

The GRUBB Co.

1960 Mountain Boulevard, Oakland, CA 94611
 3070 Claremont Avenue, Berkeley, CA 94705

Listing agent: Helene Barkin

RECEIPT FOR DOCUMENTS

Property Address: 2829 Buena Vista Way Berkeley

Purchaser and / or Purchaser's Agent acknowledge timely receipt of the following documents prior to writing and presenting an offer on the above referenced property.

1. Multiple Listing Service print out.
2. Public records.
3. Supplemental Statutory Disclosures (SSD).
4. RETDS (Seller's Transfer Disclosure Statement) dated 11/1/2006 and Sellers 2 page addendum 11/1/2006
5. Sellers agents 1 page Transfer Disclosure Statement dated 11/2/2006.
6. The GRUBB Co. Supplemental Disclosure Statement dated 11/1/2006.
6. Berkeley Ordinance Addendum.
7. Lead Based Paint Hazards Disclosure dated 10/27/2006
8. Water Heater Compliance Statement.
9. Smoke Detector Compliance Statement.
10. Arbitration of Disputes / Liquidated Damages Disclosure.
11. Hazard Zone Disclosure Report by JCP Geologists or Disclosure Source dated 10/30/2006, 22 pages.
12. California Tax Data dated 10/30/2006, 11pages.
13. Structural Pest Control Report by Mitts Termite Control dated 11/01/2006, 7 pages.
14. Copy of "The Homeowner's Guide to Earthquake and Safety and Environmental Hazards".
15. Notice of Your "Supplemental" Property Tax Bill.
16. **Hold Harmless Agreement Pest Control**
17. **Sewer Lateral Compliance Addendum 1 page and Rhino Rooter Bid dated 11/1/2006. 1 page, Reco compliance, 1 page**
18. **Copy of Building Permit Finaled page** dated 10/24/2006
19. **Permit Application dated 10/20/2006, 2 pages**
20. **Testing Engineers Letter to City of Berkeley dated 10/19/2006, 1 page**
21. **Testing Engineers Inspection Report dated Week ending 10/13/2006, 1 page**
22. **MLA Structural Engineers Memo letter dated 10/0/2006**
23. **Preliminary Title Report from First American Title order number 0102-2582215, Berkeley office Renee Haugen, 15 pages**
24. **Site plan April 1962: Preliminary not for Construction**

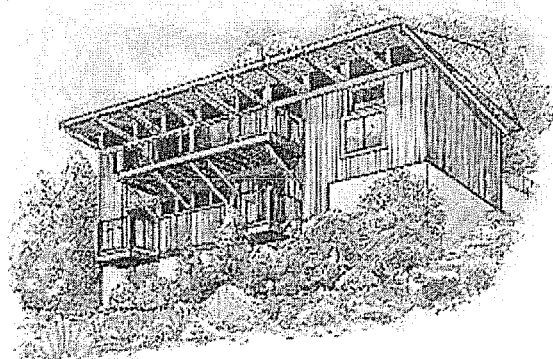
The undersigned Purchaser and Agent acknowledge timely receipt of the above referenced documents.

Seller	Date	Buyer	Date
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Seller	Date	Buyer	Date
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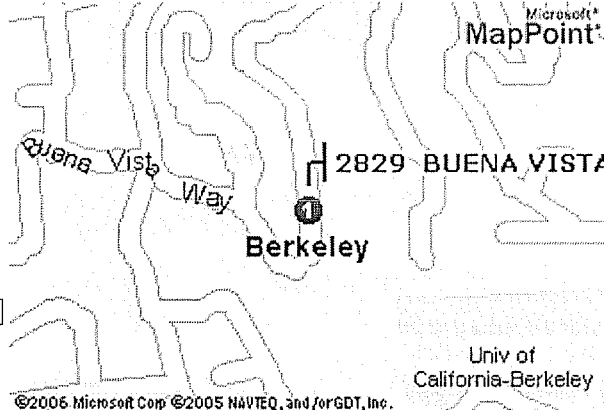
Agent Representing Buyer: _____

Agent Representing Buyer: _____



Virtual Tour:

Print/E Mail This Listing:



◀ 1 of 9 ▶

2829 BUENA VISTA WAY RESIDENTIAL Detached

BERKELEY **Active**

94708-2015 2301 **40223028** **SP:** **\$895,000**

Dir: Cedar to La Loma, Right on Buena Vista	Bldr/A: Ian Mackinlay	Beds: 3	# of Units:	SqFt: 1686 / Public Records
Cross St: La Loma	Model:	Baths: 3 / 0	%OwnOcc:	\$/SqFt: 531
D/N/S: None	Style: Contemporary	# Rms: 5	Unit's Flr:	Lot Ac: 0.09
TB Map: 692A7 # Assoc Docs: 0	Story: Two Story	Yr Blt: 1962	TIC%:	Pool: No Lot SF: 3990
Complex:		Const: Existing		
Unit Info:				
Pets:				
Sales Ofc:		Subdiv:		

