

METRO INSPECTION SERVICES

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system installed in an older home. The ducting was galvanized sheet metal or flexible ducting, and the visible portions of the supply ducts were covered with asbestos and fiberglass insulation. The output capacity of the system, made by Tempstar, is approximately 80,000 BTU's. This capacity is normal for this size home. The furnace was located in the crawl space and it was properly vented. The distribution ducts run primarily in the crawl space and closed walls and floors. A digital thermostat was found in the entry and it appeared to be operating properly.

The furnace in the basement and crawl space area may not be vented properly. There were moisture stains in the upper portion of the furnace compartment near the fan unit and white stains were noted on the combustion flue vent connections. This can indicate improper or incomplete venting of the hot combustion gases that carry moisture to the roof vent. The small furnace vent flue passes into the crawl space and a vent column near the furnace. The slope of the entry to the vent stack has a relatively flat slope and this, or the size of the flue is blocking flow, or there may be some blockage inside the flue column. This condition indicates insufficient drafting of the combustion gases and this moisture can cause damage to the furnace. A repair or alteration of the flue vent appears to be needed.

The newer **furnace installed in this home does not meet current criteria** for access to a gas fired furnace. Seven screws needed to be removed from a panel in the basement to gain access to the front of the furnace. It is required that there should be no restriction to access to the front of the furnace for maintenance and shut off of the furnace during an emergency. It would be recommended that openable panel doors be used to replace the current screwed on panel cover.

The **heat ducts from the newer furnace** in this home have been attached to some older heat registers. On a newer home the registers are located on the perimeter of the home and the cold air return is located near the center of the home to get good air circulation. On this home some of the older interior heat registers were still in use. There are fewer registers and they are located near the center of the house.

There was some **asbestos material on the flues and ducts** in the furnace room and crawl space areas. It appears to have been encapsulated to keep it from becoming airborne. Asbestos was widely used as an insulation material on the exterior surface of the heating ducts in homes built before 1978. Asbestos materials are not recommended in space that is frequented on a regular basis by inhabitants and/or pets. Where an agent or vehicle can be identified that may transport loose asbestos to the living spaces, it is recommended that the asbestos materials be removed. Loose edges are called friable (capable of becoming airborne), and can be disturbed and forced into the air stream. Information on asbestos hazards in the home can be obtained from the Environmental Protection Agency or the United States Consumer Product Safety Commission. Removal, repair, or encapsulation, of asbestos materials, should not be attempted by the homeowner.

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There was also some **asbestos material on the inside of the heat ducts** near the registers. This is asbestos in a daily use area. Asbestos materials are not recommended on the interior of the heat ducts. The air flow through the ducts acts as an agent that can transport loose asbestos to the living spaces. Normally this condition would be serious enough to recommend removal or encapsulation of the asbestos, but removal is normally recommended. This asbestos has also been encapsulated.

There was also some **asbestos material** on the outside of the heat ducts that are **located near the ceiling in the garage**. This is asbestos in a daily use area and the asbestos is in the potential work envelope. Asbestos materials are not recommended on the exterior of the heat ducts that are located close enough to the floor to be easily contacted. The contact acts as an agent that can transport loose asbestos to the living spaces. Normally this condition would be serious enough to recommend removal of the asbestos. It is recommended that an asbestos removal contractor be brought in to make recommendations and provide a cost estimate.

It appears that the furnace has not been serviced for some time. There was no service record on the furnace. Typically, people who service furnaces leave some record of their service visits. Gas appliances require regular servicing. If this heating unit has not been serviced recently, **a service call should be made at this time**, and the servicing should include a check of the combustion chamber.

The **gas fuel shutoff location for this home**, to be used in an emergency, is located on the back right corner of the home. The gas valve is located on a pipe near the ground and it needs to be turned a quarter turn, either direction, to disconnect all gas supply to the home. A gas shutoff wrench is recommended to be permanently located close to the gas shutoff valve.

SITE, AND DRAINAGE CONDITIONS

SITE AND DRAINAGE SUMMARY - Soil Type: Clayey Silt **Damage:** Yes

Site Profile: Nearly Flat

Drainage: Fair **Needs:** Drainage Controls

SOIL CONDITIONS -

The soil around and under this home shows signs of **expansive soil conditions**. Expansive clay soil swells when it gets wet and contracts when it dries, leaving behind telltale surface cracks in the soil surface. This cycling process sometimes causes damage to walkways and other unreinforced masonry. The driveway and the walkways around this home show signs of damage from this expansive soil characteristic.

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The soil in and around this home is made up of a mixture of **sand, silt, and clay**, mixed with the normal soil materials produced by the decomposition of surface debris. Normally this material provides an adequate support base for foundations. The clay component in the soil requires that extra precautions be taken in the drainage area.

SITE CONDITIONS -

The **fencing in the yard areas** is made with cedar materials. It is common to allow this type of material to age naturally. Natural weathering causes a slight shortening in the expected life span of the fencing and results in uneven color patterns. The fencing was noted to be in ground contact in places which could cause damage to the base of the fencing. The fences **could be sprayed with a soaking sealant** containing mildewcides and fungicides to lengthen service life and produce more even color changes caused by weathering.

There was some minor **settlement noted in the brick front porch**. This settlement is quite common and is caused by the fact that the steps are supported on the front, by the soil in the yard, and in the back, by the house foundation. The process of natural compaction has taken place and has resulted in some cracking and settlement in the porch structure. Any cracks resulting from this settlement should be sealed to prevent moisture from getting under the steps. Moisture intrusion may cause further settlement or may cause damage to the adjacent wooden house wall structure.

The **rails on the bedroom deck over the driveway** do not meet the Uniform Building Code for railing design. Normally 36 inch high rails are required where the distance to the surface below is over 30 inches. The distance to the ground from this deck is greater than the allowed 30 inches and the rail is less than 36 inches high. It is recommended that this condition be remedied for safety reasons.

The new **back deck** has redwood materials placed at or near the ground surface. Redwood is well known as a material that resists water and insects that damage normal wood products that are used in this close proximity to moist soils. However, some modern redwood is cut prematurely before natural deterrents to attack are established in the wood. For this reason, it is recommended that any type of wood in close proximity to soil be treated every two years with a wood preservative.

There are **moisture stains** on the inside walls of the garage. This is fairly common and results from the fact that the garage is cut into the natural grade. Ground water is seeping through the rear concrete foundation footing leaving some moisture stains on the interior surface. Care should be taken in the storage of moisture sensitive items in the garage.

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The **garage door has an automatic opening device**. Newer units have a sensing device that reverses the door in case a child or small animal becomes caught in the door. This garage door did have this type of sensor system. It had a pressure sensor and a beam type sensor. The pressure sensor appeared to be set **too tight** and the door operation was somewhat noisy. The sensors should be tested from time to time by placing a small obstacle under the door. A faulty sensor, or a sensor set to tight, may cause injury.

There is some **cracking of the driveway concrete slab** and some uplift was noted near the street entry edge. Normally large continuous pour concrete slabs have some cracking due to contraction of the concrete during the curing period. However, the cracking in this driveway appears to be somewhat more pronounced and the cracks and uplift of the leading edge appear to be caused by the upheaval of the expansive clay soils under the slab. The cracks could be grouted. If left open and ungrouted over many years, they will continue to grow in size and number.

DRAINAGE CONDITIONS -

There are **moisture stains on the interior foundations** that can be seen in the crawl space under the home. There was also some evidence of past water entry to the basement space and wet soils were noted at the time of the inspection at the back right corner of the crawl space. The cause of the stains and wet soil is probably water movement toward the home, from roof drainage, or surface runoff from the soil areas above the foundations. During the rainy season some ground water appears to seep in onto the foundations and crawl space soils. All attempts should be made to limit the amount of water that may get trapped in soil areas around the foundations and especially on the uphill side of the foundations, or in areas close to the right side and rear foundations.

The trees in the area are notorious for depositing large amounts of **debris onto roof areas**. The present build-up of drain clogging debris should be cleaned off the roof and out of the gutters and this should be a regularly scheduled maintenance item. Minor level adjustments to the gutters should be done during the cleaning operation, where necessary, to provide positive drainage to the downspout entry points.

The small **basement room** under this home is cut into what would normally be the natural grade. This could result in some moisture seeping under and through the basement foundation concrete during the rainy seasons of wet years if water is allowed to accumulate next to the foundations. This might produce unwanted moisture conditions in the basement area. Should this become a problem, after all other precautions are taken, it may be necessary to divert more of the plant watering and/or natural drainage from neighboring lots around the foundation, or a sump pump may be needed in this basement space to keep the floor dry.

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There is a **planting area near the back and right sides of the home**. The slope of the lot would result in excess water flowing towards the home and its foundations. Care should be taken to water the plants regularly but not to the point of over saturation. Generally, plants do best if watered for approximately five to ten minutes every two to three days. A professional landscaper could be consulted on ways to gauge watering requirements to maintain healthy plants and lawns.

The **gutter system** has been allowed to fill with debris and sit for some time with wet material in the gutters. This can cause damage from rust that can be avoided by regular cleaning of the gutters. The rust results from acids that build-up as part of the decomposition process in the wet pine needles and other biodegradable debris. Some sections of these gutters may need to have a protective sealant sprayed on the interior walls of the gutters.

The **gutters on this home** have been installed with some details that have compromised some functional requirements in return for some aesthetic enhancements. The gutters have been installed on an almost flat slope. In addition, the exits into the downspouts were not all placed at the low spots in the gutter. These steps were taken to improve the looks of the home. Gutters work best if they have a slope of a minimum of 1/8 inch per foot to the downspout exit points, and the gutters will drain completely, only if the downspout exits at the lowest point, from the bottom surface of the gutter. The type of gutters installed on this home tend to trap debris and tend to have standing water left in the gutter. It is very important that this type of gutter be cleaned regularly. Moist soil laying in the gutter can cause accelerated damage to the gutters.

If **moisture conditions occur in the crawl space** or basement areas, after all other precautions are taken this home may need a sump pump installation. Sump pumps are used to control under house moisture accumulations. They are generally found on homes where the house foundations, have been cut into the natural grade, and have penetrated the natural ground water table. During the rainy season water seeps under and through foundation elements and enters the under house area. The sump pump is self-actuating and pumps out the water that fills a sump pump pit. Homes with sump pumps usually have dryer crawl space or basement areas.

EXTERIOR CONDITIONS

EXTERIOR DESIGN SUMMARY - Siding Type: Stucco **Condition:** Fair

Windows: Steel **Condition:** Fair

Maintained: Fairly Well **Needs:** Paint Soon

EXTERIOR DESIGN COMMENTS -

The **exterior of most of this home is stucco**. The stucco is normally placed over a wire mesh that is attached to wood sheathing or wall studs. The stucco appeared to be in good

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condition. Normal maintenance of stucco requires cleaning, sealing, and painting approximately every four to seven years. The need for maintenance in the four to seven year range will be based on paint quality and the exposure of surfaces to the southwestern sun.

This **home has a Tudor design** which incorporates the use of decorative wood embedded in the stucco siding. The two materials have different expansion rates when exposed to temperature changes. This has resulted in small cracks between the stucco and the wood. These cracks need to be filled with a high quality rubber or silicone based caulk that will stay pliable over time. This is important for the protection of the underlying structural wood materials. Some damage was noted in these decorative trim strips.

There are **decorative trim strips embedded in the stucco** siding. Some of these trim strips are damaged. This damage is usually caused by the exposure of one side of the trim strip to the hot sun and the elements without a proper paint coat and grouting at the intersections of the board and the stucco siding. Moisture entry causes damage to the exposed surfaces. The boards can usually be repaired and repainted. However, severely damaged boards may need replacement.

The **southwest exposures of this home need some attention**. These exposures receive the most direct rays of the sun and require additional maintenance and attention. Siding and trim needs to be kept well sealed and, stained or painted, to protect the underlying wall materials. Ultraviolet inhibitors or absorbers are available in some products and improve the life span of exterior finished surfaces in the Bay Area climates.

This home is fitted with some older **steel frame windows**. It was noted that the grout in some of these windows has become brittle and hard. Particularly on the southwest exposures, there are some areas where the grout may need replacement soon. Old deteriorated grout exposes the underlying steel frames to the elements. This condition may cause leaking and may result in some rust damage to the steel frames. Some rust damage was noted on the upper back left bedroom windows at the time of the inspection. It is recommended that the old cracked grout be replaced.

The home has newer **dual pane French doors in the master bedroom**. These types of windows sometimes have condensation problems between the panes of glass. No current problem was noted but this problem may affect some of these doors in the future. Dual pane windows and doors installed since the late seventies have had problems with the seals that keep the air space between the glass panes sealed. Over time these seals fail and moist air enters the space between the panes. It cannot be cleaned without removal of the glass, and the solution in most cases is the replacement of the glass panes, with new glass, with more modern seals. It is recommended that the door manufacturer be identified if possible and any warranties should be transferred to the buyer if possible.

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There was a **damaged screen** on the back door. The screen material was older, torn, and damaged. Some screen repairs will be needed or the screen door could be replaced.

It was also noted that the **windows in the upper bedrooms** have a narrow opening that does not meet current fire safety requirements. A fire exit window is required in every bedroom and there are minimum dimensions that control the location and the opening size. These windows do not meet the width requirement. The fire exit window must have an openable width of at least twenty inches and an openable height of twenty four inches.

This home has some **leak stains** in and around the windows on the rear left side of the home. These stains appear to be caused by leaks around the window frame, or from condensation on the window glass during humid weather. Cracks at the intersection of the metal window frame and the glass should be sealed and grouted. If the stains continue, the window frame may need to be removed and replaced with a newer window with proper seals and head flashing.

It was noted that the **front door on the home was keyed from the inside**. This type of keyed lock is usually installed to prevent a theft or unwanted entry from the outside. However, this kind of door lock is not recommended for fire safety reasons. An exit during a fire should not be impeded by having to look for a key and small children may not be capable of unlocking a door even if a key is left inserted in the lock.

There is some **deterioration of the exterior door** off the kitchen on the back of the home. This wood door has been allowed to weather sufficiently to allow moisture to penetrate the outer layers of the wood. Exterior doors should be kept painted or stained with a high quality sealant material. More frequent periodic maintenance is needed.

The exterior siding on homes, in the Bay area, require painting approximately every four to seven years. The cool damp nights and the warm sunny days cause damage to painted surfaces. This home does not appear to have been painted recently and it appears that **some paint maintenance will be required in the near future**. It should be noted that this home has coatings of paint that were applied before 1978, which is when they stopped adding lead to paint products. The buyer should review and understand lead contamination prevention procedures before completing any paint removal, or paint application, on the home.

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ROOF CONDITIONS

ROOF DESIGN SUMMARY - Roof Type: Composition Shingle **Condition:** Good

Expected Life: 25 Years **Estimated Age:** 10 Years

Gutters: Aluminum **Condition:** Need Cleaning

ROOF CONDITION COMMENTS -

The roof was inspected from the front master bedroom deck and the ground only. The roof was too steep and damage would be done by physical access onto the roof surface. Recent or current rain onto the roof surface makes access to the roof unsafe for the inspector. The height of portions of the roof from the ground also made access to the roof impossible and unsafe. Roofs over fourteen feet from the ground require special equipment and tall ladders. These inspections should be completed by professional roofers.

