE IS FURTHER GIVEN that an objection to the proposed assessment, must be prepared using the

form attached hereto as "Attachment D – Administrative Civil Penalty Assessment Appeal Hearing Request Form," and signed under penalty of perjury.

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 Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County Code Section 352-17.

NOTICE IS FURTHER GIVEN that the date of the Administrative Civil Penalty Assessment Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal 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 an Administrative Civil Penalty Assessment Appeal Hearing, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

NOTICE IS FURTHER GIVEN that the final administrative civil penalty assessment, as approved by the Humboldt County Board of Supervisors, 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.

Signature: 
Name: Robert Russell

Title: Deputy Director
Date: 9/24/2018

ATTACHMENT A LEGAL DESCRIPTION

PARCEL ONE

The East Half of the Southwest Quarter and the West Half of the Southeast Quarter of Section 7, Township 6 North, Range 4 East, Humboldt Meridian.

Being the same lands described in Patent recorded in Book 21 of Patents, page 253, Humboldt County Records.

RESERVING THEREFROM a non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the south line Parcel One above and runs in a general northerly direction to the a point on the north line of said Parcel One.

PARCEL TWO

Rights of way and easements across portions of the Northwest Quarter of Section 7 and the Southwest Quarter of the Southwest Quarter of Section 6, Township 6 North, range 4 East, as further described in and subject to the terms and conditions of that certain document entitled "Reciprocal Road Easement" executed by Barnum Timber Company, et al recorded March 24, 2010, as Instrument No. 2010-6151-20, Humboldt County Official Records.

PARCEL THREE

A non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the south line Parcel One above and runs in a general southerly direction through Section 18, Township 6 North, Range 4 East, Humboldt Meridian, to the north line of Hwy 299.

PARCEL FOUR

A non-exclusive easement for all legal purposes in and across a strip of land 40 feet wide, and such additional widths as may be required for cuts and fills, the centerline of which is the centerline of the existing road which begins on the north line Parcel One above and runs in a general northerly and westerly direction to the west line of the northeast quarter of said Section 7.

PARCEL FIVE

The right to take 50% of the water flowing from existing springs in the Northeast Quarter of Section 7, together with the right to lay pipelines and such other facilities necessary for the conveyance of said water.

EXCEPTING AND RESERVING UNTO GRANTOR, IN GROSS, AND GRANTOR'S SUCCESSORS AND ASSIGNS, FROM ALL LANDS DESCRIBED ABOVE ("the Property"), all timber and timber management rights in perpetuity, including, but not necessarily limited to, the right to preserve, harvest, access, manage, inventory, inspect, and conduct silvicultural practices, including, but not necessarily limited to, pre-commercial thinning, planting, vegetation control, and fertilization.

Subject to the limitations contained herein, it is the intent of the Grantor to reserve all timber and forest products of any size, kind, or nature, including any and all forest products now or hereafter standing, growing, lying or being on said

ATTACHMENT B ACCOUNT OF COSTS INCURRED

ADMINISTRATIVE COSTS		
Violation(s)	Nature of Cost Incurred	Amount
§331-14	Site Inspection (3.0/Hrs. @ \$102.05)	\$ 306.15
§331-28	Preparation and Service of Notices of Violations by Posting (3.0/Hrs. @ \$102.05)	\$ 306.15
§314-55.4	Preparation and Service of Notices of Violations by Mail (1.0/Hrs. @ \$49.82)	\$ 49.82
	Preparation and Mailing of Final Notice of Violations (1.0/Hrs. @ \$49.82)	\$ 49.82
		Total Costs \$ 711.94
	Paper Publication of Notices of Violation	\$ 160.75
		Total Additional Costs \$160.75
ATTORNEY'S FEES		
Violation(s)	Nature of Cost Incurred	Amount
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .
		\$, .

ATTACHMENT D
ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL
HEARING REQUEST FORM

Address of Affected Property: Old Three Creeks Road, Willow Creek, CA

Assessor's Parcel Number: 316-082-006

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

Pursuant to Humboldt County Code Section 352-17, I am requesting a hearing to contest the amount of the administrative civil penalty assessment proposed to be levied against the property on which the violation occurred or exists in order to collect the final administrative civil penalty and recover the administrative costs and/or attorney's fees associated with the actions taken by the Humboldt County Code Enforcement Unit to impose the administrative civil penalty.

