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EXEMPT FROM FILING FEES PER GOV.  
CODE §6103

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10 Attorneys for CITY OF EUREKA

11  
12 **SUPERIOR COURT OF CALIFORNIA**  
13 **COUNTY OF HUMBOLDT**  
14

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

18 Petitioner,

19 v.

20 FLOYD SQUIRES, et al.,

21 Respondents.  
22  
23  
24

Case No.

**DECLARATION OF MATTHEW  
MORGAN 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

25  
26 I, MATTHEW MORGAN, hereby declare as follows:

27 1. I am, and at all relevant times mentioned herein, been employed by the City of  
28 Eureka ("City") since August of 2016 as the Code Enforcement Officer for the City of Eureka, I

1 am responsible for receiving information and investigating complaints relating to violations of  
2 City building codes and ordinances, including alleged violations of Eureka Municipal Code.

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

5 3. 1635 G St, (APN 005-053-007) is a real property containing multiple rooms  
6 rented individually as residences. This property is owned by Floyd and Betty Squires. As an  
7 employee with the City of Eureka as a Code Enforcement Officer, I was contacted by a tenant  
8 who was paying rent at the residence. He asked if I would help him because of the numerous  
9 problems that he was having at the property. On or about October 07th 2016, I conducted an  
10 inspection at the residence. When I arrived, I was given permission by the tenant to enter the  
11 house and his room. While walking through the house, I noticed defective and deteriorating  
12 flooring in spots of the house and in the room of the tenant. In the tenant's room, there was  
13 exposed hazardous electrical wiring protruding from a wall. The door to his room was broken or  
14 had been taken off of the hinges. When I asked about that, he stated that Floyd Squires had  
15 removed the door from its hinges. He told me that, because of that action, he had now become a  
16 victim of crime such as burglary. The dwelling had ineffective waterproofing, due to a broken  
17 window in his room. He told me that he has asked to have the window replaced and he now  
18 feels that the landlord is retaliating by evicting him from the property. The tenant walked me  
19 through the rest of the house, which showed multiple doors that were broken and/or missing.  
20 Some of the tenants had locks and hasps on the outside of the doors, in violation of the Fire  
21 Code. I noticed defective waterproofing throughout the residence, by way of broken windows.  
22 The structure was lacking smoke detectors and fire extinguishers throughout the house. When  
23 looking out the window during the inspection on the above date, I also noticed that the roof was  
24 very much deteriorated in spots.

25 4. On or about November 7th 2016, I was contacted by a member of the community  
26 who lives near 1635 G Street. The neighbor asked if I knew what was happening to the tenants  
27 at this residence. I asked him to explain, and he said that he had seen Floyd Squires and his  
28 employees removing people's items from the house and placing it all on the sidewalk. He said

1 that since then, he had not seen any movement for a day or two and was worried about a few of  
2 the tenants that reside there because of the health conditions that they may have. He asked if we  
3 would check on the tenants at the residence. I contacted the City Police Department's Problem  
4 Oriented Policing (POP) and explained the situation. I met with members of POP at the house.  
5 The doors were open and unsecured. We met with one tenant who claimed that everyone was  
6 getting kicked out or moving out. He was there with his caregivers, who were in the process of  
7 finding alternate living arrangements for him. While inspecting the common areas of the  
8 residence, we noticed that conditions in the house had worsened. Upstairs, we witnessed more  
9 exposed wiring in the open flooring this time. The stairwell had no handrails on the lower half,  
10 making it extremely dangerous for residents or visitors to use the stairs.

11 5. On December 1st 2016, I met with the City's Community Improvement Team  
12 (CIT). Because the City had received more complaints about the property, we conducted another  
13 inspection. This time CIT and Detective John Burke from the District Attorney's Office also  
14 participated in the inspection. When we arrived at the residence, the doors were open to both the  
15 front and the side of the house. As we got to the door, officers saw a man and a woman move  
16 quickly into a closet space. After making contact with them, the officers confirmed that the man  
17 and woman were not paying rent and were, in fact, squatting at the residence. The male was  
18 arrested for outstanding warrants and transported to (HCCF) Humboldt County Correctional  
19 Facility. The female was told to leave the residence and she complied with the orders to leave.  
20 While walking through the residence, we encountered another female, who was also not  
21 supposed to be there. She was in the process of using intravenous illegal drugs, which was  
22 evident from the tie off on her arm and the needles that were inside of the bathroom where she  
23 was. She also had outstanding warrants and was transported to HCCF. In an upstairs bedroom  
24 that had previously been blocked off with plywood, we made contact with three individuals who  
25 were also in the middle of using illegal drugs. When asked if they lived there, one woman told  
26 us that she was allowed to stay there by one of Floyd Squire's workers as long as she helped pick  
27 up garbage at the residence. The other two said they did not stay there. I advised all individuals  
28 that, unless they had a lease agreement with Floyd Squires, they should not be staying at the

1 residence. Two of them immediately removed themselves from the property. The conditions at  
2 this residence have worsened each time I have been there. The garbage on the back of the  
3 property is piled high or spilling out into the parking lot behind the house. During this same  
4 inspection on December 01, 2016, I encountered a man who was using an open umbrella turned  
5 upside down to catch water leaking through the ceiling of his unit from the second floor above.  
6 He told me that his light bulbs would collect water from the ceiling leaking.

7 There are numerous code violations that continue at this residence and which I saw during  
8 my inspection, such as broken windows, missing doors, accumulations of garbage, hazardous  
9 electrical, hazardous plumbing, and the roof leaking on tenant's personal belongings. During all  
10 of the inspections I have conducted at this residence, I have witnessed illegal drug use, such as  
11 IV drug use and smoking drugs by people who were not associated with the house but had  
12 removed the plywood from the door and were now occupying the blocked rooms. I have seen a  
13 decline in the condition of the property such as numerous broken windows and unsecure doors  
14 allowing unauthorized individuals to gain entry without the use of a key.