The roof on this home is a **composition shingle roof**. This type of roof is made from roofing felt which is impregnated with small mica chips to reflect the rays of the sun. It comes in different grades and different thicknesses. No information was available at the time of the inspection concerning the quality of the product, but it appears that this roof is made of materials that typically have a twenty five to thirty year life expectancy. This roof appears to be approximately ten years old.

The roof on this home is a **dark colored roofing product**. Dark colors tend to absorb heat resulting in accelerated damage to the roofing materials. This causes an early aging of the roof, and the expansion and contraction causes small cracks to develop in the roofing material. This may result in a reduced life expectancy of the roof and can result in more heat being trapped in the attic. Good ventilation of the attic space will reduce, to some extent, the damage to the shingles and the heat gain to the home during the summer.

There were some **asphalt flashings on the roof**. Intersections of the roof and the sidewalls of the home are normally recommended to be protected by metal flashings that are installed under the siding and extend out over the roof covering. On this home these areas are protected by some asphalt or roof mastic materials that have been placed in these intersections in place of metal flashings. This type of flashing material ages and cracks and maintenance will be needed approximately every four to five years. These asphalt flashing areas should be checked every year for any signs of aging and cracking, and then patched as necessary.

We have looked at the roof on this home and have evaluated the visible condition of the upper roofing surface. It should be recognized that **this is not a complete evaluation of the roof**. We are not professional roofers. We do not attempt, nor do we consider ourselves qualified to complete, a formal inspection of the quality, age, or leak tightness of the roofing system. We

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make our observations based on the condition of the visible surfaces of the roof, which may not be a true test of leak tightness. The upper surface is rarely the moisture barrier. It is most often a reflective surface that protects the underlying moisture barrier from the harmful rays of the sun. When a new roof is installed, it is usually only guaranteed for three years by the installer. We would not be in a position to guarantee leak tightness and cannot guarantee, in any way, that there are no leaks in this roof, or that the roof will last for a given number of years. For a complete inspection of the roof, or an estimate of the remaining life expectancy of the roof, it is recommended that a professional roofer be called in for a thorough evaluation.

INTERIOR CONDITIONS

INTERIOR SUMMARY - Wall Covering: Lath & Plaster **Condition:** Fair
Floor Levels: Sloping **Condition:** Fair
Maintained: Fairly Well **Needs:** Repairs

INTERIOR COMMENTS –

Stairs and walkways with **step systems can be hazardous** if they do not fit certain dimensions. A person using a stair system has prior experience with stairs and relies heavily on motor skills developed over a life time. Stairs should be uniform in tread width and riser height, especially if lighting is poor. Over the years, codes for stair systems have trended toward wider treads and tighter restrictions on dimensional tolerances. This home has a set of steps that may have met the codes at the time the home was built, but would not meet present codes for stair design. The stairs to the basement from the garage have an effective tread that is below the minimum recommended tread width and there are no handrails. Care should be taken to traverse these steps with great caution, especially when descending the steps in low light conditions. Children and others with physical impairments should be warned against use of the steps in a hurried or casual manner.

There are a number of **some cracks in the surfaces of the interior of the home** in, around, and above the entry area. Most of these cracks are at the corners of doors or windows. Some cracking is normal and is caused by differential thermal expansion and drying of lumber and other building materials over the long term. However, on this home the cracking is somewhat more pronounced and the pattern of cracking suggests some differential settlement of the foundation. This is most likely due to past moisture and drainage conditions under the house.

There are also some **out-of-level floor conditions** on the interior of the home. Floor level irregularities were noted in the living room and the entry area. A small amount of settlement is normal in a home and is caused by the settling in of the structure following construction. However, on this home the floor irregularities are somewhat more pronounced and the pattern of settlement suggests some differential settlement of the supporting foundations. This is most

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likely due to the previously mentioned moisture and soil conditions under the home. The floor settlement has not caused significant damage to the home. Although there are some small cracks in the foundation associated with the settlement, there are no serious cracks in the foundation or other signs of major instability. It is quite probable that, if the drainage conditions are improved and maintained, future damage will be limited.

Some **door margin irregularities** were noted in interior doors in this home. Door margins are the small spaces around the edge of the door. Although there are other potential reasons for these uneven door margins, they usually indicate settlement or other distortion in the structure. The door margins seen in this home appeared to be older and appear to be related to long term drainage related settlement of the foundations.

The **bottom hinge on the swinging door** between the dining room and the kitchen is broken or has been damaged by impact. Some repairs may be needed.

There is **no automatic door** closure device on the door between the garage and the home. This door is supposed to have a self closing spring or other mechanism to automatically close the door. This is recommended for protection against fire and noxious fumes.

The downstairs bathroom by the back kitchen door has a **small water closet stall**. The building codes generally require a minimum 30 inch wide stall with 24 inches of free space in front of the stool. The free space in front of the stool is less then the required space if the door is closed.

There is **no enclosure around the bathroom shower** area in the upper bathroom and the over spray from the shower may cause damage to the bathroom walls and floor. It is recommended that a glass door or some other type of shower enclosure be installed.

The **dryer is located in the garage on the floor**. Combustible vapors are sometimes given off from a gas leak in a car fuel tank. There is a pilot ignition system and an electrical element in the dryer that are capable of igniting combustible vapors. In new construction the gas and electrical appliances are required to be on an 18 inch high platform to avoid ignition of these vapors.

The **kitchen in this home is older** and it appears to have some older appliances, cabinets, and fixtures. It is more normal to find some upgrading of the kitchen environment to meet the needs of the modern family using modern appliances. This kitchen does not provide the services normally expected in a home. The most notable example is the limited number of circuits supplying electrical power to the kitchen area and the limited number of outlets for counter spaces and work areas.

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The dryer in the laundry room **vents to tin foil or plastic vent pipe**. This type of vent pipe is not rated for use with this type of gas dryer, and may melt. It is recommended that dryers be vented to the exterior of the home in rated dryer vent pipes.

A **security system** has been installed in this home. However, it was not tested or demonstrated during the inspection. Some investigation into its operability and coverage should be pursued to fully understand and utilize its capabilities.

Bathroom tubs and shower stalls **should be regularly grouted** to keep moisture out of walls and surrounding structural materials.

FIREPLACE CONDITIONS –

There is a **fireplace in the living room** of this home. It is a masonry style fireplace. It does not have a damper. It has glass doors for energy conservation, but these doors are loose and will require some repair. The mortar in between the fire brick inside the fireplace showed some minor deterioration. Repointing of this mortar from time to time is considered normal maintenance for a fireplace.

The fireplace in the living room was found to have a light **build-up of creosote** or other combustible products. To prevent a chimney fire the chimney should be cleaned regularly.

The inspection of the **fireplace in the living room has been only a partial inspection**. Because of the design of a fireplace, all interior surfaces cannot be seen. If the chimney column has not been protected by a rain cap for some of its life, water entry may have caused damage that cannot be seen without cleaning and the use of special equipment. With the flue and chimney column arrangement in this fireplace, only approximately 30 percent of the column can be seen. Because of the damage noted in the mortar, and the other conditions mentioned above, it would be prudent to call in a fireplace brick mason for an evaluation and estimate of repair costs.

SMOKE DETECTORS -

This **home did not appear to have the newly recommended set of smoke detectors**. Smoke detectors provide a very important early warning function. Their use and location is a function of the use patterns established by each occupant. The location of detectors in this home should be reviewed after any new occupant has moved in and reviewed periodically for operability. Recent changes in the fire safety codes recommend a smoke detector at the high point in each sleeping room as well as the previously required smoke detector in the access hallway outside each bedroom grouping.

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STRUCTURAL SYSTEM

STRUCTURAL SUMMARY - Foundations: Spread Footings **Age:** Older

Structure: Wood Frame **Damage:** Some

Damage Area: Foundation Cracks and Settlement **Needs:** Drainage Controls

STRUCTURAL COMMENTS -

The **crawl space under the home was inspected** by physical entry through the basement and the back right side of the home. The back left corner of the crawl space had limited access (less than two feet of clearance), so it was inspected using a flash light from the closest adjacent area that was accessible. There were some heating ducts which obstructed full access to some areas. These areas were inspected by viewing over and under the ducts, wherever it was possible to do so, without damaging the duct work.

This is a **wood framed building**. There is a concrete perimeter foundation. There is a crawl space under the main floor. The main floor structure is supported by concrete footings with 2x6 cripple walls, concrete piers, 6x6 posts, and 6x8 girders. The walls of the home are wood frame construction. The ceiling joists in the attic are 2x4. The roof structure is 2x4 rafters located at 24 inch intervals. The structure of this house is above average in quality for the age of the construction.

The **foundation under this home is a concrete spread footing** placed at a moderate to shallow depth. The tapered footing supports a short pony wall that in turn supports the lower floor of the home. The surface of the concrete indicates adequate concrete quality and there are only the normal signs of age and wear expected in a home of this age. Normally a foundation poured when this home was built, did not include the same amount of structural steel that would be found in a new foundation. However, the present foundation system has withstood the test of time and appears to be providing proper support for the home.

There is a **crack in the foundation** located under the entry way area. The probable cause is differential settling of the structure over the life of the dwelling, the lack of structural steel reinforcement, and some moisture entry under the front porch area. Steel reinforcement is now required on new construction to forestall this type of failure. But, in older homes it was quite common to pour concrete with little or no steel reinforcement.

Portions of this **foundation system** have some signs of deterioration. In these sections of the foundation the surface shows signs of light surface deterioration. It appears that the spread footing was constructed with an older concrete mix. The surfaces have the appearance of having been exposed to ground water. Spalling of the surface material has resulted leaving the underlying aggregate exposed. As a general rule properly protected older concrete does quite well

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with age, but an older concrete mix will deteriorate with age if it is exposed to ground moisture. These sections of the foundation would have to be of the latter category and can be expected to continue to degrade over time, if proper roof drainage controls are not maintained.

A number of **rodent droppings were found** in the basement and foundation areas. There appears to have been some rodent activity in this area in the past. If these conditions are a concern to the buyer, precautions should be taken or this matter could be reviewed by an appropriate expert.

We have looked at the foundations on this home and have evaluated the visible condition of the foundations compared to other foundations of similar age and type. It should be recognized that **this is not a complete evaluation of the foundations**. We are not foundation design engineers. We do not attempt, nor do we consider ourselves qualified to complete a formal inspection of the quality, age, or effectiveness of the foundation system. We make our observations based on the condition of the visible surfaces of the foundations, and have commented on how they compare to other foundations of similar age and type, which may not be a true test of their ability to continue to perform properly with improper drainage control conditions or during a major earthquake. The foundations are not new and some signs of aging and damage were noted. It is possible that a professional foundation design engineer could find reasons to recommend repair or even replacement of some of the foundations under this home. If additional assurances concerning the integrity of the foundation are desired, it is recommended that the buyer call for an additional inspection that deals with the specific subject of foundation design integrity, and it is recommended that this inspection be completed in a timely manner to allow the buyer to negotiate the cost of any necessary repairs with the seller. We would not be in a position to guarantee that all future foundation inspections would not lead to some recommendations for modifications or repairs, and cannot guarantee, in any way, that the foundations do not require modifications at this time or in the future. For a complete inspection of the foundation, or an evaluation of the current integrity of the foundation, it is recommended that a professional foundation design engineer be called in for a thorough evaluation.

EARTHQUAKE PROTECTION

SEISMIC DESIGN SUMMARY - Sill Bolts: Yes Spacing: 4 Feet

Bracing: Some Type: Retained

Shear Panels: Some Needs: Needs More Shear Panels

SEISMIC DESIGN COMMENTS -

This home has had some significant improvements made in the protection of the home for damage from earthquakes. **Some sill bolts have been added**. Some shear panels are in place and some metal brackets have been installed at various structural connections. Although these

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improvements may not meet new house criteria, they are a major step toward seismic safety. They appear to have been completed by professionals.

For **significant seismic events**, during which there would be extensive damage to many structures in the Bay Area, the cripple wall that supports the lower floor becomes a weak link in the structural support of the home. This short wall supports the main floor of the living portion of the home and is required to transfer shear type loads between the foundation and the first floor level. Some shear panels have been installed, but some additional panels appear to be needed under the rear portion of the home. Stiffening the rear lower support walls with more shear panels would be an upgrade that should be considered for this home.

It appears that an earthquake could cause damage to the **fireplace chimney column** on this home. The column is quite tall. When an earthquake occurs, the top of the column can sway from side to side. This column would be considered somewhat unsafe in future earthquakes and could cause injury to anyone in the vicinity of the column, or it could cause damage to the roof and building. It is recommended that the column be braced. If a lateral brace to the adjacent roof were added, it would decrease the chances of a future occurrence of this problem.

The home has a living area located over a large garage door opening. This is referred to as a **"soft story" condition**. The large garage door opening reduces the ability of the lower wall to carry the shear forces caused by the lateral ground motions during an earthquake. It is recommended that some form of increased shear strength be added around the upper corners of the garage door opening. This can be done by adding steel plates, specially designed plywood panels, or a steel space frame around the inside upper corners of the garage door opening.

Whereas this home came through the Loma Prieta earthquake with an acceptable amount of damage, future earthquakes are predicted on faults closer to this structure, and more damage would be expected. To prepare for the future, the **following seismic upgrades could be completed**. This home would benefit from:

- More **shear panels** added on the rear portion of the home to increase stability.
- Some additional **soft story protection** around the garage door opening.
- Some **bracing on the fireplace chimney column**.

Some **additional observations** were made during our inspection concerning items that may increase the safety of occupants during the next earthquake.

- The gas line connection to the water heater **needs to be switched to a flexible gas line** to allow the heater to move during an earthquake without severing the gas line.
- It is **recommended that all gas meters have a wrench handy** for shutoff of the gas supply in an emergency. No wrench was seen near the gas meter.

METRO INSPECTION SERVICES

JOB NUMBER 26121

March 16, 2006

ATTIC AND ENERGY DESIGN CONDITIONS

ENERGY DESIGN SUMMARY - Insulation: Some Floor **R-Value:** None in Attic

Type: Fiberglass Batts (in crawl space), Upside Down

Energy Design: Poor, Older Home

ATTIC CONTENTS AND CONDITIONS -

The attic space was inspected from the attic access door. Entry to the attic can cause damage to ceilings and wiring. The **following items were found in the attic:**

- Some electrical wiring runs on the surface of ceiling rafters.
- A well-framed roof support structure.
- Ventilation in the gable ends of the attic space.
- Several plumbing vent columns passing up through the roof line.

The attic in this home was inspected and found to **have light framing members over the living room**. This is quite common in older homes, but some care should be taken not to overload this roof structure. The attic support members are smaller and more widely spaced than those found in newer construction. Care should be taken not to place too many layers of roofing on this lightly framed structure. In addition, when new roofs are installed, it is a common practice to stack roofing materials on the roof. Concentrations of heavy roof loads should be avoided.

There are **moisture stains on the roof structure in the attic**. They appear to be old and a new roof has been installed relatively recently. It is assumed that these stains are from damage done prior to the latest roof. However, these areas should be monitored during rainy weather to determine if any further remedial action is needed.