M Level: Other	L Level: 3 Bedrooms, 3 Baths, Laundry Facility, Master Bedrm Suites - 2
U Level:	
+ Rooms: Storage	
Kitchen: 220 Volt Outlet, Breakfast Bar, Counter - Stone, Dishwasher, Garbage Disposal, Gas Range/Cooktop, Range/Oven Free Standing, Self-Cleaning Oven, Updated Ki...	
Ba Non-Mstr: Stall Shower, Tile, Updated Baths	
Mstr Bath: Stall Shower, Tile, Tub with Jets, Updated Baths	Fireplace: 1 / Living Room, Metal, Raised Hearth, Woodburning
Heat: Forced Air 1 Zone, Gas	Garage: 0 / Space Per Unit - 2
Cool: None	Flooring: Concrete Slab, Hardwood Floors, Stone (Marble, Slate etc., Tile, Wall t...
Equipment: Water Heater Gas	Laundry: 220 Volt Outlet, Gas Dryer Hookup, Hookups Only, In Closet
Lot: Down Slope	Wtr/Sewr: Sewer System - Public, Water - Public
Exterior: Stucco, Wood Siding	Pool: None
Roof: Composition Shingles	Foundatn: Crawl Space, Partial Basement
View: Bay, Bay Bridge, City Lights, Golden Gate Bridge, Marina, San Francisco...	Disabled:
Yard Desc: Deck(s)	
SchoolDist: Berkeley (510) 644-6504	Elem: Call School District
	Jr Hi: Call School District
	Sr Hi: Call School District
Homeowner's Association	
HOA: No Name:	Fee:
Fee Inc:	Pd:
	Trans Fee:
Ameni:	Lit Pend:

Remarks **Confidential Remarks**

Organic and spectacular in design, this completely renovated modern home is oriented to the stunning SF and Bay Views. Dramatic great room has soaring ceiling, wood and glass opens to deck. 2 bedrooms are suites with private decks. 3rd bedroom can also be used as office. No pre-inspections allowed. NSTT. Sq. ft. as per assessor, but not verified or guaranteed by Seller or Agent.

List Type: Excl Right	CSO: 2.5	D/VComp: No	List Ser: Full Service	APN: 058224202800
Disclosure: Special Studies Zone, Other - Call/See Agent		Inspect/Rpts: Pest Control, Sewer Lateral Test, None	POS: Yes City Tr Tax: Yes	Poss: COE, Negotiable
Terms: CASH, CONV		24 Hrs: No	Lockbox?: Yes / Frnt Rail 11/9	Zoning: 1001
Occupied: Owner Name: Bernie	/ Occ Ph			
Show: NSTT then go direct				

Listed: HELENE BARKIN - (510) 652-2133 ext. 424 THE GRUBB CO. INC. - Off (510) 652-2133
 HBARKIN@GRUBBCO.COM Fax(510) 652-0114 **Market:** 11/6/2006

Sold By: **Pend:**
Orig List \$: \$895,000 **Sale \$/Orig \$:** % **Last List \$:** 895,000 **Sale \$/Last \$:** % **Sale \$/SF:** \$ **Pro/Act COE:**
Sale Credits: **Sale Terms:** **DOM:** 7
Prepared By: AMY SMITH

= M E T R O (C A N P R O P E R T Y P R O F I L E =
Alameda (CA)

OWNERSHIP INFORMATION

Parcel Number :058 2242 028 00
Owner :Mikell Bernard J Jr
CoOwner :
Site Address :2829 Buena Vista Way Berkeley ⁹⁴⁷⁰⁸ ~~Buyer _____ Date _____~~
Mail Address :2829 Buena Vista Way Berkeley Ca 94708 ~~Buyer _____ Date _____~~
Owner Phone :
Tenant Phone :

SALES AND LOAN INFORMATION

Transferred	:03/09/2004	Loan Amount	:\$333,700
Document	:99918	Lender	:American Financial
Sale Price	:	Loan Type	:Conventional
Deed Type	:Grant Deed	Interest Rate	:Adjustable
% Owned	:100	Vesting Type	:Sole And Separ

ASSESSMENT AND TAX INFORMATION

Land	:\$177,189	Exempt Type	:
Structure	:\$79,727	Exempt Amount	:
Other	:	Incorporated	:Yes
Total	:\$256,916	Tax Rate Area	:13000
% Improved	:31	05-06 Taxes	:\$4,836.42

PROPERTY DESCRIPTION

Map Grid :609 J7
Census :Tract :4216.00 Block :2
Land Use :110 Res,Single Family Residence