15 6. I sent a First and Final Notice to Floyd and Betty Squires on October 10th 2016,  
16 detailing the issues from the first inspection of this property. They have failed to comply with  
17 the notice and have been issued \$4200 in administrative fines by the City as a result.

18 7. There have been two shootings at the building at 1635 G Street, since October  
19 2016. One of the shootings occurred on October 18th at around 0134 hours. The other shooting  
20 occurred just days ago on December 16, 2016 at about 1623 hours.

21 8. 833 H Street (APN 005-012-005) is a real property containing multiple residential  
22 units. This property is owned by Floyd and Betty Squires. The City has recently received  
23 multiple complaints about this property from members of the public as well as tenants who  
24 reside within this property, regarding the deplorable and unsafe conditions present there. A few  
25 members of the CIT consisting of myself, Investigator John Burke from the District Attorney's  
26 office, and two members of POP recently visited this site on December 14th, 2016, and  
27 documented ongoing violations at the property, such as broken windows, missing smoke  
28 detectors through the entire building, hazardous electrical, hazardous plumbing, unsafe egress

1 from the top floor, etc. We observed a second floor door to the outside that is not secured and  
2 for which there are no stairs on the outside, which presents a significant safety hazard. I  
3 observed large accumulations of trash around the exterior of the property, which is an ongoing  
4 issue. We also witnessed severe infestations of cockroaches in multiple rooms, consistent with  
5 previous inspections. We were told that there were people residing in the basement, and as we  
6 looked down the stairs we noticed that there was about six inches of standing water in the  
7 basement. Smoke detectors and other required firefighting equipment had been removed from  
8 the common areas. While we were inspecting common areas, we made contact with four tenants,  
9 and Investigator John Burke of the Humboldt County District Attorney's office asked them if  
10 they had any contact with Jeff Smith, the receiver of the property, as far as repairs that needed to  
11 be done or were underway. None of the tenants knew who Jeff Smith was.

12 5. 216 3rd street (APN 001-066-002) is a real property containing multiple rooms used for  
13 occupying. The Property is owned by Floyd and Betty Squires. I have recently received reports  
14 that there was trash strewn across the property because the garbage service is not large enough  
15 for the amount of people staying there. During the walk-through of the property we witnessed  
16 blocked off windows limiting emergency egress, deteriorating flooring, and boarded up rooms.  
17 We also saw cracked ceilings and other evidence of general dilapidation. The structure was  
18 missing required fire extinguishers. In the open foyer area of the complex, there was quite a  
19 large accumulation of trash.

20 6. 2245 Broadway (APN 008-011-010) is a real property containing multiple rooms.  
21 The property is owned by Floyd and Betty Squires. The two structures at this property are  
22 boarded up; the boarding was done by the City for violations of the Eureka Municipal Code on  
23 February 04, 2015. Since the board, nothing has been done to correct the violations, and  
24 conditions at the property continue to deteriorate. The City has received multiple complaints that  
25 people have re-occupied the structures. The City has sent notice to the owners on no less than  
26 three occasions, informing them that it is their responsibility to ensure that the structure remains  
27 secure against entry, but the property remains unsecured. I stop by there every few weeks and  
28 have witnessed encampments on the property or within the structures. Large amounts of trash

1 surround the property and graffiti is a constant issue. On or about December 1, 2016, I spoke  
2 with an individual who was staying in the north structure. He informed me that about 20 people  
3 stay there at night. I have witnessed multiple rats on the property on various visits to, and  
4 inspections of, the property. On my last walk around the property, we encountered only one  
5 individual in an upstairs room. The door was open and there were large amounts of trash inside.  
6 Inspector Detective John Burke informed me that he was not permitted to enter any of the  
7 structures because there had been reports that the property contained manmade traps that have  
8 been set up throughout the two structures to try and harm emergency personnel that would  
9 respond to situations at the location. Similar restrictions prohibiting entering these two buildings  
10 apply to both Eureka Police Department and Humboldt Fire personnel, for the same reason.

11 7. 117 and 119 5th (APN 001-071-004) is a real property containing multiple rooms.  
12 The property is owned by Floyd and Betty Squires. On December 21, 2016, I conducted a site  
13 visit as to the status of this property. The property had a structure fire on February 09, 2015, that  
14 burned an occupant/tenant. The burned portion of the structure has not been repaired. On the  
15 date of my inspection of the property, I walked on the outside of the structure and saw numerous  
16 code violations still occurring, including hazardous electrical wiring, unsafe and deteriorating  
17 stairs that could barely support any weight. When I knocked on the room where the fire had  
18 started, there was evidence the room was occupied, including someone moving behind the door,  
19 even though no one answered the door. This room should be empty, since no permits for repair  
20 work have been completed, including no inspections for any fire damage repair work, or other  
21 work to make the dwelling habitable again. During my inspection, I also saw broken and  
22 boarded windows and doors. The side yard was littered with debris and garbage. The electrical  
23 breaker box was open and exposed to the elements, and debris was piled in front of it, which is a  
24 fire hazard. The front of structure is still boarded up from the fire. Floyd and Betty Squires have  
25 been issued notices for administrative fines by the City for this property totaling \$46,383.

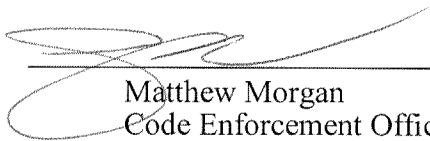
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27 8. As to the property at 1635 G Street, for which the City previously inspected  
28 pursuant to this action, such inspection was last conducted on August 04, 2016 by Eureka

1 Building Inspector John Polansky. On December 22, 2016, I compared with John Polansky the  
2 permits issued previously by the City relating to that prior inspection of the property and the  
3 pictures of the violations that I had found during my inspection in or about October. The prior  
4 violations that had been corrected and cleared by John Polansky in August were not the same as I  
5 found in my more recent inspection. After reviewing my photos and the prior permit and  
6 corrections, John Polansky and I both came to the conclusion in our professional opinions that  
7 the properties are again deteriorating, quicker than Floyd Squires can properly repair them.