ENERGY DESIGN COMMENTS –

The home had **no insulation in the attic**. It is normally cost effective to have at least six inches of attic insulation. If desired, PG&E could be contacted for an energy audit to cover this subject as well as providing other recommendations on energy conservation.

There is insulation in the floor under the living room. The **insulation has been installed upside down**. The moisture barrier (foil side) is supposed to face the heated side of the floor. The moisture barrier on this insulation faces downward toward the cold unheated space under the floor. This would tend to trap moisture in between the floor and the moisture barrier on the insulation. This can cause mold and mildew on the floors, or the lower walls, and over time it damages the insulation. This insulation needs to be reversed.

-- END OF REPORT --



The JCP Report | MAP COVER PAGE

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NOTE - This map is for general reference only. ANY USE OF THIS MAP IS AN ACKNOWLEDGEMENT AND AGREEMENT THAT ONLY THE INFORMATION ON THE STATUTORY FORM SHALL BE RELIED UPON FOR THE ACTUAL DISCLOSURES.

Subject Property

0 0.25 0.5
miles



	Special Flood Hazard Area
	Area of Potential Flooding, Dam Failure
	Very High Fire Hazard Severity Zone
	Wildland Area, Substantial Forest Fire Risk
	Earthquake Fault Zone
	Seismic Hazard Zone, Landslide
	Seismic Hazard Zone, Liquefaction

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Statutory Natural Hazard Disclosure Statement

The transferor and his or her agent(s) disclose the following information with the knowledge that even though this is not a warranty, prospective transferees may rely on this information in deciding whether and on what terms to purchase the subject property. Transferor hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the transferor and his or her agent(s) based on their knowledge and maps drawn by the State. This information is a disclosure and is not intended to be part of any contract between the transferee and the transferor. THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

A SPECIAL FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency.

Yes _____ No X Do not know and information not available from local jurisdiction _____

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.

Yes _____ No X Do not know and information not available from local jurisdiction _____

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes _____ No X

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISK AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.

Yes _____ No X

AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.

Yes _____ No X

A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) _____ Yes (Liquefaction Zone) _____

No X Map not yet released by state _____

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Transferor (Seller) _____ Date _____

Signature of Transferor (Seller) _____ Date _____

Signature of Agent _____ Date _____

Signature of Agent _____ Date _____

Check only one of the following:

☐ Transferor(s) and their agent(s) represent that the information herein is true and correct to the best of their knowledge as of the date signed by the transferor(s) and agent(s).

☒ Transferor(s) and their agent(s) acknowledge that they have exercised good faith in the selection of a third-party report provider as required in Civil Code Section 1103.7, and that the representations made in this Natural Hazard Disclosure Statement are based upon information provided by the independent third-party disclosure provider as a substituted disclosure pursuant to Civil Code Section 1103.4. Neither transferor(s) nor their agent(s) (1) has independently verified the information contained in this statement and report or (2) is personally aware of any errors or inaccuracies in the information contained on the statement. This statement was prepared by the provider below

Third-Party Disclosure Provider(s)

Scott Roecklein, Sr. Vice President
First American Natural Hazard Disclosures

Date 3/8/2006

Rept. No. 2006030800202

Transferee represents that he or she has read and understands this document. I (We) also have read and understand the added local hazard, airport, 1915 Bond Act, Mello-Roos, military ordnance, commercial zoning, and Megan's Law disclosures, as well as the mold and radon advisories and the map cover page contained in this report. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the transferor's or agent's disclosure obligations in this transaction.

Signature of Transferee(s) _____ Date _____

Signature of Transferee(s) _____ Date _____

Additional Signatures Required - 8Section 5 EnviroCheck™ Disclosure Report

Statutory Form

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Summary Declaration of Liability Provisions

First American Natural Hazard Disclosures ("FANHD"), a subsidiary of The First American Corporation, hereby declares that Recipients of a natural hazard disclosure report issued by a Member Company ("Report") pursuant to California Civil Code §1103 *et seq.* for a residential transaction are provided the following assurances and protections.

Recipients

- Buyers, Sellers and their respective real estate agents and brokers involved in the sale of the residential property for which the Report was issued.

Member Companies

- JCP Property Disclosure Reports

Protections

All Recipients of a Report shall enjoy the following assurances and protections if their Report contains an error which results in damages as defined in the Report ("Error") upon proper tender of the claim:

- (1) FANHD will resolve the claim promptly and in good faith.
- (2) FANHD will defend a Recipient against legal action brought against that Recipient as a result of the Error or otherwise resolve the Error without economic loss to the Recipient.
- (3) Recipients will enjoy the benefits of amounts received by FANHD from its errors and omissions ("E&O") insurance carrier as a result of the Error.
- (4) To the extent that economic loss resulting from the Error is not paid by the E&O insurance proceeds, FANHD shall be liable for any remaining loss.

Recipients are entitled to rely on the provisions of the Report as of the close of escrow for the transaction for which said Report was issued.

By: First American Scott Roecklein, Sr. Vice President Date: 3/8/2006



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Map Cover Page
Statutory Form
Confirmation of Coverage

SUMMARY AND INDEX OF DISCLOSURES AND ADVISORIES

For a complete explanation of the disclosures summarized below, refer to the sections and pages indicated.

SECTION 1

State level Statutory Zone Disclosures

		<u>Determination</u>	
Flood	A SPECIAL FLOOD HAZARD AREA	NOT IN	See Section 1 Page 1
	AN AREA OF POTENTIAL FLOODING	NOT IN	See Section 1 Page 1
Fire	A VERY HIGH FIRE HAZARD SEVERITY ZONE	NOT IN	See Section 1 Page 1
	A WILDLAND FIRE AREA (SRA)	NOT IN	See Section 1 Page 2
Seismic	AN EARTHQUAKE FAULT ZONE	NOT IN	See Section 1 Page 2
	A SEISMIC HAZARD LANDSLIDE ZONE	OUT	See Section 1 Page 2
	A SEISMIC HAZARD LIQUEFACTION ZONE	OUT	See Section 1 Page 2

SECTION 2

County Level Natural Hazard Disclosures

FAULT	OUT	See Section 2 Page 1
LANDSLIDE	OUT	See Section 2 Page 1
TSUNAMI	OUT	See Section 2 Page 1
SOILS Located on older alluvial fan deposits.		See Section 2 Page 1

City Level Zone Disclosures

FIRE HAZARD	ZONE 1	See Section 2 Page 3
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SECTION 3

OTHER DISCLOSURES, ADVISORIES AND SERVICES SECTION

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Other Zone Disclosures

Military Ordnance

FORMER MILITARY ORDNANCE SITE DISCLOSURE	NOT IN	See Section 3 Page 1
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Determination

Commercial/ Industrial

LOCATED WITHIN 1 MILE OF A COMMERCIAL OR INDUSTRIAL SITE	YES	See Section 3 Page 1
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Airports

AIRPORT NOISE 65 DECIBEL ZONE	NOT IN	See Section 3 Page 2
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AIRPORT INFLUENCE AREA	NOT IN	See Section 3 Page 2
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Megan's Law

		See Section 3 Page 3
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San Francisco Bay Conservation and Development Commission Disclosure

OUT	See Section 3 Page 4
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Advisories

METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE ADVISORY	See Section 3 Page 5
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Mold Advisory

	See Section 3 Page 5
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Radon Advisory

	See Section 3 Page 6
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Special Tax Disclosures

DESCRIPTION OF PROPERTY TAX CHARGES

MELLO-ROOS SPECIAL ASSESSMENT DISTRICT

1915 IMPROVEMENT BOND ACT DISTRICT

YES
NO

See Full Tax Report
See Section 3 Page 7
See Section 3 Page 7

JCP Services Section

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SECTION 4

Note: The complete Tax Report was not ordered with this report package. Please see Section 3 for preliminary Mello-Roos and 1915 Bond Act determinations.

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SECTION 1

JCP STATUTORY MAP READING DETERMINATIONS AND DISCUSSIONS SUMMARY

The statutory Natural Hazard Disclosure Statement on page one of this report does not provide for informing purchasers if the property is only partially within any of the delineated zones or provide additional flood zone information which could be very important to the disclosure process. This summary of JCP's map reading used to complete the statutory form in this report is provided here to give buyers the additional information they may need to help them in the decision making process and to place the information in perspective.

• • • SPECIAL FLOOD HAZARD AREA • • •

Determination

NOT in a Special Flood Hazard Area. Located in Zone "C." Lenders are not federally required to have homeowners purchase and maintain flood insurance for property in this zone designation.

Discussion

Property in a Special Flood Hazard Area "A" or "V" is subject to flooding in a "100-year rainstorm." Federally connected lenders are required to have homeowners maintain flood insurance in these zones. A 100-year flood occurs on average once every 100 years, but may not occur in 1,000 years or may occur in successive years. Other types of flooding, such as dam failure, are not considered in developing these zones. In some cases, the insurance requirement may be waived or modified by obtaining a "Letter of Map Revision" (LOMR) or "Letter of Map Amendment" (LOMA) from the Federal Emergency Management Agency (FEMA). This might be possible where flooding is shallow and fill was placed on the site, appropriate flood control measures were taken, or only the lot and no part of the structure is in the zone. Contact FEMA directly for more information. Flood insurance for properties in Zones B, C, X or D is available but is not required.

Zones A, AO, AE, AH, A1-A30: Area of "100-year" flooding - a 1% or greater chance of annual flooding.

Zones V, V1-V30: Area of "100-year" flooding in coastal (shore front) areas subject to wave action.

Zone B: Area of moderate flood risk. These are areas between the "100" and "500" year flood-risk levels.

Zones X: An area of moderate to minimal flood risk.

Zones C, D: NOT IN an area of "100-year" flooding. Area of minimal (Zone C) or undetermined (Zone D) flood hazard.

PUBLIC RECORD: Official Flood Insurance Rate Maps ("FIRM") compiled and issued by FEMA pursuant to 42 United States Code §4001, et seq.

• • • AREA OF POTENTIAL FLOODING (DAM FAILURE) • • •

Determination

NOT in an Area of Potential Flooding Caused By Dam Failure according to the maps adopted by The State of California Office of Emergency Services.

Discussion

These areas are subject to potential flooding in the event of a sudden and total failure of a dam and injury could occur as a result. Most areas are defined assuming an instantaneous dam failure with a full reservoir. However, dams rarely fail instantaneously and reservoirs are not always filled to capacity. Not all dams in the state have inundation zones mapped. There may be exceptional conditions where such a map was not required by the OES; therefore, the zones are not delineated.

PUBLIC RECORD: Official dam inundation maps adopted by The State of California Office of Emergency Services ("OES") pursuant to California Government Code §8589.5

• • • VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ) • • •

Determination

NOT in an area of Very High Fire Hazard Severity Zone as defined on the State level maps (Gov. Code 51178). A local agency may exclude or include additional fire zones at their option. Concerned parties should contact their local fire services for more information.

Discussion

VHFHSZs are defined by the California Department of Forestry and Fire Protection (CDF) and local fire authorities in "Local Responsibility Areas" where fire suppression is the responsibility of a local fire department. In these zones properties may have a higher risk for fire damage and are required to have a "Class A" roof for new construction or replacement of existing roofs. In addition, the property must be maintained in a fire-resistant condition through adequate vegetation clearance around and above the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices. Contact your fire department for a complete list of requirements and exceptions.

PUBLIC RECORD: Official maps issued by the California Department of Forestry and Fire Protection (CDF) pursuant to California Public Resources Code § 51178.

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◦ ◦ ◦ WILDLAND FIRE AREA (STATE RESPONSIBILITY AREA) ◦ ◦ ◦

Determination

NOT in an official State Responsibility Area. Fire protection services for structures in this area are provided by local fire departments.

Discussion

A wild land area where the CDF's fire protection services are responsible for suppressing fires is called a "State Responsibility Area" (SRA). These are generally rural areas where a significant wild land fire potential exists. Unless the county has assumed the fire suppression responsibility or has an agreement with a local fire agency, property owners in an SRA are responsible for organizing structural fire protection services. Such information is not available on maps; therefore, it can't be provided here. For very isolated properties with no local fire services there may be significant fire risk or only seasonal fire services. Property owners in an SRA are required to maintain adequate vegetation clearance around and above the structure, spark screens on chimneys and stovepipes, and other basic fire-safety practices. Contact your fire department for a complete list of requirements and exceptions.

PUBLIC RECORD: Official maps issued by the California Department of Forestry and Fire Protection (CDF) pursuant to California Public Resources Code § 4125.

◦ ◦ ◦ EARTHQUAKE FAULT ZONE ◦ ◦ ◦

Determination

NOT in an official Earthquake Fault Zone. There are no mapped active fault traces on the property. See the Alquist-Priolo Earthquake Fault explanation section for additional information.

Discussion

Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Earthquake Fault Zone Act of 1972. Property in an Earthquake Fault Zone does not necessarily have a fault trace existing on the site. Earthquake Fault Zones are areas or bands delineated on both sides of known active earthquake faults. In some places, the zones are more than one-quarter of a mile wide. The potential for "fault rupture" damage (ground cracking along the fault trace) is relatively high only if a structure is located directly on a fault trace. If a structure is not on a fault trace, shaking will be the primary effect of an earthquake. During a major earthquake, shaking will be strong in the vicinity of the fault and may be strong at some distance from the fault depending on soil and bedrock conditions. It is generally accepted that properly constructed wood-frame houses are resistant to shaking damage.

PUBLIC RECORD: Official earthquake fault zone or special study zone maps approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2622.

◦ ◦ ◦ SEISMIC HAZARD MAPPING ACT ZONE ◦ ◦ ◦

Determination

Not in an Official Seismic Hazard Zone. In an area of no state-level identified Liquefaction or Earthquake-Induced Landslide Hazard. Other Seismic Hazards have not yet been evaluated for this map used in Alameda County.

Discussion

Seismic Hazard Zone maps delineate areas subject to earthquake hazards. New development in a Seismic Hazard Zone is only permitted if it can be shown that mitigation makes the site acceptably safe. Maps are only available for limited areas now, but will eventually cover all of California. The hazards addressed are or will be: liquefaction, enhanced ground shaking, earthquake induced landslides, and various other ground failures. The first release of maps only addresses liquefaction and/or landslide zones.

Liquefaction Hazard Zones are areas where there is a potential for, or an historic occurrence of liquefaction. Liquefaction is a rare soil phenomenon that can occur when loose, water saturated, fine-grained sands, and silty sands that lie within 50 feet of the ground surface, are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly.

Earthquake-Induced Landslide Hazard Zones are areas where there has been a recent landslide, or where the local slope, geological, geotechnical, and ground moisture conditions indicate a potential for landslides as a result of earthquake shaking.

PUBLIC RECORD: Official earthquake fault zone or special study zone maps approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2696.

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SECTION 2

COUNTY AND CITY NATURAL HAZARD DISCLOSURE STATEMENT

The following natural hazard disclosures are provided to give local-level Seismic Safety information for the subject property. This information may be used by the local jurisdiction relative to making decisions regarding new development or additional construction. The agencies and jurisdictions who develop the official maps do not necessarily define or delineate hazards in the same way. A site can be *in* a hazard zone from one source and *not in* a hazard zone from another source.

