

Key California Case Puts Property Rights to Test

Under Existing Receivership Laws Counties Can Sell and Dispose of Property without a Trial

CRESTLINE, CA, UNITED STATES, June 8, 2020 /EINPresswire.com/ -- An appeal before the California Supreme Court could affect the rights of thousands of landowners against government sanctioned theft of private property by way of underregulated receivership laws. The case is County of Mariposa v. JDC Land Company, LLC.

"This case is one of an overreaching government with no accountability," said Marc Angelucci, attorney for National Coalition For Men (NCFM) who represents JDC Land Company and owner Jerry Cox pro bono. "Without allowing a trial, Judge F. Dana Walton ejected Mr. Cox and placed his ranch in receivership, without allowing him to present expert testimony and video evidence that the violations were either fixed or non-existent. The receiver, Mark Adams of California Receivership Group, never obtained bids for the repairs as ordered. So, Mr. Cox obtained bids, and the cost was only \$8,000 to repair the remaining violations. Mr. Cox believing, he would be allowed to keep his ranch, paid the \$8,000 and everything was fixed. But Judge Walton then ordered the ranch sold at half the appraised value just to pay the receiver's attorney fees and inflated costs of over \$700,000, which Mr. Cox could not pay.

Cox is now homeless, on food stamps, and those he employed on the ranch are out of work.

"People say that it cannot happen here, but it does happen here," said Attorney Ronda Kennedy and Republican Congressional nominee for CA26. "An unrestricted government capable of seizing and disposing of private property with the property owners having no recourse. If the courts do not step in and stop this, where does it end? What will government decide they can seize next? The courts must step in to protect the Constitutional rights of property owners now. If the Courts fail when elected to Congress, I will work to ensure this does not happen again."

The receivership order is on appeal right now. "Receivership gives fiduciary control to the receiver, who is legally charged with taking care of the property as a neutral caretaker/manager, continued Angelucci. "This appeal will determine whether California counties can continue using receivership law to seize private property and sell the property even after all repairs are made, circumventing Constitutional rights to due process. If so, that means no Californian property owner is safe."

Cox also sued the County in Federal court. The Federal court recently denied one of the County's motions to dismiss, and the Federal judge strongly highlighted the injustice, stating:

"The foregoing facts make it hard to credit the County Defendants' statement that "the County's only interest in the [] Property has been, at all times, to ensure that the violations of law upon it are remedied to protect the health and safety of the occupants, the neighbors, and the surrounding community." The relatively sparse inspection history described in the Warrant declarations seems to contradict the assertion that the Property had been "the focus" of code enforcement efforts "since at least 2008" and raises obvious questions about the expansive scope of the Warrant (which included not just buildings but also all "vehicles ... compartments, drawers, cabinets, papers, and electronic files located on the [] Property"). The notion that Cox could have repaired all 101 "dangerous violations" set forth in the N&O in a 30-day period that included Christmas and New Year's Day strains credulity, particularly since the County's expert receiver was still collecting bids 10 months after the Receivership commenced and was apparently still working on repairs well into the first quarter of 2019. And it is unsettling, to say the least, that the aggressive code enforcement activity evidenced by the record in this action coincided with the County's failed criminal case against Cox."

And recently, in one of the appeals, a dissenting judge called on the legislature to address this and stated:

"Appellant ultimately lost its property not because of any ongoing dangerous condition or public safety concern, but because it cannot afford the hundreds of thousands of dollars associated with the involuntary receivership imposed by the government. When all is said and done, appellant lost hundreds of acres of private property and will likely end up with nothing to show for it. ... what process is due before the government can force the sale of private property for which all dangerous conditions have been remedied?"

Angelucci adds, "Worse, it appears Judge Walton, Adams, the law firm Silver & Wright, law enforcement officers, and high-ranking county employees may all be involved with driving Mr. Cox from his home and livelihood. Receivership, simply put, can be a scam. And it's happening to thousands in California. This is an underregulated industry that is circumventing the Constitutional right to due process through receivership. It absolutely needs to be addressed by the court and legislature before it hurts more people."

The National Coalition For Men got involved not because they are involved in property rights but because the County raided Mr. Cox's property on an overbroad warrant only after Mr. Cox was arrested on a false accusation of rape and charged with multiple felonies, with his name plastered all over the media. That case was dismissed nearly two years later, and a judge ruled that "no reasonable person could believe her allegations hold water." By that time, however, Mr. Cox had lost everything he had and is now homeless.

Private Investigator Michael Conzachi has searched numerous properties up and down the State

of California, from Ukiah to Dana Point and everywhere in between in which Mark Adams had been appointed as a Receiver, or is currently acting as a Receiver, and could find "no property in which Adams has actually rehabilitated a piece of property and returned that property to its owner."

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