

ATTACHMENT E

Montana Road

Notice to Abate Nuisance



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 48

Betty L. Davis
743 Montana Road
McKinleyville, CA 95519

Re: Service of Notice to Abate Nuisance
Property location: 743 Montana Road, McKinleyville, CA, 95519
APN: 508-211-045, Case No: CE21-1042

Dear Betty L. Davis,

The Code Enforcement Unit recently inspected your property described above and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. 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 Notice will be dismissed.
2. Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 441-2627 or by email at ssoeth@co.humboldt.ca.us to answer any questions or concerns you may have.

Sincerely,

Shauna Soeth
Code Enforcement Investigator

Attachment: Notice to Abate Nuisance



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PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 31

John Bob Davis
743 Montana Road
McKinleyville, CA 95519

Re: Service of Notice to Abate Nuisance
Property location: 743 Montana Road, McKinleyville, CA, 95519
APN: 508-211-045, Case No: CE21-1042

Dear John Bob Davis,

The Code Enforcement Unit recently inspected your property described above and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

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February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 55

John R. Davis
743 Montana Road
McKinleyville, CA 95519

Re: Service of Notice to Abate Nuisance
Property location: 743 Montana Road, McKinleyville, CA, 95519
APN: 508-211-045, Case No: CE21-1042

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Shauna Soeth
Code Enforcement Investigator

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COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 24

Wendy Hanson
743 Montana Road
McKinleyville, CA 95519

Re: Service of Notice to Abate Nuisance
Property location: 743 Montana Road, McKinleyville, CA, 95519
APN: 508-211-045, Case No: CE21-1042

Dear Wendy Hanson,

The Code Enforcement Unit recently inspected your property described above and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

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Sincerely,

Shauna Soeth
Code Enforcement Investigator

Attachment: Notice to Abate Nuisance



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: 743 Montana Road, McKinleyville, CA, 95519

Assessor's Parcel Numbers: 508-211-045

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

Betty L. Davis
743 Montana Road
McKinleyville, CA 95519

Occupants: John Bob Davis
743 Montana Road
McKinleyville, CA 95519

Wendy Hanson
743 Montana Road
McKinleyville, CA 95519

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.

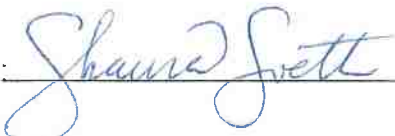
NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits 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 3, 2022

ATTACHMENT A

CONDITIONS CONSTITUTING A NUISANCE

Code Section	Description	Corrective Action
HCC 354-1	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure
HCC 521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly

ATTACHMENT B LEGAL DESCRIPTION

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

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

PARCEL ONE:

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

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

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

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

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

PARCEL TWO:

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

BEGINNING at the Southeast corner of Parcel One;

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

ATTACHMENT C

CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property: 743 Montana Road, McKinleyville, CA, 95519

Assessor's Parcel Number: 508-211-045

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

Pursuant to Humboldt County Code Section 351-9, 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]:

[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: _____

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 3, 2022, I served a true copy of NOTICE TO ABATE NUISANCE.

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

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

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

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

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

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

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

Executed on this 8th day of February, 2022, in the City of Eureka, County of Humboldt, State of California.



Shauna Soeth - Investigator



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

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

February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 55

John R. Davis
743 Montana Road
McKinleyville, CA 95519

Re: Service of Notice to Abate Nuisance
Property location: 743 Montana Road, McKinleyville, CA, 95519
APN: 508-211-045, Case No: CE21-1042

Dear John R. Davis,

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Sincerely,

Shauna Soeth
Code Enforcement Investigator

Attachment: Notice to Abate Nuisance



DATE: 1-18-2022
APN: 508-211-045-000
NAME: John R. Davis and
John Davis and Wendy Ha
TITLE: Rob Edwards - Bu
ADDRESS: 743 Montana R
SUBJECT: Substandard ho

NOTICE AND ORDER

PLEASE TAKE NOTICE th
location by the Humboldt Cou
are reviewed and approved, by
conditions that are in violation
Property Maintenance Code (P
by the County Chief Building C
and various state and local laws

YOU ARE HEREBY NOTIF
injurious to the public health, ea
County Code and render the bui

Inadequate Sanitation - UHC §

Dampness of habitable r
• Mold and

General dilapidation or in
• Structu
• Doors and
• Debris and

Structural Hazards - UHC § 100

Members of ceilings, roofs, ceiling
buckle due to defective material or c
• Sagging ceiling cov



COUNTY OF HUMBOLDT
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February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 48

Betty L. Davis
743 Montana Road
McKinleyville, CA 95519

Re: Service of Notice to Abate Nuisance
Property location: 743 Montana Road, McKinleyville, CA, 95519
APN: 508-211-045, Case No: CE21-1042

Dear Betty L. Davis,

The Code Enforcement Unit recently inspected your property described above and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

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Code Enforcement Investigator

Attachment: Notice to Abate Nuisance

DATE: 1-18-20
APN: 508-211-4
NAME: John R
John Davis and
TITLE: Rob Ed
ADDRESS: 743
SUBJECT: Subst

NOTICE AN

PLEASE TAKE NO
location by the Humi
are reviewed and app
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Property Maintenance
by the County Chief B
and various state and lo

YOU ARE HEREBY N
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Inadequate Sanitation - U

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February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 24

Wendy Hanson
743 Montana Road
McKinleyville, CA 95519

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February 3, 2022

Certified Mail No: 9171 9690 0935 0252 8905 31

John Bob Davis
743 Montana Road
McKinleyville, CA 95519

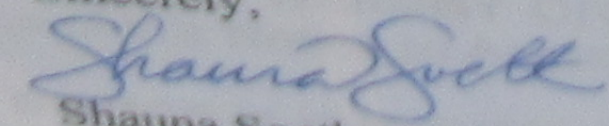
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Sincerely,

Shauna Soeth
Code Enforcement Investigator

Attachment: Notice to Abate Nuisance



DO NOT ENTER
PLEASE TO OCCUPY

Multiple white papers with text and logos are taped to the wall. Some of the text is partially legible, including "DO NOT ENTER" and "PLEASE TO OCCUPY".

43



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3

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, KATIE SELTZER, 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 3, 2022, I served a true copy of Notice to Abate Nuisance.

Betty L. Davis
743 Montana Road
McKinleyville, CA 95519

Certified Mail # 9171 9690 0935 0252 8905 48

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):

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

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

Executed on this 3rd of February 2022, in the City of Eureka, County of Humboldt, State of California.



Katie Seltzer – Legal Office Assistant I/II

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, KATIE SELTZER, say:

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John Bob Davis
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Katie Seltzer – Legal Office Assistant I/II

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) ss.
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Certified Mail # 9171 9690 0935 0252 8905 55

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Wendy Hanson
743 Montana Rd
McKinleyville, CA 95519

Certified Mail # 9171 9690 0935 0252 8905 24

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