8 9. Attached are true and correct copies of photographs taken at the above properties  
9 during my inspections as described above, which are attached here to as EXHIBIT A, and  
10 incorporated herein by reference.

11 I declare under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct. Executed this 22 day of December, 2016.

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16 \_\_\_\_\_  
17 Matthew Morgan  
18 Code Enforcement Officer  
19 City of Eureka  
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**EXHIBIT A**



Declaration of Matthew Morgan RE Floyd Squires properties under receivership  
Exhibit A



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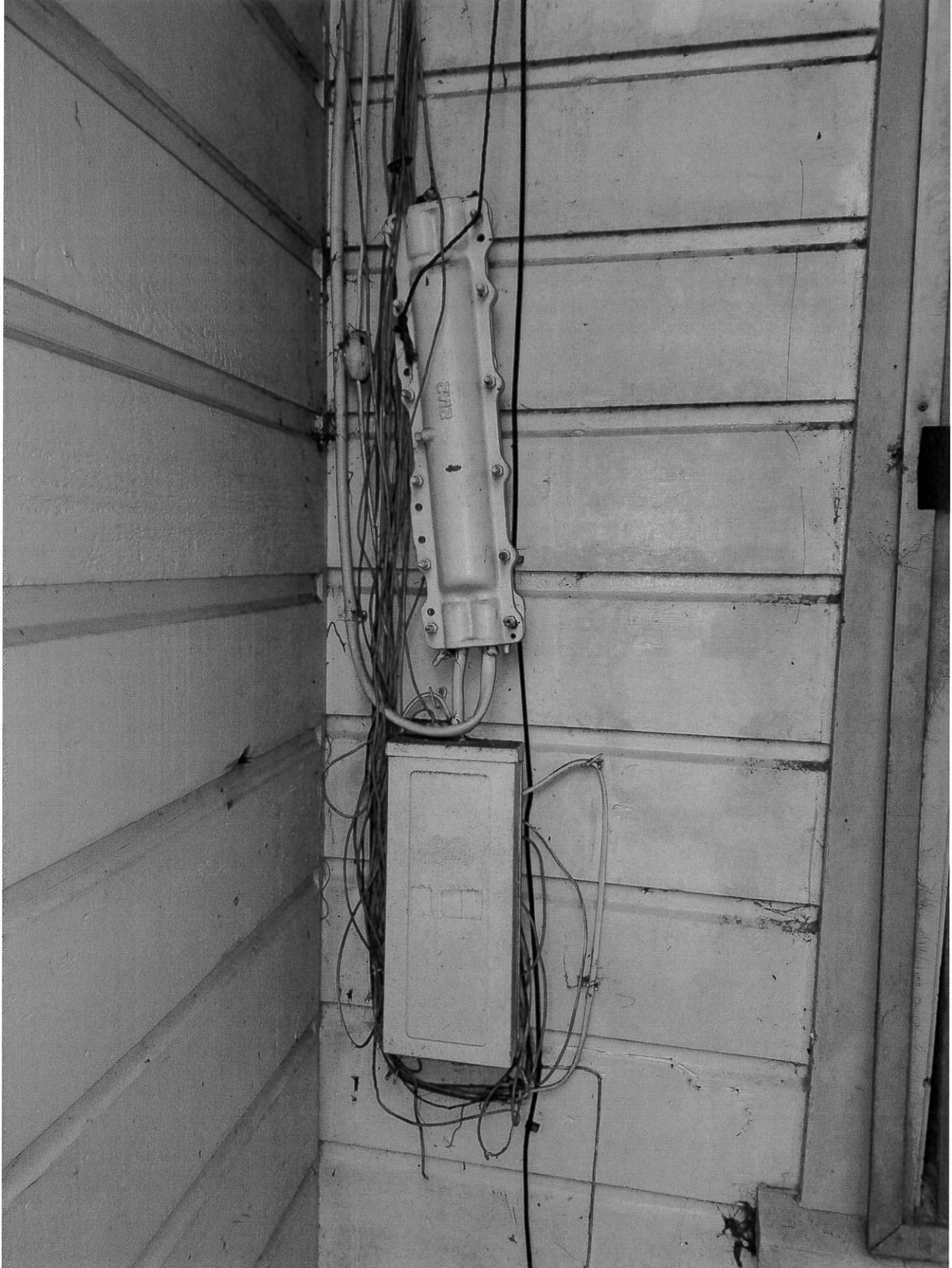
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216 3<sup>rd</sup> St.



