

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Additional Parties form is attached.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

PEOPLE OF THE STATE OF CALIFORNIA, by and through the
CITY OF SALINAS, a California municipal corporation

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Monterey Courthouse
1200 Aguajito Road, Monterey, CA 93940

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Matthew R. Silver, Rene L. Farjeat; S&W, LLP; 3 Corporate Park, Ste. 100, Irvine, CA 92606; 949-385-6431

DATE: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

SHORT TITLE:

CASE NUMBER:

People of the State of California v. Berkley, Inc., et al.

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

BERKLEY, INC., a California corporation;

GERARD F. KEHOE, an individual;

ELIZABETH J. KEHOE, an individual;

PAUL S. KEHOE, an individual;

JESSE J. KEHOE, an individual; and

DOES 1 through 50, inclusive.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew R. Silver, SBN 245528; Rene L. Farjeat, SBN 301188 Samuel S. Siavoshi, SBN 285981 SILVER & WRIGHT LLP 3 Corporate Park, Suite 100, Irvine, California 92606 TELEPHONE NO.: 949-385-6431 FAX NO.: 949-385-6428 ATTORNEY FOR (Name): Plaintiff People of the State of California	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY STREET ADDRESS: 1200 Aguajito Road MAILING ADDRESS: 1200 Aguajito Road CITY AND ZIP CODE: Monterey, CA 93940 BRANCH NAME: Monterey Courthouse	
CASE NAME: People of the State of California v. Berkley, Inc., et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- | | | |
|--|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): (4) Nuisance; Nuisance Per Se; Unlawful Business Practices; Receivership
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 12, 2019

Matthew R. Silver

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

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Exempt from filing fees pursuant to
Government Code section 6103.

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Attorneys for Plaintiff
People of the State of California by and through the
City of Salinas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA, by
and through the CITY OF SALINAS, a California
municipal corporation,

Case Number:
Action Filed:

Plaintiff,
v.

**VERIFIED COMPLAINT FOR NUISANCE
ABATEMENT AND RECEIVERSHIP**

BERKLEY, INC., a California corporation;
GERARD F. KEHOE, an individual;
ELIZABETH J. KEHOE, an individual;
PAUL S. KEHOE, an individual;
JESSE J. KEHOE, an individual; and
DOES 1 through 50, inclusive,

**[Deemed Verified pursuant to Code of Civil
Procedure section 446.]**

Defendants.

Judge:
Dept.:

Filed concurrently with:
1. Summons.
2. Civil Case Cover Sheet.

VERIFIED COMPLAINT FOR NUISANCE ABATEMENT AND RECEIVERSHIP

PARTIES

1. Plaintiff People of the State of California, by and through the City of Salinas (“City”) is, and at all times relevant herein was, a municipal corporation organized and existing under the laws of the State of California. The City seeks seek the imposition of a receivership, injunctive relief, declaratory relief, and other necessary remedies to abate the nuisance activities and conditions present on the parcel of real property known as 300 Main Street, Salinas, California 93901, Assessor’s Parcel Number 002-341-001-000 (“Subject Property”) pursuant to Civil Code sections 3479, 3480, 3491, and 3494, Business and Professions Code (“B&P”) section 17203, the Salinas Municipal Code (“SMC”), Health and Safety Code (“HSC”) section 17980.7, and Code of Civil Procedure (“CCP”) sections 526(a) and 731.

2. Plaintiff is informed and believes that the Subject Property is owned by Defendant Berkley, Inc. (“Owner”), pursuant to a Trustee’s Deed dated August 27, 2009 (“Trustee’s Deed”). A true and correct copy of the Trustee’s Deed is attached to this Complaint as Exhibit A and it is incorporated herein.

3. Plaintiff is informed and believes that Defendants Gerard F. Kehoe, Elizabeth J. Kehoe, Paul S. Kehoe, and Jesse J. Kehoe (collectively “Corporate Defendants”) are officers, directors, members and/or managing members of Owner, and have been such at all relevant times, including, but not limited to, during Owner’s ownership of the Subject Property. Corporate Defendants are responsible corporate officers of Owner and at all relevant times have been in a position of responsibility which allowed and currently allows Corporate Defendants to influence corporate policies or activities. There is a nexus between Corporate Defendants’ positions and the violations alleged in this complaint and at issue in this action. Corporate Defendants could have influenced the corporate actions which led to or otherwise contributed to the violations, and Corporate Defendants’ actions or inactions facilitated the violations.

4. The true names and capacities of Defendants Does 1 through 50 are unknown to the City, and for that reason, they are sued under fictitious names. The City will amend this Complaint to allege the Doe Defendants’ true names and capacities when they have been ascertained. The City alleges that

1 each of the Doe Defendants is responsible in some manner for the maintenance and care of the Subject
2 Property, as well as the violations of law, unlawful business activities, and nuisances thereon.

3 **FACTS**

4 5. The Subject Property is located within the City of Salinas, County of Monterey, California
5 on a major thoroughfare and in the heart of the City's downtown business area.

6 6. The Subject Property consists of a neglected, extremely dilapidated, fire-damaged, often-
7 vacant, four-story building, which has been a danger to the City for several years and substantially
8 endangers the health and safety of any occupants, workers, first responders, neighbors, and the
9 surrounding community.

10 7. Defendants' neglect of the Subject Property likely contributed to the fire on February 13,
11 2016, that caused its destruction. What was once a showcase centerpiece in the historic downtown
12 district of Salinas, is now a burned down shell of its former self that stands in severely substandard
13 condition. The Subject Property was completely destroyed several years ago in a fire, causing its roof
14 and several areas of the second and third floors to collapse. Despite this occurring years ago, Defendants
15 have failed to rehabilitate the Subject Property despite the City's diligent enforcement efforts to obtain
16 their compliance.

17 8. The Subject Property has been the focus of the City's enforcement efforts since at least 2015.
18 Since that time, the City has issued Defendants notices of violation, administrative citations, a Notice
19 and Order to Repair or Abate, and City officials have inspected the Subject Property on multiple
20 occasions. Despite the City's efforts, Defendants have not corrected the serious health and safety
21 violations and array of other nuisances present on the Subject Property, which endanger the wellbeing
22 of neighbors, the community, any occupants and first responders.

23 9. Prior to the fire that destroyed the Subject Property, on February 18, 2015, the City issued
24 the Owner a Notice of Violation ("NoV") for unpermitted construction on the Subject Property.

25 10. On February 26, 2015, the Monterey Bay Unified Air Pollution Control District ("District")
26 issued Defendants a notice of noncompliance for failure to survey the Subject Property for asbestos prior
27 to beginning certain renovations on the Subject Property. Multiple hazardous material surveys
28 subsequently conducted indicated the presence of asbestos in the structural materials used in the Subject

Property. The amount of asbestos found on the Subject Property greatly exceeded the National Emission Standards for Hazardous Air Pollutants quantities.

11. On June 16, 2015, the District sent the Owner a letter detailing the actions needed to address the asbestos compliance violations on the Subject Property, and to protect the public from potential asbestos emissions associated with the Owner's unpermitted construction. The City similarly directed the Owner to proceed with asbestos and hazardous material abatement.

12. After the fire that destroyed the majority of the Subject Property, the removal of the hazardous materials on the Subject Property became an even greater priority to allow individuals safe access to the Subject Property to begin its rehabilitation. On August 17, 2016, the Monterey Environmental Solutions and Services confirmed that 60 tons of regulated asbestos waste has been removed from the Subject Property and that another 90 tons remain.

13. On February 26, 2016, the City issued the Owner a second NoV for the structurally unsafe conditions on the Subject Property caused by the fire. The NoV contained a series of deadlines, the last of which being on June 17, 2016, that required the Owner to obtain permits to clean up the debris and complete the structural work necessary to deem the Subject Property safe.

14. On May 3, 2016, the City sent Defendants a letter advising Defendants of their failure to comply with the deadlines in the second NoV to conduct a full structural analysis. An administrative citation was also issued to the Owner that same day.

15. On May 17, 2016, the City issued a second administrative citation to the Owner for failing to submit a full structural analysis report by the deadlines noted in the February 26, 2016 NoV.

16. On August 23, 2016, City official conducted another inspection of the Subject Property, but confirmed that the Subject Property remained substandard.

17. On October 23, 2018, the City conducted another inspection of the Subject Property to determine the Owner's progress on rehabilitating the Subject Property. However, City officials confirmed that the Subject Property remained in serious violation of State and local laws.

18. On June 13, 2019, the City received a complaint that the substandard conditions on the Subject Property were affecting property values and commercial desirability of the neighborhood, and further, that the Subject Property was attracting crime.

1 19. On June 27, 2019, the City issued the Owner a third NoV for the unmaintained and
2 abandoned state of the Subject Property.

3 20. On July 19, 2019, City inspectors inspected the Subject Property and observed at least **70**
4 **dangerous and hazardous violations of State and local law** on the Subject Property including, but not
5 limited to: (1) extreme fire damage; (2) missing or falling walls; (3) caved in, missing, cracked, and
6 broken walls and floors; (4) entirely missing roofing and ceiling; (5) missing and broken windows; (6)
7 partially or completely destroyed staircases; (7) bowing, split, or entirely missing support beams; (8)
8 exposed and spliced piping and electrical wiring; (9) water damage, wood rot, and mold; (10) severely
9 rusted, chipped, and broken metal structures, fixtures, machinery, and equipment; (11) crumbling,
10 chipped, or stained paint; and (12) excessive accumulation of trash and other debris, including building
11 materials, food containers, wood, ash, and other materials.

12 21. Since the July 19, 2019 inspection, City inspectors have conducted subsequent inspections
13 of the Subject Property as part of the City's efforts to obtain Defendants' compliance and the
14 rehabilitation of the Subject Property. Each time, however, City inspectors have confirmed that the
15 substantially dangerous conditions on the Subject Property have not been abated. Moreover, Owner has
16 not even submitted the required completed applications for the permits needed to make repairs on the
17 Subject Property. Instead, the Owner has threatened the City with a lawsuit if the City sought nuisance
18 abatement assistance from the Courts.

19 22. Given the extremely serious dangers and violations of law City inspectors identified on the
20 Subject Property, on October 7, 2019, the City issued a Notice and Order to Repair or Abate ("N&O")
21 regarding the Subject Property, ordering the complete rehabilitation of the Subject Property to be
22 completed within 30 days—by November 7, 2019 ("Compliance Deadline"). **This Compliance Deadline**
23 **was on top of several years of efforts by the City to gain compliance.** The N&O detailed all **70** identified
24 violations and indicated what steps needed to be taken to correct the identified violations. The N&O
25 further noted that failure to comply would potentially result in further legal action, including the
26 appointment of a court receiver. A copy of the N&O was posted on and mailed to the Subject Property.
27 The City also mailed the N&O to Defendants via regular first-class mail and certified mail with return
28

1 receipt requested. A true and correct copy of the N&O is attached as Exhibit B to this Complaint and it
2 is incorporated herein.

3 23. The N&O's Compliance Deadline passed without compliance by the Owner or any other
4 interested party. To date, the Subject Property remains in violation of State and local law, and
5 substantially in the same state as it has been for years, despite all the notices and compliance efforts of
6 the City.

7 24. The Subject Property contains severe **structural hazards**. Its structural integrity is severely
8 compromised, creating a substantial risk of partial or total collapse that places the health and safety of
9 any occupants, workers, and first responders in serious peril. Entire walls, flooring, and roofing are
10 missing and caving in. In fact, a majority of the structure entirely lacks a roof. Other sections of the
11 ceiling that remain have hanging debris at risk of falling. Structural support beams are loose, hanging,
12 and damaged. Portions of its concrete floors are crumbling. Huge piles of debris, drywall, concrete
13 chipping, wood rot, and other materials are piled in and around the Subject Property. In areas where
14 paint remains and the walls are not crumbling, stains and other discoloration appears.

15 25. The dilapidated and missing structural elements such as the roof, ceilings, walls and floors,
16 allow for **mold, rodent, and insect intrusion** that cause further extreme health and safety dangers. The
17 Subject Property is largely exposed to the elements due to these **missing structural elements and lack**
18 **of weather protection**. Certain interior walls of the Subject Property are wholly missing drywall and
19 proper finishing, exposing the wood framing along with the pipes and electrical wiring through the
20 building. The parts of the structure that are still standing contain extensive signs of fire damage, wood
21 rot, water decay, and mold. There are signs of puddling water in various areas of the Subject Property,
22 causing concern that the interior wall boards will suck up and retain the rainwater like a sponge due to
23 excessive exposure. There is also a high risk that the water exposure will prematurely deteriorate the
24 floor framing and the stud walls supporting the exterior veneer along both street elevations.

25 26. The Subject Property is **substantially dangerous to human life**, particularly due to the
26 structure's extremely high risk of fire and collapse. Fires have already ravaged the Subject Property
27 once, causing structural elements to collapse, severely debilitating remaining load-bearing components
28 of structures, and exposing wires and beams, often broken and protruding into open and readily

1 accessible spaces. Another fire at the Subject Property would easily spread to neighboring properties
2 due to its proximity to several businesses in the historic downtown area. These conditions, coupled with
3 a lack of fire protection systems and equipment on the Subject Property, make eventual catastrophic
4 injury or death a very real probability. Further, fire personnel and other first responders might not be
5 permitted to enter the Subject Property due to the extreme danger presented by the unsound structures
6 on the Subject Property and accumulation of so many combustible materials. The many years of neglect,
7 fire, and transient activity have resulted in an accumulation of trash, rubble, and debris throughout the
8 interior of the Subject Property blocking ingress and egress routes and creating a risk of entrapment.

9 27. The Subject Property in its current condition, including its boarded-up windows, is an
10 eyesore and a source of **blight** within the community. The windows that are not broken and boarded up,
11 reveal the trash and grime within. The Subject Property is also an **attractive nuisance** as homeless
12 transients have made the Subject Property their home as evidenced by the accumulation of trash and
13 food containers found within the Subject Property. The extremely hazardous and blighted condition of
14 the Subject Property depreciates property values of neighboring properties and invites criminal activity
15 and trespassers to the area. The blighted appearance of the Subject Property due to the many violations
16 of law present thereon creates an attractive nuisance for vagrants and children passing by the Subject
17 Property as well. The Subject Property poses a very real severe health and safety danger to the
18 community.

19 28. The Subject Property is currently in violation of numerous State and local laws including
20 but not limited to the SMC, HSC, California Building Standards Code (“CBSC”) codified in Title 24 of
21 the California Code of Regulations, California Building Code (“CBC”), California Fire Code (“CFC”),
22 California Electrical Code (“CEC”), California Plumbing Code (“CPC”), Uniform Code for the
23 Abatement of Dangerous Buildings (“UCADB”) and International Property Maintenance Code
24 (“IPMC”).

25 29. The current unlawful, substantially dangerous and substandard conditions on the Subject
26 Property, include, but are not limited to:

27 29.1. **Substandard Building. Blighted Vacant Structure and Premises.** The Subject
28 Property is vacant, blighted, exposed to the elements, and severely deteriorated.

