

EVENT #8: Ms. Rachel Smith Moved Next Door Into 2233 Angler Ave., *Neighbor Complains*

EVENT #8: *Another Local Homesteader, Ms. Rachel Smith, Moved Next Door Into 2233 Angler Ave. & Began Making Improvements; Neighbor Complains*

By Friday, 4-1-2016, Mr. Byrd & Ms. Wilson Had Noticed That The Property *Behind* Their Home, 2233 Angler Ave., Was *Also* Abandoned and Facing Years of Neglect.

There was no gate on the front of the property & the windows were covered- rusted cans of paint laid outside the wooden shed, & garbage littered the grounds. Old newspapers littered the front of the property & the tall grasses leading to the front door were undisturbed; *it didn't like like anyone had cared for the property in years*. The couple had knocked on the door at various occasions *just in case* someone was there; *it was apparent that no one was*. In fact, this was one of the *many* properties within a block of the couple's home that had been vacated for years.



Looking over the fence on 4-1-2016.

Photographs of 2232 Angler Ave. *Before* Making Improvements:



Foxtail grasses growing up against the fence the couple's fence.



A beautiful rock wall looks like it was once part of a great garden; view from south side of red fence.

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Stepping to the RIGHT & facing SLIGHTLY EAST from previous photo.



Walking toward the south side of 2233 Angler Ave., then FACING NORTH. On the lower left of the photo is the piece of carpet hanging near the center of the next photo.



Walking nearer to front of property; still FACING NORTH.

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Front of 2233 Angler as it had appeared for 6 months at this time since the couple moved in.



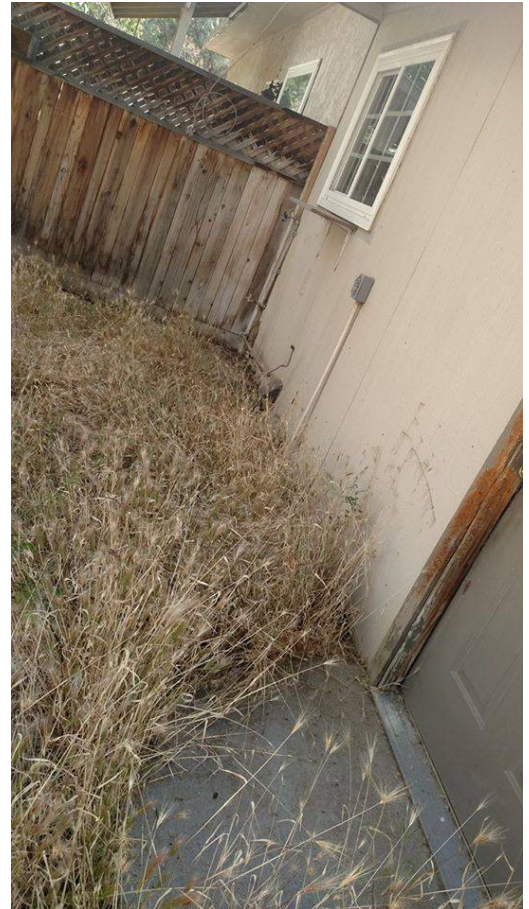
Facing SOUTHWEST & looking at the front door from the previous photo, grasses undisturbed to front door.

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The Foxtails Were Causing A *Fire Hazard* To Several Wooden Structures, Including The Main House, Two Wooden Fences, A Shed, & The 3 Neighboring Properties:

Right: The entire north side of the main house is physically comprised of wood, & the foxtails grow directly against it.

Below: The north side of the main house has a wooden garden fence, also in jeopardy of a fire.



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Above: Wooden shed as discovered; rusted metal cans & very old paper tacked to the door indicate further evidence of neglect & abandonment.

Right: Southwest side of wooden shed as discovered.

Below: Homes in Middletown, California burning from 2015 wildfires; Mr. Byrd & Ms. Wilson had fled these wildfires before moving to Commercial Ave.