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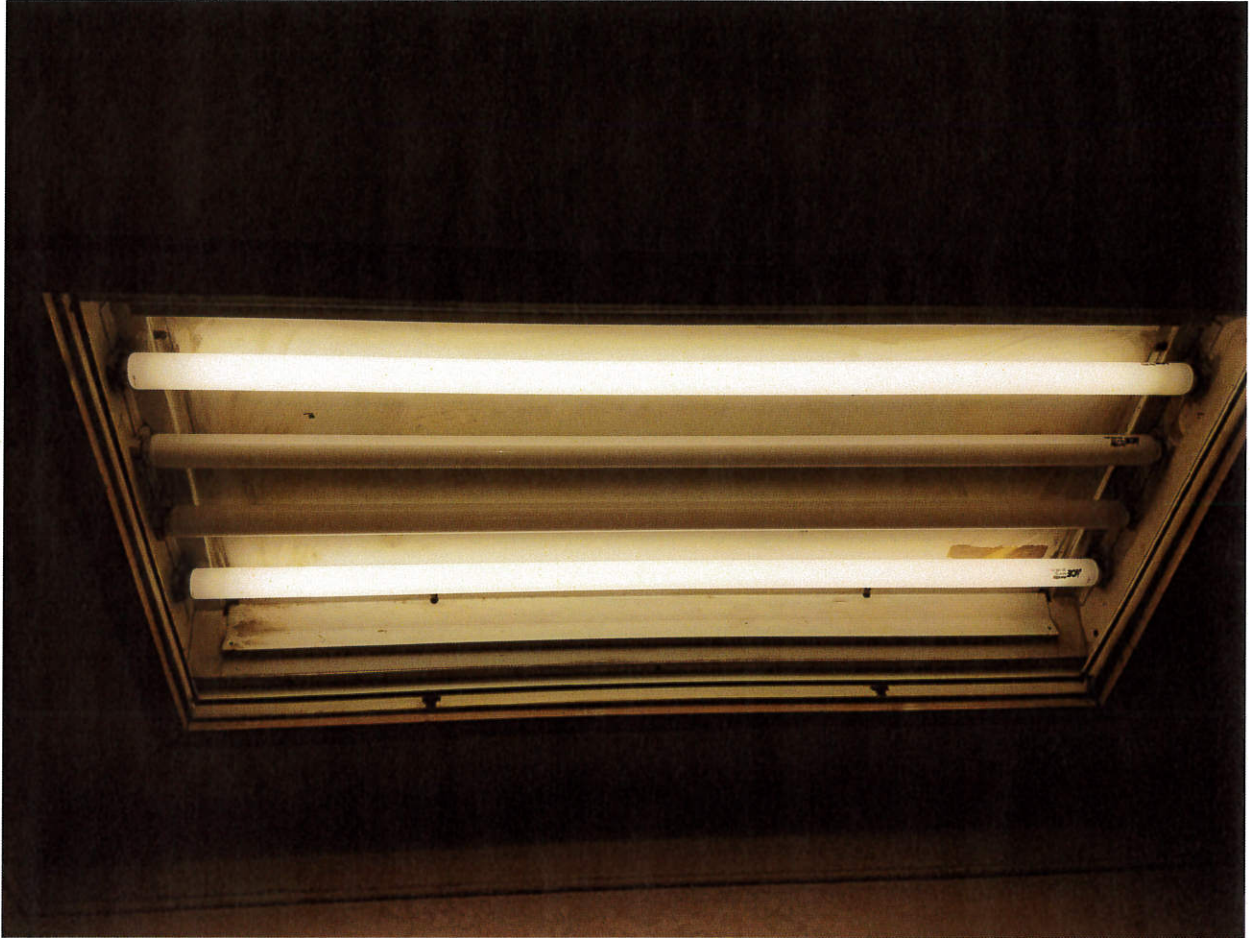
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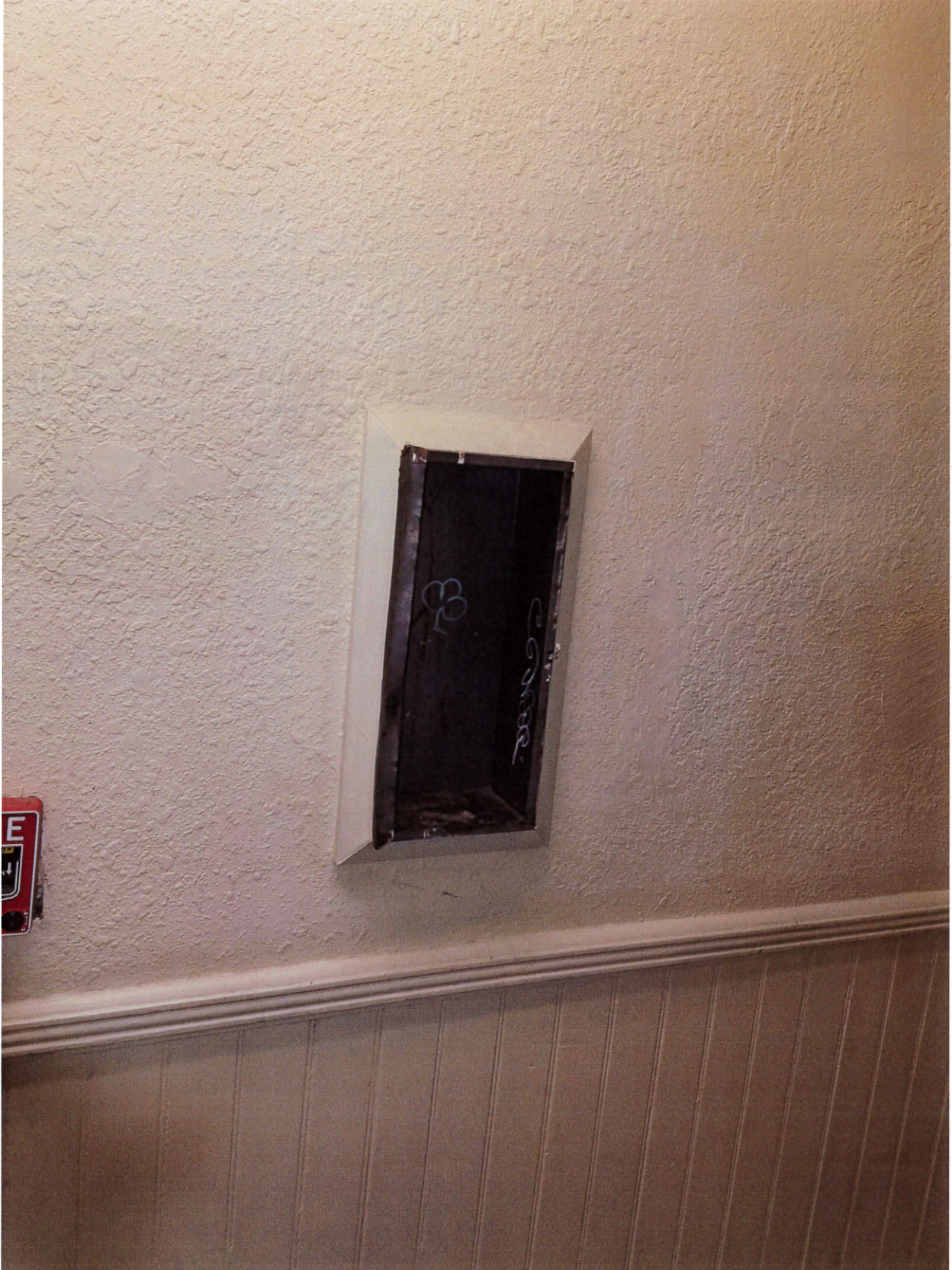