The Subject Property contains an excessive amount of junk, trash, and other debris. The paint on the Subject Property is in such a condition as to permit decay, cracking, peeling, chalking, and warping. The Subject Property contains substantially dangerous structural elements, including damaged roofing and walls. Vacant structures and premises are required to be maintained in a clean, safe, secure, and sanitary condition so as to not cause blight or adversely affect the public health and safety. The entire Subject Property must be clean, safe, secure, and in a sanitary condition, including cleared of debris and trash. (HSC, § 17920.3(a), (b), (c), (g); CBC, § 116.1; UCADB, §§ 302(8), (9), (12), (16), (17); IPMC, §§ 301.3, 304.1, 304.1.1; SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.2. **Substandard Building. Severe Fire Damage.** The fire that erupted at the Subject Property in the past caused severe structural damage to most areas of the Subject Property. The severe fire damage compromises the structural integrity of the building and exposes any entrants to health and safety hazards. The damage needs immediate repair to restore fire resistive construction. A formal plan submittal by a licensed contractor and building permits will need to be obtained prior to any repairs. All repairs must be completed to meet building code standards. (HSC § 17920.3(c); CBC § 116.1; CFC §§ 110.1.1, 701.2; SMC, § 13.8.)

29.3. **Substandard Building. Structural Hazards. Dilapidated Ceiling.** The ceiling of the Subject Property is entirely missing in sections and the wood beams are fully exposed. Other sections of the ceiling have hanging debris at risk of falling. These conditions jeopardize the structural integrity of the Subject Property and compromise the safety of any entrants, including first responders, and the public. Remediate the ceiling conditions, including obtaining any required permits prior to commencing work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (5), (8), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

1 29.4. **Substandard Building. Structural Hazards. Missing Ceiling.** The ceiling of
2 the Subject Property is severely dilapidated, entirely missing in sections, and in
3 sections wood beams are fully exposed. The Subject Property is largely exposed
4 to the elements due to missing ceiling elements. These conditions jeopardize the
5 structural integrity of the Subject Property and compromise the safety of any
6 entrants, including first responders and the public. Remediate the ceiling
7 conditions, including obtaining any required permits prior to commencing work.
8 (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§
9 302(4), (5), (6), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC,
10 §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

11 29.5. **Substandard Building. Structural Hazards. Dilapidated Roof.** The roof of
12 the Subject Property is severely dilapidated, contains wood beams that are fully
13 exposed, and contains hanging debris at risk of falling. These conditions
14 jeopardize the structural integrity of the Subject Property and compromise the
15 safety of any entrants, including first responders and the public. Remediate the
16 roof conditions, including obtaining any required permits prior to commencing
17 work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1;
18 UCADB, §§ 302(4), (5), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7;
19 SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

20 29.6. **Substandard Building. Structural Hazards. Missing Roof.** The roof of the
21 Subject Property is entirely missing in sections, contains wood beams that are fully
22 exposed, and contains hanging debris at risk of falling. The Subject Property is
23 largely exposed to the elements due to missing roof elements. These conditions
24 jeopardize the structural integrity of the Subject Property and compromise the
25 safety of any entrants, including first responders and the public. Remediate the
26 roof conditions, including obtaining any required permits prior to commencing
27 work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1;
28

UCADB, §§ 302(4), (6), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.7. **Substandard Building. Rotting and Fire Damaged Roof.** Replace the rotting and fire damaged roofing elements. The parcel contains wooden roofing elements that are substantially deteriorated, fire damaged, and in some places roofing elements are hanging from the ceiling and at risk of falling and/or causing a collapse. Other parts of the dilapidated roofing are completely missing or rotting. The roof is severely damaged from a previous fire and continues to deteriorate posing a serious danger to any entrants. The rotting and fire damaged roof further creates a collapse hazard to workers and occupants, and allows for water, bird, and insect intrusion that will create further extreme health and safety dangers. Obtain any permits necessary to make all repairs. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (6), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.8. **Structural Hazard. Large, Unsecured, and Uncovered Holes in Flooring.** The Subject Property contains dangerous, missing, and damaged flooring. The missing flooring poses a significant danger to any entrant walking in the Subject Property and is a serious falling hazard. Repair and replace all flooring to meet building code standards and to eliminate all tripping and falling hazards. (HSC, § 17920.3(a)(14), (b), (c); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UCADB, §§ 302(1), (2); IMPC, §§ 305.1, 305.3, 305.4; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.9. **Unsafe Dilapidated Floors.** The Subject Property contains inadequate and damaged flooring that needs to be repaired or replaced to meet building code standards to prevent tripping and falling hazards. The flooring is cracked, covered in debris, and uneven. This poses a significant danger to any entrants and first responders in case of an emergency. (HSC, § 17920.3(a)(14), (b), (c); CBC, §

116.1; CFC, §§ 110.1.1, 701.2; UCADB, §§ 302(1), (2); IMPC, §§ 305.1, 305.3, 305.4; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.10. Substandard Building. Structural Hazards. Dilapidated Interior Walls.

Certain interior walls of the Subject Property are wholly missing drywall and proper finishing, exposing the wood framing throughout the Subject Property. The wood framing exposed is rotting and/or fire damaged, and in parts, there are crumbling materials. There is missing drywall and cracked or missing paint. The condition of the interior walls places the structural integrity of the Subject Property at risk of collapse and compromises the safety of any occupants, as well as other entrants, including first responders and the public. All walls need to be repaired or replaced and painted sufficiently to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3 (a)(14), (b)(4), (b)(5), (c); CBC, § 116.1; UCADB, §§ 302(8), (12), (17); IMPC, §§ 301.3, 305.3; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.11. Substandard Building. Structural Hazards. Missing Interior Walls.

Certain interior walls of the Subject Property are wholly missing, exposing all of the wood framing throughout the Subject Property. The wood framing therein is rotting and fire damaged. The condition of the interior walls places the structural integrity of the Subject Property at risk of collapse and compromises the safety of any occupants, as well as other entrants, including first responders and the public. All walls need to be repaired or replaced and painted sufficiently to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3 (a)(14), (b)(4), (b)(5), (c); CBC, § 116.1; UCADB, §§ 302(8), (12), (17); IMPC, §§ 301.3, 305.3; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.12. Substandard Building. Structural Hazards. Dilapidated Exterior Walls.

Certain exterior walls of the Subject Property are severely dilapidated, missing paint, rotting in sections, and fire damaged. All walls need to be repaired or replaced and painted sufficiently to meet building code standards. Obtain any

necessary permits to do so. (HSC, § 17920.3 (a)(14), (b)(4), (b)(5), (c), (g)(4); CBC, § 116.1; UCADB, §§ 302(8), (12), (17); IMPC, §§ 301.3, 305.3; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

29.13. Substandard Building. Missing Windows. Many windows of the Subject Property are entirely missing. Missing windows create faulty weather protection and expose the interior of the Subject Property to the elements. Almost the entire Subject Property is exposed to the elements. Repair all windows to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g)(2); CBC, § 116.1; UCADB, § 302(12); IPMC, §§ 304.2, 304.13, 305.3; SMC, §§ 5-09.03(c), (e); 9-1.20, 9-4, 9-6.)

29.14. Substandard Building. Boarded Up Windows. Many windows of the Subject Property have been boarded up. Boarded up windows create faulty weather protection, expose the interior to the elements, and are a visual blight. Repair all windows to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g)(2); CBC, § 116.1; UCADB, § 302(12); IPMC, §§ 304.2, 304.13, 305.3; SMC, §§ 5-09.03(c), (e); 9-1.20, 9-4, 9-6.)

29.15. Substandard Building. Plumbing Hazard. Exposed Plumbing. Plumbing pipes and fixtures are exposed or destroyed throughout the Subject Property in part because the wall finishes have been removed. Exposed plumbing throughout the Subject Property causes deterioration and creates a substantial safety hazard. All plumbing and related equipment that is modified or damaged shall not be used and must be brought into compliance with code standards. Obtain all necessary permits. (HSC, § 17920.3(a)(14), (c), (e); CBC, § 116.1; CPC, §§ 102.3, 312.4; UCADB, §§ 302(9), (17); IPMC, §§ 504.1, 506.2; SMC, §§ 9-1.20, 9-1.60, 9-4, 9-6.)

29.16. Substandard Building. Inadequate Sanitation. Lack of Bathroom Facility. There is no working and/or functional bathroom facility on the Subject Property. Repair or restore the bathroom facility of the Subject Property and obtain any

necessary permits to do so. (HSC, § 17920.3(a)(1), (a)(14), (c); CBC, § 116.1; IPMC, § 502.1; SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4.)

29.17. Substandard Building. Inadequate Sanitation. Unsafe Septic System. The septic and plumbing systems need to be certified by a licensed plumbing contractor that they are in safe and working condition. (HSC, § 17920.3(e); CBC, § 116.1; UCADB, §§ 302(9), (13), (17); CPC § 312.1; SMC, §§ 9-1.20, 9-1.60, 9-6.)

29.18. Substandard Building. Inadequate Sanitation. Lack of Ventilation. The Subject Property lacks proper ventilation, which can enable foul odors to permeate the Subject Property. This jeopardizes the health and safety of any occupants. Provide adequate ventilation for the Subject Property. Obtain all necessary permits to do so. (HSC, § 17920.3(a)(7), (c); IPMC, § 403.1; SMC, §§ 5-09.03(c), (e), 9-4.)

29.19. Substandard Building. Accumulation of Junk, Trash, and Debris. Interior. The interior of the Subject Property is filled with large amounts trash, debris, and rubbish. The accumulation of trash and rubbish creates a potential fire hazard and rodent harborage. The accumulation of trash and rubbish creates fire, safety, and sanitation hazards for any workers, occupants, first responders, and the general public. Remove all trash, debris, and rubbish from the interior of the Subject Property. (HSC, § 17920.3(a)(14), (c), (h), (j), (l); CBC, § 116.1; IPMC, §§ 305.1; SMC, §§ 5-09.03(a), (b), (c), (e), 9-1.20, 9-4, 9-6, 13-8.)

29.20. Substandard Building. Risk of Collapse. Various portions of the Subject Property are partially destroyed and fire damaged, and portions of several structures are at immediate risk of collapse, including roofing and wall elements. The parcel contains wooden elements that are substantially deteriorated posing a serious risk of collapse. In the event of a collapse, any workers or occupants could be severely injured or possibly killed. Repair or demolish the portions of the Subject Property at risk of collapse and bring into compliance with the pertinent

code sections. (HSC, § 17920.3(b), (c), (g), (k); CBC, § 116.1; UCADB, §§ 302(5), (8), (9), (13), (17); SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.21. **Substandard Building. Building Manifestly Unsafe.** Large portions of the Subject Property are manifestly unsafe due to structural issues, sanitation concerns, fire hazards, and other significant safety issues. Due to the fire damage, large portions of the Subject Property are at risk of collapse. Repair all structural, sanitation, fire, and other safety issues. Obtain all necessary permits to do so. (HSC, § 17920.3(b), (c); CBC, § 116.1; UCADB, §§ 302(5), (8), (9), (13), (17); IPMC, § 108.1.1; SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.22. **Substandard Building. Abandoned and Boarded Up Structure.** The Subject Property appears abandoned, and portions of the structures thereon are boarded up. The Subject Property's dire appearance is interfering with the neighboring community's reasonable enjoyment of life or property and constitutes a public nuisance. Repair and maintain the Subject Property to meet building code standards. (HSC, § 17920.3(a)(14), (b), (c); CBC, § 116.1; UCADB, §§ 302(9), (18); SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.23. **Substandard Building. Structural Hazards. Stairs.** The Subject Property contains structural hazards. For example, the stairwell on the Subject Property is deteriorated and has deteriorating wood throughout entirety of the stairway. Due to the general dilapidation of the Subject Property, the stairs themselves are a significant risk of collapse endangering any workers or occupants. Obtain all required permits and repair the structural hazards. (HSC, § 17920.3(a)(14), (b), (c); CBC, §§ 1.8.4.1, 116.1; UCADB, §§ 302(8), (9); IPMC, §§ 108.1.1, 304.10; SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.24. **Structural Hazards. Missing Handrails.** The Subject Property contains structural hazards. Due to the general dilapidation of the Subject Property, the handrails for the stairwell are missing. The stairs themselves, due to severe deterioration, pose a risk of collapse, this is further exacerbated by the absence of

the required handrails. Obtain all required permits and repair the structural hazards. (HSC, § 17920.3(c); CBC, §§ 1.8.4.1, 116.1, 1014, 1014.1; UCADB, §§ 302(8), (9); IPMC, §§ 108.1.1, 305.1.1, 305.2, 305.4, 305.5; SMC, §§ 9-1.20, 9-4, 9-6.)

29.25. Structural Hazards. Deteriorated Guards. The Subject Property contains structural hazards. Due to the general dilapidation of the Subject Property, guards along the open-sided walking surfaces pose a significant risk of collapse endangering any workers or occupants. Obtain all required permits and repair the structural hazards. (HSC, § 17920.3(c); CBC, §§ 1.8.4.1, 116.1, 1015.1, 1015.2; UCADB, §§ 302(8), (9); IPMC, §§ 108.1.1, 305.1.1, 305.2, 305.4, 305.5; SMC, §§ 9-1.20, 9-4, 9-6.)

29.26. Substandard Building. Dangerous Building. Building Code Violations. Numerous conditions on the Subject Property violate State and local building laws, including but not limited to, blighted vacant structure, severely dilapidated structure due to deteriorated walls, exposed plumbing, fire hazards, fire damage, noncompliant electrical wiring, and accumulation of combustible materials. The Subject Property must be remedied to satisfy all applicable State and local law requirements to make it safe. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(14), (b), (c), (g), (k); UCADB, § 302(13); SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.27. Substandard Building. Dangerous Building. Unsanitary Conditions. Numerous conditions on the Subject Property have made it unsanitary, including lack of electricity, exposed wood framing, and the accumulation of trash, debris, and rubbish in the interior and exterior of the Subject Property. These conditions increase the likelihood of health and safety issues for any entrant, including first responders in case of an emergency. The unsanitary conditions must be remedied to satisfy all applicable State and local law requirements. Obtain any necessary

permits to make the repairs. (HSC, § 17920.3(a)(14), (b), (c), (g), (k); UCADB, § 302(15); SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.28. **Substandard Building. Dangerous Building. Fire Hazard.** Due to dangerous and exposed electric wiring, exposed wood framing, previously fire damaged structures, and accumulation of combustible materials, the Subject Property is a fire hazard. Fire hazards create great risk of harm to any entrants such as first responders, and the surrounding community. The Subject Property must be remedied to satisfy all applicable State and local law requirements to remove fire hazards. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(10), (a)(14), (m); CFC, §§ 304.2, 605.1, 605.6; UCADB, § 302(16); SMC, §§ 5.09.03(a), (c), (e), 9-6, 13-8.)

29.29. **Substandard Building. Dangerous Building. Public Nuisance.** The Subject Property is in such a condition as to constitute a public nuisance, including issues with respect to the accumulation of trash and debris, lack of utilities, and fire hazards throughout the Subject Property's interior and exterior. Public nuisance conditions increase health and safety hazards for occupants and the surrounding community. The Subject Property must be remedied to satisfy all applicable State and local law requirements to stop it from being a public nuisance. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(5), (a)(10), (a)(14), (c); CBC, § 116.1; CFC, §§ 304.2, 605.1; IMPC, § 108.1.5; UCADB, § 302(17); SMC, §§ 5-09.03(a), (c), (e), 5-09.04, 9-1.20, 9-4, 9-6, 13-8.)

29.30. **Missing Fire Alarm System.** The Subject Property is missing the required fire alarm and fire notification systems. This condition constitutes a serious fire hazard. Install necessary fire alarms and fire notification systems. (HSC, § 17920.3(c), (h); CBC, § 116.1; CFC, § 1103.7; SMC, §§ 9-1.20, 13-8.)