Alameda County Geologic and Seismic Zone Determination

Based on the officially adopted county-level Seismic Safety Element natural hazard maps, the subject property is:
Located in an area of Older alluvial fan deposit (gravel, sand, clay, etc.). See the County Geologic Zones Discussion included with this report for an explanation of zones.

NOTE: If the site is in a locally mapped hazard zone or if information of concern exists in another source, the property may require a geologic study prior to any new or additional construction. The disclosures above are material facts and should prudently be disclosed to buyers in addition to the Statutory Natural Hazard Disclosures. Additional sources of information which are not officially adopted, may be available at the local jurisdiction that are not reported here.

ALAMEDA COUNTY GEOLOGIC ZONES DISCUSSION

The County of Alameda, separately from the State and Federal governments, has officially produced or adopted maps to delineate potential geologic and seismic hazards that are recognized at the local level. Those hazard maps are incorporated into the Seismic Safety Element of the General Plan, adopted by the County Board of Supervisors in 1982. The local-level disclosure in this JCP report was based on the following official County map(s): "Phase I - Preliminary Evaluation of Geologic Problems in the County of Alameda," December 1973, by Woodward-Lundgren & Associates (incorporated by reference into the Safety Element of the General Plan).

The hazard zones delineated on the above map source, in addition to the statutorily-required State and Federal hazard maps, are typically considered by the County when approving land use and development permit applications under County jurisdiction. Additional maps exist in the General Plan and other maps, including updated versions of the above-referenced map(s), may exist in the files of specific County departments. Those additional map sources were not consulted for this JCP disclosure because parcel-level details cannot be resolved at the scale and quality of the available official map, or the map is inappropriate for application to this report, or the map has not yet been officially adopted and incorporated into the County's Safety Element. As mapping technology advances, JCP later may determine that some additional map sources become usable for parcel-level disclosure. The mapped County hazard zones represent evaluations of generalized hazard information. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. If a site-specific evaluation is desired, JCP recommends that a geotechnical consultant be retained to study the site and issue a report.

The official County-level information addresses the potential geologic and seismic hazards itemized below:

FAULT

Earthquake Faults have been divided into three categories by the County: active faults, potentially active faults and inactive faults. Inactive faults are not considered to be a high hazard, but building set-backs may be required prior to construction near them.

LANDSLIDE

Potential Landslide areas are mapped by air-photo interpretation. Properties in these areas are subject to some risk of damage from slope failure. However, areas mapped as large landslide deposits are not necessarily less stable than adjacent areas. Detailed site studies are necessary before judgments can be made about the slope stability of individual properties.

TSUNAMI

Tsunamis (commonly called "tidal waves") are large ocean waves generated by undersea earthquakes. Some areas along the Bay in Alameda County may be subject to damage from tsunami run-up on the average of once every two hundred years. Properties in these low-lying regions may be inundated if a 20-foot high tsunami occurs at the Golden Gate.

SOILS

Bedrock areas, Colluvial, Alluvial and Terrace deposits, do not represent zones of high geologic hazard. "Colluvial deposits" are sediments that are deposited at the base of slopes. Alluvial and terrace sediments were deposited by flowing water. Bedrock areas encompass a variety

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of rock types of various ages and engineering characteristics. These areas may be subject to slope stability problems if slopes are steeper than 20% and are underlain by low-strength geologic materials.

Alluvial Fan deposits represent sediments (clay, silt and sand) deposited by streams flowing over sloping terrain.

Fluvial deposits and Interfluvial Basin deposits represent sediments (clay, silt, and sand) deposited by streams in nearly level lowland areas.

Merrit Sand deposits are loose, fine-grained, very well-sorted, beach and wind-blown sands. This zone is subject to moderate to high potential for liquefaction.

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City of Berkeley Geologic and Seismic Zone Determination

Based on the officially adopted city-level Seismic Safety Element natural hazard maps, the subject property is:
Located within Fire Zone 1 as shown on the adopted General Plan maps used in this report. For explanation of zones see the city explanation section included with this report.

CITY OF BERKELEY GEOLOGIC ZONES DISCUSSION

The City of Berkeley, separately from the County, State and Federal governments, has officially delineated three (3) Fire Zones throughout the City. Those fire zones are incorporated into the Safety Element of the General Plan, adopted by the Berkeley City Council in 2002. Chapter 19.28 of the Berkeley Building Code defines each Zone and the building restrictions that exist for properties in each Zone. The current City of Berkeley Building Code can be accessed on the Internet at:

<http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F19/28/index.html>

Building restrictions in each Zone can be accessed at:

Zone 1: <http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F19/28/150.html>

Zone 2: <http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F19/28/160.html>

Zone 3: <http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F19/28/170.html>

The hazard zones defined by the above source, in addition to the statutorily-required State and Federal hazard maps, are typically considered by the City when approving land use and development permit applications under City jurisdiction. Additional maps exist in the General Plan and other maps, including updated versions of the above-referenced map(s), may exist in the files of specific municipal departments. Those additional map sources were not consulted for this JCP disclosure because parcel-level details cannot be resolved at the scale and quality of the available official map, or the map is inappropriate for application to this report, or the map has not yet been officially adopted and incorporated into the City's Safety Element. As mapping technology advances, JCP later may determine that some additional map sources become usable for parcel-level disclosure. The mapped City hazard zones may have been compiled from multiple sources of differing quality and, in some instances, have been generalized and simplified. No special field studies were conducted to verify the information for this subject property. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. If a site-specific evaluation is desired, JCP recommends that a geotechnical consultant be retained to study the site and issue a report. The risk of exposure can be reduced through appropriate land-use planning, development engineering, and building construction practices.

City vs. County Information: County and city-level information sources are developed independently of each other and do not necessarily define or delineate hazards in the same way. A site can be *in* a geologic hazard zone according to the city and *not in* the corresponding zone according to the county and vice versa. Cities and counties may use other information in addition to their General Plan sources to determine if hazards exist at a site or which sites may require geologic studies prior to new or additional construction. Such information could be a material fact to be disclosed in addition to General Plan information. Such potential sources are not reviewed in this report. To investigate other sources of natural hazard information that may be available and used at the local level, contact the Engineering, Planning or Building Departments in the subject City and County.

The official City-level information addresses the potential natural hazards itemized below:

FIRE HAZARD

Fire Zone 1 encompasses areas outside of the Hillside Ordinance Area of the City. These would include all areas of the incorporated City of Berkeley not in Fire Zones 2 and 3. Fire Zone 1 areas have a relatively lower fire hazard than Zones 2 and 3.

Fire Zone 2 encompasses areas designated as "Combined Hillside Districts" in the Official Zoning Map of the City of Berkeley. This area may also be referred to as the "Hill Fire Hazard Area" in certain Berkeley City offices. Guidelines and requirements regarding allowable roofing types, exterior siding, decks and balconies, as well as requirements for chimney spark arresters, roof overhangs, vents, and underground utility connections, as well as brush/vegetation control have been defined by ordinance by the City of Berkeley for properties in this zone. Fire Zone 2 represents areas with a relatively higher fire hazard than Zone 1 areas.

Fire Zone 3 encompasses the Panorama Hill area of Berkeley. This area is also referred to as the "Environmental Safety District" on the Official Zoning Map of the City of Berkeley. The guidelines and requirements regarding allowable roofing types, exterior siding, decks and balconies, as well as requirements for chimney spark arresters, roof overhangs, vents, and underground utility connections that affect properties in Fire Zone 2 apply for Fire Zone 3 as well as additional and more stringent requirements regarding exterior wall protection, roof coverings, under floor areas, utilities, protection of openings, fire warning systems, and brush/vegetation control. This area has the relatively highest fire hazard of the three zones due to restricted road access for fire suppression equipment.

The following is a general summary of restrictions for construction, alteration or repair of structures in Fire Zones 2 and 3. More restrictive guidelines as well as additional requirements exist for structures in Zone 3. The requirements may be amended by the City of Berkeley and the complete list is available on the web at:

<http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F19/28/index.html>

The JCP Property Disclosure Report™

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Date: 3/8/2006

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1. Class A roof coverings are required for all new construction and re-roofing projects of more than 50% of the roof area.
2. Exterior sidings are restricted to certain heat resistant or non-combustible materials.
3. Decks, balconies and exterior stairs must be built to specific fire related standards of the city building code.
4. All chimneys, stovepipes, fireplaces, stoves, barbecues or solid fuel heating appliances must have an approved spark arrester.
5. Roof overhangs extending more than ten inches from an exterior wall must be built to fire-resistant city building codes.
6. Vents must be built to resist fire intrusion and are limited regarding where they may be placed on the structure.

◦ ◦ ◦ END OF LOCAL AREA DISCLOSURES AND DISCUSSIONS SECTION ◦ ◦ ◦

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SECTION 3

FORMER MILITARY ORDNANCE SITE DISCLOSURE

Determination

The subject property is **NOT WITHIN** one mile of a Formerly Used Defense (FUD) site containing military ordnance.

Discussion

FUD sites can include sites with common industrial waste (such as fuels), ordnance or other warfare materiel, unsafe structures to be demolished, or debris for removal. NOTE: most FUDS sites do not contain unexploded ordnance. California Civil Code 1102 requires disclosure of those sites containing unexploded ordnance. "Military ordnance" is any kind of munition, explosive device/material or chemical agent used in military weapons. Unexploded ordnance are munitions that did not detonate. Only those FUD sites that the USACE has identified to contain Military Ordnance or have mitigation projects planned for them are disclosed in this report. Additional sites may be added as military installations are released under the Base Realignment and Closure (BRAC) Act. Active military sites are NOT included on the FUDS list.

COMMERCIAL OR INDUSTRIAL ZONING DISCLOSURE

Determination

Based on publicly-available parcel zoning records only:

The property **IS** within one-mile of a property that is zoned for industrial or commercial use.

Discussion

The seller of residential real property who has actual knowledge that the property is affected by or zoned to allow commercial or industrial use described in Section 731a of the Code of Civil Procedure shall give written notice of that knowledge to purchasers as soon as practicable before transfer of title (California Civil Code Section 1102.17). The Code of Civil Procedure Section 731a defines industrial use as areas in which a city and/or county has established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted. The "Zoning Disclosure" made in this report **DOES NOT** purport to determine whether the subject property is or is not affected by a commercial or industrial zone. As stated above, that determination is based solely upon ACTUAL KNOWLEDGE of the seller of the subject property.

In an effort to help determine areas where this may be applicable, this disclosure identifies if a property exists within one mile of the seller's property that is zoned to allow for commercial or industrial use. Very commonly, a home will have in its vicinity one or more properties that are zoned for commercial or industrial use such as restaurants, gasoline stations, convenience stores, golf courses, country club etc.

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AIRPORT INFLUENCE AREA DISCLOSURE

Determination

Based on certain mapped Airport Influence Areas determined by a County Airport Land Use Commission, the following determination can be made:

The property is NOT IN an officially-designated Airport Influence Area (AIA) and is NOT WITHIN two (2) statute miles of an airport for which no AIA has been officially designated.

Discussion

Certain airports are not disclosed in this report. FANHD has made a good faith effort to identify the airports covered under Section 1102.6a. Sources consulted include official land use maps and/or digital data made available by a governing ALUC or other designated government body. Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. Not disclosed in this report are public use airports that are not in the "California Airports List", airports that are physically located outside California, heliports and seaplane bases that do not have regularly scheduled commercial service, and private airports or military air facilities unless specifically identified in the "California Airports List". If the seller has actual knowledge of an airport in the vicinity of the subject property that is not disclosed in this report, and that is material to the transaction, the seller should disclose this actual knowledge in writing to the buyer.

JCP uses official land use maps and/or digital data made available by governing ALUC or other designated government body. Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. The inclusion of military and private airports varies by County, and heliports and seaplane bases are not included, therefore, airports in these categories may or may not be included in this disclosure.

NOTE: Proximity to an airport does not necessarily mean that the property is exposed to significant aviation noise levels. Alternatively, there may be properties exposed to aviation noise that are greater than two miles from an airport. Factors that affect the level of aviation noise include weather, aircraft type and size, frequency of aircraft operations, airport layout, flight patterns or nighttime operations. Buyer should be aware that aviation noise levels can vary seasonally or change if airport usage changes.

AIRPORT NOISE DISCLOSURE

Determination

Based on certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150, the following determination has been made:

The property IS NOT within a delineated 65 dB CNEL or greater aviation noise zone.

Discussion

The seller(s) of residential real property who has (have) actual knowledge that the property in transaction is affected by airport use must give written notice of that knowledge, as soon as practicable, before transfer of title. (California Civil Code, Section 1102.17).

Not all airports have produced noise exposure maps. A property may be near or at some distance from an airport and not be within a delineated noise exposure area, but still experience aviation noise. Unless 65dB CNEL contour maps are published, helipads and military sites are not included in this section of the report.

NOTE: The *Airport Noise Compatibility Planning Program* is voluntary. Not all airports have elected to participate. Not all property in the vicinity of an airport is exposed to 65dB CNEL or greater average aviation noise levels. Conversely a property may be at some distance from an airport and still experience aviation noise. JCP obtains updated maps once yearly. Purchasers should be aware that aviation noise levels can vary seasonally or change if airport usage changes after a map is published or after JCP receives the updated maps within the schedule set by JCP. JCP uses the most seasonally conservative noise exposures provided.

Federal funding may be available to help airports implement noise reduction programs. Such programs vary and might include purchasing properties, rezoning, and insulating homes for sound within 65dB areas delineated on CNEL maps. Airport owners have also cooperated by imposing airport use restrictions that include curfews, modifying flight paths, and aircraft limitations.

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REGISTERED SEX OFFENDER DATABASE DISCLOSURE ("MEGAN'S LAW")

Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at www.meganslaw.ca.gov. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides.

California law (AB 488), signed by the Governor on September 24, 2004, provides the public with Internet access to detailed information on registered sex offenders. The Sex Offender Tracking Program of the California Department of Justice (DOJ) maintains the database of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.46 of the Penal Code. The online database is updated with data provided by local sheriff and police agencies on an ongoing basis. It presents offender information in 13 languages; may be searched by a sex offender's specific name, zip code, or city/county; provides access to detailed personal profile information on each registrant; and includes a map of your neighborhood.

California Department of Justice Information Sources:

Megan's Law Sex Offender Locator Web Site: <http://www.meganslaw.ca.gov>

California Department of Justice Megan's Law Email Address: meganslaw@doj.ca.gov

Local Information Locations For The Subject Property:

All sheriffs' departments and every police department in jurisdictions with a population of 200,000 or more are required to make a CD-ROM available free to the public for viewing. Although not required, many other law enforcement departments in smaller jurisdictions make the CD-ROM available as well. Please call your local law enforcement department to investigate availability.

According to current records your local law enforcement department phone number is (510) 667-3190.