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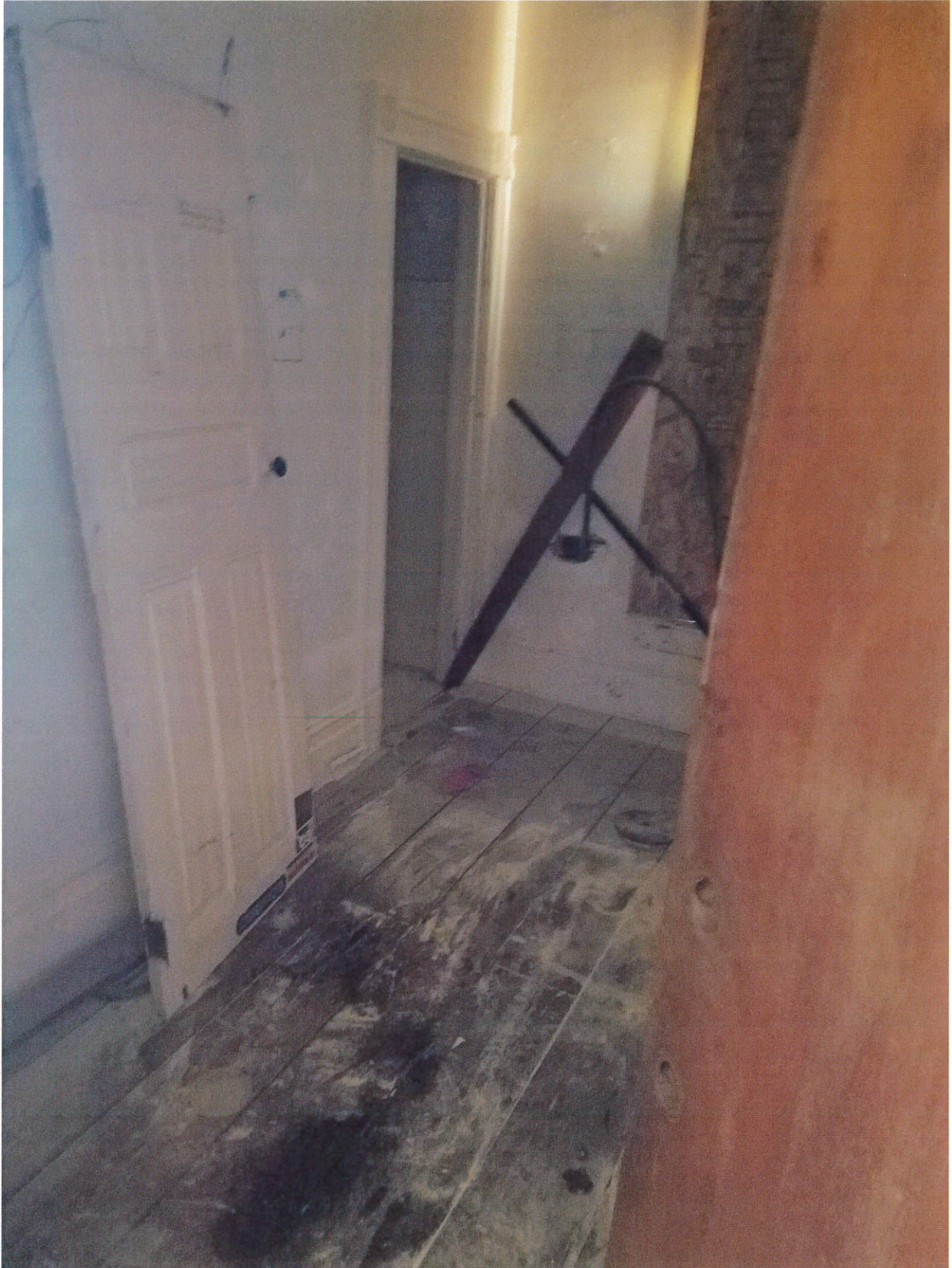
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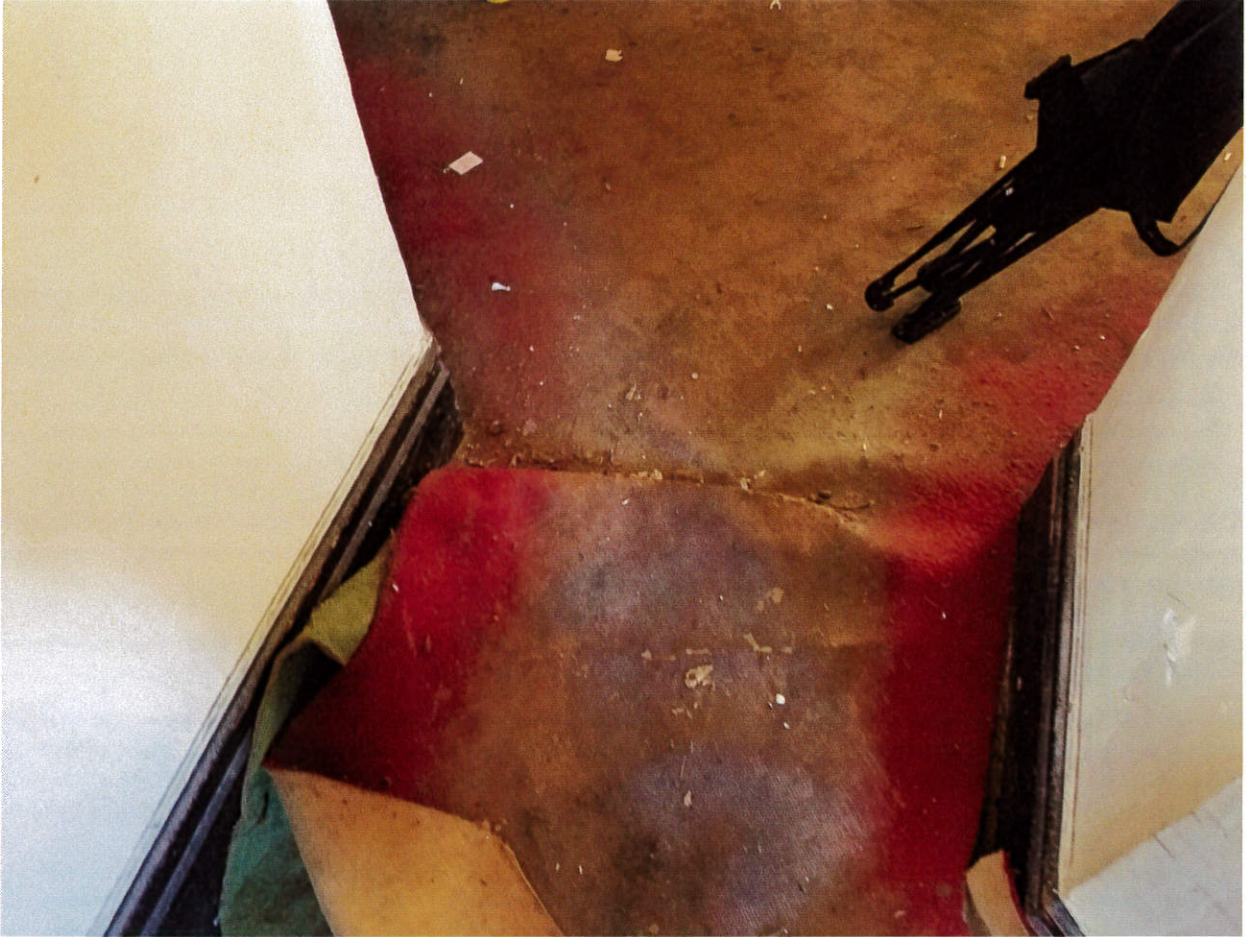