PROPERTY CHARACTERISTICS

TotalRms	:5	Pool	:	Lot Acres	:.09	Bldg Matl	:Frame
Bedrooms	:2	Units	:1	Lot SqFt	:3,990	Bldg Shape	:L-shape
Bathrooms	:2.0	Bldg Num	:1	Bldg SqFt	:1,686	Bldg Class	:6.5
Stories	:1	Elevator	:No	Year Blt	:1962	View Qual	:
Unit Flr	:	Garage	:Carport	Eff YrBlt	:1963	Topography	:



CALIFORNIA ASSOCIATION OF REALTORS®

SUPPLEMENTAL STATUTORY AND CONTRACTUAL DISCLOSURES

(C.A.R. Form SSD, Revised 4/06)

- 1. Seller makes the following disclosures with regard to the real property or manufactured home described as 2829 Buena Vista Way, Assessor's Parcel No. situated in Berkeley, County of Alameda, California, ("Property").
2. THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS DISCLOSURE STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR ANY AGENT(S) AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN. A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE TRANSACTIONS. IF SELLER OR BUYER DESIRE LEGAL ADVICE, CONSULT AN ATTORNEY.
3. Are you (Seller) aware of any of the following? (Explain any "yes" answers below.)
A. Within the last 3 years, the death of an occupant of the Property upon the Property.
B. An Order from a government health official identifying the Property as being contaminated by methamphetamine (if yes attach a copy of the Order).
C. Whether the Property is located in or adjacent to an "industrial use" zone.
D. Whether the Property is affected by a nuisance created by an "industrial use" zone.
E. Whether the Property is located within 1 mile of a former federal or state ordnance location.
F. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision.
G. Insurance claims affecting the Property within the past 5 years.
H. Matters affecting title of the Property.
I. Material facts or defects affecting the Property not otherwise disclosed to Buyer.
Explanation, or (if checked) see attached:

4. Seller represents that the information herein is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a Copy of this statement to any person or entity in connection with any actual or anticipated sale of the Property.

Seller Bernard J. Mikell, Bernie Mikell Date 10/27/06
Seller Victoria Gallo Date 11/1/06

5. By signing below, Buyer acknowledges Buyer has read, understands and received a copy of this Supplemental Statutory and Contractual Disclosures.

Buyer Date
Agent (Broker Representing Seller) Grubb Company, Helene Barkin
By Helene Barkin Date 11/10/06
Agent (Broker Obtaining the Offer)
By Date

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Reviewed by Date



SSD REVISED 4/06 (PAGE 1 OF 1)



REAL ESTATE TRANSFER DISCLOSURE STATEMENT

(CALIFORNIA CIVIL CODE §1102, ET SEQ)

(C.A.R. Form TDS, Revised 10/03)

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF Berkeley, COUNTY OF Alameda, STATE OF CALIFORNIA, DESCRIBED AS 2829 Buena Vista Way, Berkeley Ca 94708

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 1102 OF THE CIVIL CODE AS OF (date) 11/1/06. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I. COORDINATION WITH OTHER DISCLOSURE FORMS

This Real Estate Transfer Disclosure Statement is made pursuant to Section 1102 of the Civil Code. Other statutes require disclosures, depending upon the details of the particular real estate transaction (for example: special study zone and purchase-money liens on residential property).

Substituted Disclosures: The following disclosures and other disclosures required by law, including the Natural Hazard Disclosure Report/Statement that may include airport annoyances, earthquake, fire, flood, or special assessment information, have or will be made in connection with this real estate transfer, and are intended to satisfy the disclosure obligations on this form, where the subject matter is the same:

- Inspection reports completed pursuant to the contract of sale or receipt for deposit.
- Additional inspection reports or disclosures: _____

II. SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction 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 SELLER(S) AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

Seller is is not occupying the property.