29.31. **Fire Safety. Lack of Smoke Detectors.** The Subject Property lacks working smoke detectors. Missing smoke detectors exacerbate fire risks and delay first responders. Properly functioning smoke detectors must be installed and

maintained. (HSC, § 17920.3(a)(14), (c), (m); CBC, § 116.1; CFC, § 907.2; IPMC, § [F]704.1; SMC, §§ 9-1.20, 9-4, 13-8.)

29.32. **Fire Safety. Lack of Carbon Monoxide Detectors.** The Subject Property lacks working carbon monoxide detectors. Missing carbon monoxide detectors risks poisoning and death. Properly functioning carbon monoxide detectors must be installed and maintained. (HSC, § 17920.3(a)(14), (c), (m); CBC, § 116.1; CFC, §§ 907.2, 1103.1; IPMC, § [F]704.1; SMC, §§ 9-1.20, 9-4, 13-8.)

29.33. **Fire Safety. Electrical Hazards.** The Subject Property contains numerous electrical hazards, including exposed electrical wiring and other electrical components, which present a substantial fire and shock hazard. Any wiring or mechanical or electrical equipment that is modified or damaged that constitutes a fire or electrical shock hazard shall not be used and must be brought into compliance with the law. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(m); CFC, § 605.1; SMC, § 13-8.)

29.34. **Fire Safety. Exposed/Hazardous Electrical Wiring.** The Subject Property contains numerous electrical hazards, including exposed or hanging electrical wiring, which presents a substantial fire and shock hazard. Exposed wiring increases the risk of fire starting. Abate all exposed and dangerous wiring. Any modifications to electrical wiring may require obtaining a permit before commencing work. (HSC, § 17920.3(c), (d), (h); CBC, §§ 116.1, 2701.1; CFC, §§ 110.1.1, 605.1, 605.6; CEC, § 110.12(B); UCADB, §§ 302(9), (13), (17); IPMC, § 305.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6, 13-8.)

29.35. **Missing or Exposed Electrical Switches and Outlets.** Replace all missing, damaged, or exposed electrical switches, outlets, and outlet covers to meet building code standards. Missing or exposed electrical switches and outlets increase the risk of electrical shock to workers and occupants using the switches and outlets. Obtain all necessary permits. (HSC, § 17920.3(a)(10), (a)(14), (c), (d); CBC, §

116.1; CFC, § 605.6; UCADB, §§ 302(9), (13), (16), (17); IMPC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-4, 9-6, 13-8.)

29.36. **Missing or Improper Electrical Components.** There are missing or improper electrical components on the Subject Property. For example, electrical receptacles are missing necessary covers. Repair or replace all missing or improper electrical components. (HSC, § 17920.3(a)(10), (a)(14), (c), (d); CBC, §§ 116.1, 2701.1; CEC, § 406.5; UCADB, §§ 302(9), (13), (16); IPMC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6.)

29.37. **Dangerous Electrical Panel.** The Subject Property's electrical panels needs replacement to assure safe power distribution. Improper and unsafe electrical connections and panels create fire and shock hazards. Repair or replace all electrical connections and panels to meet electrical code requirements. Install proper labeling upon electrical panel. Any modifications to electrical connections and panels may require obtaining a permit before commencing work. (HSC, § 17920.3(c), (d); CBC, §§ 116.1, 2701.1; CEC, §§ 110.12(B), 334.10; UCADB, §§ 302(9), (13) (16); IPMC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6.)

29.38. **Missing or Free Hanging Light Fixtures.** Replace all missing light fixtures and repair all free hanging light fixtures to meet building code standards. Exposed light fixtures increase the likelihood of workers and occupants being harmed from electrical shock. (HSC, § 17920.3(a)(10), (a)(14), (c); CBC, § 116.1; UCADB, §§ 302(9), (13), (16); IMPC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-4, 9-6.)

29.39. **Missing Light Fixture Covers.** Multiple light fixtures throughout the Subject Property are missing necessary covers. Exposed light fixtures increase the risk of fire and electrical shock. Repair or replace all missing electrical covers. (HSC, § 17920.3(a)(10), (a)(14), (c), (d), (h); CBC, §§ 116.1, 2701.1; CEC, § 110.12(B); UCADB, §§ 302(9), (13), (16); IPMC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6.)

29.40. **Property Maintenance. Uneven Interior Surfaces.** The Subject Property contains damaged walls and ceiling surfaces. Uneven surfaces can create impediments during emergencies for first responders and are signs of dilapidation of the Subject Property. All interior surfaces, including doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Obtain all required permits to do so. (HSC, § 17920.3(a)(14), (c); CBC, § 116.1; UCADB, §§ 302(1), (2), (17); IPMC §§ 305.1, 305.1.1, 305.2, 305.3, 305.4; SMC, §§ 5-09.03(a), (b), (c), (e), 9-1.20, 9-4, 9-6.)

29.41. **Property Maintenance. Lack of Protective Treatment.** The Subject Property's exterior walls are dilapidated, lack paint or stucco in parts, and have chipped paint. Faulty weather protection allows moisture and heat to enter the premises, which may undermine the building's construction and allows for the spread of mold. Repair and/or repaint the exterior walls. (HSC, § 17920.3(a)(14), (b), (c), (g); CBC, § 116.1; IPMC, §§ 304.1, 304.1.1, 304.2, 304.6; SMC, §§ 9-1.20, 9-4.)

29.42. **Property Maintenance. Window, Skylight, and Door Frames.** Windows, doors, and doorframes throughout the Subject Property are missing or damaged. For example, several windows are missing and/or boarded up, several doors within the Subject Property are missing, and within the Subject Property there are no door frames. Fix and/or install all windows, doors, and doorframes. Obtain all necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g); §§IPMC, §§ 304.13, 305.6.)

29.43. **Damaged Foundation.** The foundation of numerous structures on the Subject Property are severely damaged due to exposure to the elements, general lack of maintenance, and abandonment. The Subject Property is seriously damaged from a fire and unsafe for occupancy or habitation. Damaged foundation could lead to collapse, posing a serious health and safety hazard to all entrants, including first

responders. Repair or demolish the damaged foundation. Obtain all necessary permits. (HSC, § 17920.3(a)(14), (b)(1), (c); CBC, § 116.1; UCADB, §§ 302 (9), (13), (17); IMPC, §§ 304.1, 304.5; SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4, 9-6.)

29.44. **Substandard Building. Lack of Adequate Heating.** The Subject Property lacks adequate heating. This condition creates a dangerous and immediate health and safety hazard to occupants and the public. Provide and maintain proper heating facilities as required by law. Proper heating equipment must be replaced or installed to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(6), (a)(14), (c); CBC, § 116.1; SMC, § 9-1.20.)

29.45. **Substandard Building. Inadequate Windows.** Many windows on the Subject Property are either missing, boarded up, or wholly inadequate. Gaps exist between some of these windows and their framing, and the perimeter of the windows are neither weather resistant nor watertight. Inadequate windows create faulty weather protection and expose the interior of the Subject Property to the elements. Repair all damaged windows to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g)(2); CBC, § 116.1; UCADB, § 302(9), 302(17); IPMC, §§ 304.2, 304.13; SMC, §§ 9-1.20, 9-4, 9-6.)

29.46. **Dangerous Building. Unsafe Walking Surface.** Walking surfaces inside the Subject Property are unsafe due to dilapidated flooring, are obstructed by accumulated trash and rubbish, and do not provide safe and adequate means of exit in case of fire or emergency for occupants or first responders exacerbating the risk of injury. Repair all walking surfaces according to code standards. Obtain all necessary permits to do so. (HSC, § 17920.3(b)(1), (c); CBC, § 116.1; UCADB, §§ 302(2), (9); IPMC, § 305.4; SMC, §§ 9-1.20, 9-4, 9-6.)

29.47. **Unsafe Dilapidated or Missing Doors.** There is general dilapidation and improper maintenance of doors on the Subject Property. Install, repair, or replace all doors as necessary. Broken or damaged doors constitute faulty weatherproofing, which allows the elements to enter the interior of the Subject

Property and causes further structural damage. Faulty weatherproofing also exacerbates the growth and proliferation of dangerous mold. Repair or replace all damaged or dilapidated doors on the Subject Property. (HSC, § 17920.3(a)(14), (c), (g), (k), (l); CBC, § 116.1; UCADB, §§ 302(1), (9); IPMC, §§ 305.1, 305.6; SMC, §§ 9-1.20, 9-4, 9-6.)

29.48. **General Dilapidation and Lack of Maintenance.** The entire Subject Property is dilapidated and improperly maintained with numerous health and safety concerns, including structural, sanitation, electrical, mechanical, and plumbing issues. The Subject Property is substandard, seriously damaged, and unsafe for occupancy or habitation. A serious fire caused significant damage to the Subject Property, exposing the same to the elements and creating serious health and safety hazards to any entrants, first responders, and the neighborhood. Make all necessary repairs and obtain all required permits. (HSC, § 17920.3(a)(14), (c); IPMC, §§ 305.1, 307.1; CBC, § 116.1; SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4, 9-6.)

29.49. **Substandard Structures.** The Subject Property is in substandard condition in violation of the CBC and other building codes. There are numerous conditions in the buildings that violate State and local building laws. A serious fire caused significant damage to the Subject Property, exposing the same to the elements and creating serious health and safety hazards to any entrants, first responders, and the neighborhood. Make all necessary repairs to comply with the CBC, other building codes, and all State and local laws. (HSC, § 17920.3(b), (c); CBC § 116.1, SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4, 9-6.)

29.50. **Property Maintenance. Interior Rubbish and Rodent Harborage.** The interior of the Subject Property contains a large amount of rubbish and waste accumulation. This poses a major health and safety risk to any entrants, the community, and first responders. Obtain services of an approved agency to exterminate any rodent infestation and eliminate rodent harborage(s) and prevent

infestation. (HSC, § 17920.3(a)(12), (c); CBC, § 116.1; IPMC, §§ 309.1; SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6, 16-40, 16-44–16-46.)

29.51. **Property Maintenance. Interior Rubbish and Insect Harborage.** The interior of the Subject Property contains a large amount of rubbish and waste accumulation. This poses a major health and safety risk to any entrants, the community, and first responders. Obtain services of an approved agency to exterminate any insect infestation and eliminate insect harborage(s) and prevent infestation. (HSC, § 17920.3(a)(12), (c); CBC, § 116.1; IPMC, §§ 309.1; SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6, 16-40, 16-44–16-46.)

29.52. **Excessive Storage.** A significant amount of abandoned and fire damaged construction materials, fire damaged wooden elements, and other junk, trash, and debris are improperly stored throughout the interior of the Subject Property. The excessive storage limits egress and poses a fire hazard. Clear all excessive storage throughout the Subject Property. (HSC, § 17920.3(a)(14), (c), (f), (j); CBC, 116.1; UCADB, §§ 302(1), (2), (9), (17); IPMC, §§ 302.8, 305.1, 307.1, SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

29.53. **Property Maintenance. Lack of Clearance Between Combustible Materials and Sources of Ignition.** Multiple destroyed and/or damaged electrical fixtures on the Subject Property are surrounded by debris exposing live parts to combustible material, thereby increasing the risk of combustion. Clear and maintain proper clearances from sources of ignition. (HSC, § 17920.3(a)(14), (c), (m); CBC, § 116.1; CFC, § 605.1; IPMC, § 603.3; SMC, §§ 9-4, 13-8.)

29.54. **Improper Storage of Combustible Materials.** Combustible materials are currently being improperly stored on the Subject Property. Improper storage of combustible materials poses a significant risk of fire and poses a serious risk of fire spreading to adjacent properties. This danger is particularly dangerous at the Subject Property since a fire has already previously erupted at the Subject Property and caused overwhelming damage. Remove all improperly stored combustible

materials from the Subject Property. (HSC, § 17920.3(a)(14), (c), (h); CBC, § 116.1; CFC, § 315.3; UCADB, §§ 302(9), (16); IPMC, § 108.1.2; SMC, §§ 9.1-20, 9-4, 9-6, 13-8.)

29.55. **Exit and Egress Routes Blocked.** Egress routes and windows are blocked or severely compromised by the large amounts of trash and debris and fire damaged structural components. These conditions increase the likelihood of injury in an emergency by trapping workers and occupants inside the building. Blocked exit and egress routes including, but not limited to, obstructed, boarded up, or sealed windows, constitute a fire hazard. All exits and egress routes, including windows, must be cleared and remain unobstructed to allow for proper access in emergencies. (HSC, § 17920.3(a)(14), (c), (h), (l); CBC, § 116.1; CFC, §§ 1030.1, 1030.2, 1030.3; UCADB, §§ 302(1), (2); IPMC, §§ 304.1, 305.1, 305.3; SMC, §§ 9-1.20, 9-4, 9-6, 13-8.)

29.56. **Nuisance. Dangerous Walkways.** The Subject Property contains obstructed and uneven walkways due to the extreme accumulations of debris and fire damaged elements. Some walkways in the Subject Property also contain large holes or gaps creating serious risks of falling. Repair or replace all dangerous walkways. Obtain all necessary permits to do so. (HSC, § 17920.3(c); UCADB, §§ 302(1), (2); SMC, § 9-6.)

29.57. **Insufficient Fire Rated Construction.** The required fire-resistance rating of a fire-resistance-rated construction has not been maintained. Insufficient fire rated construction increases the likelihood of a fire starting or spreading to the structures, and places workers, occupants, and neighbors in peril. (HSC, § 17920.3(c), (m); CBC, § 116.1; CFC, § 703.1; UCADB, §§ 302(9), (16); IPMC, § 703.1; SMC, §§ 9-1.20, 9-4, 9-6, 13-8.)

29.58. **Faulty Weather Protection.** Multiple windows are either missing, broken, or boarded up. The Subject Property lacks doors in many areas. Some areas are missing walls and ceilings entirely. Faulty weather protection allows moisture and

heat to enter the building, which may undermine the building's construction and allows for the spread of mold. Faulty weather protection also allows intrusion by rodents, insects, and vermin. Repair or replace all missing, broken, or boarded up windows. Repair all holes in walls. Ensure all areas contain adequate walls and ceilings. Some of these corrections may require obtaining building permits. Obtain all required permits to do so. (HSC, § 17920.3(c), (g); CBC, § 116.1; UCADB, §§ 302(9), (16); IPMC, §§ 304.1, 304.2, SMC, §§ 5-09.03(a), (b), (c), (e), 9-1.20, 9-4, 9-6.)

29.59. **Chipping or Cracking Exterior Paint.** The paint on the exterior of the Subject Property is in such a condition as to permit decay, cracking, peeling, chalking, and warping. Repair the exterior walls and repaint the exterior so it is free from chips and cracks. (HSC, § 17920.3(c), (g); IPMC, §§ 304.2, 304.6; SMC, §§ 5-09.03(a), (b), (c), (e), 9-4.)

29.60. **Chipping or Cracking Interior Paint.** The paint on the interior of the Subject Property is in such a condition as to permit decay, cracking, peeling, chalking, and warping. Repair the interior walls and repaint the interior so it is free from chips and cracks. (HSC, § 17920.3(c), (g); IPMC, §§ 304.2, 304.6; SMC, §§ 5-09.03(a), (b), (c), (e), 9-4.)