Photo source- "ABC 7 News":

<http://abc7chicago.com/news/hundreds-of-homes-destroyed-thousands-evacuated-from-valley-fire/983519/>

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After Crawling Through An Open Window, They Documented Where The Ceiling Paint Was Peeling In Several Places Caused By Rain Leaking Into The House:

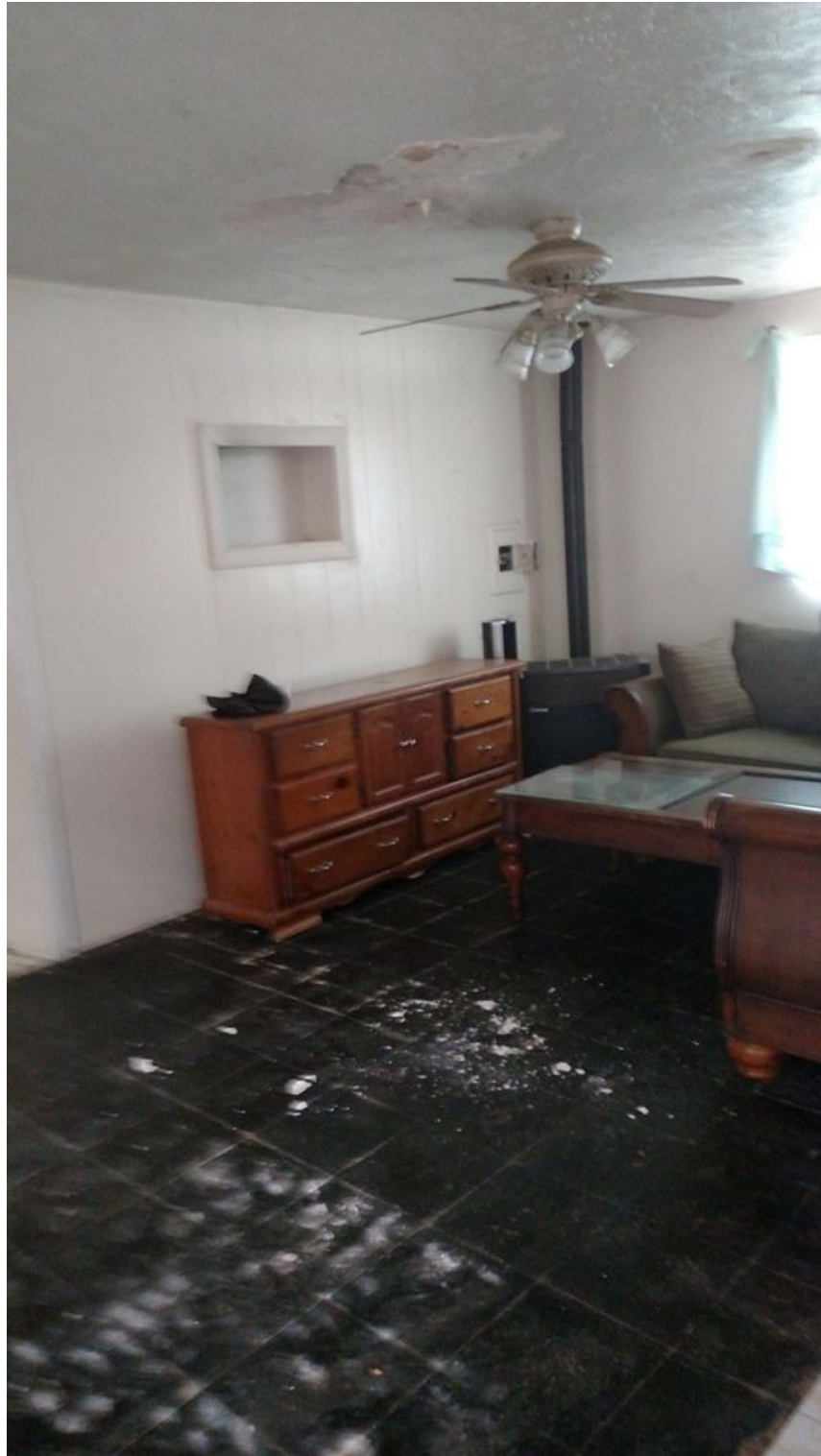


Directly inside the front door, this was the view.



Walking forward from previous photo, then turning southeast; 2 places where ceiling is peeling- some had been pulled down already (& put in trash bags) in this photo.

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Another leak in the ceiling left plaster all over the living room floor. Some furniture was in the house- but it was mostly empty.

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A Note In The Shower Indicated *When Someone Was Last There:*



This note was found taped to the back of the shower.

WARNING

This property has been winterized. **DO NOT** turn on water; connect electricity to the water heater or use sinks and/ or toilets. Hot water tank(s) need to be refilled before energizing.

Date: 03/30/2014

Freeze Damage Found: () Yes () No

Please contact Mortgage Contracting Services, LLC if you need to report a problem. Please make sure that you have the correct address and zip code for this property when contact us at (813) 387-1100 or 866-563-1100.

Contractor does NOT have sale/ rental information.

