

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department  
Building Safety Division  
P.O. Box 642  
1010 Tenth Street, Suite 3100  
Modesto, California 95353



Telephone: (209) 577-5232  
Facsimile: (209) 571-5135  
TDD: (209) 526-9211

# **NOTICE OF PASSAGE OF RESOLUTION**

**OCTOBER 31, 2014**

**TO: OLIVIA AMEZQUITA  
IGNACIO AMEZQUITA  
1317 MAIN STREET  
MODESTO, CA 95351-5429**

**GREEN TREE SERVICES LLC  
7360 SOUTH KYRENE ROAD, T314  
TEMPE, AZ 85283-4513**

**FORECLOSURE DEPARTMENT  
GREEN TREE SERVICES LLC  
C/O NBS DEFAULT SERVICES, LLC  
301 EAST OCEAN BOULEVARD, SUITE 1720  
LONG BEACH, CA 90802-8813**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE OPEN AND UNSECURED SINGLE-FAMILY DWELLING  
DESTROYED BY FIRE WITH AN OPEN AND UNSECURED  
DETACHED GARAGE LOCATED AT THE PROPERTY KNOWN AS  
1317 MAIN STREET, MODESTO, CALIFORNIA; CITY OF MODESTO  
CODE ENFORCEMENT CASE NO. COD2014-60151**

PLEASE TAKE NOTICE that on October 23, 2014, the Board of Building Appeals of the City of Modesto conducted a public appeal hearing regarding the real property situated in the City of Modesto commonly referred to as 1317 Main Street (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-12, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2014-12, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY OBTAINING A DEMOLITION PERMIT AND COMPLETING THE DEMOLITION WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.**

**IF THE NUISANCE IS NOT ABATED, BY OBTAINING A DEMOLITION PERMIT AND COMPLETING THE DEMOLITION ABATEMENT BY THE CITY OF MODESTO AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED.**

PLEASE TAKE FURTHER NOTICE that the owners of the premises or any other interested person having any objections, or feeling aggrieved at any proceeding taken by the City of Modesto in ordering abatement of the nuisance, must bring an action in a court of competent jurisdiction within thirty (30) days after the date of posting on the premises the Notice of Passage of the Resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

Dated: October 31, 2014



---

WILLIAM CREW  
SECRETARY TO THE BOARD

WC:cp  
Attachment

cc: OLIVIA AMEZQUITA  
IGNACIO AMEZQUITA  
1317 MAIN STREET  
MODESTO, CA 95351-5429

GREEN TREE SERVICES LLC  
7360 SOUTH KYRENE ROAD, T314  
TEMPE, AZ 85283-4513

FORECLOSURE DEPARTMENT  
GREEN TREE SERVICES LLC  
C/O NBS DEFAULT SERVICES, LLC  
301 EAST OCEAN BOULEVARD, SUITE 1720  
LONG BEACH, CA 90802-8813

City Attorney  
William Crew, Chief Building Official  
Bert Lippert, Building Inspection Program Coordinator  
Chris Kemper, Code Enforcement Officer II  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-12

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1317 MAIN STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Olivia Amezquita and Ignacio Amezquita has title to and is the recorded owner of property located at 1317 Main Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 1317 Main Street consists of the open and unsecured single-family dwelling destroyed by fire with an open and unsecured detached garage; and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Building Maintenance Code of the City of Modesto to enforce all provisions of the Code including authority to inspect any building or structure and order that any such building or structure determined under the Building Maintenance Code to be Unsafe and Unfit for Human Occupancy be declared a public nuisance and order the recorded owner to abate the nuisance conditions by demolition of the unsafe structures and the removal of the junk, trash, debris and weeds on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on August 29, 2014; and

WHEREAS, a Notice and Order dated September 22, 2014, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and you shall obtain a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the single-family dwelling and detached garage within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated September 22, 2014, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on September 22, 2014, said Notice and Order of September 22, 2014, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, pursuant to Article 12 of the Building Maintenance Code of the City of Modesto; and

WHEREAS, on September 22, 2014, said Notice and Order of September 22, 2014, was posted on the premises; and

WHEREAS, the owner(s) of said premises have failed to complete work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of the Building Maintenance Code of the City of Modesto; and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance; and

WHEREAS, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 66, thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building unless the nuisance is abated by the owner or the person interested within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals as provided in Article 12 of the Building Maintenance Code. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the premises or have the same done under its direction and supervision; and

WHEREAS, on October 10, 2014, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and posted on the property, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Sections 58 and 60; and

WHEREAS, said "Notice to Abate Nuisance" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on October 23, 2014, at 4:00 p.m., in the Second Floor Conference Room 2005 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 1317 Main Street; and

WHEREAS, a duly noticed public hearing of the Board was held at date, time, and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance and to consider other appropriate action to abate such nuisance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals of the City of Modesto, that the following be ordered:

1. That the premises commonly referred to as 1317 Main Street, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. That the owner(s) of said premises are hereby directed and ordered to abate the nuisance by obtaining a demolition permit and completing the demolition of the open and unsecured single-family dwelling destroyed by fire with an open and unsecured detached garage within thirty (30) days from the date of the posting of the notice of the passage of the resolution.
  - a) Following the failure of the owner to comply with any of the above items in this Resolution within thirty (30) days of its posting, the Building Official is directed to cause the demolition of the unsafe single-family dwelling, the small structure/shed and water heater enclosure and the removal of all junk, trash, debris and weeds.
3. If the nuisance is not abated, said building(s) will be razed or removed and all junk, trash, debris and weeds removed by the City of Modesto and the expense thereof made a lien on the lot or parcel of land upon which said building is located.
4. Civil Penalties to be upheld as stated in said Notice and Order dated September 22, 2014.

BE IT FURTHER RESOLVED:

1. Thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the buildings, unless the nuisance is abated by the owner or other person within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.
2. In the event that the City of Modesto razes and removes the buildings so declared to constitute a nuisance or have the same done under its direction and supervision, the City of Modesto shall keep an itemized account of the expense involved in the razing or removing of any such buildings and shall deduct therefrom the amount received from the sale of any building materials pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68. The City of Modesto may proceed to recover its expenses in the razing or removing of any such buildings pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68 and Section 70.

BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2014-12, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-12, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the buildings are located as such person's name and address appear on the last equalized assessment roll, and (2) to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 58.

The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 23rd day of October 2014, by Board Member, Rick Reid who moved its adoption, which motion being duly seconded by Board Member, Richard Dalton was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Dalton, Reid, Rodriguez, Ragsdale
Noes:	None
Absent:	Evan Yoshino

BY ORDER OF THE BOARD OF BUILDING APPEALS OF THE CITY OF  
MODESTO.

A handwritten signature in black ink, appearing to read 'Tim Ragsdale', written in a cursive style.

---

TIM RAGSDALE  
BOARD OF BUILDING APPEALS