29.61. **Unmaintained, Dilapidated, and Broken Elevator.** There is an unmaintained, dilapidated, and broken elevator on the Subject Property. The elevator poses a serious health and safety risk as the elevator and the surrounding areas are accessible. Materials and parts for the elevator are rusting, dilapidated, and damaged from fire. These conditions create an attractive nuisance. Repair or demolish the elevator. (HSC, § 17920.3(a)(14), (c), (f) (i); CBC, § 116.1; UCADB, §§ 302(8), (9), (16), (17); IPMC, §§ 305.1, 305.1.1; SMC, §§ 9-1.20, 9-4, 9-6.)

29.62. **Unmaintained, Dilapidated, and Abandoned Materials of Construction.** All materials of construction for the Subject Property must be maintained in good and

safe condition. These abandoned and unmaintained materials create extreme hazards and pose a danger to all entrants and first responders in case of an emergency. (HSC, § 17920.3(a)(14), (c), (i); CBC, § 116.1; UCADB, §§ 302(9), (16), (17); IPMC, § 304.1, SMC, §§ 9-1.20, 9-4, 9-6.)

29.63. **Junk and Debris Creating Fire Hazard.** The Subject Property is full of junk, trash, and debris including abandoned mechanical equipment, construction materials, and portions of the building that have fallen or collapsed. All junk and debris must be cleared from the Subject Property to reduce the fire and health hazards. Accumulation of junk and debris can serve as a harborage for vermin, which spread illness and damage property. Excess debris also facilitates the spread of fire and places occupants and first responders in peril. (HSC, § 17920.3(a)(14), (c), (j); CBC, § 116.1; UCADB, §§ 302(9), (16), (17); IPMC, §§ 305.1, 307.1, 308.1; SMC, §§ 5-09.03(a), (b), (c), (e); 9-1.20, 9-4, 9-6.)

29.64. **Missing Insulation.** The Subject Property lacks proper insulation, which must be installed to meet building code standards. Insulation provides proper temperature protection to any and all workers and occupants. Failure to install requisite insulation prevents the structures from staying cool during hot days, and hot during cool seasons. (HSC, § 17920.3(c); CBC, § 116.1; SMC, § 9-1.20.)

29.65. **Lack of Adequate Climate Control.** The structures lack adequate climate control. Inadequate climate control exposes entrants and occupants to the mercy of the elements. (HSC, § 17920.3(a)(6), (c); CBC, § 1204.1; UCADB, §§ 302(9), (13); IPMC, §§ 602.4, 605.1; SMC, §§ 9-1.20, 9-4, 9-6.)

29.66. **Mold.** Evidence of mold has been observed on the Subject Property. There are missing roofing components, holes in interior and exterior walls, and missing, broken, or boarded up windows present on the Subject Property. Each of these conditions exposes the Subject Property to the elements and creates an environment suitable for the growth of mold—creating an unsafe and unsanitary environment for any occupants or workers. Mold is hazardous to human life and

1 must be removed from the Subject Property. (HSC, § 17920.3(a)(11)–(14), (c);
2 CBC, § 116.1; ABD, § 302(17); IPMC, § 305.1; SMC, §§ 9-1.20, 9-4, 9-6.)

3 29.67. **Water Damage.** There is water damage to several areas throughout the Subject
4 Property. There are missing roofing components, holes in interior and exterior
5 walls, and missing, broken, or boarded up windows present on the Subject
6 Property. These conditions permit moisture to accumulate on the Subject Property.
7 Water damage can also lead to the growth of dangerous mold. Repair or replace
8 all water-damaged elements and make all necessary repairs to ensure no additional
9 damage. (HSC, § 17920.3(a)(11)–(14), (c), (g); CBC, § 116.1; UCADB, §§
10 302(15), (17); SMC, §§ 9-1.20, 9-4, 9-6.)

11 29.68. **Blight.** The Subject Property in its current condition is an eyesore and a source of
12 blight within the community. Blight attracts crime and reduces the property values
13 of innocent neighbors. Bring the Subject Property into compliance with all
14 relevant local and State laws, as well as into conformity with the maintenance
15 standards of the rest of the community. (HSC, § 17920.3(c); SMC, 5-09.03(a), (b),
16 (c), (e).)

17 29.69. **Excessive Trash and Debris.** The Subject Property contains piles of trash, debris,
18 and rubbish, including fire damaged structural components. Remove all trash,
19 debris, and rubbish from the Subject Property. (HSC, § 17920.3(c), (j); SMC, §§
20 5-09.03(a).)

21 29.70. **Attractive Nuisance.** The Subject Property has become so dilapidated and
22 deteriorated as to become an attractive nuisance to children and potential
23 trespassers and transients. The conditions of the parcels on the Subject Property
24 also invites vandalism. Some of the windows are boarded up. Moreover, the
25 Subject Property is substandard, there are gaps in walkways, contains an
26 inoperable elevator, and contains many other conditions that make the Subject
27 Property a risk and danger to any entrants, including children. In order to protect
28 the health and safety of workers, occupants, entrants, neighbors, and the

community, remove all conditions creating attractive nuisances. (HSC, § 17920.3(c); UCADB, § 302(12); SMC, 5-09.03(a), (b), (c), (e), 5-09.04.)

30. These unlawful, dangerous, and substandard conditions on the Subject Property—only a fraction of which are identified above—substantially endanger the health and safety of occupants, workers, first responders, neighbors, and the public in general. The Subject Property poses a severe risk of injury to neighboring properties, the community and any occupants due to unsanitary and hazardous conditions that exist thereon.

31. Over the past several years, the City has drained public resources attempting through all feasible methods to obtain compliance and rehabilitation of the Subject Property. However, nothing has worked. Defendants have uninterruptedly maintained structural hazards, unsanitary and unsafe conditions, and fire and shock hazards, causing more neighbor complaints and City responses. The City has graciously and in good faith granted numerous extensions to gain voluntary compliance, but Defendants have responded only with either unfulfilled promises or complete disregard.

32. The City has provided Defendants an adequate and reasonable opportunity to correct the substandard conditions, but Defendants have failed and refused to do so. Given Defendants' record of noncompliance dating back to at least 2015, and their failure to comply with the N&O, it is clear Defendants will not maintain the Subject Property or bring it into compliance with the law, let alone in a timely and complete manner.

33. Considering the numerous substandard and dangerous conditions existing on the Subject Property—severe fire damage; unsafe and unsanitary conditions; extremely dangerous structural hazards (such as structures at risk of collapse); fire hazards; shock hazards; blocked egress routes; hazardous electric wiring and other electrical components; and excessive amounts of junk, trash, and other debris throughout the interior of the Subject Property (a further fire hazard)—there is a strong likelihood of injury to any occupants, workers, neighbors, first responders, and the community. Defendants are aware these conditions constitute a public nuisance, but have failed to take necessary steps to curtail the violations or unlawful business activities.

1 34. Without the imposition of injunctive relief by this Court, the violations of law and
2 substandard conditions on the Subject Property will continue to deteriorate and will remain in violation
3 of the law, further endangering the health and safety of the community.

4 35. Without the imposition of injunctive relief by this Court, the unlawful business activities
5 and business practices on the Subject Property will continue to exist.

6 36. Without the appointment of a receiver by this Court, the substandard conditions on the
7 Subject Property will continue to deteriorate, further endangering the health and safety of any occupants,
8 workers, neighbors, first responders, and the community.

9 37. Accordingly, the appointment of a receiver to abate the unlawful, dangerous, and
10 substandard conditions on the Subject Property pursuant to B&P section 17203, HSC section 17980.7(c),
11 and CCP 564, among other laws, is necessary and proper.

12 38. Due to Defendants' failure to abate or correct violations of law, unlawful business activities,
13 and nuisances on the Subject Property, the City has incurred expenses, including, but not limited to, City
14 staff costs, attorneys' fees, litigation costs, abatement costs, and other incidental costs, which it is entitled
15 to recover from Defendants pursuant to the SMC, HSC and other laws.

16 **FIRST CAUSE OF ACTION**

17 **(Public Nuisance—Against All Defendants)**

18 **(Civil Code sections 3479, 3480, 3491, and 3494)**

19 39. The City re-alleges and incorporates all previous paragraphs as though set forth herein.

20 40. The City brings this action pursuant to CCP sections 526(a) and 731, and Civil Code sections
21 3479, 3480, 3491, and 3494.

22 41. According to Civil Code section 3479, anything that is injurious to health, is indecent or
23 offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the
24 comfortable enjoyment of life or property, is a nuisance.

25 42. Defendants' maintenance of the Subject Property in violation of numerous State and local
26 laws—which includes severe fire damage; unsafe and unsanitary conditions; extremely dangerous
27 structural hazards (such as structures at risk of collapse); fire hazards; shock hazards; blocked egress
28 routes; hazardous electric wiring and other electrical components; and excessive amounts of junk, trash,

1 and other debris throughout the interior of the Subject Property (a further fire hazard)—is injurious to
2 the public health, offensive to the senses, and interferes with the public’s comfortable enjoyment of life
3 and property.

4 43. Civil Code section 3480 defines a public nuisance as one, which affects at the same time an
5 entire community or neighborhood, or any considerable number of persons, although the extent of the
6 annoyance or damage inflicted upon individuals may be unequal.

7 44. As set forth in this Complaint, the numerous violations of law that currently exist on the
8 Subject Property pose a significant and immediate threat to the health and safety of the public, occupants
9 and entrants, and surrounding community, including extreme fire damage, structures at risk of collapse,
10 and excessive amounts of junk, trash, and other debris throughout the Subject Property, which present a
11 further severe fire and safety hazard and block necessary means of egress. Therefore, the Subject
12 Property constitutes a nuisance and is subject to injunctive relief to prohibit continuing violations, future
13 violations, and to cause compliance with the law.

14 45. Each of the Defendants is individually liable for, and has individually contributed to,
15 permitted, or allowed, the maintenance of the aforementioned public nuisances on the Subject Property.

16 46. The City has attempted to gain compliance for several years to no avail. Due to Defendants’
17 track record of non-compliance and failure to comply with the N&O, Defendants continue to maintain
18 conditions on the Subject Property that violate numerous State and local laws and threaten the health,
19 safety, and welfare of the public.

20 47. Unless Defendants are enjoined by the Court from maintaining or allowing the continued
21 nuisances on the Subject Property, the Subject Property will continue to threaten the health, safety, and
22 welfare of any occupants, first responders, community and the general public.

23 48. The City has no plain, speedy, or adequate alternative remedy at law to abate the public
24 nuisances alleged herein other than a receivership and injunctive relief, which is authorized by CCP
25 sections 526, 527, and 731.

26 49. Moreover, injunctive relief is necessary in this matter because: (1) pecuniary compensation
27 would not afford adequate relief to the continuing threat to the public posed by the illegal activities on
28 the Subject Property; (2) it would be extremely difficult to ascertain the amount of compensation which

1 would afford adequate relief to each affected member of the public; (3) individual lawsuits by the
2 adversely affected members of the public would be a waste of judicial resources; and (4) the ongoing
3 nature of the violations would result in a multiplicity of judicial proceedings.

4 50. Given the immediate harm to the health and safety of the public and the harm to the free use
5 and enjoyment of other property in the area, a temporary restraining order and preliminary and permanent
6 injunctions are necessary to prevent any further illegal conditions and activities on the Subject Property.

7 51. As a result of Defendants maintaining the Subject Property as a public nuisance, the City
8 has and will continue to incur nuisance abatement costs, including, but not limited to, City staff costs,
9 attorneys' fees, litigation costs, investigation costs, and other costs, which it is entitled to recover
10 pursuant to applicable law.

11 **SECOND CAUSE OF ACTION**

12 **(Nuisance Per Se—Against All Defendants)**

13 **(Salinas Municipal Code)**

14 52. The City re-alleges and incorporates all previous paragraphs as though set forth herein.

15 53. Pursuant to SMC section 1-01.11, the City Attorney is authorized to bring civil suit to
16 enforce the SMC and to abate any public nuisance.

17 54. The City brings this action pursuant to SMC sections 1-01.11 and 5-09.16, which permit the
18 City to abate nuisances and enforce violations of the SMC by seeking injunctive relief, among other
19 remedies.

20 55. Government Code section 38771 authorizes cities to declare by ordinance what constitutes
21 a nuisance. Any condition caused, maintained, allowed, or permitted to exist in violation of the SMC is
22 deemed a public nuisance. (SMC, § 1-01.11(a), 5-09.04.)

23 56. SMC section 5-09.03, among other sections, enumerate specific conditions which constitute
24 a nuisance per se.

25 57. When a City's municipal code declares certain conditions to be a nuisance, those conditions
26 are a nuisance per se and no proof is required beyond the existence of the condition itself. (*City of Costa*
27 *Mesa v. Soffer* (1992) 11 Cal.App.4th 378, 382.)
28

1 58. The City has adopted the CBSC, CBC, CFC, CEC, CPC, UCADB, and the IPMC pursuant
2 to SMC Chapter 9. Thus, pursuant to SMC sections 1-01.11(a) and 5-09.04, any violation of these
3 adopted codes constitutes a violation of the SMC and are deemed a public nuisance per se.

4 59. Defendants have allowed, maintained, and caused violations of the HSC, CBSC, CBC, CFC,
5 CEC, CPC, UCADB, IPMC, and the SMC to occur on the Subject Property for the past several years.
6 These violations, including, but not limited to, excessive accumulation of junk, trash and other debris,
7 faulty weatherproofing, structural hazards, and vacant and abandoned property, are fully detailed in the
8 N&O that is attached hereto as Exhibit B and it is incorporated herein.

9 60. Defendants continue to allow nuisances per se to persist on the Subject Property and, unless
10 enjoined from continuing the nuisance activity, will continue to allow the nuisances to persist. Therefore,
11 a temporary restraining order and preliminary and permanent injunctions issued by this Court are
12 necessary to prevent the continuation of these and other public nuisances on the Subject Property.

13 61. Due to Defendants' maintenance of the Subject Property as a nuisance per se, the City has
14 incurred expenses, including, but not limited to, City staff costs, attorneys' fees, litigation costs,
15 abatement costs, and other incidental costs. The City is entitled to recover all costs, expenses, and fees
16 from Defendants pursuant to applicable law.

17 62. In addition, pursuant to SMC section 5-09.16, Defendants are liable for civil penalties up to
18 one thousand dollars for each order of abatement issued by the City on and after the second such order.

19 **THIRD CAUSE OF ACTION**

20 **(Unlawful Business Practices—Against All Defendants)**

21 **(Business and Professions Code section 17203)**

22 63. The City re-alleges and incorporates all previous paragraphs as though set forth herein.

23 64. B&P section 17200, *et seq.* ("Unfair Competition Law") provides that unfair competition
24 includes "any unlawful, unfair or fraudulent business act or practice." An unlawful business activity
25 includes "anything that can properly be called a business practice and that at the same time is forbidden
26 by law." (*People v. McKale* (1979) 25 Cal.3d 626, 632; *Olszewski v. Scripps Health* (2003) 30 Cal.4th
27 798, 827.)
28

65. Failure to comply with local codes constitutes an unlawful business practice. (See *People v. McKale* (1979) 25 Cal.3d 626, 632; *Stoiber v. Honeychuck* (1980) 101 Cal.App.3d 903, 928.)

66. B&P section 17203 provides that “[a]ny person who engages, has engaged, or proposed to engage in unfair competition may be enjoined,” and that the court may make any order necessary to prevent unfair competition, “including the appointment of a receiver.”

67. Person includes “natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.” (B&P, § 17201.) Defendants, therefore, are included in the definition of “person” under the Unfair Competition Law.

68. The remedies provided by the Unfair Competition Law are cumulative to the other remedies sought and are not exclusive of any penalties available under all other laws of this State. (B&P, § 17205.)