The following are the law enforcement departments in your county that are REQUIRED to make information available:

Alameda County Sheriff's Department	(510) 667-3190
Fremont Police Department	(510) 790-6860
Oakland Police Department	(510) 238-2188

Explanation and How to Obtain Information

For over 50 years, California has required certain sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of the sex offenders was not available to the public until implementation of the Child Molester Identification Line in July 1995. The available information was expanded by California's "Megan's Law" in 1996 (Chapter 908, Stats. of 1996). Megan's Law provides certain information on the whereabouts of "serious" and "high-risk" sex offenders. The law specifically prohibits using the information to harass or commit any crime against the offender. The information on a registered sex offender includes: name and known aliases; age and sex; physical description, including scars, marks and tattoos; photograph, if available; crimes resulting in registration; county of residence; and zip code (from last registration). Accessing the online database requires your agreement with the DOJ's terms of use web page.

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION DISCLOSURE (Applicable Only in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties)

Determination

Based on certain mapped coastal zones determined by the San Francisco Bay Conservation and Development Commission (BCDC), the following determination can be made:

The property is **NOT IN** the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined in Section 66620 of the Government Code.

NOTE: The official BCDC jurisdictional maps issued by the BCDC are electronic documents generally of low resolution and poor quality. As defined by the BCDC, its jurisdiction spans a complexity of ever-changing geographic and topographic environments including: (1) tidal areas of San Francisco Bay; (2) a 100-foot-wide shoreline band that extends inland from the upper edge of the BCDC's San Francisco Bay jurisdiction; (3) certain named waterways that empty into San Francisco Bay; (4) salt ponds adjacent to the Bay; and (5) certain managed wetlands as well as the Suisun Marsh. The BCDC-issued maps are not adequate for determining confidently the proximity of the BCDC-defined jurisdictional boundaries to nearby parcels. Therefore, all parties in the transaction are advised that there is some uncertainty inherent in the "NOT IN" determination made above.

Discussion

As of July 1, 2005, Civil Code Section 1103.4 mandates disclosure to buyers of certain real estate if that property is located within the jurisdictional boundaries of the BCDC. Notice is required to prevent unknowing violations of the law by new owners who were unaware that certain activities on the real property are subject to the BCDC's permit requirements.

The BCDC has issued maps for some parts of its jurisdiction, including the San Francisco Bay Plan maps (California Code of Regulations, Title 14, Section 10121) and the Suisun Marsh Plan maps (Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974). Official maps have not been issued for other parts of the BCDC jurisdiction (McAteer-Petris Act areas) because the Bay is a highly dynamic environment and the shoreline changes over time (in part because the sea level also changes over time). In those areas where official BCDC maps are not available or along the edges of the BCDC's mapped jurisdiction, to meet the disclosure requirements, this report will indicate that the property "could be within" the BCDC's jurisdiction and that a location-specific jurisdictional determination should be made by consulting the BCDC. This determination of "could be within" the BCDC's jurisdiction was recommended by the BCDC in that certain Memo entitled "Guidance on Determining Commission Jurisdiction Pursuant to Senate Bill 1568" issued in February 2005 and posted on the BCDC website.

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ADVISORIES

METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE ADVISORY

According to the "Methamphetamine Contaminated Property Cleanup Act of 2005" a property owner must disclose in writing to a prospective buyer if local health officials have issued an order prohibiting the use or occupancy of a property contaminated by meth lab activity. The owner must also give a copy of the pending order to the buyer to acknowledge receipt in writing. Failure to comply with these requirements may subject an owner to, among other things, a civil penalty up to \$5,000. Aside from disclosure requirements, this new law also sets forth procedures for local authorities to deal with meth-contaminated properties, including the filing of a lien against a property until the owner cleans up the contamination or pays for the cleanup costs.

MOLD ADVISORY

The Buyer is hereby advised that naturally occurring molds may exist both inside and outside of any home and may not be visible to casual inspection. Persons exposed to extensive mold levels can become sensitized and develop allergies to the mold or other health problems. Extensive mold growth can damage a structure and its contents. All prospective purchasers of residential and commercial property are advised to thoroughly inspect the subject property for mold. Be sure to inspect the property inside and out for sources of excess moisture, current water leaks and evidence of past water damage.

For molds to grow and reproduce, they need only a food source - any organic material, such as leaves, wood, paper, or dirt and moisture. Because molds grow by digesting the organic material, they gradually destroy whatever they grow on. Mold growth on surfaces can often be seen in the form of discoloration, frequently green, gray, brown, or black but also white and other colors.

As part of a buyer's physical inspection of the condition of a property, the buyer may consider engaging an appropriate and qualified professional to inspect and test for the presence of harmful molds and to advise the buyer of any potential risk and options available. This advisory is not a disclosure of whether harmful mold conditions exist at a property or not. JCP Geologists has not performed testing or inspections of any kind. Any use of this form is acknowledgement and acceptance that JCP does not disclose, warrant or indemnify mold conditions at a property in any way and is not responsible in any way for mold conditions that may exist. Information is available from the California Department of Health Services Indoor Air Quality Section fact sheet entitled, "Mold in My Home: What Do I Do?" The fact sheet is available at www.cal-iaq.org or by calling (510) 540-2476.

The Toxic Mold Protection Act of 2001 requires that information be developed regarding the potential issues surrounding naturally occurring molds within a home. Information was written by environmental authorities for inclusion in the *Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants* booklet developed by the California Environmental Protection Agency and the Department of Health Services. It is found in Chapter VI of that booklet, and includes references to sources for additional information.

For local assistance, contact your county or city Department of Health, Housing, or Environmental Health.

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RADON ADVISORY

For its Radon Advisory, JCP Geologists uses the updated assessment of radon exposure published in 1999 by the Lawrence Berkeley National Laboratory (LBNL) and Columbia University, under support from the U.S. Environmental Protection Agency (EPA), the National Science Foundation, and the US Department of Energy (published online at <http://eetd.lbl.gov/IEP/high-radon/USgm.htm>). Based on this recent assessment, JCP's radon advisory is as follows:

All of California's 58 counties have a predicted median annual-average living-area concentration of radon below 2.0 pCi/L (picocuries per liter of indoor air) -- which is well below the EPA's guideline level of 4 pCi/L and equivalent to the lowest hazard zone (Zone 3) on the 1993 EPA Map of Radon Zones

A "median", like an average, is a central value. The "median concentration" means that half of the homes in a county are expected to be below this value and half to be above it. All houses contain some radon, and a few houses will contain much more than the median concentration. The only way to accurately assess long-term exposure to radon in a specific house is through long-term testing (sampling the indoor air for a year or more). The EPA recommends that all homes be tested for radon. Columbia University's "Radon Project" website offers help to homeowners in assessing the cost vs. benefit of testing a specific house for radon or modifying it for radon reduction (see <http://www.stat.columbia.edu/radon/>).

NOTE: JCP does not use the EPA's 1993 map for advisory purposes because that map shows "short-term" radon exposure averaged by county. It was based on "screening measurements" that were intentionally designed to sample the worst-case conditions for indoor air in US homes--using spot checks (sampling for just a few days), in the poorest air quality (with sealed doors and windows), at the worst time of the year (winter), in the worst part of the house (the basement, if one was available). These short-term, winter, basement measurements are both biased and variable compared to long-term radon concentrations (averaged over a year) in the living area of a house. Long-term concentrations are a more accurate way to judge the long-term health risk from radon. For the above reasons, the EPA expressly disclaims the use of its 1993 map for determining whether any house should be tested for radon, and authorizes no other use of its map for property-specific purposes. For additional information about EPA guidelines and radon testing, see "Chapter VII--Radon", in the California Department of Real Estate's *Residential Environmental Hazards: A Guide for Homeowners, Homebuyers, Landlords and Tenants*.

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MELLO-ROOS and SPECIAL ASSESSMENT DETERMINATION

Determination Based on data from an independent tax information service:

The subject property is **WITHIN** a Mello-Roos Special Assessment District

1. Name and Issuing Agency:	City of Berkeley	Contact: Geri McFarland	(510) 981-7219
Project Financed:	Fire Equipment & Services	Amount: \$ 18.24	

The subject property is **NOT WITHIN** an assessment district pursuant to the Improvement Bond Act of 1915:

No 1915 Bond Act Special Assessment Districts were determined to have been assessed for this property in the previous tax year.

0.00

The facilities financed by this (these) Mello-Roos and/or Special Assessment(s) may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. You should take this assessment and the benefits from the public facilities for which it pays into account in deciding whether to buy this property.

If the property is subject to a Mello-Roos and/or a "1915" Special Assessment District Lien, the Seller must make a good faith effort to provide the Buyer(s) with a "Notice of Special Tax" and/or a "Notice of Special Assessment" as long as the notices are made available by the local agency (Section 1102.6b of the Civil Code). Cities and Counties vary where this type of information may be made available. Contact the local Controller, Finance Department, Treasurer or Tax Assessor for more information regarding the availability of a Notice of Special Assessment.

Discussion

California laws allow "special taxes" and "special assessments" to be levied against a property in addition to ad valorem property taxes in order to help fund benefits such as streets, curbs, gutters and underground sewer and water infrastructure. The "Mello-Roos Community Facilities Act" and the "Improvement Bond Act of 1915" are two of these assessment laws, and assessments made under these laws carry a disclosure obligation as of January 1, 2002 (Section 1102.6b of the Civil Code). This notice is designed to help Sellers fulfill this disclosure obligation.

When either of these assessment laws is activated, an assessment lien is placed against each affected property and a special assessment appears on the property tax bill until the amortized debt is fully paid. An important feature of "Mello-Roos" and "1915 Bond Act" assessment districts is that the lien has a priority status. If the assessment tax is not paid on time, the home can be foreclosed upon and sold through an accelerated foreclosure process. Even though a "special" or "supplemental assessment" may appear on the property tax bill, it is not necessarily a "Mello-Roos" or "1915" bond assessment subject to a property lien or a specific disclosure requirement.

IMPORTANT: This information was obtained from an independent tax information service using their proprietary database. It is not a substitute for a title report, for special tax information that may be contained in a title report, or for title insurance. There are a limited number of properties that may be subject to Special Assessment that are not included in this tax database. If the seller has additional information on Special Tax Assessments that do not appear in this report, it must be disclosed to the buyer.

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•• JCP SERVICES SECTION ••

Any use of this report is an acknowledgement of and an agreement to abide by the terms stated in this section. For the Natural Hazard Disclosures, JCP Geologists (JCP) examines only the following maps: (a) NFIP Flood Insurance Rate Maps, (b) California Office of Emergency Services Dam Failure Inundation maps, (c) Real Estate: disclosure (CDF) fire maps, (d) Seismic Hazards Mapping Act maps, (e) geologic and seismic hazard maps adopted by the county as part of its General Plan's Safety Element, (f) geologic and seismic hazard maps adopted by the city as a part of its General Plan's Safety Element, (g) LOMR's or LOMA's (made available to us), for location of the above property as identified by the seller or seller's agent. JCP relies on these official sources for the information in this report and does not produce, maintain or verify the information. Our services include, where appropriate, use of the assessors rolls, cadastral-type maps, photographic enlargements of maps and various cartographic techniques to locate the site on the appropriate map. The determination is made as accurately as reasonably possible using these said maps. For purposes of defining property lines, the assessor's parcel number and parcel maps are used. Any errors in the assessor's rolls may affect the determination procedures.

Decisions by jurisdictions relative to required studies, reports, etc. may be made using the same information sources used in the disclosures in this report, as well as information in their files and/or local ordinances and procedures. The disclosure information in this report is not a substitute for a geologic or engineering study, nor can it be construed that a city or county will not require such studies. No visual examination of the subject site was performed nor was a study of any jurisdiction's files or other sources made to determine the existence of any hazard which may exist on the site. This report is for the purpose of certain map-based real estate transaction disclosures only and is not a substitute for the broker/agent property inspection.

Our determination for Mello-Roos Special Tax and 1915 Special Assessment Districts was made using a proprietary third-party database of Special Tax and Assessment Districts (STAD) that have issued bonds as the method to pay for facilities. Only STAD's which levied a tax against the subject property in the previous tax year are disclosed. STAD information may not be available if the property is in foreclosure for delinquent or non-payment of a Special Tax or Assessment. JCP cannot be held responsible for not reporting these cases. The databases are deemed to be accurate based on information supplied by bond issuers. Under no circumstances will JCP Geologists be responsible for errors in the data supplied by bond issuers and suppliers of the tax databases. Information is up-dated on a yearly basis as soon as possible after updated information is released.

No study of the assessor's or jurisdiction's files was made to determine the presence of any other tax or assessment which may exist for the property. Other types of "special assessments" likely exist that are not Mello-Roos or 1915 Bond Act Assessments. This JCP report is for disclosure only and is not intended to provide any type of tax advice. JCP suggests that if any party to this transaction has any concerns or questions regarding Mello-Roos Community Facilities Districts, or 1915 Special Assessment Districts they contact an appropriate expert.

Military ordnance disclosures were provided using Department of Defense data sources that JCP neither produces nor maintains. JCP cannot accept liability for the accuracy of the information derived from these public data sources. No on-site inspection was performed.

JCP performs services for the real estate agent/broker and current owner. This report is for residential property only and is for the exclusive use of the contractual parties, their broker/agent(s), and the current owner's sale for which it is issued. Due to changes in tax districts, disclosure maps, laws and contractual parties, this report cannot be relied upon for other properties nor for future transactions of the subject property. All parties should be aware that the information is subject to change. JCP is not responsible for advising parties of any changes that may occur after the date of this report. As a courtesy, JCP will update this report at no cost during the single transaction process for which this report was issued, if requested. JCP shall not be liable to anyone who may claim any right through his/her relationship with the agent, except when acts or omissions are due to willful misconduct or negligence by JCP.

Reproduction of this report is permitted only for the purpose of fulfilling the seller's disclosure duty to the buyer in the transaction of the real property at the subject address noted herein. Any other reproduction, facsimile, or republication of this report is expressly prohibited and is a violation of the copyrights, trademarks and service marks of the First American Corporation, and will be prosecuted to the fullest extent of the law. The Company shall assume no liability unless and until the fee for this (these) report(s) is paid in full.

This JCP Report includes a statutory Natural Hazard Disclosure Statement as legislated in California Civil Code 1103. The delivery of this report is sufficient compliance for the legal exemption that states neither the seller nor any listing or selling agent will be liable for any error in this information as long as ordinary care is exercised in transmitting it and they have no personal knowledge of errors (California Civil Code 1103.4).

This report is not an insurance policy and is not a substitute for the buyer obtaining Property & Casualty Insurance Policies which will provide coverage against losses incurred as a result of earthquakes, fires, flooding, environmental hazards, or any other kinds of risks associated with the property. If any party to this transaction has concerns relative to the stability or condition of the property or if "red flags" are observed during any party's inspection, an appropriate consultant should be retained to study the site and render an opinion.