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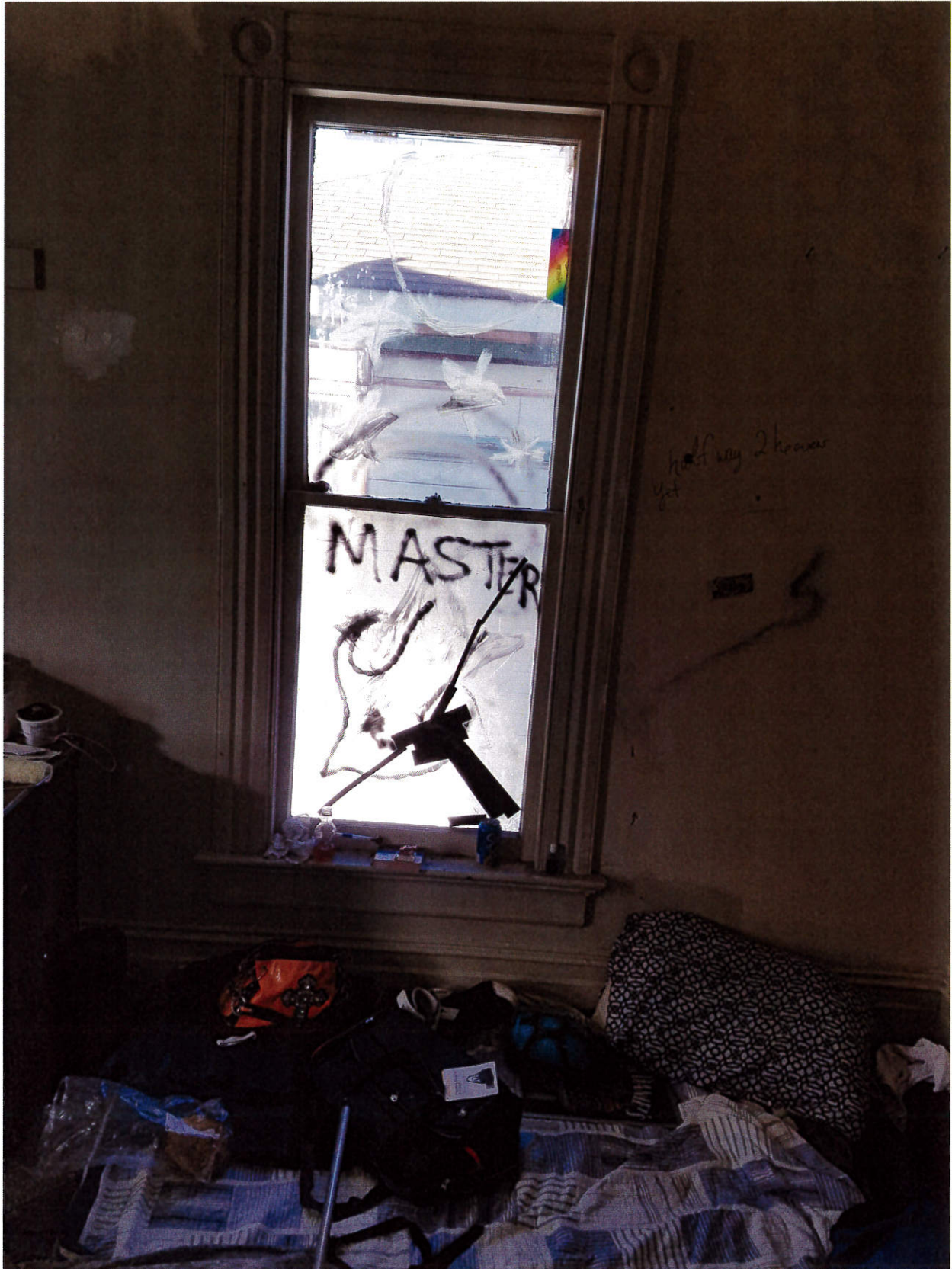