69. B&P section 17203 authorizes the City to bring an action for relief pursuant to the Unfair Competition Law, and this Section exempts the City from any other standing requirements.

70. At all times relevant to this Complaint, Defendants have operated and had a legal interest in the substandard and substantially dangerous structures used for commercial purposes. The building itself is located in a commercial zone. At all times relevant to this Complaint, Defendants have engaged in, maintained, suffered, and/or otherwise permitted illegal conditions on the Subject Property.

71. Defendants have maintained, allowed, and operated the Subject Property in a manner which violates the HSC, CBSC, CBC, CFC, CEC, CPC, UCADB, IPMC, the SMC, and other applicable laws.

72. By allowing the violations alleged above to exist on the Subject Property, Defendants have engaged in unlawful business practices constituting unfair competition within the meaning of the Unfair Competition Law.

73. Each of the Defendants is responsible for conducting, maintaining, and directly or indirectly permitting the practice of unfair competition in violation of the Unfair Competition Law.

74. These violations render each Defendant subject to the remedies provided in B&P section 17203.

75. In addition, the Court has authority to make any order necessary to prevent the unfair competition practice. B&P section 17203 specifically provides for the appointment of a receiver and for

1 injunctive relief. This provides yet another basis to issue injunctive relief and to appoint a receiver over
2 the Subject Property.

3 76. B&P section 17203 authorizes the City to bring an action under this section.

4 77. Due to Defendants' operation of unlawful business practices and activities, the City has
5 incurred expenses, including, but not limited to, City staff costs, attorneys' fees, litigation costs,
6 abatement costs, and other incidental costs.

7 **FOURTH CAUSE OF ACTION**

8 **(Receivership—Against All Defendants)**

9 78. The City re-alleges and incorporates all previous paragraphs as though set forth herein.

10 79. HSC section 17980(a) requires the City to institute an appropriate action or proceeding to
11 prevent, restrain, correct, or abate violations of law or nuisances upon the Subject Property.

12 80. The Subject Property contains extensive building code violations and other nuisance
13 conditions that substantially endanger the health and safety of the public and violate numerous State and
14 local laws, including, but not limited to, the HSC, CBSC, CBC, CFC, CEC, CPC, UCADB, IPMC, and
15 the SMC. These violations are so extensive and of such a nature that the health and safety of any
16 occupants, first responders, neighbors, and the public is substantially endangered.

17 81. The City has afforded Defendants the maximum amount of rehabilitation time permitted
18 pursuant to HSC section 17980(a). Since enforcement efforts first began, Defendants have had several
19 years to improve the conditions on the Subject Property, which Defendants have not done. Further, the
20 N&O that was issued on October 7, 2019, provided an additional 30 days for the Subject Property to be
21 rehabilitated. Defendants have failed to abate the violations, and any party that may have an interest in
22 or responsibility for the Subject Property has been unwilling or unable to take the necessary steps to
23 abate the violations of law.

24 82. HSC section 17980.7(c) requires that at least three days advanced notice ("3 Day Notice")
25 of the filing of this Complaint be posted on the Subject Property and mailed to all persons with a recorded
26 interest in the Subject Property. True and correct copies of the proofs of service for the 3 Day Notices
27 are collectively attached to this Complaint as Exhibit C and they are incorporated herein.

83. Pursuant to HSC section 17980.7(c), the City requests that the Court appoint a receiver to take full and complete possession and control of the Subject Property in order to rehabilitate the Subject Property and bring the Subject Property into compliance with all applicable laws.

84. The City also requests that the Court appoint a receiver over the Subject Property pursuant to CCP section 564, subdivisions (b)(3) and (b)(9).

85. Based on Defendants' failure to comply with the N&O, pursuant to HSC section 17980.7(b)(1), Defendants are not entitled to claim any deduction with respect to State taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to the Subject Property for taxable year 2019, and during the pendency of this action.

86. Due to Defendants' continued failure to comply with the City's notices, N&O, and other enforcement efforts, the City has been forced to file this Complaint to seek the Court's appointment of a receiver. As a result, the City has incurred, and will continue to incur, City staff costs, administrative expenses, court costs, attorneys' fees and other nuisance abatement costs. The City is entitled to recover all costs, expenses, and fees from Defendants pursuant to HSC sections 17980.7(c)(11) and 17980.7(d)(1), as well as SMC section 1-01.13.

PRAYER FOR RELIEF

WHEREFORE, the City prays for judgment against Defendants as follows:

1. For the Court to find and declare that the Subject Property is a Public Nuisance and a Nuisance Per Se.

2. For the Court to find and declare that Defendants have engaged in unpermitted business activities and business practices on the Subject Property in violation of applicable laws, including the Civil Code, SMC, B&P section 17203, and other applicable laws.

3. For the Court to find and declare that the operation/condition of the Subject Property constitutes an unlawful business practice.

4. For the Court to find and declare that the Subject Property contains violations of law that are so extensive and of such a nature that the health and safety of residents, neighbors, and the public is substantially endangered.

1 5. For the Court to find and declare that Defendants were properly issued the N&O pursuant to
2 law.

3 6. For the Court to find and declare that Defendants failed to correct the substantially dangerous
4 conditions on the Subject Property despite having been afforded an adequate and reasonable opportunity
5 to do so.

6 7. For the Court to enjoin Defendants from maintaining or continuing the nuisances and
7 violations on the Subject Property.

8 8. For the Court to appoint a court receiver to take possession and control of the Subject
9 Property, as requested herein, pursuant to HSC section 17980.7(c), B&P section 17203, and/or CCP
10 section 564(b)(3) and/or 564(b)(9), and other applicable laws.

11 9. For the Court to grant the court receiver the authority to do all the following, pursuant to HSC
12 sections 17980, *et seq.* and 17980.7, B&P section 17203, and CCP sections 564 through 570:

- 13 a) Take full and complete control of the Subject Property.
- 14 b) Manage the Subject Property and pay the expenses of the operation of the Subject
15 Property, including taxes, insurance, utilities, general maintenance, and debt secured
16 by an interest in the Subject Property.
- 17 c) Secure cost estimates and construction plans from licensed contractors for the
18 repairs necessary to correct all building and code violations on the Subject Property.
- 19 d) Enter into contracts and employ licensed contractors as necessary to correct the
20 conditions on the Subject Property, to include demolition or repair.
- 21 e) Exercise the powers granted to receivers under CCP section 568.
- 22 f) Collect all rents and income from the Subject Property, and to use all rents and
23 income to pay for the cost of the rehabilitation and repair of the Subject Property.
- 24 g) Borrow all funds necessary to pay for repairs to correct all conditions on the Subject
25 Property.
- 26 h) Secure all borrowed funds, costs, expenses, and fees associated with the
27 rehabilitation of the Subject Property with super-priority liens against the Subject
28 Property, superior to any and all pre-existing liens.

1 i) Borrow funds to pay the City its reasonable and actual City staff enforcement costs
2 including, but not limited to, inspection costs, investigation costs, enforcement
3 costs, and reasonable attorneys' fees and statutory costs out of the receivership
4 estate, and to secure those funds against the Subject Property with super-priority
5 liens the same as all other borrowed funds, as provided by HSC sections 17980, *et*
6 *seq.* and 17980.7(d)(1), as well as SMC section 1-01.13 and chapter 5.09.

7 10. For the Court to enjoin Defendants from collecting rents or income from the Subject
8 Property, from interfering with the court receiver in the operation and rehabilitation of the Subject
9 Property, and from encumbering or transferring any interest in the Subject Property, as required by HSC
10 section 17980.7(c)(3).

11 11. For the Court to order Defendants not to claim any deduction with respect to State taxes for
12 interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to the Subject
13 Property for taxable year 2019 and during the pendency of this action, pursuant to HSC section
14 17980.7(b)(1).

15 12. For the Court to issue a temporary restraining order, preliminary and permanent injunctions,
16 pursuant to the SMC, Civil Code, B&P and other applicable laws, prohibiting Defendants from
17 maintaining or allowing any public nuisances on the Subject Property or in the City, requiring
18 Defendants to abate all violations of law on the Subject Property, and prohibiting Defendants from
19 continuing to cause, permit, or allow unlawful business practices which constitute unfair competition or
20 otherwise unlawful business practices during this case and at all times thereafter.

21 13. For reimbursement of the City's reasonable attorneys' fees, court costs, inspection and
22 investigation costs and other costs, pursuant to HSC section 17980.7(c)(11), (d)(1), and SMC section 1-
23 01.12-13 and chapter 5.09, and other laws.

24 14. For all civil penalties pursuant to SMC section 5-09.16 and other laws.

25 15. For the Court to order any unreimbursed amounts owed pursuant to this Action or law to be
26 secured as a lien or special assessment against the Subject Property, pursuant to Government Code
27 sections 38773.1 and 38773.5, and the SMC.

1 16. For the Court to retain jurisdiction over the Subject Property for the statutory period
2 following discharge of the court receiver pursuant to HSC section 17980.7(c)(10) and other laws.

3 17. For any and all remedies authorized by State law and the SMC.

4 18. For any other relief as the Court may deem proper and necessary.
5
6

7 Dated: December 12, 2019

SILVER & WRIGHT LLP

8
9 By: 

10 CHRISTOPHER A. CALLIHAN

11 MATTHEW R. SILVER

12 RENE L. FARJEAT

13 SAMUEL S. SIAVOSHI

14 *Attorneys for Plaintiff*

15 PEOPLE OF THE STATE OF CALIFORNIA, BY
16 AND THROUGH THE CITY OF SALINAS
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EXHIBIT A
TRUSTEE'S DEED

52/D9288-00

Recording Requested By:

Chicago Title

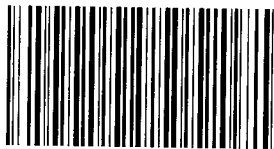
When Recorded, Mail To:

Berkley, Inc.
c/o Affinity Properties
341 Main Street
Salinas, CA 93901

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMARIA
8/28/2009
8:00:00

DOCUMENT: 2009054902



Titles: 1/ Pages: 3

Fees....	16.00
Taxes...	
Other...	
AMT PAID	\$16.00

FC #: 291040

TRUSTEE'S DEED

The Grantee herein WAS the Beneficiary.
The amount of the unpaid debt was \$934,997.53.
The amount paid by the Grantee was \$934,997.53.
The property is in **MONTEREY** County.
☐ Unincorporated area ☒ City of Salinas
State of California.

Documentary Transfer Tax \$ 0.00.
☐ Computed on the full value of
property conveyed.
☒ Computed on full value less liens
and the one encumbrances
remaining at the time of the sale.
APN: 002-341-001

CJ Investment Services, Inc., a California corporation, as the duly appointed Trustee under a Deed of Trust referred to below and herein called TRUSTEE, does hereby grant without any covenant or warranty, expressed or implied to:

BERKLEY INC., a California Corporation

herein called GRANTEE, the property described on exhibit "A" attached hereto and made part hereof as though fully incorporated herein by this reference.

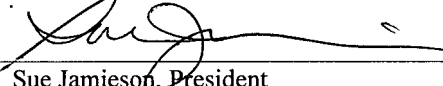
This conveyance is made pursuant to the authority and powers vested in said Trustee, as Trustee, or Successor Trustee, or Substituted Trustee, under that certain Deed of Trust executed by **Improvement Realty Co. of Salinas, a partnership** as Trustor, recorded April 4, 2007 as inst. no. 2007027448 of Official Records in the Office of the Recorder of **Monterey** County, California; and pursuant to the Notice of Default recorded May 4, 2009 as inst. no. 2009026645 of Official Records of said County, Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by said Deed of Trust.

A Notice of Trustee's Sale was published once a week for three consecutive weeks commencing August 6, 2009 in The Californian, a legal newspaper, and at least twenty days before the date fixed therein for sale, a copy of said Notice of Trustee's Sale was posted in a conspicuous place on the property described herein and in one public place in the city where the sale was to be held.

At the time and place fixed in said Notice of Trustee's Sale, said Trustee did sell said property herein described at public auction on August 27, 2009 to said Grantee, being the highest bidder therefor, for \$934,997.53 cash, lawful money of the United States, in ☒ full ☐ partial satisfaction of the indebtedness then secured by said Deed of Trust.

DATE: August 27, 2009

CJ Investment Services, Inc., Trustee

By: 
Sue Jamieson, President

(see attached for notarial acknowledgment)

Exhibit "A"

Lots A, B, and C in Block 3, Map of a portion of Salinas City, owned by A. Riker, in the City of Salinas, County of Monterey, State of California, filed February 5, 1872, in the office of the County recorder of said County, in Volume 1, Cities and Towns, Page 8.

APN: 002-341-001

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Cruz

On 8/27/09 before me, Katie Rush, notary public

personally appeared Sue Jamieson

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 [Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

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END OF DOCUMENT

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EXHIBIT B
NOTICE AND ORDER TO REPAIR OR ABATE
ISSUED OCTOBER 7, 2019



NOTICE AND ORDER TO REPAIR OR ABATE

DELIVERED VIA POSTING ON SUBJECT PROPERTY AND FIRST-CLASS MAIL AND CERTIFIED MAIL,
RETURN RECEIPT REQUESTED, TO INTERESTED PARTIES AND THE SUBJECT PROPERTY

Date: October 7, 2019

Subject Property: 300 Main Street
Salinas, California 93901
APN: 002-341-001-000

Compliance Initiation Deadline: October 17, 2019 (10 Days)
Compliance Completion Deadline: November 7, 2019 (30 Days)

Interested Parties:

Berkley, Inc.
300 Main Street
Salinas, California 93901

Berkley, Inc.
c/o Paul S. Kehoe, *agent*
201 Main Street
Salinas, California 93901

Berkley, Inc.
c/o Affinity Properties
341 Main Street
Salinas, California 93901

Monterey Regional Water Pollution Control
Agency
c/o Lindsay Synstebly
5 Harris Ct., Building D
Monterey, California 93940

To All Interested Parties:

This Notice and Order to Repair or Abate ("N&O") is issued by the City of Salinas ("City"). It has been determined by the City that the parcel of real property located at the address and Assessor's Parcel Number ("APN") identified above ("Subject Property") contains unlawful conditions that constitute public nuisances, and which pose a substantial danger to the health, safety, and general welfare of the residents, occupants, workers, the surrounding community, and the public. These unlawful conditions are in violation of multiple provisions of law, including, but not limited to, the California Health and Safety Code ("HSC"), California Building Standards Code ("CBSC") codified in Title 24 of the California Code of Regulations, California Building Code ("CBC"), California Fire Code ("CFC"), California Electrical Code ("CEC"), California Plumbing Code ("CPC"), Uniform Code for the Abatement of Dangerous Buildings ("UCADB"), International Property Maintenance Code ("IPMC"), and the Salinas Municipal Code ("SMC") as adopted by the City.