Service performed: [signature]

Meter Disconnect: (X) Yes () No
Lines Blown: (X) Yes () No
Kitchen Trap Replaced: () Yes (X) No
Tank Drained: (X) Yes () No

Vendor #: APEX
Work Order #: M6759696

Form P-102a

A closer look at the note.

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**A Closer Look Shows That “Mortgage Contracting Services”
Winterized The Home On 3-30-2014, meaning no one had been
here for years.**

WARNING

This property has been winterized. **DO NOT** turn on water; connect electricity to the water heater or use sinks and/ or toilets. Hot water tank(s) need to be refilled before energizing.

Date: 03/30/2014

Freeze Damage Found: () Yes () No

Please contact Mortgage Contracting Services, LLC if you need to report a problem. Please make sure that you have the correct address and zip code for this property when contact us at (813) 387-1100 or 866-563-1100.

Contractor does NOT have sale/ rental information.

Service performed: AC

Meter Disconnect:	(<input checked="" type="checkbox"/>) Yes () No
Lines Blown:	(<input checked="" type="checkbox"/>) Yes () No
Kitchen Trap Replaced:	() Yes (<input checked="" type="checkbox"/>) No
Tank Drained:	(<input checked="" type="checkbox"/>) Yes () No

Vendor #: APEX

Work Order #: M 6759696

Form P-102a

Mortgage Contracting Services
Post on all winterized items.

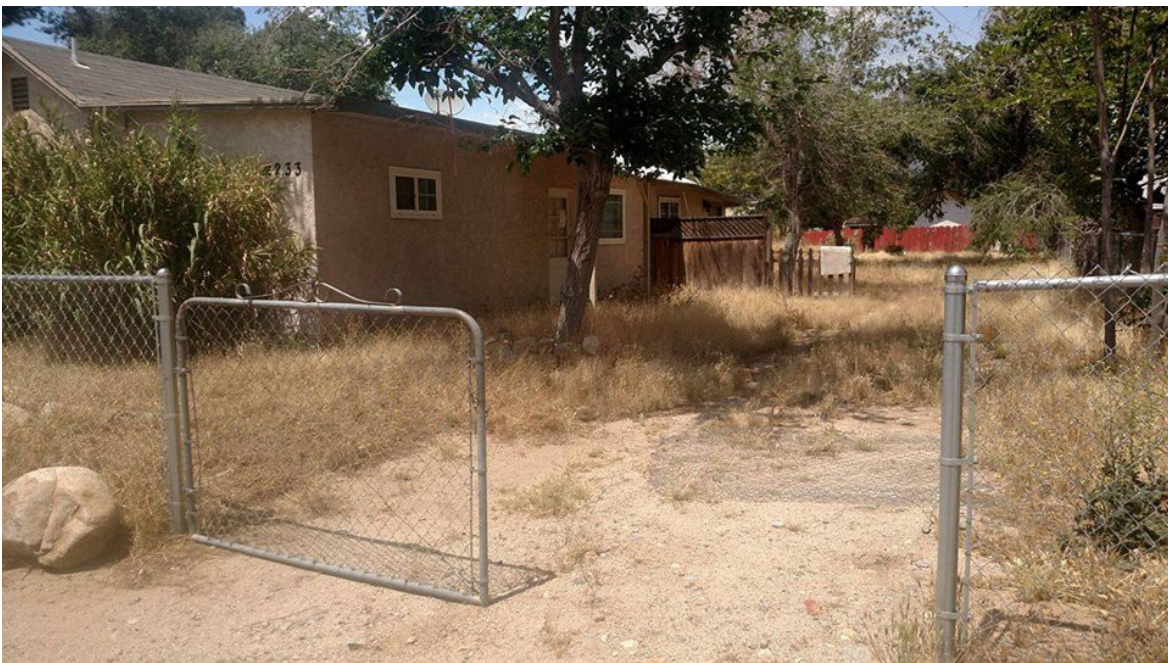
Revised

Now with tape pulled back/

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They Added *A Gate & A NO TRESPASSING Sign*:

On May 5th, after several days pulling up grasses along the fence-line by local friend Ms. Rachel Smith, Mr. Byrd, & Ms. Wilson, they erected a gate for 2233 Angler Ave.; the chainlink was cut from the old chainlink that was on 2232 Commercial Ave.



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Chainlink cut from fence discovered upon arrival at 2232 Commercial Ave.- see previous photos.



NO TRESPASSING sign purchased from L & M Lumber.

