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EXEMPT FROM FILING FEES PER GOV CODE
§6103

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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 HEIDI
BENZONELLI 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

26
27 I, HEIDI BENZONELLI, hereby declare as follows:
28

1 1. I am the Program Director for the Westside Community Building Initiative
2 (“Westside”), and the spokesperson for the G Street Neighborhood Network, a group of 53
3 neighbors of the properties located at 1625 and 1635 G Street. While pursuing our own
4 independent claims and remedies against the property owners of these properties, Westside is
5 also supportive of the City’s actions in holding these property owners responsible for the long-
6 standing nuisances presented by the continuing dangerous and decrepit conditions, which have
7 included a myriad of criminal activities, ranging from rampant drug use on the properties,
8 vandalism, assaults and shootings at the properties. Westside has recently appealed to the
9 Eureka City Council to continue in its efforts to remedy the properties owned by Floyd and Betty
10 Squires throughout the City. A true and correct copy of the letter that I sent to the City Council
11 is attached hereto, and incorporated herein by reference, as Exhibit A.

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

14 3. A shooting occurred at 1635 G Street on December 16, 2016. Immediately after
15 that shooting and the following day, there were no work trucks, no repairman, and no visible
16 effort of any kind by the property owner, Floyd Squires, to secure the reportedly vacant building,
17 and to prevent further incidents.

18 4. I spoke with neighbors after the shooting, some of whom were in the process of
19 vacating their residents, carrying boxed belongings; their stated reason for immediately moving
20 out was feeling unsafe and wanting to find another place to live due to the recent shooting. Mr.
21 Squires represented to a member of our Neighborhood Improvement Team who spoke with him
22 on the phone, that all tenants at 1635 G had been evicted and the building was being secured, but
23 I have observed furnished rooms, televisions, house plants, and other signs that tenants continue
24 to reside at the building, to date.

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5. The group of neighbors that I represent are actively evaluating legal options to hold the property owners responsible for the on-going problems created by these neglected properties, which have long been an eyesore, as well as being inadequately maintained, unsafe, and unsecure, which has allowed unregulated individuals to occupy the buildings and engage in illegal activities. Westside is in support of the Court's receiver taking control of these properties rather than the property owners, who have demonstrated the past and present inability to maintain control over the properties or to correct the dilapidated conditions of the properties. Westside is also supportive of a new receiver being appointed if the current receiver cannot effectuate the needed repairs in a timely manner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27 day of December, 2016.

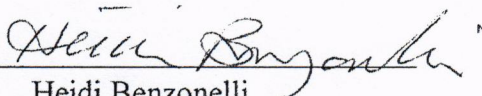

Heidi Benzonelli

EXHIBIT A

Krista MacNevin Jee

From: Cyndy Day-Wilson [cday-wilson@ci.eureka.ca.gov]
Sent: Thursday, December 22, 2016 9:29 AM
To: Krista MacNevin Jee; Dean J. Pucci
Subject: Fwd: G Street Neighborhood Efforts
Attachments: Letter to City v2-1.docx

Cyndy Day-Wilson
City Attorney
City of Eureka

Begin forwarded message:

From: Heidi Benzonelli-Burden <heidibenzonelli@yahoo.com>
Date: December 22, 2016 at 9:27:49 AM PST
To: "mbrady@ci.eureka.ca.gov" <mbrady@ci.eureka.ca.gov>, "hmessner@ci.eureka.ca.gov" <hmessner@ci.eureka.ca.gov>, "kbergel@ci.eureka.ca.gov" <kbergel@ci.eureka.ca.gov>, "aallison@ci.eureka.ca.gov" <aallison@ci.eureka.ca.gov>, "narroyo@ci.eureka.ca.gov" <narroyo@ci.eureka.ca.gov>, "cityclerk@ci.eureka.ca.gov" <cityclerk@ci.eureka.ca.gov>, Greg Sparks <gsparks@ci.eureka.ca.gov>, "cday-wilson@ci.eureka.ca.gov" <cday-wilson@ci.eureka.ca.gov>, "amills@ci.eureka.ca.gov" <amills@ci.eureka.ca.gov>
Subject: G Street Neighborhood Efforts
Reply-To: Heidi Benzonelli-Burden <heidibenzonelli@yahoo.com>

Hello all, As you may be aware, I am spokesperson for a group of 53 neighbors moving forward with neighborhood improvement efforts AND legal action against Mr. Squires.

Attached, please find a letter, offering our support, requesting the cities support, and requesting the City Attorney consider requesting an Emergency Order to Reconsider the discretionary Details of the Receivership at 1625 and 1635 G Street.

Thank you all for all you do.
Merry Christmas and best wishes for 2017

In Service,
Heidi Benzonelli, Program Manager
Westside Community Building Initiative
(707) 498-5764

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

12/19/2016

Dear City Leaders,

Thank you for your ongoing support of the resident-led efforts of the Westside Community Building Initiative. I am acting as a Spokesperson for a group of 53 neighbors of the Squires Properties at 1625 and 1635 G Street. The neighbors are seeking to hold the property owner responsible for the dangerous and decrepit conditions of the properties which have been the site of myriad criminal activities, ranging from rampant drug use, to vandalism, assaults and shootings. Eureka Police Department reports 32 calls to the properties in 30 days. The recent shooting by transients resulted in serious injury suffered by one of the neighbors. Small claims petitions will continue to be pursued by the neighbors against the property owner, Mr. Squires, who seems to act with impunity and in complete disregard of the law.