The following unlawful conditions were identified during a recent inspection of the Subject Property (this may not be an exhaustive list of all violations and the City retains the right to identify further violations as they are discovered):

1. **Substandard Building. Blighted Vacant Structure and Premises.** The Subject Property is vacant, blighted, exposed to the elements, and severely deteriorated. The Subject Property contains an excessive amount of junk, trash, and other debris. The paint on the Subject Property is in such a condition as to permit decay, cracking, peeling, chalking, and warping. The Subject Property contains substantially dangerous structural elements, including damaged roofing and walls. Vacant structures and premises are required to be maintained in a clean, safe, secure, and sanitary condition so as to not cause blight or adversely affect the public health and safety. The entire Subject Property must be clean, safe, secure, and in a sanitary condition, including cleared of debris and trash. (HSC, § 17920.3(a), (b), (c), (g); CBC, § 116.1; UCADB, §§ 302(8), (9), (12), (16), (17); IPMC, §§ 301.3, 304.1, 304.1.1; SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
2. **Substandard Building. Severe Fire Damage.** The fire that erupted at the Subject Property in the past caused severe structural damage to most areas of the Subject Property. The severe fire damage compromises the structural integrity of the building and exposes any entrants to health and safety hazards. The damage needs immediate repair to restore fire resistive construction. A formal plan submittal by a licensed contractor and building permits will need to be obtained prior to any repairs. All repairs must be completed to meet building code standards. (HSC § 17920.3(c); CBC § 116.1; CFC §§ 110.1.1, 701.2; SMC, § 13.8.)

3. **Substandard Building. Structural Hazards. Dilapidated Ceiling.** The ceiling of the Subject Property is entirely missing in sections and the wood beams are fully exposed. Other sections of the ceiling have hanging debris at risk of falling. These conditions jeopardize the structural integrity of the Subject Property and compromise the safety of any entrants, including first responders, and the public. Remediate the ceiling conditions, including obtaining any required permits prior to commencing work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (5), (8), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
4. **Substandard Building. Structural Hazards. Missing Ceiling.** The ceiling of the Subject Property is severely dilapidated, entirely missing in sections, and in sections wood beams are fully exposed. The Subject Property is largely exposed to the elements due to missing ceiling elements. These conditions jeopardize the structural integrity of the Subject Property and compromise the safety of any entrants, including first responders and the public. Remediate the ceiling conditions, including obtaining any required permits prior to commencing work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (5), (6), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
5. **Substandard Building. Structural Hazards. Dilapidated Roof.** The roof of the Subject Property is severely dilapidated, contains wood beams that are fully exposed, and contains hanging debris at risk of falling. These conditions jeopardize the structural integrity of the Subject Property and compromise the safety of any entrants, including first responders and the public. Remediate the roof conditions, including obtaining any required permits prior to commencing work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (5), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
6. **Substandard Building. Structural Hazards. Missing Roof.** The roof of the Subject Property is entirely missing in sections, contains wood beams that are fully exposed, and contains hanging debris at risk of falling. The Subject Property is largely exposed to the elements due to missing roof elements. These conditions jeopardize the structural integrity of the Subject Property and compromise the safety of any entrants, including first responders and the public. Remediate the roof conditions, including obtaining any required permits prior to commencing work. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (6), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
7. **Substandard Building. Rotting and Fire Damaged Roof.** Replace the rotting and fire damaged roofing elements. The parcel contains wooden roofing elements that are substantially deteriorated, fire damaged, and in some places roofing elements are hanging from the ceiling and at risk of falling and/or causing a collapse. Other parts of the dilapidated roofing are completely missing or rotting. The roof is severely

damaged from a previous fire and continues to deteriorate posing a serious danger to any entrants. The rotting and fire damaged roof further creates a collapse hazard to workers and occupants, and allows for water, bird, and insect intrusion that will create further extreme health and safety dangers. Obtain any permits necessary to make all repairs. (HSC, § 17920.3 (a)(14), (b)(6), (b)(7), (c), (g)(2)–(4); CBC, § 116.1; UCADB, §§ 302(4), (6), (8), (9), (12), (17); IPMC, §§ 301.3, 304.1, 304.1.1, 304.7; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

8. **Structural Hazard. Large, Unsecured, and Uncovered Holes in Flooring.** The Subject Property contains dangerous, missing, and damaged flooring. The missing flooring poses a significant danger to any entrant walking in the Subject Property and is a serious falling hazard. Repair and replace all flooring to meet building code standards and to eliminate all tripping and falling hazards. (HSC, § 17920.3(a)(14), (b), (c); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UCADB, §§ 302(1), (2); IMPC, §§ 305.1, 305.3, 305.4; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
9. **Unsafe Dilapidated Floors.** The Subject Property contains inadequate and damaged flooring that needs to be repaired or replaced to meet building code standards to prevent tripping and falling hazards. The flooring is cracked, covered in debris, and uneven. This poses a significant danger to any entrants and first responders in case of an emergency. (HSC, § 17920.3(a)(14), (b), (c); CBC, § 116.1; CFC, §§ 110.1.1, 701.2; UCADB, §§ 302(1), (2); IMPC, §§ 305.1, 305.3, 305.4; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
10. **Substandard Building. Structural Hazards. Dilapidated Interior Walls.** Certain interior walls of the Subject Property are wholly missing drywall and proper finishing, exposing the wood framing throughout the Subject Property. The wood framing exposed is rotting and/or fire damaged, and in parts, there are crumbling materials. There is missing drywall and cracked or missing paint. The condition of the interior walls places the structural integrity of the Subject Property at risk of collapse and compromises the safety of any occupants, as well as other entrants, including first responders and the public. All walls need to be repaired or replaced and painted sufficiently to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3 (a)(14), (b)(4), (b)(5), (c); CBC, § 116.1; UCADB, §§ 302(8), (12), (17); IMPC, §§ 301.3, 305.3; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
11. **Substandard Building. Structural Hazards. Missing Interior Walls.** Certain interior walls of the Subject Property are wholly missing, exposing all of the wood framing throughout the Subject Property. The wood framing therein is rotting and fire damaged. The condition of the interior walls places the structural integrity of the Subject Property at risk of collapse and compromises the safety of any occupants, as well as other entrants, including first responders and the public. All walls need to be repaired or replaced and painted sufficiently to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3 (a)(14), (b)(4), (b)(5), (c); CBC, § 116.1; UCADB, §§ 302(8), (12), (17); IMPC, §§ 301.3, 305.3; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)

12. **Substandard Building. Structural Hazards. Dilapidated Exterior Walls.** Certain exterior walls of the Subject Property are severely dilapidated, missing paint, rotting in sections, and fire damaged. All walls need to be repaired or replaced and painted sufficiently to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3 (a)(14), (b)(4), (b)(5), (c), (g)(4); CBC, § 116.1; UCADB, §§ 302(8), (12), (17); IMPC, §§ 301.3, 305.3; SMC, §§ 5-09.03(b), (c), (e), 9-1.20, 9-4, 9-6.)
13. **Substandard Building. Missing Windows.** Many windows of the Subject Property are entirely missing. Missing windows create faulty weather protection and expose the interior of the Subject Property to the elements. Almost the entire Subject Property is exposed to the elements. Repair all windows to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g)(2); CBC, § 116.1; UCADB, § 302(12); IPMC, §§ 304.2, 304.13, 305.3; SMC, §§ 5-09.03(c), (e); 9-1.20, 9-4, 9-6.)
14. **Substandard Building. Boarded Up Windows.** Many windows of the Subject Property have been boarded up. Boarded up windows create faulty weather protection, expose the interior to the elements, and are a visual blight. Repair all windows to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g)(2); CBC, § 116.1; UCADB, § 302(12); IPMC, §§ 304.2, 304.13, 305.3; SMC, §§ 5-09.03(c), (e); 9-1.20, 9-4, 9-6.)
15. **Substandard Building. Plumbing Hazard. Exposed Plumbing.** Plumbing pipes and fixtures are exposed or destroyed throughout the Subject Property in part because the wall finishes have been removed. Exposed plumbing throughout the Subject Property causes deterioration and creates a substantial safety hazard. All plumbing and related equipment that is modified or damaged shall not be used and must be brought into compliance with code standards. Obtain all necessary permits. (HSC, § 17920.3(a)(14), (c), (e); CBC, § 116.1; CPC, §§ 102.3, 312.4; UCADB, §§ 302(9), (17); IPMC, §§ 504.1, 506.2; SMC, §§ 9-1.20, 9-1.60, 9-4, 9-6.)
16. **Substandard Building. Inadequate Sanitation. Lack of Bathroom Facility.** There is no working and/or functional bathroom facility on the Subject Property. Repair or restore the bathroom facility of the Subject Property and obtain any necessary permits to do so. (HSC, § 17920.3(a)(1), (a)(14), (c); CBC, § 116.1; IPMC, § 502.1; SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4.)
17. **Substandard Building. Inadequate Sanitation. Unsafe Septic System.** The septic and plumbing systems need to be certified by a licensed plumbing contractor that they are in safe and working condition. (HSC, § 17920.3(e); CBC, § 116.1; UCADB, §§ 302(9), (13), (17); CPC § 312.1; SMC, §§ 9-1.20, 9-1.60, 9-6.)
18. **Substandard Building. Inadequate Sanitation. Lack of Ventilation.** The Subject Property lacks proper ventilation, which can enable foul odors to permeate the Subject Property. This jeopardizes the health and safety of any occupants. Provide adequate ventilation for the Subject Property. Obtain all necessary permits to do so. (HSC, § 17920.3(a)(7), (c); IPMC, § 403.1; SMC, §§ 5-09.03(c), (e), 9-4.)

19. **Substandard Building. Accumulation of Junk, Trash, and Debris. Interior.** The interior of the Subject Property is filled with large amounts trash, debris, and rubbish. The accumulation of trash and rubbish creates a potential fire hazard and rodent harborage. The accumulation of trash and rubbish creates fire, safety, and sanitation hazards for any workers, occupants, first responders, and the general public. Remove all trash, debris, and rubbish from the interior of the Subject Property. (HSC, § 17920.3(a)(14), (c), (h), (j), (l); CBC, § 116.1; IPMC, §§ 305.1; SMC, §§ 5-09.03(a), (b), (c), (e), 9-1.20, 9-4, 9-6, 13-8.)
20. **Substandard Building. Risk of Collapse.** Various portions of the Subject Property are partially destroyed and fire damaged, and portions of several structures are at immediate risk of collapse, including roofing and wall elements. The parcel contains wooden elements that are substantially deteriorated posing a serious risk of collapse. In the event of a collapse, any workers or occupants could be severely injured or possibly killed. Repair or demolish the portions of the Subject Property at risk of collapse and bring into compliance with the pertinent code sections. (HSC, § 17920.3(b), (c), (g), (k); CBC, § 116.1; UCADB, §§ 302(5), (8), (9), (13), (17); SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
21. **Substandard Building. Building Manifestly Unsafe.** Large portions of the Subject Property are manifestly unsafe due to structural issues, sanitation concerns, fire hazards, and other significant safety issues. Due to the fire damage, large portions of the Subject Property are at risk of collapse. Repair all structural, sanitation, fire, and other safety issues. Obtain all necessary permits to do so. (HSC, § 17920.3(b), (c); CBC, § 116.1; UCADB, §§ 302(5), (8), (9), (13), (17); IPMC, § 108.1.1; SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
22. **Substandard Building. Abandoned and Boarded Up Structure.** The Subject Property appears abandoned, and portions of the structures thereon are boarded up. The Subject Property's dire appearance is interfering with the neighboring community's reasonable enjoyment of life or property and constitutes a public nuisance. Repair and maintain the Subject Property to meet building code standards. (HSC, § 17920.3(a)(14), (b), (c); CBC, § 116.1; UCADB, §§ 302(9), (18); SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
23. **Substandard Building. Structural Hazards. Stairs.** The Subject Property contains structural hazards. For example, the stairwell on the Subject Property is deteriorated and has deteriorating wood throughout entirety of the stairway. Due to the general dilapidation of the Subject Property, the stairs themselves are a significant risk of collapse endangering any workers or occupants. Obtain all required permits and repair the structural hazards. (HSC, § 17920.3(a)(14), (b), (c); CBC, §§ 1.8.4.1, 116.1; UCADB, §§ 302(8), (9); IPMC, §§ 108.1.1, 304.10; SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
24. **Structural Hazards. Missing Handrails.** The Subject Property contains structural hazards. Due to the general dilapidation of the Subject Property, the handrails for the

stairwell are missing. The stairs themselves, due to severe deterioration, pose a risk of collapse, this is further exacerbated by the absence of the required handrails. Obtain all required permits and repair the structural hazards. (HSC, § 17920.3(c); CBC, §§ 1.8.4.1, 116.1, 1014, 1014.1; UCADB, §§ 302(8), (9); IPMC, §§ 108.1.1, 305.1.1, 305.2, 305.4, 305.5; SMC, §§ 9-1.20, 9-4, 9-6.)

25. **Structural Hazards. Deteriorated Guards.** The Subject Property contains structural hazards. Due to the general dilapidation of the Subject Property, guards along the open-sided walking surfaces pose a significant risk of collapse endangering any workers or occupants. Obtain all required permits and repair the structural hazards. (HSC, § 17920.3(c); CBC, §§ 1.8.4.1, 116.1, 1015.1, 1015.2; UCADB, §§ 302(8), (9); IPMC, §§ 108.1.1, 305.1.1, 305.2, 305.4, 305.5; SMC, §§ 9-1.20, 9-4, 9-6.)
26. **Substandard Building. Dangerous Building. Building Code Violations.** Numerous conditions on the Subject Property violate State and local building laws, including but not limited to, blighted vacant structure, severely dilapidated structure due to deteriorated walls, exposed plumbing, fire hazards, fire damage, noncompliant electrical wiring, and accumulation of combustible materials. The Subject Property must be remedied to satisfy all applicable State and local law requirements to make it safe. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(14), (b), (c), (g), (k); UCADB, § 302(13); SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
27. **Substandard Building. Dangerous Building. Unsanitary Conditions.** Numerous conditions on the Subject Property have made it unsanitary, including lack of electricity, exposed wood framing, and the accumulation of trash, debris, and rubbish in the interior and exterior of the Subject Property. These conditions increase the likelihood of health and safety issues for any entrant, including first responders in case of an emergency. The unsanitary conditions must be remedied to satisfy all applicable State and local law requirements. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(14), (b), (c), (g), (k); UCADB, § 302(15); SMC, §§ 5.09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)
28. **Substandard Building. Dangerous Building. Fire Hazard.** Due to dangerous and exposed electric wiring, exposed wood framing, previously fire damaged structures, and accumulation of combustible materials, the Subject Property is a fire hazard. Fire hazards create great risk of harm to any entrants such as first responders, and the surrounding community. The Subject Property must be remedied to satisfy all applicable State and local law requirements to remove fire hazards. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(10), (a)(14), (m); CFC, §§ 304.2, 605.1, 605.6; UCADB, § 302(16); SMC, §§ 5.09.03(a), (c), (e), 9-6, 13-8.)
29. **Substandard Building. Dangerous Building. Public Nuisance.** The Subject Property is in such a condition as to constitute a public nuisance, including issues with respect to the accumulation of trash and debris, lack of utilities, and fire hazards throughout the Subject Property's interior and exterior. Public nuisance conditions increase health and safety hazards for occupants and the surrounding community. The Subject Property must be remedied to satisfy all applicable State and local law

requirements to stop it from being a public nuisance. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(a)(5), (a)(10), (a)(14), (c); CBC, § 116.1; CFC, §§ 304.2, 605.1; IMPC, § 108.1.5; UCADB, § 302(17); SMC, §§ 5-09.03(a), (c), (e), 5-09.04, 9-1.20, 9-4, 9-6, 13-8.)