A. The subject property has the items checked below (read across)

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Range | <input checked="" type="checkbox"/> Oven | <input type="checkbox"/> Microwave |
| <input checked="" type="checkbox"/> Dishwasher | <input type="checkbox"/> Trash Compactor | <input checked="" type="checkbox"/> Garbage Disposal |
| <input checked="" type="checkbox"/> Washer/Dryer Hookups | <input checked="" type="checkbox"/> Smoke Detector(s) | <input checked="" type="checkbox"/> Rain Gutters |
| <input type="checkbox"/> Burglar Alarms | <input type="checkbox"/> Satellite Dish | <input type="checkbox"/> Fire Alarm |
| <input type="checkbox"/> T.V. Antenna | <input type="checkbox"/> Central Air Conditioning | <input type="checkbox"/> Intercom |
| <input checked="" type="checkbox"/> Central Heating | <input type="checkbox"/> Sprinklers | <input type="checkbox"/> Evaporator Cooler(s) |
| <input type="checkbox"/> Wall/Window Air Conditioning | <input type="checkbox"/> Sump Pump | <input checked="" type="checkbox"/> Public Sewer System |
| <input type="checkbox"/> Septic Tank | <input type="checkbox"/> Built-in Barbecue | <input type="checkbox"/> Water Softener |
| <input checked="" type="checkbox"/> Patio/Decking | | <input type="checkbox"/> Gazebo |
| <input type="checkbox"/> Sauna | | |
| <input type="checkbox"/> Hot Tub <input type="checkbox"/> Locking Safety Cover* | <input type="checkbox"/> Pool <input type="checkbox"/> Child Resistant Barrier* | <input type="checkbox"/> Spa <input type="checkbox"/> Locking Safety Cover* |
| <input type="checkbox"/> Security Gate(s) | <input type="checkbox"/> Automatic Garage Door Opener(s)* | <input type="checkbox"/> Number Remote Controls _____ |
| Garage: <input type="checkbox"/> Attached | <input type="checkbox"/> Not Attached | <input checked="" type="checkbox"/> Carport |
| Pool/Spa Heater: <input type="checkbox"/> Gas | <input type="checkbox"/> Solar | <input type="checkbox"/> Electric |
| Water Heater: <input type="checkbox"/> Gas | <input checked="" type="checkbox"/> Water Heater Anchored, Braced, or Strapped* | |
| Water Supply: <input checked="" type="checkbox"/> City | <input type="checkbox"/> Well | <input type="checkbox"/> Private Utility or |
| Gas Supply: <input checked="" type="checkbox"/> Utility | <input type="checkbox"/> Bottled | Other _____ |
| <input type="checkbox"/> Window Screens | <input type="checkbox"/> Window Security Bars <input type="checkbox"/> Quick Release Mechanism on Bedroom Windows* | |

Exhaust Fan(s) in KITCHEN 220 Volt Wiring in KITCHEN, DINING ROOMS, HALL Fireplace(s) in LIVING ROOM
 Gas Starter Roof(s): Type: COMPOSITION SHINGLES Age: 1 YEAR (approx.)
 Other: CARPOR - NEW ROOF - 1 YEAR

Are there, to the best of your (Seller's) knowledge, any of the above that are not in operating condition? Yes No. If yes, then describe. (Attach additional sheets if necessary): _____

(*see footnote on page 2)
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 TDS REVISED 10/03 (PAGE 1 OF 3)

Buyer's Initials (_____) (_____)
 Seller's Initials (MB) (HW)
 Reviewed by _____ Date _____



REAL ESTATE TRANSFER DISCLOSURE STATEMENT (TDS PAGE 1 OF 3)

Property Address: 2829 Buena Vista Way, Berkeley Ca 94708

Date: _____

B. Are you (Seller) aware of any significant defects/malfunctions in any of the following? Yes No. If yes, check appropriate space(s) below.

- Interior Walls Ceilings Floors Exterior Walls Insulation Roof(s) Windows Doors Foundation Slab(s)
- Driveways Sidewalks Walls/Fences Electrical Systems Plumbing/Sewers/Septics Other Structural Components

(Describe: _____

_____)

If any of the above is checked, explain. (Attach additional sheets if necessary): _____

*This garage door opener or child resistant pool barrier may not be in compliance with the safety standards relating to automatic reversing devices as set forth in Chapter 12.5 (commencing with Section 19890) of Part 3 of Division 13 of, or with the pool safety standards of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code. The water heater may not be anchored, braced, or strapped in accordance with Section 19211 of the Health and Safety Code. Window security bars may not have quick release mechanisms in compliance with the 1995 Edition of the California Building Standards Code.

C. Are you (Seller) aware of any the following:

1. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property Yes No
2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property Yes No *2829*
3. Any encroachments, easements or similar matters that may affect your interest in the subject property Yes No
4. Room additions, structural modifications, or other alterations or repairs made without necessary permits. Yes No
5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes. Yes No
6. Fill (compacted or otherwise) on the property or any portion thereof Yes No
7. Any settling from any cause, or slippage, sliding, or other soil problems Yes No
8. Flooding, drainage or grading problems Yes No
9. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides Yes No
10. Any zoning violations, nonconforming uses, violations of "setback" requirements Yes No
11. Neighborhood noise problems or other nuisances Yes No
12. CC&R's or other deed restrictions or obligations Yes No
13. Homeowners' Association which has any authority over the subject property Yes No
14. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) Yes No
15. Any notices of abatement or citations against the property Yes No
16. Any lawsuits by or against the seller threatening to or affecting this real property, including any lawsuits alleging a defect or deficiency in this real property or "common areas" (facilities such as pools, tennis courts, walkways, or other areas, co-owned in undivided interest with others) Yes No