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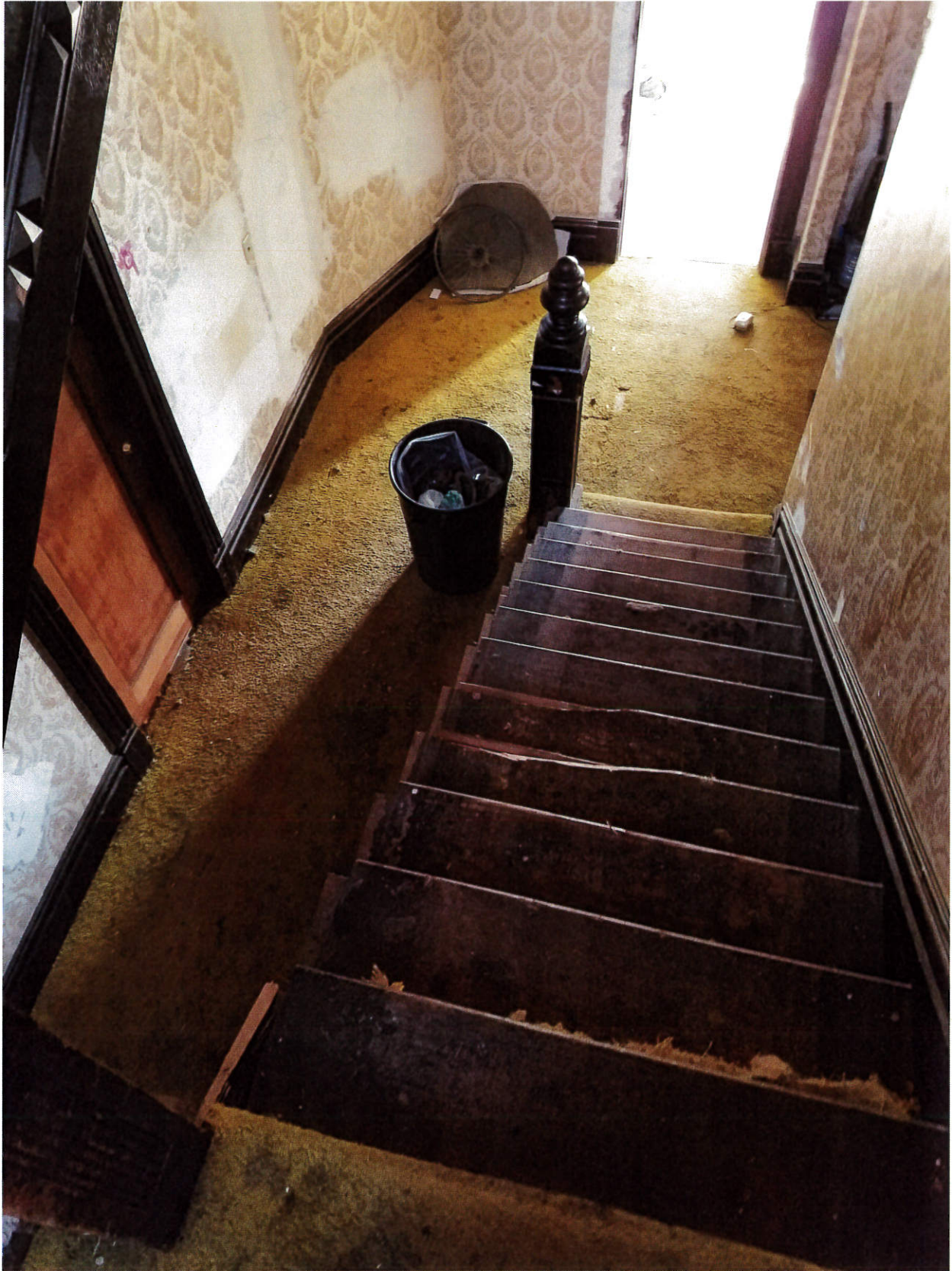
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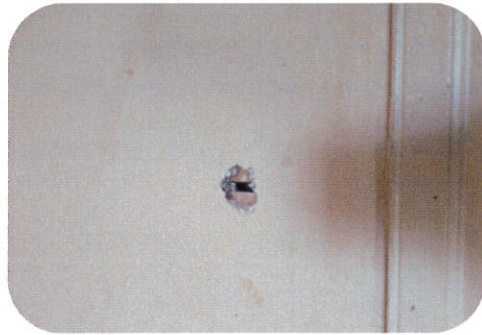
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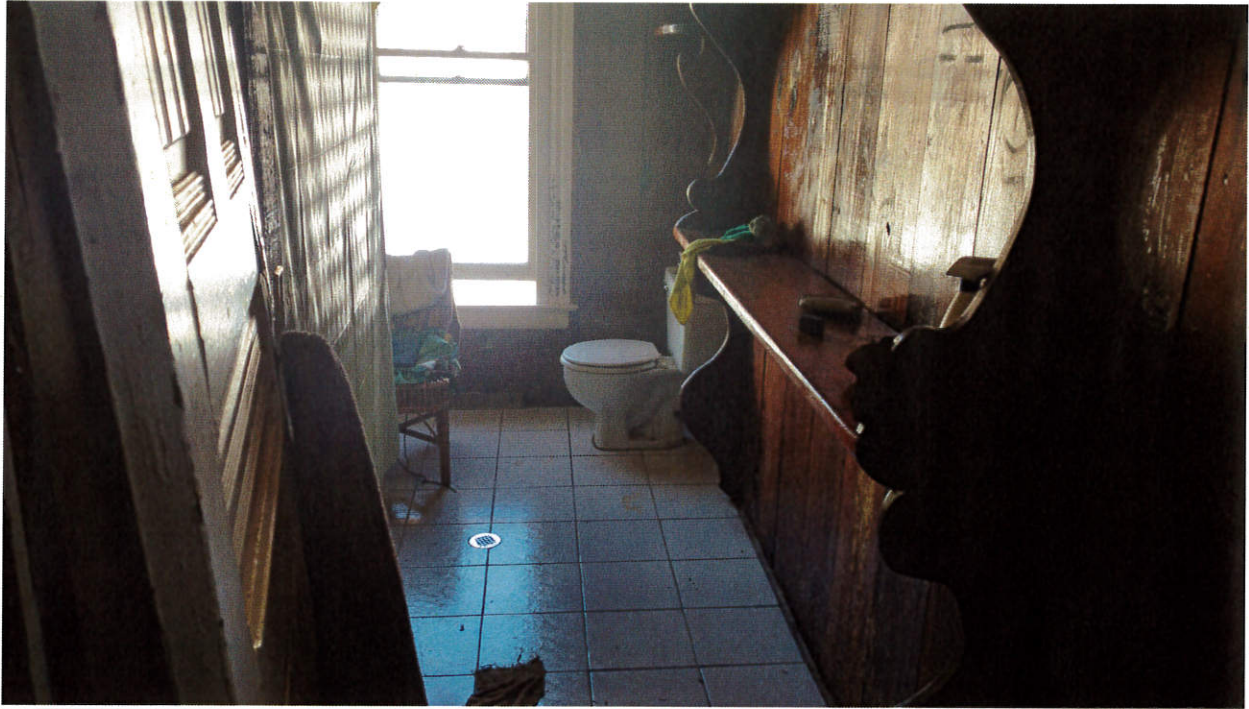
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2245 BROADWAY