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Ms. Smith Filed a DECLARATION OF CLAIM OF ADVERSE POSSESSION On 2232 Angler Ave. On 5-9-2016:

Will Rosenberg, a *longtime friend of Ms. Smith* who had also known Ms. Wilson for years on good terms for years, drove Mr. Byrd, Ms. Wilson, & Ms. Smith to the Kern County Assessor's Office, where Ms. Smith filed a DECLARATION OF CLAIM OF ADVERSE POSSESSION on 2233 Angler (see photos on following 2 pages to witness paperwork).


While in Bakersfield, Mr. Byrd *and* Mr. Rosenberg *pitched in* to purchase 5 “15 foot bamboo fencing” segments from Lowe's as a *gift* to give to ms. Smith to provide privacy between her & her new neighbors, & to add to the general aesthetic of the property.

Mr. Byrd, Ms. Wilson, & Ms. Smith *all* sought “to produce a food supply which alleviates personal dependence upon their need for welfare, & also from having to purchase “food wrapped in garbage which ends up in landfills”. All 3 individuals express that it is part of their *religious beliefs* to be “good stewards of the land” & to practice “good will to all”; *all 3 felt that by “fixing up dilapidated properties & then growing enough package-free food that they could share”* was a way to fulfill their beliefs in a way which was not in conflict with anyone else.



Ms. Smith thrilled that this is possible; Mr. Byrd & Ms. Wilson were grateful to be able to help this lifelong resident with a good heart have a home & a place to grow food for the first time in her life.

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 **Kern County Assessor-Recorder**

JON LIFQUIST
ASSESSOR-RECORDER

Jon Lifquist
Assistant Assessor
Lee Smith
Assistant Recorder
Brian Pace

MAY 09 2016

RECEIVED

DECLARATION OF CLAIM OF ADVERSE POSSESSION

I, Rachel R. Smith, declare under penalty of perjury under the laws of the State of California, that I currently have possession of property known as 2233 Angler (a portion of) APN 263-352-11 I intend to be assessed for the property in order to perfect my claim of adverse possession. I took possession of the property on 5-1-16, and my possession of the property is of the following type:

personal residence community gardening educational
with power, etc.

The legal action I have taken to further my claim of adverse possession include the following: (for example: hired an attorney, filed court action, hearing date set, etc.)

Action	Date
<u>Wood Abatement/Fire</u>	<u>5-1-57-16</u>
<u>Hazard removal/Fix</u>	<u>5-9-16</u>
<u>Ceiling leaks Filed</u>	<u>5-9-16</u>
<u>With county assessor</u>	<u>5-9-16</u>

I understand this document shall be kept and maintained by the Assessor as a public record and shall be open to public inspection. I also understand the Assessor will send a copy of this declaration by certified mail to the current assessed owner(s) of this property.

[Signature]
Claimant's Signature


5-1-16
Date

Rachel R. Smith
Claimant's Name (Print)

ASSESSOR'S OFFICE / 1115 Truxtun Avenue / Bakersfield, CA 93301-4000 / Telephone (805) 868-3485
RECORDERS' OFFICE / 1400 Truxtun Avenue
HALL OF RECORDS / 1625 Chester Avenue / Bakersfield, CA 93301-3222 / Telephone (805) 868-6400

Page 1 of Ms. Smith's Declaration of Claim, stamped by Kern Assessor's Office on 5-9-2016.

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Kern County Assessor-Recorder

Jon Lifquist
Assessor/Recorder
Lee Smith
Assistant Recorder
Brian Pace

JON LIFQUIST
ASSESSOR-RECORDER
JULY 09 2016

RECEIVED

Pursuant to California Revenue and Taxation Code Section 610, amended January 1, 1983, §0 1340, Chapter 393, the undersigned makes claim to the lands described herein and desires to have his or her name inserted with that of the

In support of this claim one of the following documents is attached:

☐ 1) A certified copy of a deed, judgement or other instrument that creates or legally verifies the claimant's ownership interest in the property, or

☐ 2) A certified copy of a document creating the claimant's security interest in the property, or

☒ 3) A declaration, under penalty of perjury, that the claimant currently has possession of the property and intends to be assessed for the property in order to perfect a claim of adverse possession.

This document shall be kept and maintained by the Assessor as a public record and shall be open to public inspection.

Assessor's Parcel Number: 263-352-11-4

Legal Description: [Optional. Attach separate sheets as needed.]