The JCP Property Disclosure Report™

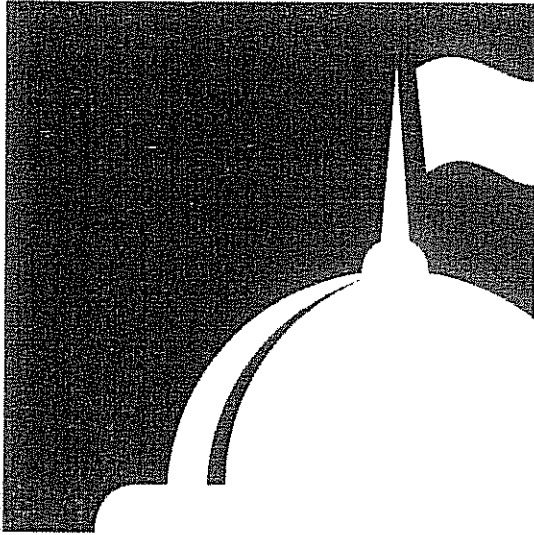
Property Address: 181 Brookside Dr,
Berkeley, Alameda County, CA

APN: 052 1563 162 00

Date: 3/8/2006

Report Number: 2006030800202

California Tax Disclosure Report



*This report satisfies
the seller's obligation, pursuant
to Civil Code Section 1102.6b, to
disclose all special tax and/or
assessment districts affecting
the subject property*

California Tax Data
www.californiataxdata.com

This Report Prepared Especially For:

THE GRUBB CO

Address : 181 BROOKSIDE DR

*Your #1 Source for Property Tax Information
(Including Mello-Roos and 1915 Act Disclosures)*

RECEIVED AND READ

NUMBER OF PAGES _____

NAME _____ DATE _____

NAME _____ DATE _____

California Tax Data, Inc. 100 Pacifica, Suite 470 Irvine, CA 92618
Tel 877-FIND TAX (877-346-3829) | info@californiataxdata.com
www.californiataxdata.com

PROPERTY TAX DISCLOSURE REPORT FOR:

Property Address: 181 BROOKSIDE DR

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NOTE

This report is void and not guaranteed if it has not been paid for within 30 days after the close of escrow.

In preparing this report, California Tax Data has relied upon the statutes identified and has reviewed the records referred to in each determination. These are available to the public as Government Records to make the determinations if and to what extent each special tax and assessment statute applies to the subject property. Receipt or use of this report by recipient or any other third party constitutes acceptance of the terms and conditions detailed at the end of this document. Please read these terms and conditions carefully. This report is not a warranty or a policy of insurance. This report is prepared by California Tax Data to comply with certain California laws relating to the disclosure of a continuing lien securing the levy of special taxes pursuant to the Mello-Roos Community Facilities Act (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code) or to a fixed lien assessment collected in installments to secure bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) in connection with the sale of real property in California.

NOTICE OF SPECIAL TAX AND ASSESSMENT

TO: THE PROSPECTIVE PURCHASER OF THE REAL PROPERTY KNOWN AS:

Assessor's Parcel Number: 052 -1563-162-00
Property Address or Legal Description: 181 BROOKSIDE DR
Report Date: 3/8/2006

THIS IS A NOTIFICATION TO YOU PRIOR TO YOUR PURCHASING THIS PROPERTY.

1. MELLO-ROOS COMMUNITY FACILITIES DISTRICTS

Mello-Roos Community Facilities Districts ("CFD") provide a method of financing certain public capital facilities and services especially in developing areas and areas undergoing rehabilitation. Public improvements funded by Mello-Roos CFDs may include, but are not limited to, roads, schools, water, sewer and storm drain facilities. Public services funded by Mello-Roos CFDs may include, but are not limited to, police and fire protection services, recreation program services, and flood or storm protection services. Mello-Roos CFDs commonly fund the construction of public improvements through the issuance of bonds. A special tax lien is placed on property within the district for the annual payment of principal and interest as well as administrative expenses. Typically, the annual special tax continues until the bonds are repaid, or until special taxes are no longer needed. In most instances but not all, the special tax is collected with regular property taxes.

This property is within the Mello-Roos CFD(s) listed below and is subject to a special tax, that will appear on your property tax bill. This special tax is in addition to the regular property taxes and any other charges and benefit assessments that will be listed on the property tax bill. This special tax may not be imposed on all parcels within the city or county where the property is located. This special tax is used to provide public facilities or services that are likely to particularly benefit the property.

The maximum tax rate, the maximum tax rate escalator, and the authorized facilities which are being paid for by the special taxes and by the money received from the sale of bonds which are being repaid by the special taxes, and any authorized services are indicated below. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired.

THIS PROPERTY IS SUBJECT TO MELLO-ROOS COMMUNITY FACILITIES DISTRICT SPECIAL TAX LIEN(S).

1.1 City of Berkeley • (510) 981-7200 • Community Facilities District No. 1 (Disaster Fire Protection)

Current Levy. \$18.24 Maximum Tax Rate. \$18.24.

Ending Year. The Special Tax shall be levied for a period not to exceed twenty (20) years commencing with Fiscal Year 2001-2002. Special taxes that pay for ongoing services may be levied indefinitely. The maximum special tax for this parcel may increase if additional improvements are constructed or the use of the parcel changes (e.g., the property use changes from undeveloped to developed, residential to commercial, etc.).

Maximum Tax Rate Escalator. The Maximum Tax Rate amount is fixed and cannot increase without voter approval unless additional improvements are constructed or the use of the parcel changes.

Authorized Facilities. The authorized facilities which are being paid for by the special taxes, and by the money received from the sales of bonds which are being repaid by the special taxes are: fund fire protection facilities including pumping units, ultra large diameter hose, transport and support vehicles, portable hydrants, accessory fittings, hose bridges, and storage sites.

Authorized Services. The special taxes may be used to pay for costs of the following services: Fire protection services.

Special Circumstances. None

NOTICE OF SPECIAL TAX AND ASSESSMENT (continued)

TO: THE PROSPECTIVE PURCHASER OF THE REAL PROPERTY KNOWN AS:

Assessor's Parcel Number: 052 -1563-162-00
Property Address or Legal Description: 181 BROOKSIDE DR
Report Date: 3/8/2006

2. 1915 BOND ACT ASSESSMENT DISTRICTS

1915 Bond Act assessment districts provide a method of financing certain public capital facilities. Public improvements funded by 1915 Bond Act districts may include, but are not limited to, roads, sewer, water and storm drain systems, and street lighting. 1915 Bond Act assessment districts commonly fund the construction of public improvements through the issuance of bonds. A special assessment lien is placed on property within the assessment district. The lien amount is calculated according to the specific benefit that individual property receives from the improvements and is amortized over a period of years. 1915 Bond Act assessments can be prepaid at any time. In most instances but not all, the assessment is collected with regular property taxes.

Properties within a 1915 Bond Act assessment district are subject to annual assessment installments (a Mello-Roos Community Facilities District special tax and the 1915 Bond Act Assessment District annual assessment installments are hereinafter collectively referred to as "Special Liens"), which are in addition to the regular property taxes and any other charges and benefit assessments that will be listed on the property tax bill. The assessment district issues bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to property within the assessment district. The bonds will be repaid from annual assessment installments on property within the assessment district. The special assessment is used to provide public facilities that are likely to particularly benefit the property.

THIS PROPERTY IS NOT SUBJECT TO IMPROVEMENT BOND ACT OF 1915 SPECIAL ASSESSMENT LIEN(S).

MELLO-ROOS COMMUNITY FACILITIES DISTRICT SPECIAL TAXES AND THE 1915 BOND ACT ASSESSMENT DISTRICT ANNUAL ASSESSMENT INSTALLMENTS ARE HEREINAFTER COLLECTIVELY REFERRED TO AS "SPECIAL LIENS." IF SPECIAL LIENS DESCRIBED ABOVE ARE NOT PAID WHEN DUE, FORECLOSURE PROCEEDINGS MAY BE INITIATED AT ANY TIME, AFTER PROPERTY TAXES BECOME DELINQUENT. YOUR PROPERTY MAY BE SOLD FOR THE DELINQUENT AMOUNTS, EARLIER THAN WITH REGULAR PROPERTY TAXES.

YOU SHOULD TAKE THE SPECIAL LIENS DESCRIBED ABOVE AND THE BENEFITS RECEIVED FROM THE PUBLIC FACILITIES AND PUBLIC SERVICES (IF APPLICABLE) FOR WHICH IT PAYS INTO ACCOUNT IN DECIDING WHETHER TO BUY THIS PROPERTY.

THE INFORMATION PROVIDED IN THIS REPORT WAS PREPARED BY NATIONAL TAX DATA, INC. dba CALIFORNIA TAX DATA ("CTD") AND IS SUBJECT TO THE TERMS AND CONDITIONS CONTAINED HEREIN. THE PURPOSE OF THIS REPORT IS TO ASSIST THE SELLER IN FULFILLING HIS OR HER LEGAL DISCLOSURE REQUIREMENT PURSUANT TO CALIFORNIA CIVIL CODE § 1102.6B. THIS REPORT WAS COMPILED USING INFORMATION OBTAINED FROM THE COUNTY, VARIOUS GOVERNMENTAL AGENCIES AND THIRD PARTIES. CTD IS NOT RESPONSIBLE FOR ANY INACCURACIES OR OMISSION IN THE PUBLIC RECORDS OF THE COUNTY, VARIOUS GOVERNMENTAL AGENCIES OR FOR INFORMATION PROVIDED BY THIRD PARTIES. **THIS REPORT IS NOT A SUBSTITUTE FOR A TITLE REPORT OR TITLE INSURANCE AND MAY NOT BE RELIED UPON AS SUCH.**

YOU MAY OBTAIN ADDITIONAL INFORMATION OR DOCUMENTATION REGARDING THE CREATION OF THE DISTRICT(S) LISTED ABOVE, AND MORE PRECISELY HOW THE CHARGES ARE COMPUTED, AND HOW THE PROCEEDS WILL BE USED, BY CALLING THE CONTACT PHONE NUMBER LISTED ABOVE. THERE MAY BE A CHARGE FOR THE DOCUMENTS NOT TO EXCEED THE ESTIMATED REASONABLE COST OF PROVIDING THE DOCUMENTS.

NOTICE OF SPECIAL TAX AND ASSESSMENT (continued)

TO: THE PROSPECTIVE PURCHASER OF THE REAL PROPERTY KNOWN AS:

Assessor's Parcel Number: 052 -1563-162-00
Property Address or Legal Description: 181 BROOKSIDE DR
Report Date: 3/8/2006

BUYER'S CONFIRMATION OF RECEIPT:

I (WE) ACKNOWLEDGE THAT I (WE) HAVE RECEIVED A COPY OF THIS NOTICE. I (WE) UNDERSTAND THAT I (WE) MAY TERMINATE THE CONTRACT TO PURCHASE OR DEPOSIT RECEIPT AFTER RECEIVING THIS NOTICE FROM THE OWNER OR AGENT SELLING THE PROPERTY. THE CONTRACT MAY BE TERMINATED WITHIN THREE DAYS IF THE NOTICE WAS RECEIVED IN PERSON OR WITHIN FIVE DAYS AFTER IT WAS DEPOSITED IN THE MAIL BY GIVING WRITTEN NOTICE OF THAT TERMINATION TO THE OWNER OR AGENT SELLING THE PROPERTY.

Date: _____ Transferee's Signature (Buyer): _____

Date: _____ Transferee's Signature (Buyer): _____

NOTICE OF SUPPLEMENTAL PROPERTY TAX BILL

In accordance with Section 1102.6(c) of the California Civil Code, it is the sole responsibility of the seller of any real property, or his or her agent, to deliver to the prospective purchaser a disclosure notice of the following:

California property tax law requires the Assessor to revalue real property at the time the ownership of the property changes. Because of this law, you may receive one or two supplemental tax bills, depending on when your loan closes.

The supplemental tax bills are not mailed to your lender. If you have arranged for your property tax payments to be paid through an impound account, the supplemental tax bills will not be paid by your lender. It is your responsibility to pay these supplemental bills directly to the Tax Collector.

If you have any question concerning this matter, please call your local Tax Collector's Office.

As stated above, California law requires that the Assessor re-appraise property upon a change of ownership or the completion of new construction. This re-appraisal results in a supplemental tax assessment which is based on the difference between the new value and the old value of the property, multiplied by the property's Ad Valorem tax rate. The resulting Supplemental Tax amount is then pro-rated, based upon the number of months remaining in the fiscal year in which the event occurred.

The number of tax bills which will be issued also depends on the date the event occurred. If the change of ownership or new construction is completed between January 1st and May 31st, the result will be two supplemental assessments levied on two supplemental tax bills. If the event occurs between June 1st and December 31st, then only one supplemental bill will be issued.

For a complete explanation and estimation of the supplemental tax bills affecting this parcel you can go to www.californiataxdata.com and order a complete Notice of Supplemental Tax Report.

DESCRIPTION OF MELLO-ROOS COMMUNITY FACILITIES DISTRICT(S)
Community Facilities District No. 1
City of Berkeley
\$9,750,000.00

► **Summary**

Community Facilities District No. 1 was established pursuant to the Mello-Roos Community Facilities Act of 1982. Qualified electors authorized the district in 2000 along with the issuance of up to \$9,750,000.00 in bonded indebtedness. Bonds were issued to pay for certain public facilities and/or services that benefit the district. A special tax is levied on properties in the district to pay the interest and principal on the bonds as well as administrative expenses.

► **What facilities does it pay for?**

The authorized facilities which are being paid for by the special taxes, and by the money received from the sales of bonds which are being repaid by the special taxes are: fund fire protection facilities including pumping units, ultra large diameter hose, transport and support vehicles, portable hydrants, accessory fittings, hose bridges, and storage sites.

► **What services does this pay for?**

The special taxes may be used to pay for costs of the following services: Fire protection services.

► **How is the annual levy calculated?**

Each parcel is assigned a maximum special tax, which is typically based on development status, property use, and/or size of improvements. The actual annual special tax is based on the interest and principal due on the bonds for the current fiscal year, services costs, if any, and administrative expenses. However, the actual annual special tax cannot exceed the applicable maximum special tax.

► **Can the annual levy increase?**

When the property is classified it is assigned a maximum special tax rate, and the current year's special tax is computed based on a percentage of the maximum special tax rate. The actual special tax may rise from year to year, but not above the maximum special tax rate. In most cases, the maximum special tax rate automatically increases each year, which could result in higher rates from year to year. Since the annual Mello-Roos Special Tax is not a fixed amount, prepayment formulas are often extremely complicated and many Districts do not allow prepayment at all. If additional bonds are issued, it may affect your property taxes.

► **How long will it be on the tax bill?**

The Special Tax shall be levied for a period not to exceed twenty (20) years commencing with Fiscal Year 2001-2002.

► **Foreclosure Proceedings**

The CFD has the right (and if bonds are issued, the obligation) to foreclose on property when the special taxes are delinquent for more than 90 days. Additionally, any costs of collection and penalties must be paid by the delinquent property owner.

► **Contact Information**

City of Berkeley
1900 Addison Street
Berkeley, CA
phone: (510) 981-7219
fax: (510) 883-5276

► **Consultant Information**



Property Tax Disclosure

California Tax Data

www.californiataxdata.com

Page number: 7
Report date: 3/6/2006
Invoice No.: 411298
Query No.: 1215280
Reference:

BREAKDOWN OF THE 2005-2006 PROPERTY TAX BILL

This report is an estimate of the original secured property tax bill charges for the above-mentioned property using information obtained from the County on a given date. Changes made by the County or the underlying public agencies levying charges against this property after the date of this report may not be reflected in this report.