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2245 BROADWAY

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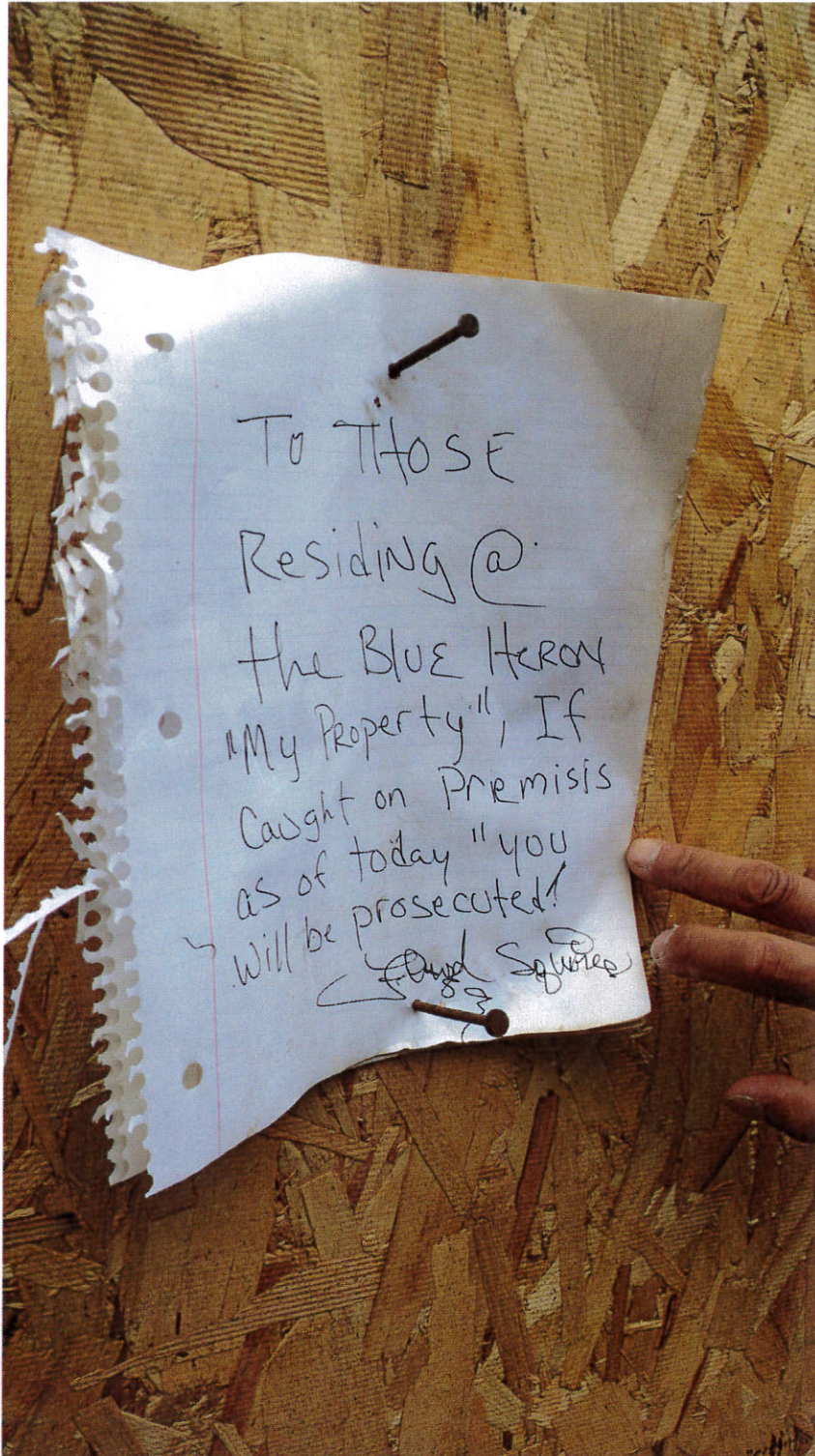


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2245 BROADWAY

**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 MATTHEW MORGAN 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](mailto:bcfloyd@floydlawfirm.net)

**Court Appointed Receiver**

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

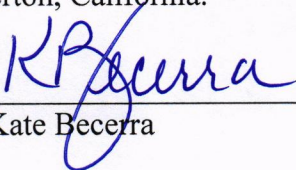
  X   (VIA EMAIL) By electronically transmitting the document(s) listed above to the e-mail address(es) of the person(s) set forth above. The transmission was reported as complete and without error. See Rules of Court, Rule 2.251.

  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](mailto: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](mailto:jeff@lendersconstructionservices.com)

**VIA EMAIL AND OVERNIGHT  
DELIVERY**