If the answer to any of these is yes, explain. (Attach additional sheets if necessary): 2) Wall of neighbor's garage on north side of property is on 2829 property, i.e. that garage wall was built over 2829 lot line. See attached site plan that wall was poured by contractor after receiving consent from neighbor to do so. Neighbor does not remember giving consent of does not like the idea.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller Bernard J. Mikell Jr BERNARD J. MIKELL, JR Date 10/27/06
Bernie Mikell

Seller Carolan J Horton Victoria G Horton Date 11/1/06

Buyer's Initials (_____) (_____)
 Reviewed by _____ Date _____



III. AGENT'S INSPECTION DISCLOSURE

(To be completed only if the Seller is represented by an agent in this transaction.)

THE UNDERSIGNED, BASED ON THE ABOVE INQUIRY OF THE SELLER(S) AS TO THE CONDITION OF THE PROPERTY AND BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE PROPERTY IN CONJUNCTION WITH THAT INQUIRY, STATES THE FOLLOWING:

Agent notes no items for disclosure.

Agent notes the following items: see attached 1 page addendum

Agent (Broker Representing Seller) Justin C. [Signature] By [Signature] Date Nov 7, 2006
(Please Print) (Associate Licensee or Broker Signature)

IV. AGENT'S INSPECTION DISCLOSURE

(To be completed only if the agent who has obtained the offer is other than the agent above.)

THE UNDERSIGNED, BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE PROPERTY, STATES THE FOLLOWING:

Agent notes no items for disclosure.

Agent notes the following items: _____

Agent (Broker Obtaining the Offer) _____ By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)

V. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

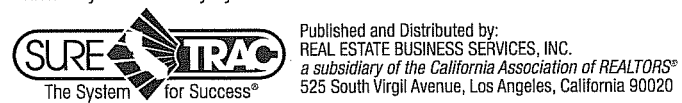
I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____ Date _____ Buyer _____ Date _____
Seller _____ Date _____ Buyer _____ Date _____
Agent (Broker Representing Seller) _____ By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)
Agent (Broker Obtaining the Offer) _____ By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)

SECTION 1102.3 OF THE CIVIL CODE PROVIDES A BUYER WITH THE RIGHT TO RESCIND A PURCHASE CONTRACT FOR AT LEAST THREE DAYS AFTER THE DELIVERY OF THIS DISCLOSURE IF DELIVERY OCCURS AFTER THE SIGNING OF AN OFFER TO PURCHASE. IF YOU WISH TO RESCIND THE CONTRACT, YOU MUST ACT WITHIN THE PRESCRIBED PERIOD.

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

THIS FORM HAS BEEN APPROVED BY THE CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). NO REPRESENTATION IS MADE AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION IN ANY SPECIFIC TRANSACTION. A REAL ESTATE BROKER IS THE PERSON QUALIFIED TO ADVISE ON REAL ESTATE TRANSACTIONS. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL. This form is available for use by the entire real estate industry. It is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by members of the NATIONAL ASSOCIATION OF REALTORS® who subscribe to its Code of Ethics.



Reviewed by _____ Date _____



New flashings at roof and walls
New final coat of stucco at bottom floor of house and carport
New elastomeric paint on stucco.
New paint on all exterior trim and beams

FLOORING

New 16" square slate tile floor in kitchen
New 12" square Ice blue granite tile floor in Bathroom I
New 12" square during cream limestone tile in Bathroom II
New 20" square porcelain tile in Master Bathroom
New carpet in downstairs bedrooms
Refinished oak hardwood floors throughout

CABINETS

New maple European cabinets with stainless steel pulls

TILE

Granite and glass tile patterned backsplash in kitchen
Glass mosaic tile shower in Bath I
4" square ceramic tile in shower in Bath II
20" square porcelain tile shower with absolute granite accent in master bathroom shower

COUNTERTOPS

New granite tile countertops with new stainless steel undermount sink and faucet in Kitchen
New solid countertops in master bathroom with 2 vessel lavatories and wall faucets

APPLIANCES

New Italian stainless steel six burner range and stainless steel hood to match
Stainless Steel dishwasher
New garbage disposal

INTERIOR

All new paint on interior doors and walls
All new doors and hardware
New trim through out
New bathroom hardware
New shower enclosures in Master and Bath I
New mirrors in bathrooms
New pantry in Kitchen
New Laundry closet in downstairs hallway