We know the City is concerned about the continuing problem, and we are grateful that the City has tirelessly pursued abatement of the chronic nuisance conditions of Mr. Squires' properties. Despite those efforts, and the expenditure of significant city resources, the conditions have not improved, and the threat to public safety continues to grow. We believe the time has come to join forces and pursue every available strategy to abate the nuisance and restore some measure of peace to the community. Following are several suggested actions that we expect to pursue.

The next court hearing is calendared for January 23rd. The neighbors intend to attend the court hearing in support of the city's efforts to compel compliance with the law by the property owner, and abate the increasingly dangerous conditions of these properties.

I urge the City to seek a Motion for Reconsideration regarding the receivership of these two properties. I understand that, despite the historical and continuous failures to correct the problems at these properties, the court has permitted Mr. Squires to continue to control, manage and collect rent from 1625 and 1635 G Street. He has clearly failed to act responsibly, and there have been no improvements in the condition of the properties under his control. In fact, squalid and dangerous conditions have continued to persist and even worsen at the 815 and 833 H Street Properties. Mr. Squires' management of the property is an abject failure. He continues to conduct his business as usual, in complete disregard of his obligation to abate the nuisance which led to the receivership in the first place. His contempt for public safety is amply illustrated by the most recent shooting, which occurred on December 16, 2016.

Immediately after the most recent shooting, and even the following day there were no work trucks, no repairman, no visible effort of any kind to secure the reportedly vacant building at 1635 G Street. The lack of any response by Mr. Squires to the shooting at property he owns and manages is telling. While there was no action taken by the property owner, nor any activity to secure the location in order to prevent further incidents, there were significant indications of the impact these increasingly violent incidents have on the neighbor hood. Neighbors are leaving. Vacation rental owners are hesitant to rent their properties for fear of injury to their guests. People are getting physically injured. No one feels safe.

I went to speak with some of the neighbors after the shooting. As I looked around, there was no activity by Mr. Squires or anyone acting on his behalf to secure or clean or otherwise respond to the shooting. At the same time, I observed neighbors from an apartment at 1615 carrying boxes out and even a Christmas Tree with LIGHTS on it! I rolled down my window and asked "where are you going?" the guy with the tree said "anywhere but here". A lady packing boxes in her car said "to my mom's at least

through the holidays or until we find another place. It is just not safe down here, the kids are out of school we want them to be able to go outside and play. "

In a phone conversation on December 6th, Mr Squires told Jessika Chapman that he had evicted all tenants and the building was vacant and being secured. This is simply false. There are furnished rooms, TV's, furniture and houseplants in 1635 G Street, to this day. It is an occupied property, and it is dangerous.

As illustrated by the most recent shooting, and given the violent nature of the criminals that occupy this property at will, along with the complete failure of Mr. Squires to take effective action to secure the property and prevent further criminal activity, the danger faced by residents and visitors in this area continues to escalate, with potentially deadly consequences.

These factors amount to changed circumstances that deserve consideration by the court because the circumstances have been caused by the court designated manager of the property, Mr. Squires, who has failed to take any reasonable measures to secure his properties and abate the dangerous conditions. We therefore urge the city to seek an Emergency Motion for Reconsideration of the court's designation of Mr. Squires as the manager of these properties. We urge the city to ask the court to remove control off the properties from Mr. Squires and appoint a third party as receiver or manager. In addition the court must mandate the third party receiver or manager to secure, board and fence the 1635 property, secure the 1625 property for tenants only, provide security and patrol, and pay for the costs from the rents collected from the occupied property. Should the costs exceed the collected rent, the City can and should seek additional sanctions in the form of fines, and to secure those amounts through liens filed against both properties.

The neighbors will be following with 53 separate cases of documented nuisance at both the properties located at 1625 and 1635 G Street. Realistically, small claims action alone will not compel improvement of the properties owned by Mr. Squires. However, we firmly believe that pursuit of every possible enforcement mechanism available to the city and to local residents is the only possible way to compel Mr. Squires to secure the properties and abate the multiple nuisances. This also includes a demand for reconsideration by the court of Mr. Squires appointment as manager of the properties because of his consistent failure to take the actions necessary to ensure the security of the properties and the safety of the neighborhood.

The Neighbors look forward to working with you, and are anxious to begin the process of a more cohesive, cooperative and global effort to abate the nuisance and restore some measure of peace to the community. We are ready, willing and able to provide assistance and welcome the opportunity to work together. Please direct your response to the Neighbors through me. I can be reached by phone, by mail or by email

Thank you for your concern, consideration and cooperation.

Sincerely,

Heidi Benzonelli, Program Director
Westside Community Building Initiative
(707) 498-5764
heidibenzonelli@yahoo.com

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 HEIDI BENZONELLI 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.

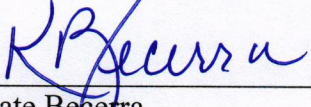
 X (VIA EMAIL) By electronically transmitting the document(s) listed above to the e-mail address(es) of the person(s) set forth above. The transmission was reported as complete and without error. See Rules of Court, Rule 2.251.

 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**