30. **Missing Fire Alarm System.** The Subject Property is missing the required fire alarm and fire notification systems. This condition constitutes a serious fire hazard. Install necessary fire alarms and fire notification systems. (HSC, § 17920.3(c), (h); CBC, § 116.1; CFC, § 1103.7; SMC, §§ 9-1.20, 13-8.)
31. **Fire Safety. Lack of Smoke Detectors.** The Subject Property lacks working smoke detectors. Missing smoke detectors exacerbate fire risks and delay first responders. Properly functioning smoke detectors must be installed and maintained. (HSC, § 17920.3(a)(14), (c), (m); CBC, § 116.1; CFC, § 907.2; IPMC, § [F]704.1; SMC, §§ 9-1.20, 9-4, 13-8.)
32. **Fire Safety. Lack of Carbon Monoxide Detectors.** The Subject Property lacks working carbon monoxide detectors. Missing carbon monoxide detectors risks poisoning and death. Properly functioning carbon monoxide detectors must be installed and maintained. (HSC, § 17920.3(a)(14), (c), (m); CBC, § 116.1; CFC, §§ 907.2, 1103.1; IPMC, § [F]704.1; SMC, §§ 9-1.20, 9-4, 13-8.)
33. **Fire Safety. Electrical Hazards.** The Subject Property contains numerous electrical hazards, including exposed electrical wiring and other electrical components, which present a substantial fire and shock hazard. Any wiring or mechanical or electrical equipment that is modified or damaged that constitutes a fire or electrical shock hazard shall not be used and must be brought into compliance with the law. Obtain any necessary permits to make the repairs. (HSC, § 17920.3(m); CFC, § 605.1; SMC, § 13-8.)
34. **Fire Safety. Exposed/Hazardous Electrical Wiring.** The Subject Property contains numerous electrical hazards, including exposed or hanging electrical wiring, which presents a substantial fire and shock hazard. Exposed wiring increases the risk of fire starting. Abate all exposed and dangerous wiring. Any modifications to electrical wiring may require obtaining a permit before commencing work. (HSC, § 17920.3(c), (d), (h); CBC, §§ 116.1, 2701.1; CFC, §§ 110.1.1, 605.1, 605.6; CEC, § 110.12(B); UCADB, §§ 302(9), (13), (17); IPMC, § 305.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6, 13-8.)
35. **Missing or Exposed Electrical Switches and Outlets.** Replace all missing, damaged, or exposed electrical switches, outlets, and outlet covers to meet building code standards. Missing or exposed electrical switches and outlets increase the risk of electrical shock to workers and occupants using the switches and outlets. Obtain all necessary permits. (HSC, § 17920.3(a)(10), (a)(14), (c), (d); CBC, § 116.1; CFC, § 605.6; UCADB, §§ 302(9), (13), (16), (17); IMPC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-4, 9-6, 13-8.)

36. **Missing or Improper Electrical Components.** There are missing or improper electrical components on the Subject Property. For example, electrical receptacles are missing necessary covers. Repair or replace all missing or improper electrical components. (HSC, § 17920.3(a)(10), (a)(14), (c), (d); CBC, §§ 116.1, 2701.1; CEC, § 406.5; UCADB, §§ 302(9), (13), (16); IPMC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6.)
37. **Dangerous Electrical Panel.** The Subject Property's electrical panels needs replacement to assure safe power distribution. Improper and unsafe electrical connections and panels create fire and shock hazards. Repair or replace all electrical connections and panels to meet electrical code requirements. Install proper labeling upon electrical panel. Any modifications to electrical connections and panels may require obtaining a permit before commencing work. (HSC, § 17920.3(c), (d); CBC, §§ 116.1, 2701.1; CEC, §§ 110.12(B), 334.10; UCADB, §§ 302(9), (13) (16); IPMC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6.)
38. **Missing or Free Hanging Light Fixtures.** Replace all missing light fixtures and repair all free hanging light fixtures to meet building code standards. Exposed light fixtures increase the likelihood of workers and occupants being harmed from electrical shock. (HSC, § 17920.3(a)(10), (a)(14), (c); CBC, § 116.1; UCADB, §§ 302(9), (13), (16); IMPC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-4, 9-6.)
39. **Missing Light Fixture Covers.** Multiple light fixtures throughout the Subject Property are missing necessary covers. Exposed light fixtures increase the risk of fire and electrical shock. Repair or replace all missing electrical covers. (HSC, § 17920.3(a)(10), (a)(14), (c), (d), (h); CBC, §§ 116.1, 2701.1; CEC, § 110.12(B); UCADB, §§ 302(9), (13), (16); IPMC, §§ 604.1, 604.3, 605.1; SMC, §§ 9-1.20, 9-1.40, 9-4, 9-6.)
40. **Property Maintenance. Uneven Interior Surfaces.** The Subject Property contains damaged walls and ceiling surfaces. Uneven surfaces can create impediments during emergencies for first responders and are signs of dilapidation of the Subject Property. All interior surfaces, including doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Obtain all required permits to do so. (HSC, § 17920.3(a)(14), (c); CBC, § 116.1; UCADB, §§ 302(1), (2), (17); IPMC §§ 305.1, 305.1.1, 305.2, 305.3, 305.4; SMC, §§ 5-09.03(a), (b), (c), (e), 9-1.20, 9-4, 9-6.)
41. **Property Maintenance. Lack of Protective Treatment.** The Subject Property's exterior walls are dilapidated, lack paint or stucco in parts, and have chipped paint. Faulty weather protection allows moisture and heat to enter the premises, which may undermine the building's construction and allows for the spread of mold. Repair and/or repaint the exterior walls. (HSC, § 17920.3(a)(14), (b), (c), (g); CBC, § 116.1; IPMC, §§ 304.1, 304.1.1, 304.2, 304.6; SMC, §§ 9-1.20, 9-4.)

42. **Property Maintenance. Window, Skylight, and Door Frames.** Windows, doors, and doorframes throughout the Subject Property are missing or damaged. For example, several windows are missing and/or boarded up, several doors within the Subject Property are missing, and within the Subject Property there are no door frames. Fix and/or install all windows, doors, and doorframes. Obtain all necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g); §§IPMC, §§ 304.13, 305.6.)
43. **Damaged Foundation.** The foundation of numerous structures on the Subject Property are severely damaged due to exposure to the elements, general lack of maintenance, and abandonment. The Subject Property is seriously damaged from a fire and unsafe for occupancy or habitation. Damaged foundation could lead to collapse, posing a serious health and safety hazard to all entrants, including first responders. Repair or demolish the damaged foundation. Obtain all necessary permits. (HSC, § 17920.3(a)(14), (b)(1), (c); CBC, § 116.1; UCADB, §§ 302 (9), (13), (17); IMPC, §§ 304.1, 304.5; SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4, 9-6.)
44. **Substandard Building. Lack of Adequate Heating.** The Subject Property lacks adequate heating. This condition creates a dangerous and immediate health and safety hazard to occupants and the public. Provide and maintain proper heating facilities as required by law. Proper heating equipment must be replaced or installed to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(6), (a)(14), (c); CBC, § 116.1; SMC, § 9-1.20.)
45. **Substandard Building. Inadequate Windows.** Many windows on the Subject Property are either missing, boarded up, or wholly inadequate. Gaps exist between some of these windows and their framing, and the perimeter of the windows are neither weather resistant nor watertight. Inadequate windows create faulty weather protection and expose the interior of the Subject Property to the elements. Repair all damaged windows to meet building code standards. Obtain any necessary permits to do so. (HSC, § 17920.3(a)(14), (c), (g)(2); CBC, § 116.1; UCADB, § 302(9), 302(17); IPMC, §§ 304.2, 304.13; SMC, §§ 9-1.20, 9-4, 9-6.)
46. **Dangerous Building. Unsafe Walking Surface.** Walking surfaces inside the Subject Property are unsafe due to dilapidated flooring, are obstructed by accumulated trash and rubbish, and do not provide safe and adequate means of exit in case of fire or emergency for occupants or first responders exacerbating the risk of injury. Repair all walking surfaces according to code standards. Obtain all necessary permits to do so. (HSC, § 17920.3(b)(1), (c); CBC, § 116.1; UCADB, §§ 302(2), (9); IPMC, § 305.4; SMC, §§ 9-1.20, 9-4, 9-6.)
47. **Unsafe Dilapidated or Missing Doors.** There is general dilapidation and improper maintenance of doors on the Subject Property. Install, repair, or replace all doors as necessary. Broken or damaged doors constitute faulty weatherproofing, which allows the elements to enter the interior of the Subject Property and causes further structural damage. Faulty weatherproofing also exacerbates the growth and proliferation of dangerous mold. Repair or replace all damaged or dilapidated doors on the Subject

Property. (HSC, § 17920.3(a)(14), (c), (g), (k), (l); CBC, § 116.1; UCADB, §§ 302(1), (9); IPMC, §§ 305.1, 305.6; SMC, §§ 9-1.20, 9-4, 9-6.)

48. **General Dilapidation and Lack of Maintenance.** The entire Subject Property is dilapidated and improperly maintained with numerous health and safety concerns, including structural, sanitation, electrical, mechanical, and plumbing issues. The Subject Property is substandard, seriously damaged, and unsafe for occupancy or habitation. A serious fire caused significant damage to the Subject Property, exposing the same to the elements and creating serious health and safety hazards to any entrants, first responders, and the neighborhood. Make all necessary repairs and obtain all required permits. (HSC, § 17920.3(a)(14), (c); IPMC, §§ 305.1, 307.1; CBC, § 116.1; SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4, 9-6.)
49. **Substandard Structures.** The Subject Property is in substandard condition in violation of the CBC and other building codes. There are numerous conditions in the buildings that violate State and local building laws. A serious fire caused significant damage to the Subject Property, exposing the same to the elements and creating serious health and safety hazards to any entrants, first responders, and the neighborhood. Make all necessary repairs to comply with the CBC, other building codes, and all State and local laws. (HSC, § 17920.3(b), (c); CBC § 116.1, SMC, §§ 5-09.03(c), (e), 9-1.20, 9-4, 9-6.)
50. **Property Maintenance. Interior Rubbish and Rodent Harborage.** The interior of the Subject Property contains a large amount of rubbish and waste accumulation. This poses a major health and safety risk to any entrants, the community, and first responders. Obtain services of an approved agency to exterminate any rodent infestation and take proper precautions to eliminate rodent harborage and prevent infestation. (HSC, § 17920.3(a)(12), (c); CBC, § 116.1; IPMC, §§ 309.1; SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6, 16-40, 16-44–16-46.)
51. **Property Maintenance. Interior Rubbish and Insect Harborage.** The interior of the Subject Property contains a large amount of rubbish and waste accumulation. This poses a major health and safety risk to any entrants, the community, and first responders. Obtain services of an approved agency to exterminate any insect infestation and take proper precautions to eliminate insect harborage and prevent infestation. (HSC, § 17920.3(a)(12), (c); CBC, § 116.1; IPMC, §§ 309.1; SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6, 16-40, 16-44–16-46.)
52. **Excessive Storage.** A significant amount of abandoned and fire damaged construction materials, fire damaged wooden elements, and other junk, trash, and debris are improperly stored throughout the interior of the Subject Property. The excessive storage limits egress and poses a fire hazard. Clear all excessive storage throughout the Subject Property. (HSC, § 17920.3(a)(14), (c), (f), (j); CBC, 116.1; UCADB, §§ 302(1), (2), (9), (17); IPMC, §§ 302.8, 305.1, 307.1, SMC, §§ 5-09.03(a), (c), (e), 9-1.20, 9-4, 9-6.)

53. **Property Maintenance. Lack of Clearance Between Combustible Materials and Sources of Ignition.** Multiple destroyed and/or damaged electrical fixtures on the Subject Property are surrounded by debris exposing live parts to combustible material, thereby increasing the risk of combustion. Clear and maintain proper clearances from sources of ignition. (HSC, § 17920.3(a)(14), (c), (m); CBC, § 116.1; CFC, § 605.1; IPMC, § 603.3; SMC, §§ 9-4, 13-8.)
54. **Improper Storage of Combustible Materials.** Combustible materials are currently being improperly stored on the Subject Property. Improper storage of combustible materials poses a significant risk of fire and poses a serious risk of fire spreading to adjacent properties. This danger is particularly dangerous at the Subject Property since a fire has already previously erupted at the Subject Property and caused overwhelming damage. Remove all improperly stored combustible materials from the Subject Property. (HSC, § 17920.3(a)(14), (c), (h); CBC, § 116.1; CFC, § 315.3; UCADB, §§ 302(9), (16); IPMC, § 108.1.2; SMC, §§ 9.1-20, 9-4, 9-6, 13-8.)
55. **Exit and Egress Routes Blocked.** Egress routes and windows are blocked or severely compromised by the large amounts of trash and debris and fire damaged structural components. These conditions increase the likelihood of injury in an emergency by trapping workers and occupants inside the building. Blocked exit and egress routes including, but not limited to, obstructed, boarded up, or sealed windows, constitute a fire hazard. All exits and egress routes, including windows, must be cleared and remain unobstructed to allow for proper access in emergencies. (HSC, § 17920.3(a)(14), (c), (h), (l); CBC, § 116.1; CFC, §§ 1030.1, 1030.2, 1030.3; UCADB, §§ 302(1), (2); IPMC, §§ 304.1, 305.1, 305.3; SMC, §§ 9-1.20, 9-4, 9-6, 13-8.)
56. **Nuisance. Dangerous Walkways.** The Subject Property contains obstructed and uneven walkways due to the extreme accumulations of debris and fire damaged elements. Some walkways in the Subject Property also contain large holes or gaps creating serious risks of falling. Repair or replace all dangerous walkways. Obtain all necessary permits to do so. (HSC, § 17920.3(c); UCADB, §§ 302(1), (2); SMC, § 9-6.)
57. **Insufficient Fire Rated Construction.** The required fire-resistance rating of a fire-resistance-rated construction has not been maintained. Insufficient fire rated construction increases the likelihood of a fire starting or spreading to the structures, and places workers, occupants, and neighbors in peril. (HSC, § 17920.3(c), (m); CBC, § 116.1; CFC, § 703.1; UCADB, §§ 302(9), (16); IPMC, § 703.1; SMC, §§ 9-1.20, 9-4, 9-6, 13-8.)
58. **Faulty Weather Protection.** Multiple windows are either missing, broken, or boarded up. The Subject Property lacks doors in many areas. Some areas are missing walls and ceilings entirely. Faulty weather protection allows moisture and heat to enter the building, which may undermine the building's construction and allows for the spread of mold. Faulty weather protection also allows intrusion by rodents, insects, and vermin. Repair or replace all missing, broken, or boarded up windows. Repair all holes in walls. Ensure all areas contain adequate walls and ceilings. Some of these

corrections may require obtaining building permits. Obtain all required permits to do so. (HSC, § 17920.3(c), (g); CBC, § 116.1; UCADB, §§ 302(9), (16); IPMC, §§ 304.1, 304.2, SMC, §§ 5-09.03(a), (b), (c), (e), 9-1.20, 9-4, 9-6.)