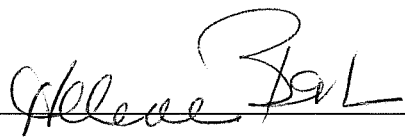
Buyer _____ Date _____

Buyer _____ Date _____

Bernard J. Mitchell, Jr. 11/1/06
Antonia S. How 11/1/06

2829 Buena Vista Way Berkeley CA Sellers Agents Transfer Disclosure Statement
November 2, 2006

1. There are some chips on baseboards and marks on paint in various places and surfaces, particularly along hall way outside of bedrooms
2. Neighbor to the right of the property is doing some remodeling and has tools and debris at the back of his garage and in the front of his property. This neighbors property is not a single family residence, but has units, according to the owner of that property.
3. Property lines can only be known by a survey. Seller has indicated that there are some markers placed by a surveyor at the back of the property. Some of the markers have been taken out by others but some may still be there. As part of the disclosure packet there is a site plan labeled Preliminary, not for construction, done April 1962, that outlines the property shape. Should buyers want exact markers, a survey would need to be done.
4. The fence at the front of the property is leaning. Seller has indicated there was an Oak tree at the front that was diseased so they had to take it out. They had therefore not noticed the leaning fence. Location of fences with regards to property lines can only be determined by a survey.
5. Also at the front of the property there is a short fence that is perpendicular to the horizontal fence. This fence appears to be loose and used to be parallel with the neighbors garage according to the neighbor, John Horning. Neither seller nor listing agent can verify the accuracy of this statement
6. One of the neighbors tenants indicated that she is appreciative that the owners of this property do not leave lights on all night, as it shines in to her bedroom and during the extensive renovation the contractors often left the front deck light on all night
7. The public records bedroom/ bath count and the actual bedroom/bath count do not match.

Sellers Agent  Date Nov. 02, 2006

Sellers _____ Date _____

Sellers _____ Date _____

Buyers _____ Date _____

Buyers _____ Date _____

Buyers Agent _____ Date _____

Property Address: 2829 Buena Vista Way, Berkeley Ca 94708

Date: 11/1/06

B. Are you (Seller) aware of any significant defects/mafunctions in any of the following? Yes No. If yes, check appropriate space(s) below.

- Interior Walls Ceilings Floors Exterior Walls Insulation Roof(s) Windows Doors Foundation Slab(s)
- Driveways Sidewalks Walls/Fences Electrical Systems Plumbing/Sewers/Septics Other Structural Components

(Describe: _____)

If any of the above is checked, explain. (Attach additional sheets if necessary): _____

*This garage door opener or child resistant pool barrier may not be in compliance with the safety standards relating to automatic reversing devices as set forth in Chapter 12.5 (commencing with Section 19890) of Part 3 of Division 13 of, or with the pool safety standards of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code. The water heater may not be anchored, braced, or strapped in accordance with Section 19211 of the Health and Safety Code. Window security bars may not have quick release mechanisms in compliance with the 1995 Edition of the California Building Standards Code.

C. Are you (Seller) aware of any the following:

1. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property Yes No
2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property Yes No
3. Any encroachments, easements or similar matters that may affect your interest in the subject property Yes No
4. Room additions, structural modifications, or other alterations or repairs made without necessary permits. Yes No
5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes. Yes No
6. Fill (compacted or otherwise) on the property or any portion thereof Yes No
7. Any settling from any cause, or slippage, sliding, or other soil problems Yes No
8. Flooding, drainage or grading problems Yes No
9. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides Yes No
10. Any zoning violations, nonconforming uses, violations of "setback" requirements Yes No
11. Neighborhood noise problems or other nuisances Yes No
12. CC&R's or other deed restrictions or obligations Yes No
13. Homeowners' Association which has any authority over the subject property Yes No
14. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) Yes No
15. Any notices of abatement or citations against the property Yes No
16. Any lawsuits by or against the seller threatening to or affecting this real property, including any lawsuits alleging a defect or deficiency in this real property or "common areas" (facilities such as pools, tennis courts, walkways, or other areas, co-owned in undivided interest with others) Yes No

If the answer to any of these is yes, explain. (Attach additional sheets if necessary): 2) well of neighbor's garage on north side of property is on 2829 property. in my that garage wall was built over 2829 lot line.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller Bernard J. Mikell Jr Bernard J. Mikell, Jr Date 10/27/06
Bernard Mikell

Seller Carolan J. Horton Victoria G. Horton Date 11/1/06

Buyer's Initials (_____) (_____)
Reviewed by _____ Date _____



SELLER'S SUPPLEMENT TO
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

Property Address 2829 Buena Vista Way, Berkeley, CA

Seller(s) Name Bernie Mitchell

As of: (Date) 11/1/2006

This form supplements the Real Estate Transfer Disclosure Statement requirements of Civil Code §1102 and is designed to give the Buyer(s) additional information regarding the subject property. The following representations are made by the Seller(s) and are NOT representations by Agent(s).