Basic Prop 13 Levy

1. All Ad Valorem Taxes	Prop 13	\$10,360.36
County of Alameda (510) 272-6564	General Service	

Voter Approved Ad Valorem Taxes

Basic Prop 13 Levy & Voter Approved Ad Valorem Taxes:	\$10,360.36
Estimated Tax Rate:	1.249%

Direct Assessments

2.	Refuse Service City of Berkeley (510) 981-7219	Trash, Waste or Refuse Fee Trash Removal	\$501.60
3.	Library Service City of Berkeley (510) 981-7219	Library Services Assessment Library	\$203.10
4.	School Special Tax Berkeley Unified School District (510) 644-8593	School District Special Tax Education	\$184.72
5.	Landscape & Park Maintenance City of Berkeley (510) 981-7219	Landscaping & Lighting District - Park Maintenance Parks & Recreation	\$147.36
6.	Berkeley U. S. D. 2004 Measure B Special Tax Berkeley Unified School District (510) 644-8593	School District Special Tax School	\$141.52
7.	Berkeley Unified School District Maintenance Special Tax Berkeley Unified School District (510) 644-8593	School District Special Tax Education	\$72.38
8.	Wet Weather Facilities Charges East Bay Municipal Utilities District (510) 287-1620	Fee/Charge Facilities Charge	\$58.80
9.	Alameda-Contra Costa Parcel Tax Alameda-Contra Costa Transit District (510) 891-4753	2/3 Voter Approved Special Tax Transportation	\$48.00
10.	Paramedic Supplement City of Berkeley (510) 981-7219	Paramedics Services Assessment Emergency Medical	\$39.26
11.	Clean Storm Water City of Berkeley (510) 981-7219	Flood Control/Storm Drainage Assessment Clean Storm Water	\$35.52
12.	County Service Area E.m. 1983-1 (Paramedic) County of Alameda (510) 628-5070	County Service Area Emergency Medical	\$24.96
13.	Community Facilities District No. 1 City of Berkeley (510) 981-7219	Mello-Roos Community Facilities District Fire Equipment & Services	\$18.24
14.	Street Lighting City of Berkeley (510) 981-7219	Landscaping & Lighting Maintenance District Street Lighting	\$15.76
15.	Emergency Services For Severely Disabled City of Berkeley (510) 981-7219	Paramedics Services Assessment Emergency Medical	\$14.60
16.	E.B.R.P.D. Park Safety/Maint East Bay Regional Park District (510) 635-0135	Landscaping & Lighting District - Park Maintenance Park	\$12.00
17.	County Service Area 1991-1 (Lead Abatement) County of Alameda (510) 567-8280	County Service Area County Services	\$10.00
18.	County Service Area V.c. 1984-1 (Vector Control) County of Alameda (510) 567-6800	County Service Area Vector Control	\$5.92
19.	Landscape & Lighting District (East Bay Trails) East Bay Regional Park District (510) 635-0135	Landscaping & Lighting Maintenance District Landscape & Lighting	\$5.44
20.	Mosquito Abatement District Special Tax Alameda County Mosquito Abatement District (510) 783-7744	Vector Control District Vector Control	\$1.74

Total Direct Assessment Charges: \$1,540.92

Total 2005-2006 Amount: \$11,901.28

DESCRIPTION OF PROPERTY TAX CHARGES

Ad Valorem Tax

An Ad Valorem Tax is a tax levied on a parcel that is calculated based on the assessed value of the parcel. Ad valorem taxes may include those taxes that were approved by voters before that passage of Proposition 13 in 1978, General Obligation Bonds or Special Taxes that are based on assessed value as opposed to some other method. Taxes that were established before 1978 may be used for various services and improvements and may or may not be associated with public indebtedness (the issuance of municipal bonds). A General Obligation Bond is a municipal bond that may be issued by a city, county or school district in order to finance the acquisition and construction of public capital facilities and real property. Equipment purchases and the cost of operation and maintenance cannot be financed with a General Obligation Bond. Special Taxes are created pursuant to various California Code Sections and require 2/3 majority approval of the qualified voters for approval. A special tax is may be formed by a local government (a city, county, special district, etc...) in order to finance specific facilities and/or services and cannot be used for general purposes.

Trash, Waste or Refuse Fee

A Trash, Waste or Refuse Fee is a fee created pursuant to the Health and Safety Code Section 5470 et seq. upon majority approval of the property owners during an assessment balloting procedure. The fees may be billed directly, but in some cases are collected annually as a separate line item on the County property tax bills for each of the parcels within the service area.

Library Services Assessment

A library services assessment is a general category of direct property tax charges that may be levied pursuant to various California legal Codes. The assessment pays for library services available to the residents of the area affected by the assessment.

School District Special Tax

A Special Tax for schools is created pursuant to the Government Code Section 50079-50079.5. upon 2/3 majority approval of the qualified voters. A municipal bond may be issued in order to finance public school facilities. The debt is paid over time from the levy of the special tax. The levy of the special tax may also be used to directly finance facilities and/or services.

Landscaping & Lighting District - Park Maintenance

A 1972 Act Landscaping and Lighting District is a special assessment district created pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 et seq.) upon majority approval of the property owners during an assessment balloting procedure. A 1972 Act Landscaping and Lighting District may be formed by a local government (a city, county, special district, etc...) in order to finance certain services that benefit the properties within the district. A 1972 Act Landscaping and Lighting District must provide special benefit to the properties within the district in order to levy special assessments. A 1972 Act Landscaping and Lighting District will include the ability to issue municipal bonds to finance improvements pursuant to the Improvement Bond Act of 1915 (Streets and Highways Code Section 8500 et seq.) however this is not common.

Fee/Charge

A Fee or Charge is created pursuant to various California Code Sections that is a voluntary charge imposed on an individual. State law requires that a fee cannot exceed the estimated reasonable cost of providing a service or facility, or else it is considered a special tax. Many special districts, such as those that provide water or electricity, impose fees or charges. Fees usually show up on utility bills, although some fees or charges are collected annually as a separate line item on the County property tax bills for each of the parcels within the district.

2/3 Voter Approved Special Tax

A Special Tax is created pursuant to the Government Code Section 50075 et. Seq. upon 2/3 majority approval of the qualified voters. A municipal bond may be issued in order to finance public facilities and/or services. The debt is paid over time from the levy of the special tax. The levy of the special tax may also be used to directly finance facilities and/or services.

Paramedics Services Assessment

A Paramedics Services Assessment is a special assessment created upon majority approval of voters. A Paramedic Services Assessment may be levied or bonds issued by a local government (a city, county, special district, etc...) in order to finance certain services that benefit the citizens within the district.

Flood Control/Storm Drainage Assessment

A Flood Control/Storm Drainage Assessment is a special assessment created pursuant to the Health and Safety Code Section 5470 et seq. upon majority approval of the property owners during an assessment balloting procedure. A Flood Control/Storm Drain Assessment may be created by a local government (a city, county, special district, etc...) in order to finance flood control/storm drainage facilities and services. A Flood Control/Storm Drain Assessment must provide special benefit to the properties within the service area in order to be levied.



County Service Area

A County Service Area, known as a CSA, is a multi-purpose special district created pursuant to Government Code Section 25210.1 et seq. upon majority approval of the qualified voters during an election procedure. A CSA may include all or part of the unincorporated area of a county that provides wide variety of facilities and services within the CSA. A CSA is used to identify areas that desire a higher level of specific services than those already provided within the entire county. A CSA must provide special benefit to the properties within the CSA in order to levy special assessments and/or fees/charges may provide general benefit and/or special benefit to the properties within the CSA in order to levy special taxes and/or ad valorem taxes. A Community Services District will include the ability to issue municipal bonds to finance facilities. The debt is paid over time from the levy of the assessments.

Mello-Roos Community Facilities District

A Mello-Roos Community Facilities District, known as a CFD, is a special tax district formed by a local government (a city, county, special district, etc...) in order to finance certain designated facilities and/or services which benefit the properties within the CFD. Often, a CFD will include the ability to issue municipal bonds to finance facilities and the debt is paid over time from the levy of the special tax. The levy of the special tax may also be used to directly finance facilities and/or services.

Vector Control District

A Vector Control District is a special assessment district created pursuant to the Health and Safety Code Section 2270 et seq., in order to collect costs of a local government (a city, county, special district, etc...) related to vector control. One-time abatements include a notice to the property owner prior to abatement followed by a public hearing. Upon abatement, if the amount owing remains delinquent, a recorded lien is placed on the parcel for the abatement amount, which may include a surcharge that is usually 10% of the amount or is an administrative charge based on actual administrative costs. Ongoing abatements are established upon majority approval of the property owners during an assessment balloting procedure.

Terms, Conditions and Limitations

This report and the determinations made herein were prepared by California Tax Data, Inc. ("CTD"). Only the buyer (and his/her agent) and the seller (and his/her agent) may use or rely on this report. The determinations made in this report are time-sensitive. Therefore, the information in this report may be considered accurate only as of the date shown herein. Governmental actions occurring after the date of this report are not disclosed, and CTD is under no duty to update this report when or if new tax information is released or becomes available. The sole purposes of this report are to (a) make preliminary determinations regarding whether current secured tax rolls contain Mello-Roos Community Facilities District Special Taxes or 1915 Bond Act Special Assessments against the subject property, and (b) assist the seller in fulfilling his/her duty to comply with California Civil Code §1102.6b. This report is not a substitute for a title report or title insurance and may not be relied upon as such.

This report is for the exclusive benefit and reliance of the specific buyer and specific seller mentioned herein and there shall be no third party beneficiaries. This report may not be used in any subsequent transaction affecting the subject property. This report is void and not guaranteed if it has not been paid for within 30 days after the close of escrow.

This Report addresses special tax assessment matters only. It does not address matters related to (a) title or title defects, (b) earthquake zones, flood zones, fire zones or other natural hazard zones, (c) survey or geologic issues, (d) land use or zoning, (e) the California Subdivided Lands Act or the Subdivision Map Act, (f) compliance with other federal, state or local laws, ordinances or restrictions that may apply to the property, such as the Americans with Disabilities Act and building codes, (g) restrictions affecting the use, occupancy or development of the property imposed by any state, local or federal governmental agency, including without limitation, flood control districts, the California Coastal Commission, joint power districts, water districts, agencies or school districts, (h) any permits of any nature that may be required for the current or anticipated future use of the property, or (i) any other legal concerns that might affect the property.

CTD has prepared this report solely based upon records and information provided by various governmental and private agencies. CTD has assumed that these records and information are accurate and complete, and CTD has not conducted any independent verification of their accuracy or completeness. CTD hereby disclaims all liability and shall not be responsible for any inaccuracies or omissions in the public records or information supplied by the various governmental and private agencies supplying information to CTD.

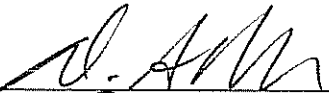

In order to prepare this report, either the seller (or his/her agent) or the buyer (or his/her agent) supplied CTD with the Assessors Parcel Number ("APN") for the subject property. CTD has not verified the accuracy of the APN. This report was prepared based upon such APN, and CTD shall not be responsible or liable for any losses, liabilities or damages resulting from an incorrect APN.

BY ACCEPTING OR USING THIS REPORT, THE BUYER AND SELLER HEREBY AGREE TO BE BOUND BY ALL OF THE TERMS, CONDITIONS, AND LIMITATIONS OF LIABILITY STATED HEREIN.

181 Brookside Drive, Berkeley, CA 94705

List of Improvements Made Since August 2002

1. Extensive landscaping throughout front, side, and backyard
2. New custom hardwood deck
3. New custom slate tile patio and path
4. New home security alarm system
5. New tiled shower stall in master bath (new tile, shower pan, plumbing, fixtures)
6. New tiling and shower over third level bathroom tub
7. New electrical main/circuit breaker box
8. Garage carpeted
9. Several new electrical outlets in garage, kitchen, and backyard
10. Custom closet shelving installed in master and 2nd bedrooms
11. Ceiling fans installed in 2nd and 3rd bedrooms
12. New state-of-the-art Kitchen Aid refrigerator with french doors
13. Custom bookshelves installed in kitchen

Seller  Date 3/16/06.
Seller  Date 3/16/06

Buyer _____ Date _____

Buyer _____ Date _____



BRENNAN ELECTRIC CO.
Gen. Building/Electric Contractor
25634 Clover Road
HAYWARD, CA 94542
(510) 538-5949
CA Lic. #431906

JOB WORK ORDER

5636

CUSTOMER'S ORDER NO.		PHONE	MECHANIC	HELPER	DATE OF ORDER 5-19-03
BILL TO FLAVIA NOBIL DAVID ADLER		STARTING DATE 5/23/03			ORDER TAKEN BY BILL
ADDRESS 181 BARK SIDE DR.		<input type="checkbox"/> DAY WORK <input checked="" type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA			
CITY BROOKLYN N.Y.					
JOB NAME AND LOCATION SAMP					
					JOB PHONE 601-5434

DESCRIPTION OF WORK:

INSTALL 150 AMP 220V METER
Main w Distri Panel

INSTALL 20AMP 110V PANEL
FOR GFI OUTLET IN KITCHEN

Boiler water heater

DG Panel # 710 200.00

	TOTAL MATERIALS	
	TOTAL LABOR	2100.00
	TAX	
	TOTAL AMOUNT	\$2100.00
DATE COMPLETED 1/1	WORK ORDERED BY	

Signature

PRODUCT 258-3 **NEUS** Inc.
Boston Mass. 01471

I hereby acknowledge the satisfactory completion
of the above described work.

☐ No one home

☐ Total amount due
for above work: or

☐ Total billing to
be mailed after
completion
of work

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NUMBER OF PAGES

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First American Title

2089 Rose Street
Berkeley, CA 94709

Escrow Officer: Renee Haugen (RH)
Phone: (510)548-2565
Fax No.: (510)527-2085
E-Mail: rhaugen@firstam.com
E-Mail Loan Documents to: edocs.berkeley@firstam.com
Buyer: Pre Sell
Owner: Nobay
Property: 181 Brookside Drive
Berkeley, CA 94705

RECEIVED AND READ

NUMBER OF PAGES

25

NAME	DATE
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NAME	DATE
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PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of February 01, 2006 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

Eagle Protection Policy (1998) (CLTA/ALTA Homeowner's Policy of Title Insurance) if the land described is an improved residential lot or condominium unit on which there is located a one to four family residence, or ALTA Owner's Policy (1992) with Regional Exceptions if the land described is an unimproved residential lot; ALTA Loan Policy (1992) with ALTA Endorsement-Form 1 Coverage with Eagle Protection Added.

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

FLAVIA NOBAY and DAVID ADLER, wife and husband, as community property with right of survivorship

The estate or interest in the land hereinafter described or referred to covered by this Report is:

A fee.

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2006-2007, a lien not yet due or payable.
2. General and special taxes and assessments for the fiscal year 2005-2006.

First Installment:	\$5,950.64, PAID
Penalty:	\$0.00
Second Installment:	\$5,950.64, DUE
Penalty:	\$0.00
Tax Rate Area:	13-000
A. P. No.:	052-1563-162
3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. The lien of bonds and assessment liens, if applicable, collected with the general and special taxes.

