

1 JONES & MAYER
2 Dean J. Pucci, Esq. SBN 221807
3 djp@jones-mayer.com
4 Krista MacNevin Jee, Esq. SBN 198650
5 kmj@jones-mayer.com
6 3777 North Harbor Boulevard
7 Fullerton, California 92835
8 Tel.: (714) 446-1400; Fax: (714) 446-1448

EXEMPT FROM FILING FEES PER GOV.
CODE §6103

6 CYNDY DAY-WILSON (SBN 135045)
7 CITY ATTORNEY
8 531 K Street
9 Eureka, CA 95501
10 Phone: (707) 441-4147
11 Fax: (707) 441-4148

12 Attorneys for CITY OF EUREKA

13 **SUPERIOR COURT OF CALIFORNIA**
14 **COUNTY OF HUMBOLDT**

15 The CITY OF EUREKA, and the PEOPLE OF
16 THE STATE OF CALIFORNIA, by and
17 through Jones & Mayer, Special Counsel to the
18 City of Eureka,

19 Petitioner,

20 v.

21 FLOYD SQUIRES, et al.,

22 Respondents.

Case No.

**DECLARATION OF BRIAN J. GERVING
IN SUPPORT OF MOTION FOR
ADDITIONAL RECEIVER AUTHORITY,
OR IN THE ALTERNATIVE, FOR
REPLACEMENT OF RECEIVER**

[Assigned for all purposes: Hon. Dale E.
Reinholtsen, Dept. 8]

Exempt from Filing Fees (Govt. Code § 6103)
Deemed Verified (Code Civ. Proc. § 446)

DATE: January 23, 2017
TIME: 4:00 p.m.
DEPT: 8

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26 I, BRIAN J. GERVING, hereby declare as follows:

27 1. I am, and at all times material to this declaration have been, employed as the
28 Chief Building Official in the Building Department for the City of Eureka. I have also

1 functioned as the Code Enforcement Coordinator since 2009. Additionally, I have been certified
2 as a building inspector and plans examiner by the International Code Council since March 2007
3 and a certified building official since August 2011.

4 2. I have personal knowledge of the following facts set forth herein and if called as a
5 witness I could and would competently testify thereto.

6 3. Since this Court's most recent order filed on November 17, 2016, the following is
7 the current status of properties for which the Court ordered that repairs and inspections be
8 completed within 30 days:

- 9 • **216 3rd Street** – An inspection was conducted by the City on December 21, 2016 but
10 the repairs were incomplete. In addition, new violations were identified at the time of
11 that inspection. This property remains incomplete to date.
- 12 • **1803 C Street** – Repairs at this property were signed off as complete on December 19,
13 2016.
- 14 • **1233 A Street** – Repairs at this property were signed off as complete on December 9,
15 2016.
- 16 • **2969 California Street** – An inspection was done in August, at which time repairs were
17 not complete and the permit issued for this property could not be signed off as complete.
18 No inspections have been requested since that time and the repairs at this property are
19 not complete.

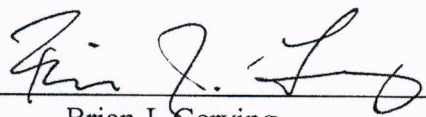
20 4. As to the third set of properties ordered to be repaired and identified in the
21 remainder of the Court's November 17, 2016 order, the following is the current status of these
22 properties:

- 23 • **315 C Street** – The Receiver has submitted to the City no scope of work as required by
24 the order for the issuance of permits.
- 25 • **317 C Street/205 4th Street** – The Receiver has submitted to the City no scope of work
26 as required by the order for the issuance of permits.
- 27 • **325 C Street/205 4th Street** – The Receiver has submitted to the City no scope of work
28 as required by the order for the issuance of permits.

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- **117/119 5th Street** – The Receiver has submitted to the City no scope of work as required by the order for the issuance of permits.
- **833 H Street** – The Receiver submitted a scope of work for permits as to repairs at the property on November 15, 2016, which was prior to issuance of the Court’s order. On November 16, 2016, Floyd Squires was informed by the City that the permit for this property was ready for pick up and payment. Mr. Squires informed the City that he would not pick up this permit yet, as he disagreed with the amount of the required fee and wanted to talk to the Receiver about this permit. The scope of work prepared by the Receiver was not based on any inspection of the foundation or floor structure of the property by the City and the Receiver, or by a licensed structural or civil engineer as required by the Court’s order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 28th day of December, 2016.



Brian J. Gerving
Chief Building Official
City of Eureka

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 3777 North Harbor Boulevard, Fullerton, California 92835.

On **December 28, 2016**, I served the foregoing document described as:

**DECLARATION OF BRYAN GERVING IN SUPPORT OF MOTION
FOR ADDITIONAL RECEIVER AUTHORITY, OR IN THE
ALTERNATIVE, FOR REPLACEMENT OF RECEIVER**

on each interested party listed on the attached service list:

Counsel for Defendants

Bradford C. Floyd, Esq.
Floyd Law Firm,
A California Partnership
819 Seventh Street
Eureka, CA 95501
EMAIL: bcfloyd@floydlawfirm.net

Court Appointed Receiver

Jeff Smith
Lenders Construction Services
P.O. Box 6218
Eureka, CA 95502
Email: jeff@lendersconstructionservices.com

 (VIA MAIL) I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Jones & Mayer's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at La Habra, California, in the ordinary course of business. I am aware that on motion of the parties served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.


 X (VIA EMAIL) By electronically transmitting the document(s) listed above to the e-mail address(es) of the person(s) set forth above. The transmission was reported as complete and without error. See Rules of Court, Rule 2.251.

 X (VIA PERSONAL SERVICE) I caused the aforementioned documents to be personally delivered to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney(s) office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

 X (VIA OVERNIGHT DELIVERY) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to each interested party. I placed the envelope or package for collection and overnight delivery in the

overnight delivery carrier depository at Fullerton, California to ensure next day delivery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **December 28, 2016**, at Fullerton, California.



Kate Becerra

SERVICE LIST

Counsel for Defendants

Bradford C. Floyd, Esq.
Floyd Law Firm,
A California Partnership
819 Seventh Street
Eureka, CA 95501
EMAIL: bcfloyd@floydlawfirm.net

**VIA EMAIL AND PERSONAL
DELIVERY**

Court Appointed Receiver

Jeff Smith
Lenders Construction Services
P.O. Box 6218
Eureka, CA 95502
Email: jeff@lendersconstructionservices.com

**VIA EMAIL AND OVERNIGHT
DELIVERY**