- | | Yes | No | Don't Know |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Any non-tempered glass on shower and/or sliding doors? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Any spark arrestors which have been installed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Any animals kept on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Any stains, odor or damage caused by animals kept on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Any pools or spas requiring fencing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Any abandoned tanks or systems (i.e., fuel oil, gas, oil, septic, leach fields)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Any presently connected tanks, septic systems or leach lines? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Any quality problems with the home's water supply (i.e., sediment, discoloration, odor or pressure)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Any leaks, back-ups or recurring blockages in any sewer drainlines? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Describe the condition, repairs and frequency of recurrence of the problem(s) | | | |
| 11. Are you aware of any creek that is open or culverted or any natural watercourse within 100 feet of the subject property? (Refer to The Grubb Co. City Ordinance Addendum regarding Creek Preservation or Protection Ordinances) | | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Any leaks or water intrusion (past or present) in the roof(s), chimney(s), around skylight(s) and windows or elsewhere from any source? | | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Location(s): | | | |
| Describe/Date Specific Corrective Repairs: | | | |
| 13. Regarding driveway or private access: | | | |
| (a) Any shared or common driveway or road? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Any written or oral agreement to maintain driveway or road? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Any forthcoming assessments? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Any easements not of public record? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14. Are you aware of any of the following in the neighborhood at any time? | | | |
| (a) Flooding or drainage problems | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Settling, slippage, landslides or other soil problems | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Recurrent or unusual odor problems | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Contaminated soil or ground water | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Any criminal activity on the subject property or in the immediate neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Describe: | | | |
| 15. Proximity to any of the following: | | | |
| (a) Pending real estate development in the area (such as condominiums, planned units development, subdivisions or property for commercial, industrial, sport, educational or religious use) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Proposed or approved changes in public or private facilities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Any current violations of the Covenants, Conditions and Restrictions (CC&Rs)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Any deaths on the property in the last three years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 18. Any bonds and/or assessment obligations which are currently due that are not a part of the property tax bill? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Any disease which affects trees or plants on the property or within two hundred feet of property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Any restrictions on the use of the premises other than those disclosed in writing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Seller's Initials BM / Buyer's Initials () ()

SELLER'S SUPPLEMENT TO
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

Property Address 2829 Buena Vista Way Berkeley

- | | Yes | No | Don't Know |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| 21. Any boundary disputes, or third party claims affecting the property (rights of other people to interfere with the use of the property in any way)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 22. Any problems with retaining walls (such as leaning, bulging or cracking)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 23. Any problems with existing underground sprinkler systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 24. Any sump pump, underground drains, French drains, dry wells or surface disposal systems in the crawl space/sub area or elsewhere on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (a) If yes, please describe and give location | | | |
| (b) Was sump pump installed with permit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 25. Any damp soil and/or standing water in the sub area (under any building)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 26. Any standing, collecting or ponding water on the property at any time? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If so, where? | | | |
| 27. Any repairs, replacements or ongoing maintenance to any of the following items: interior walls, ceilings, floors, exterior walls, insulation, roof(s), windows, doors, foundation, slab(s), driveways, sidewalks, walls/fences, electrical systems, plumbing/sewers/septics or other structural components? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If yes, for each repair, replacement or ongoing maintenance, explain: | | | |
| 28. Any concealed hardwood floors? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If yes, which rooms? | | | |
| What is the condition of the floors? | | | |
| 29. Any insulation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 30. Any vapor or moisture barrier(s) (i.e., plastic covering) in the sub area or any other location? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 31. Is water directed away from structure? (i.e., drainage system, splash blocks, or other method) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, please describe | | | |
| 32. Any multiple dwelling units included in this sale? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If yes, number of units _____ Number of legal units _____ | | | |
| 33. Is a current 3R report available? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 34. Any Homeowner's insurance claims in the last 5 years? <i>SEE P. 4 P. 3</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. Any water-related insurance claims in the last 5 years? <i>SEE P. 4 P. 3</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

REPORTS, INSPECTIONS or ESTIMATES

1. Check applicable boxes, if any, of the following reports, inspections or repair estimates were made for you, previous owner(s) or prospective Buyer(s). *SEE P. 3*

- | | | | | |
|---|--|--|---------------------------------------|--|
| <input type="checkbox"/> Pest Control | <input checked="" type="checkbox"/> Structural/Engineering | <input type="checkbox"/> House Inspection | <input type="checkbox"/> Roof | <input type="checkbox"/> Pool/Spa |
| <input type="checkbox"/> Well | <input type="checkbox"/> Septic | <input type="checkbox"/> Plumbing | <input type="checkbox"/> Heating | <input type="checkbox"/> Air Conditioning |
| <input type="checkbox"/> Survey | <input type="checkbox"/> Soils/Drainage | <input type="checkbox"/> Geologic | <input type="checkbox"/> Energy Audit | <input type="checkbox"/> Environmental Hazards |
| <input checked="" type="checkbox"/> Plans | <input checked="" type="checkbox"/> Building Permits | <input checked="" type="checkbox"/> Berkeley RECO Compliance | | |

Please describe all checked boxes by type and approximate date(s) and indicate if copies are available.