59. **Chipping or Cracking Exterior Paint.** The paint on the exterior of the Subject Property is in such a condition as to permit decay, cracking, peeling, chalking, and warping. Repair the exterior walls and repaint the exterior so it is free from chips and cracks. (HSC, § 17920.3(c), (g); IPMC, §§ 304.2, 304.6; SMC, §§ 5-09.03(a), (b), (c), (e), 9-4.)
60. **Chipping or Cracking Interior Paint.** The paint on the interior of the Subject Property is in such a condition as to permit decay, cracking, peeling, chalking, and warping. Repair the interior walls and repaint the interior so it is free from chips and cracks. (HSC, § 17920.3(c), (g); IPMC, §§ 304.2, 304.6; SMC, §§ 5-09.03(a), (b), (c), (e), 9-4.)
61. **Unmaintained, Dilapidated, and Broken Elevator.** There is an unmaintained, dilapidated, and broken elevator on the Subject Property. The elevator poses a serious health and safety risk as the elevator and the surrounding areas are accessible. Materials and parts for the elevator are rusting, dilapidated, and damaged from fire. These conditions create an attractive nuisance. Repair or demolish the elevator. (HSC, § 17920.3(a)(14), (c), (f) (i); CBC, § 116.1; UCADB, §§ 302(8), (9), (16), (17); IPMC, §§ 305.1, 305.1.1; SMC, §§ 9-1.20, 9-4, 9-6.)
62. **Unmaintained, Dilapidated, and Abandoned Materials of Construction.** All materials of construction for the Subject Property must be maintained in good and safe condition. These abandoned and unmaintained materials create extreme hazards and pose a danger to all entrants and first responders in case of an emergency. (HSC, § 17920.3(a)(14), (c), (i); CBC, § 116.1; UCADB, §§ 302(9), (16), (17); IPMC, § 304.1, SMC, §§ 9-1.20, 9-4, 9-6.)
63. **Junk and Debris Creating Fire Hazard.** The Subject Property is full of junk, trash, and debris including abandoned mechanical equipment, construction materials, and portions of the building that have fallen or collapsed. All junk and debris must be cleared from the Subject Property to reduce the fire and health hazards. Accumulation of junk and debris can serve as a harborage for vermin, which spread illness and damage property. Excess debris also facilitates the spread of fire and places occupants and first responders in peril. (HSC, § 17920.3(a)(14), (c), (j); CBC, § 116.1; UCADB, §§ 302(9), (16), (17); IPMC, §§ 305.1, 307.1, 308.1; SMC, §§ 5-09.03(a), (b), (c), (e); 9-1.20, 9-4, 9-6.)
64. **Missing Insulation.** The Subject Property lacks proper insulation, which must be installed to meet building code standards. Insulation provides proper temperature protection to any and all workers and occupants. Failure to install requisite insulation prevents the structures from staying cool during hot days, and hot during cool seasons. (HSC, § 17920.3(c); CBC, § 116.1; SMC, § 9-1.20.)

65. **Lack of Adequate Climate Control.** The structures lack adequate climate control. Inadequate climate control exposes entrants and occupants to the mercy of the elements. (HSC, § 17920.3(a)(6), (c); CBC, § 1204.1; UCADB, §§ 302(9), (13); IPMC, §§ 602.4, 605.1; SMC, §§ 9-1.20, 9-4, 9-6.)
66. **Mold.** Evidence of mold has been observed on the Subject Property. There are missing roofing components, holes in interior and exterior walls, and missing, broken, or boarded up windows present on the Subject Property. Each of these conditions exposes the Subject Property to the elements and creates an environment suitable for the growth of mold—creating an unsafe and unsanitary environment for any occupants or workers. Mold is hazardous to human life and must be removed from the Subject Property. (HSC, § 17920.3(a)(11)–(14), (c); CBC, § 116.1; ABD, § 302(17); IPMC, § 305.1; SMC, §§ 9-1.20, 9-4, 9-6.)
67. **Water Damage.** There is water damage to several areas throughout the Subject Property. There are missing roofing components, holes in interior and exterior walls, and missing, broken, or boarded up windows present on the Subject Property. These conditions permit moisture to accumulate on the Subject Property. Water damage can also lead to the growth of dangerous mold. Repair or replace all water-damaged elements and make all necessary repairs to ensure no additional damage. (HSC, § 17920.3(a)(11)–(14), (c), (g); CBC, § 116.1; UCADB, §§ 302(15), (17); SMC, §§ 9-1.20, 9-4, 9-6.)
68. **Visual Blight.** The Subject Property in its current condition is an eyesore and a source of blight within the community. Blight attracts crime and reduces the property values of innocent neighbors. Bring the Subject Property into compliance with all relevant local and State laws, as well as into conformity with the maintenance standards of the rest of the community. (HSC, § 17920.3(c); SMC, 5-09.03(a), (b), (c), (e).)
69. **Visible Trash and Debris.** The Subject Property contains piles of trash, debris, and rubbish, including fire damaged structural components. Remove all trash, debris, and rubbish from the Subject Property. (HSC, § 17920.3(c), (j); SMC, §§ 5-09.03(a).)
70. **Attractive Nuisance.** The Subject Property has become so dilapidated and deteriorated as to become an attractive nuisance to children and potential trespassers and transients. The conditions of the parcels on the Subject Property also invites vandalism. Some of the windows are boarded up. Moreover, the Subject Property is substandard, there are gaps in walkways, contains an inoperable elevator, and contains many other conditions that make the Subject Property a risk and danger to any entrants, including children. In order to protect the health and safety of workers, occupants, entrants, neighbors, and the community, remove all conditions creating attractive nuisances. (HSC, § 17920.3(c); UCADB, § 302(12); SMC, 5-09.03(a), (b), (c), (e), 5-09.04.)

Pursuant to the HSC, CBSC, CBC, CFC, CEC, CPC, CMC, UCADB, IPMC and the SMC, the buildings and structures on the Subject Property are dangerously substandard and constitute public nuisances.


Therefore, you are hereby ordered to repair or abate all code violations on the Subject Property, including, but not limited to, all unlawful conditions identified herein. Work to abate these unlawful conditions must begin within 10 days, inclusive of submitting all required permit applications ("Compliance Initiation Deadline"), and must be completed within 30 days ("Compliance Completion Deadline") or you will be subject to further legal action.

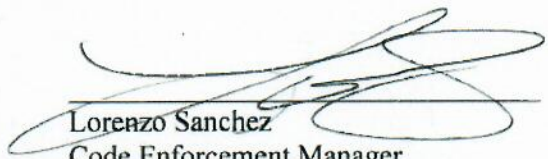
The legal consequences for failure to initiate rehabilitation and correct the unlawful conditions identified above by the Compliance Deadlines may include levying citations, administrative fines, City abatement that could include collecting any charges by billing or lien on the Subject Property, and civil remedies such as injunctions, penalties, and an application for the appointment of a receiver over the Subject Property. Furthermore, you will be held liable for all costs, fees, and expenses, including all inspections costs, investigation costs, enforcement costs, abatement costs, court costs, and attorneys' fees incurred by the City in abating the nuisances.

Repair or abatement of some of the unlawful conditions identified above may require you to obtain air quality, building, and demolition permits. You are obligated to obtain these permits in time to complete the rehabilitation of the Subject Properties by the Compliance Completion Deadline. Failure to apply for all necessary permits prior to the Compliance Initiation Deadline is a violation of this N&O.

Pursuant to HSC section 17980(d), you are hereby notified that, in accordance with Revenue and Taxation Code sections 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in this taxable year for the Subject Property. You may request an appeal of the charge that a nuisance exists within 15 calendar days pursuant to SMC section 5-09.06. You must correct the violations or request an appeal in order to avoid City abatement and liability for cost of abatement. Failure to appeal shall constitute waiver of the right to an administrative hearing to contest the charge of nuisance. Pursuant to HSC section 17980.6(c), you are hereby notified that you cannot retaliate against lessees of the Subject Property pursuant to Civil Code section 1942.5.

If you have any questions regarding this N&O, you may contact the undersigned.


Joseph DeSante, CBO
Building Official/Permit Center Manager
City of Salinas
831-758-7930


Lorenzo Sanchez
Code Enforcement Manager
City of Salinas
831-758-7157

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EXHIBIT C
3 DAY NOTICE PROOFS OF SERVICE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew R. Silver, SBN 245528; Rene L. Farjeat, SBN 301188 Silver & Wright LLP 3350 Shelby Street, Suite 250 Ontario, California 91764 TELEPHONE NO.: 949-385-6431 FAX NO. (Optional): 949-385-6428 E-MAIL ADDRESS (Optional): RFarjeat@SilverWrightLaw.com ATTORNEY FOR (Name): Plaintiff City of Salinas	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY STREET ADDRESS: 1200 Aquajito Road MAILING ADDRESS: 1200 Aquajito Road CITY AND ZIP CODE: Monterey, California 93940 BRANCH NAME: Monterey Courthouse	
PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp. DEFENDANT/RESPONDENT: Berkley, Inc., et al.	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☐ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 3 Day Notice of Intent to File Receivership Petition/Complaint
3. a. Party served (specify name of party as shown on documents served):
 Berkley, Inc., a California corporation
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 See attachment
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp.	CASE NUMBER:
DEFENDANT/RESPONDENT: Berkley, Inc., et al.	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (*specify means of service and authorizing code section*):
By U.S.P.S. Certified First-Class Mail with Return Receipt Requested on December 6, 2019

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*): _____
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): Berkley, Inc., a California corporation
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. **Person who served papers**

- a. Name: James Chase
- b. Address: 3350 Shelby Street, Suite 250, Ontario, California 91764
- c. Telephone number: 949-385-6431
- d. **The fee** for service was: \$ _____
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

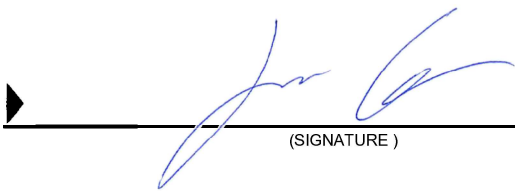
8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: December 8, 2019

James Chase
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

SHORT TITLE: City of Salinas v. Berkley, Inc., et al.	CASE NUMBER:
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ATTACHMENT TO PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL (PERSONS SERVED)*(This Attachment is for use with form POS-030)***NAME AND ADDRESS OF EACH PERSON SERVED BY MAIL:**

<u>Name of Person Served</u>	<u>Address (number, street, city, and zip code)</u>
Berkley, Inc., a California corporation	300 Main Street, Salinas, California 93901
Berkley, Inc., a California corporation	c/o Paul S. Kehoe, Agent for Service of Process 201 Main Street, Salinas, California 93901
Berkley, Inc., a California corporation	c/o Affinity Properties 341 Main Street, Salinas, California 93901

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew R. Silver, SBN 245528; Rene L. Farjeat, SBN 301188 Silver & Wright LLP 3350 Shelby Street, Suite 250 Ontario, California 91764 TELEPHONE NO.: 949-385-6431 FAX NO. (Optional): 949-385-6428 E-MAIL ADDRESS (Optional): RFarjeat@SilverWrightLaw.com ATTORNEY FOR (Name): Plaintiff City of Salinas	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY STREET ADDRESS: 1200 Aquajito Road MAILING ADDRESS: 1200 Aquajito Road CITY AND ZIP CODE: Monterey, California 93940 BRANCH NAME: Monterey Courthouse	
PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp. DEFENDANT/RESPONDENT: Berkley, Inc., et al.	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☐ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 3 Day Notice of Intent to File Receivership Petition/Complaint
3. a. Party served (specify name of party as shown on documents served):
 Berkley, Inc., a California corporation
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 300 Main Street, Salinas, California 93901
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp.	CASE NUMBER:
DEFENDANT/RESPONDENT: Berkley, Inc., et al.	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (specify means of service and authorizing code section):
- By posting in a conspicuous place on real property located at 300 Main Street, Salinas, California 93901 on December 6, 2019 at approximately 1:10 p.m.
- ☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **Berkley, Inc., a California corporation**
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Sylvia Perez
- b. Address: 65 West Alisal St., #101, Salinas, California 93901
- c. Telephone number: 831-758-7157
- d. **The fee** for service was: \$
- e. I am:
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

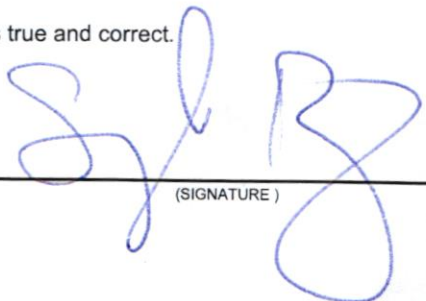
or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: December 9, 2019

Sylvia Perez

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew R. Silver, SBN 245528; Rene L. Farjeat, SBN 301188 Silver & Wright LLP 3350 Shelby Street, Suite 250 Ontario, California 91764 TELEPHONE NO.: 949-385-6431 FAX NO. (Optional): 949-385-6428 E-MAIL ADDRESS (Optional): RFarjeat@SilverWrightLaw.com ATTORNEY FOR (Name): Plaintiff City of Salinas	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY STREET ADDRESS: 1200 Aquajito Road MAILING ADDRESS: 1200 Aquajito Road CITY AND ZIP CODE: Monterey, California 93940 BRANCH NAME: Monterey Courthouse	
PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp. DEFENDANT/RESPONDENT: Berkley, Inc., et al.	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☐ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 3 Day Notice of Intent to File Receivership Petition/Complaint
3. a. Party served (specify name of party as shown on documents served):
 Monterey Regional Water Pollution Control Agency
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 Lindsay Synsteby, Agent for Service of Process
4. Address where the party was served:
 5 Harris Ct., Building D, Monterey, California 93940
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp.	CASE NUMBER:
DEFENDANT/RESPONDENT: Berkley, Inc., et al.	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on *(date)*: (2) from *(city)*:
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (*specify means of service and authorizing code section*):
By U.S.P.S. Certified First-Class Mail with Return Receipt Requested on December 6, 2019

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **Monterey Regional Water Pollution Control Agency**
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: James Chase
- b. Address: 3350 Shelby Street, Suite 250, Ontario, California 91764
- c. Telephone number: 949-385-6431
- d. **The fee** for service was: \$
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:


8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: December 8, 2019

James Chase
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew R. Silver, SBN 245528; Rene L. Farjeat, SBN 301188 Silver & Wright LLP 3350 Shelby Street, Suite 250 Ontario, California 91764 TELEPHONE NO.: 949-385-6431 FAX NO. (Optional): 949-385-6428 E-MAIL ADDRESS (Optional): RFarjeat@SilverWrightLaw.com ATTORNEY FOR (Name): Plaintiff City of Salinas	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY STREET ADDRESS: 1200 Aquajito Road MAILING ADDRESS: 1200 Aquajito Road CITY AND ZIP CODE: Monterey, California 93940 BRANCH NAME: Monterey Courthouse	
PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp. DEFENDANT/RESPONDENT: Berkley, Inc., et al.	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

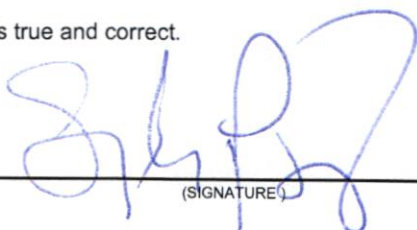
1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☐ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 3 Day Notice of Intent to File Receivership Petition/Complaint
3. a. Party served (specify name of party as shown on documents served):
 Monterey Regional Water Pollution Control Agency
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 300 Main Street, Salinas, California 93901
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: City of Salinas, a California municipal corp.	CASE NUMBER:
DEFENDANT/RESPONDENT: Berkley, Inc., et al.	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (*specify means of service and authorizing code section*):
- By posting in a conspicuous place on real property located at 300 Main Street, Salinas, California 93901 on December 6, 2019 at approximately 1:10 p.m.
- ☐ Additional page describing service is attached.
6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*): _____
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **Monterey Regional Water Pollution Control Agency**
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |
7. **Person who served papers**
- a. Name: Sylvia Perez
- b. Address: 65 West Alisal St., #101, Salinas, California 93901
- c. Telephone number: 831-758-7157
- d. **The fee** for service was: \$ _____
- e. I am:
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____
8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: December 9, 2019

Sylvia Perez
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)