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the administrative penalty, and/or the administrative costs and/or attorney's fees associated therewith, are 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 Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative civil penalty assessment]:

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: _____

Date: _____

Name: _____

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 September 25th I served a true COPY NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT.

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.)

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

**Immortal Sunshine, LLC
P.O. Box 53
Cutten, CA 95534**

_____ 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 25 day of September, 2018, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 September 25th I served a true COPY NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT.

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)

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

Spiegel & Utera P.C. Conan Cavanaugh
29600 Red Gate Rd.
Blue Lake, CA 95525

_____ 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 25 day of September, 2018, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, Branden Howton, 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 County of Humboldt Planning & Building Dept.; 3015 H Street, Eureka, California; that on September 24, 2018, I served a true copy of **NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT.**

_____ by placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

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

X _____ by personally posting a true copy thereof on the steel fence entering to premises located at:
Mason Gulch Rd., Blue Lake, CA 95525
APN: 316-082-006 GPS 40.90234, 123.76744

_____ 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:

_____ by fax as set forth below:

_____ by electronic service as set forth below:

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

Executed on this 24th day of September, 2018, in the City of Eureka, County of Humboldt, State of California.



Branden Howton, Code Enforcement Unit



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501
Phone: (707) 445-7541 • Fax: (707) 268-3792
<http://www.humboldt.gov/156>

FINAL NOTICE

May 18, 2018

Immortal Sunshine LLC
P.O.Box 53
Cutten, CA 95534

Subject: Final Notice Abatement of Code Violations on
Assessment Parcel Number 316-082-006-000
located at Old Three Creek Road, Willow Creek, CA

On 3/28/2018 the County of Humboldt, California served you with a Notice of Violation and/or a Notice to Abate the following county code violations on your parcel/property.

- *Grading without permits violation (331-14)*
- *Construction of structures without permits violation (331-28)*
- *Violation of Commercial Medical Marijuana Ordinance (314-55.4)*

Upon being served, you were given ten business days to either 1) abate the above violations and pay the administrative fees on your case, 2) enter into a Compliance Agreement for corrective remediation, paying the base fines and administrative fees on your case, 3) file for an appeal of the violations recorded against your property, or 4) do nothing and have all penalties, fines and fees submitted together as a lien on your property. Please note: In all options, the Planning and Building Department charges property owners direct staff costs and administration expenses incurred on a case.

If we do not receive a motion for corrective action or response by June 22, 2018 a lien for all penalties, fines and assessed fees will be recorded against your property.

If you have any questions about this letter, I can be reached via mail, phone or email at jmoredo2@co.humboldt.ca.us or (707) 441-2630.

Thank you for your attention to this matter.

Sincerely,

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, 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 18, 2018 I served a true copy FINAL NOTICE ABATEMENT OF CODE VIOLATIONS.

 X 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)

**Immortal Sunshine LLC
P.O. Box 53
Cuttan, CA 95534**

_____ 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 18 day of May, 2018, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant



Terms



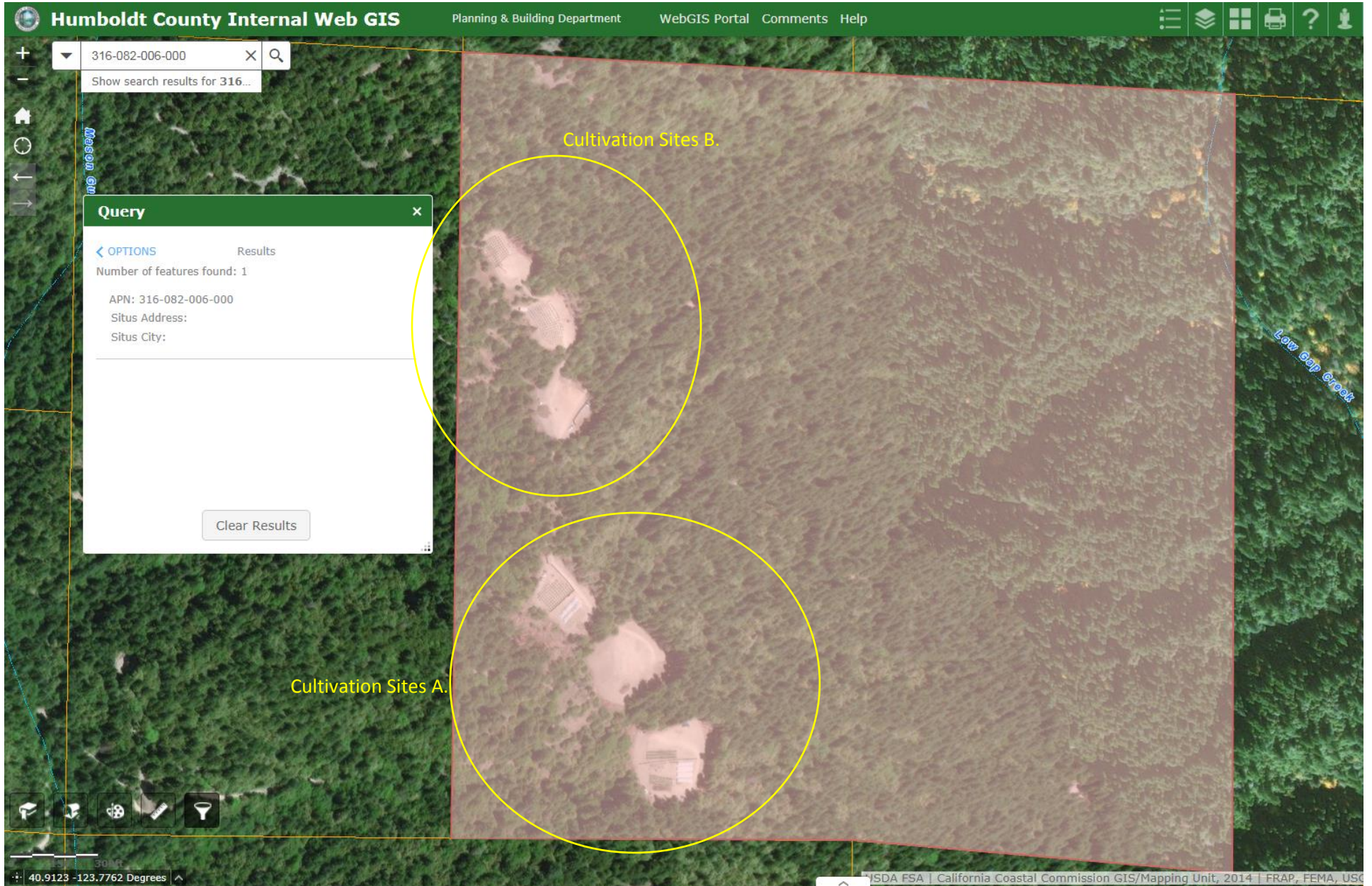
MASON GULCH

-
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1-Month Mosaic ^
Daily Imagery