5. Any and all offers of dedication, conditions, restrictions, easements, fenceline/boundary discrepancies, notes and/or provisions shown or disclosed by the filed or recorded map referred to in the legal description.
6. A deed of trust to secure an original indebtedness of \$643,000.00 recorded MARCH 15, 2004 as INSTRUMENT NO. 2004107067 of Official Records.
Dated: MARCH 01, 2004
Trustor: FLAVIA NOBAY & DAVID ADLER
Trustee: FIRST HORIZON HOME LOAN CORPORATION
Beneficiary: FIRST HORIZON HOME LOAN CORPORATION
7. A deed of trust to secure an original indebtedness of \$154,000.00 recorded DECEMBER 13, 2004 as INSTRUMENT NO. 2004549833 of Official Records.
Dated: NOVEMBER 30, 2004
Trustor: FLAVIA NOBAY & DAVID ADLER, WIFE & HUSBAND
Trustee: TERRY RENOUX
Beneficiary: FIRST HORIZON HOME LOAN CORPORATION
8. Any defects, liens, encumbrances or other matters which name parties with the same or similar names as DAVID ALDER (1 MATTER). The name search necessary to ascertain the existence of such matters has not been completed. In order to complete this preliminary report or commitment, we will require a statement of information.

INFORMATIONAL NOTES

1. This report is preparatory to the issuance of an ALTA Loan Policy. We have no knowledge of any fact which would preclude the issuance of the policy with CLTA endorsement forms 100 and 116 and if applicable, 115 and 116.2 attached.

When issued, the CLTA endorsement form 116 or 116.2, if applicable will reference a(n) Single Family Residence known as 181 Brookside Drive, Berkeley, California.

2. This preliminary report/commitment was prepared based upon an application for a policy of title insurance that identified land by street address or assessor's parcel number only. It is the responsibility of the applicant to determine whether the land referred to herein is in fact the land that is to be described in the policy or policies to be issued.
3. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

4. Short term rate applies.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

LEGAL DESCRIPTION

Real property in the City of Berkeley, County of Alameda, State of California, described as follows:

LOT 21, TRACT 502, ALSO KNOWN AS CLAREMONT GARDENS, FILED JUNE 4, 1931, IN BOOK 23 OF MAPS, PAGES 98 AND 99, ALAMEDA COUNTY RECORDS.

APN: 052-1563-162

NOTICE

Section 12413.1 of the California Insurance Code, effective January 1, 1990, requires that any title insurance company, underwritten title company, or controlled escrow company handling funds in an escrow or sub-escrow capacity, wait a specified number of days after depositing funds, before recording any documents in connection with the transaction or disbursing funds. This statute allows for funds deposited by wire transfer to be disbursed the same day as deposit. In the case of cashier's checks or certified checks, funds may be disbursed the next day after deposit. In order to avoid unnecessary delays of three to seven days, or more, please use wire transfer, cashier's checks, or certified checks whenever possible.

If you have any questions about the effect of this new law, please contact your local First American Office for more details.

EXHIBIT A
LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)

1. CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
(a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy; or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by their policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

2. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970
SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or

created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

3. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 2 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

Part One

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

4. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970 WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy (except to the extent insurance is afforded herein as to any statutory lien for labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy).
4. Unenforceability of the lien of the insured mortgage because of failure of the insured at Date of Policy or of any subsequent owner of the indebtedness to comply with applicable "doing business" laws of the state in which the land is situated.

5. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970 WITH REGIONAL EXCEPTIONS

When the American Land Title Association Lenders Policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy, the exclusions set forth in paragraph 4 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

Part One

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

6. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992
WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
(a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
(iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

7. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992
WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 6 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

8. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy; or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

9. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992 WITH REGIONAL EXCEPTIONS

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 8 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:
Part One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

10. AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY - 1987 EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - * land use
 - * land division
 - * improvements on the land
 - * environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.
This exclusion does not limit the zoning coverage described in items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
 - * a notice of exercising the right appears in the public records on the Policy Date
 - * the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.
3. Title Risks:
 - * that are created, allowed, or agreed to by you
 - * that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - * that result in no loss to you
 - * that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
 - * to any land outside the area specifically described and referred to in Item 3 of Schedule A, or
 - * in streets, alleys, or waterways that touch your land
 This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

11. EAGLE PROTECTION OWNER'S POLICY

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998

ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998

Covered Risks 14 (Subdivision Law Violation), 15 (Building Permit), 16 (Zoning) and 18 (Encroachment of boundary walls or fences) are subject to Deductible Amounts and Maximum Dollar Limits of Liability

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:

<ul style="list-style-type: none"> a. building c. land use e. land division 	<ul style="list-style-type: none"> b. zoning d. improvements on the land f. environmental protection
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This exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.
This exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.
 This exclusion does not limit the coverage described in Covered Risk 11 or 18.

12. SECOND GENERATION EAGLE LOAN POLICY AMERICAN LAND TITLE ASSOCIATION EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or area of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14 and 16 of this policy.

- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14 and 16 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.
 3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or
 - (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
 4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
 5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.
 6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8 (e) and 26.
 7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
 8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting title, the existence of which are Known to the Insured at:
 - (a) The time of the advance; or
 - (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification.
 This exclusion does not limit the coverage provided in Covered Risk 8.
 9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. The following existing statutes, reference to which are made part of the ALTA 8.1 Environmental Protection Lien Endorsement incorporated into this Policy following item 28 of Covered Risks: NONE.

13. SECOND GENERATION EAGLE LOAN POLICY AMERICAN LAND TITLE ASSOCIATION EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01) WITH REGIONAL EXCEPTIONS

When the American Land Title Association loan policy with EAGLE Protection Added is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 12 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:
Part One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Part Two:

1. The following existing statutes, reference to which are made part of the ALTA 8.1 Environmental Protection Lien Endorsement incorporated into this Policy following item 28 of Covered Risks: None.

"You may be entitled to receive a \$20.00 discount on escrow services if you purchased, sold or refinanced residential property in California between **May 19, 1995 and October 8, 2002**. If you had more than one qualifying transaction, you may be entitled to multiple discounts. If your previous transaction involved the same property that is the subject of this Preliminary Report, you do not have to do anything; First American will provide the discount directly to you within a few weeks, not through your closing. If your previous transaction involved property different from the property that is the subject of your current transaction, you must inform First American of the earlier transaction, provide the address of the property involved in the previous transaction, and the date or approximate date that the escrow closed to be eligible for the discount. Please mail to Claims Administrator, 2 First American Way, Santa Ana, CA 92707.

Unless you inform First American of the prior transaction on a property that is not the subject of this transaction, First American has no obligation to conduct an investigation to determine if you qualify for a discount. If you provide First American information concerning a prior transaction, First American is required to determine if you qualify for a discount."

"Escrow Services" shall be defined as either title premium or escrow fee payable by you in connection with this transaction. In the event you are entitled to a credit but are not responsible for paying either a title premium or an escrow fee at the close of this transaction, then no credit can be given.

PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

ASSESSOR'S MAP 52

Cada Area No. 13-000

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PAGE-1

Park Side Claremont. (B.M. 21 P. 33)

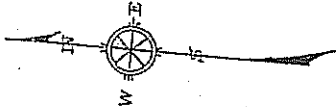
Map of El Vista Claremont. (B.M. 23 P. 24)

Scale 1 in = 50 ft

P.M. 6789 216/55

10-14-57 G.
5-24-58 E.L.
4-1-57 R.B.
3-14-51 OT

Rev. 02-16-95 VF.



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Street
Prine

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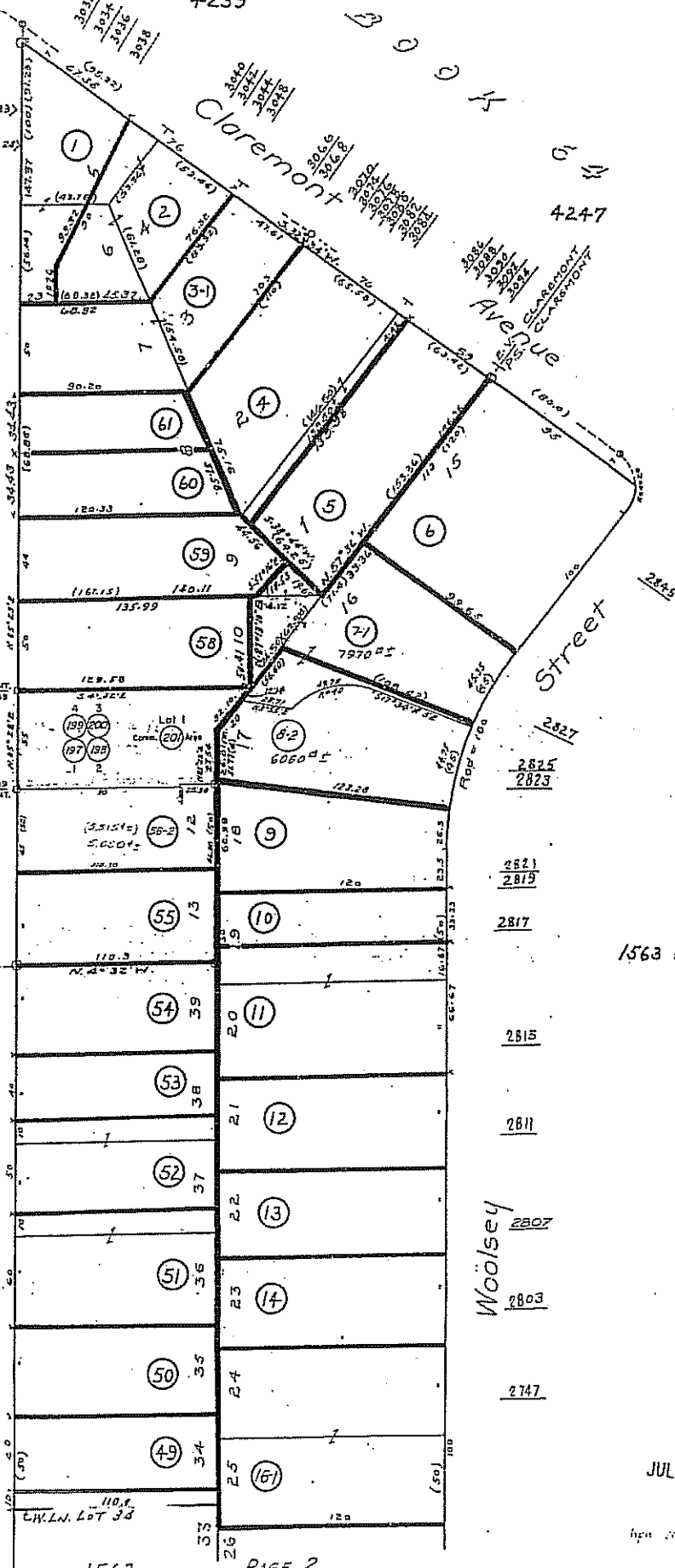
2812
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PAGE 2

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Ind. 2

Park Side, Claremont

<BK. 21 Pg. 33>

Map of the Colby Tract <BK. 19 Pg. 76>

Map of the Ranchos of V. & D. Peralta - Vicente Peralta Reserve <BK. 17 Pg. 12>

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P.M. 4334 149/68

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ASSESSOR'S MAP 52

Scale: 1" = 50'

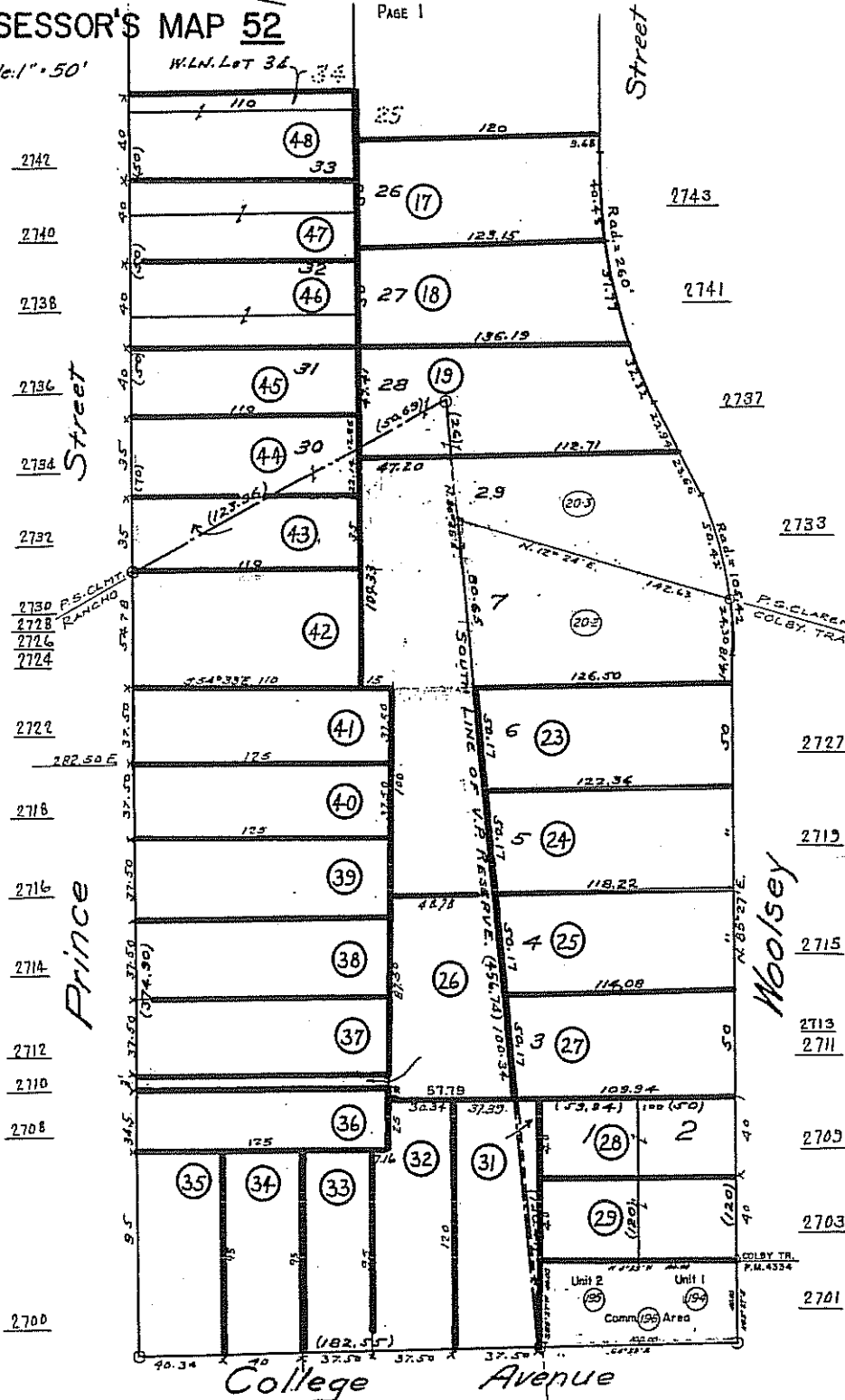
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PAGE 1

10-14-57 G.
5-27-58 E.L.
1-6-65 AH
2-22-05 TC

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College Avenue

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