Date Interest Acquired: 5-1-16

Claimant's Mailing Address: 2233 Angler Lake Isabella
Ca 93240

Claimant's Telephone No. 760 417-0000 Date: 5-1-16

Claimant's Name (Print): Rachel R. Smith

Claimant's Signature: Rachel R. Smith

ASSESSOR'S OFFICE: 1115 Throckmorton Avenue / Bakersfield, CA 93305-4679 / Telephone (805) 866-1400
RECORDER'S OFFICE: 1130 Throckmorton Avenue
HALL OF RECORDS: 1655 Chester Avenue / Bakersfield, CA 93301-0233 / Telephone (805) 868-6400

Page 2 of Ms. Smith's DECLARATION OF CLAIM OF ADVERSE POSSESSION.

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They Began *Weed Abatement*:

After the foxtails turned brown & began causing a wildfire, rodent, & snake hazard to the neighborhood (& fire hazard to itself), Ms. Smith, Mr. Byrd, & Ms. Wilson cut a doorway into the fence that separated their yards & began pulling grasses 5-1-2016.



After they began pulling grasses- also the invasive shrub whose roots were growing under the shed has been remove (see page 163 & 164).



More clearing of grasses.

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Rebuilt & *Cleaned* The Rock Wall:



Rock wall after clearing the grass.



Rock wall after being rebuilt; grass being cleared around wooden shed.



Another angle of the rock wall after it began to get fixed up; Ms. Smith is in the background of the photo hauling rocks.

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After spraying off the rocks with a hose.



Half the property cleared of grasses, garbage, & deadwood; wall fixed, & invasive shrubs removed from in front of the shed & also from within the rock wall area (see pages 164, 174, & 175). Bamboo fencing rolled up in foreground purchased from Lowe's by Ms. Smith..

Community Helping Community:

Many community members looked forward to the "community garden" & "wildharvesting cooperative" that Mr. Byrd & Ms. Wilson had been planning & working to establish, *including Ms. Smith*. Ms. Smith *also* had plans "to garden the entire yard with food" & "to share with neighbors & community members". Mr. Byrd & Ms. Wilson volunteered to help their new neighbor prepare her yard for gardening, *as they had most of their grounds planted & it was only halfway through May-* so they were making good timing to get a *big* crop going this year. It was figured by everyone- "If the previous owner DOES come back to challenge the claim- *& it doesn't look like they are-* at least they will appreciate that the yard was taken care of & the house is fixed up & that there's food growing instead of a fire hazard." Ms. Smith *also* had plans to fix the peeling ceiling. If the title holder never *did* show up again, however, the group looked forward to creating *a massive community garden* between the two properties, & to *finally- for the first time in their lives-* have "a home to live in".



Nearly half the property abated.

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Northwest corner of property; grasses abated in front of fence & along neighboring property (2229 Angler Ave.).



Clearing the grasses, rocks, garbage, & deadwood along east & north sides of property, protecting neighboring yards including 2232 Commercial Ave. (south side of rear building shown).

5-10-2016, While *Installing Bamboo Fencing*, **Conflict Arises...**

While clearing grasses & installing bamboo fencing, Mr. Byrd, Mr. Rosenberg, & Ms. Wilson were approached by 3 neighbors from 2229 Angler Ave. including 2 adult males, *one older than the other*, & one adult female. There was no conversation, as they appeared *irate (showing signs of feeling great anger)*. Only the eldest of the 2 men spoke, *in a loud voice* declaring: “The Sheriffs are *on their way*. You're all a bunch of *squatters*. You're *squatting on this property*, and on that property!” *He pointed at 2232 Commercial Ave.* “The Sheriffs are on their way *and you're all going to be arrested for trespassing!*”

Ms. Wilson picked up Ms. Smith's claim papers (pages 176 & 177) & attempted to show them, claiming that the group was “lawfully on the property”, & that “this is the paperwork *she (Ms. Smith)* filed with the State”, but the man who was doing the talking showed no interest in looking at the paperwork. He reiterated that the Sheriffs were *on their way*, & that they were all going to be “Arrested for *trespassing*”. Ms. Wilson, Mr. Byrd, Mr. Rosenberg, & Ms. Smith then proceeded to take down the bamboo fencing, & then they brought the fencing *and the* gardening tools over to 2232 Commercial Ave. to *wait for the Sheriffs* so they could straighten out the situation after showing them the paperwork...



Ms. Smith laid rocks along the base of the fencing as decor & to deter pests. She had plans to put up a second layer for added privacy, but this was unable to take place.

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2nd section of fencing being installed just before hostile neighbors arrive.



Mr. Byrd weed abating just before neighbors arrive.