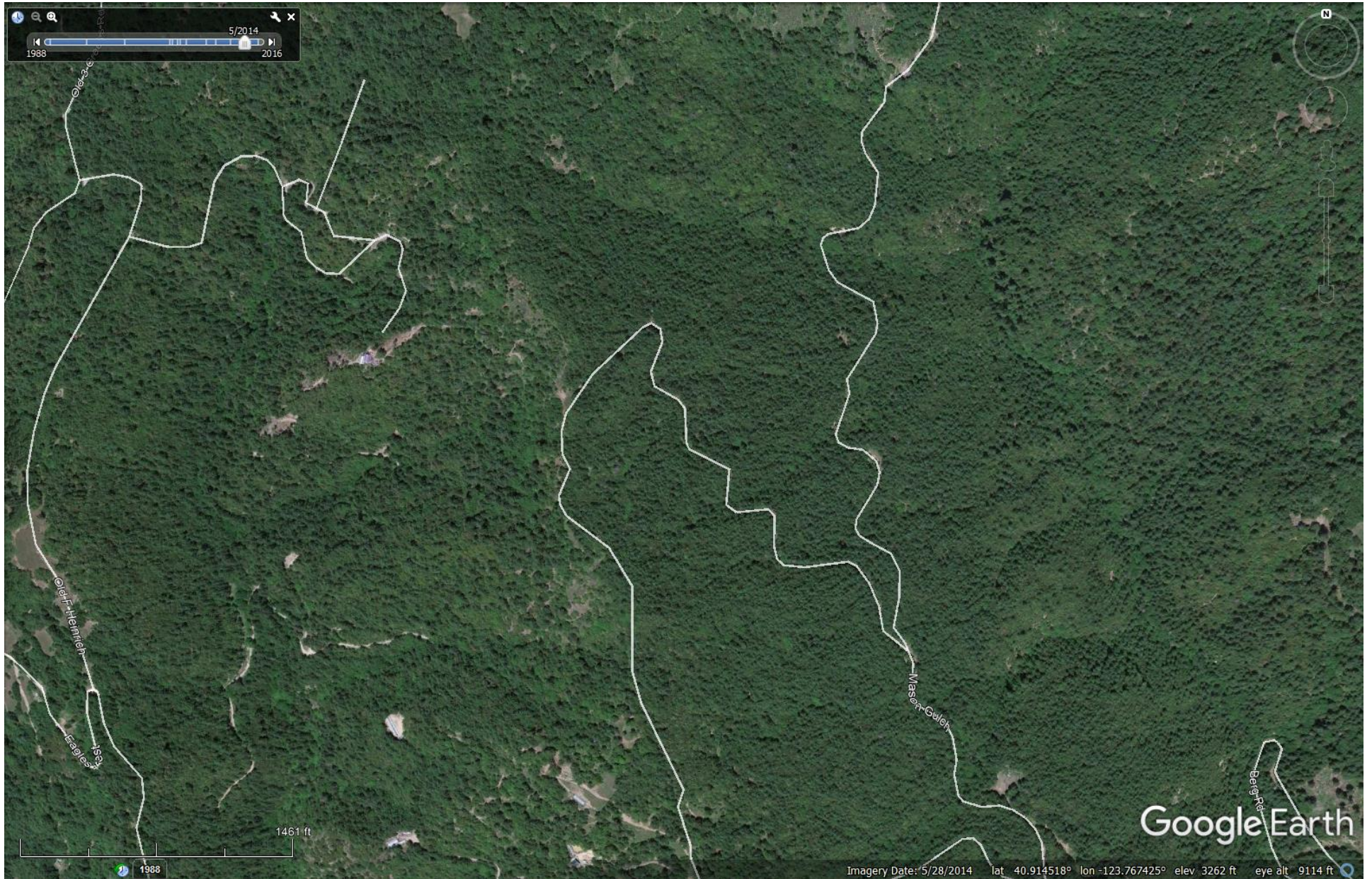
Parcel Boundaries and Cultivation Site Reference Map: APN 316-082-006; TPZ



Approximately 38,500 sq. ft. of cultivation in 2016

Recent Site History APN 316-082-006; TPZ

2014



May 28, 2014

Imagery Date: 5/28/2014 lat 40.914518° lon -123.767425° elev 3262 ft eye alt 9114 ft

Recent Site History APN 316-082-006; TPZ

2016

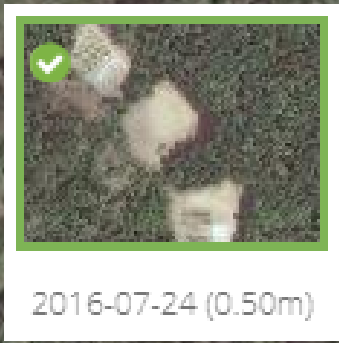


May 26, 2016

Imagery Date: 5/26/2016 lat 40.914518° lon -123.767425° elev 3262 ft eye alt 9114 ft

Recent Site History APN 316-082-006; TPZ

Cultivation Sites A. 2016 Detail



July 24, 2016

Recent Site History APN 316-082-006; TPZ

Cultivation Sites A. 2017 Detail



2017-03-12 (0.50m)

March 12, 2017

Recent Site History APN 316-082-006; TPZ

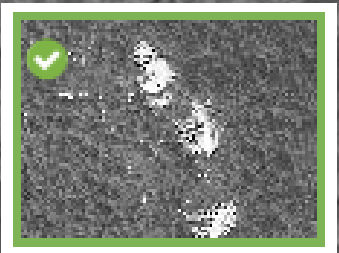
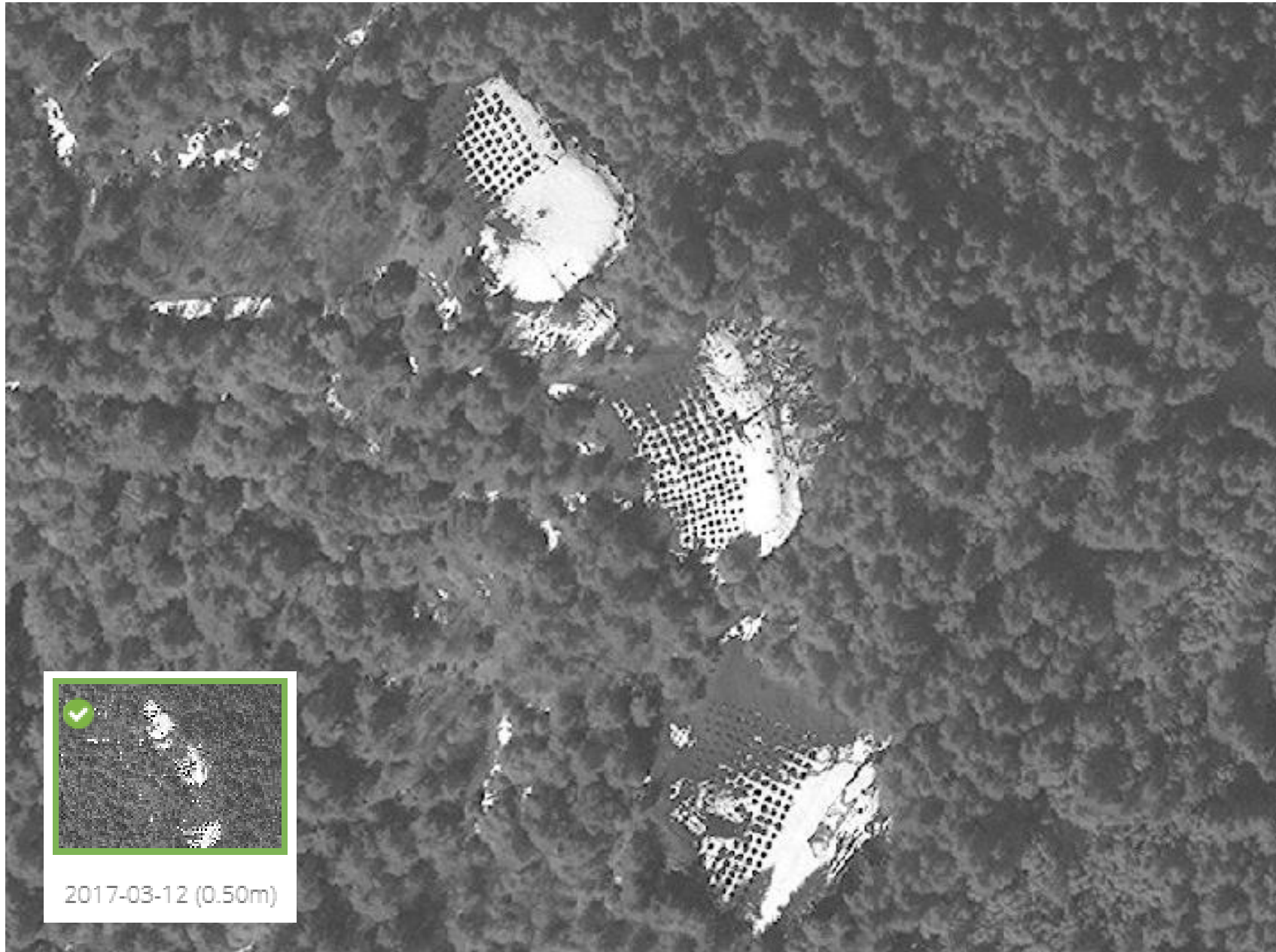
Cultivation Sites B. 2016 Detail



July 24, 2016

Recent Site History APN 316-082-006; TPZ

Cultivation Sites B. 2017 Detail



2017-03-12 (0.50m)

March 12, 2017