Type of Report	Inspector	Date	Available
<i>PLANS - HAZELBROTH COMPANY</i>			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>STRUCTURAL ENGINEERING CITY OF BERKELEY</i>		<i>2005-2006</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>BUILDING PERMITS - CITY OF BERKELEY</i>		<i>2006</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>BERKELEY RECO COMPLIANCE - CITY OF BERKELEY</i>		<i>2005-2006</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<i>2006</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Seller's Initials *[Signature]* / Buyer's Initials () ()

SELLER'S SUPPLEMENT TO
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

Property Address 2829 Buena Vista Way Berkeley CA

2. Are you aware of any reports or inspections that pertain to any neighborhood properties or conditions which may materially affect the value or desirability of the subject property? Yes No
If yes, explain: _____

(NOTE: IT IS RECOMMENDED THAT BUYER OBTAIN A COPY OF ALL EXISTING REPORTS, INSPECTIONS OR REPAIR ESTIMATES.)

OWNERSHIP

	Yes	No	Don't Know
1. Are you (Seller) a licensed real estate salesperson/broker?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the sale of this property subject to court confirmation (i.e., probate sale)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Are you involved in any pending or contemplated bankruptcy procedures?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any loans secured by the property where Notice(s) of Default have been or may be recorded?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Do you anticipate any liens or judgments against any title holder of the property including but not limited to Internal Revenue Service tax liens, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Any unrecorded Easements, Liens or Deeds of Trust?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IF THE ANSWER TO ANY OF THE ABOVE QUESTIONS IS YES, EXPLAIN:
(attach additional sheets if necessary) _____

Have all persons on title signed the listing agreement? Yes No

SUPPLEMENTAL INFORMATION: In addition to the disclosure statements made herein, the following facts are known or suspected, which may materially affect the value or desirability of the subject property, now or in the future, including ongoing maintenance and repairs as well as any defects in the home that required significant repairs:

#34935. WIND & WATER DAMAGE TO ROOF REPLACED IN 2005. REPLACED ROOF IN 2005
(SEE HAZELPOTH COMPANY 2 PAGE DESCRIPTION OF WORK PERFORMED "NEW" 25 YEAR COMPOSER ON
TILE ROOF ON MAIN HOUSE & GARAGE)

P. 2. 1. REPORTS ETC. REPORTS, PLANS, INSPECTIONS AVAILABLE. PLEASE SEE 2 PAGE DESCRIPTION
OF WORK PERFORMED BY HAZELPOTH COMPANY FROM MAY 2005 THRU APRIL 2006.

I ACKNOWLEDGE RECEIPT OF A COPY OF "THE HOMEOWNER'S GUIDE TO EARTHQUAKE SAFETY"

BUYER(S) HAS READ AND UNDERSTANDS ALL THREE PAGES OF THIS SELLER'S SUPPLEMENT TO THE REAL ESTATE TRANSFER DISCLOSURE STATEMENT AND AGENT'S DISCLOSURE REGARDING ENVIRONMENTAL HAZARDS.

Seller's Initials AMA (VA) / Buyer's Initials (____) (____)

SELLER'S SUPPLEMENT TO
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

Property Address 2839 Buena Vista Way Berkeley

RESIDENTIAL SEISMIC SAFETY (GOVERNMENT CODE SECTION 8897 et seq.)

This Earthquake Disclosure is per the California Association of Realtors "Combined Hazards Book", 2005 Edition.

Answer the questions below to the best of your knowledge. If you do not have actual knowledge as to whether the weakness exists, answer "Don't Know". If your home does not have the feature, answer "Doesn't Apply." The page numbers in the right-hand column indicate where you can find information on each of these features in the "Combined Hazards Book". This earthquake disclosure is made in addition to the standard real estate transfer disclosure statement, also required by law.

	Yes	No	Doesn't Apply	Don't Know	See Page
1. Is the water heater braced, strapped, or anchored to resist falling during an earthquake? ...	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
2. Is the house anchored or bolted to the foundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14
3. If the house has <u>cripple walls</u> :					
• Are the exterior cripple walls braced?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16
• If the exterior foundation consists of unconnected concrete piers and posts, have they been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18
4. If the exterior foundation, or part of it, is made of unreinforced masonry, has it been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20
5. If the house is built on a hillside:					
• Are the exterior tall foundation walls braced?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22
• Were the tall posts or columns either built to resist earthquakes or have they been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22
6. If the exterior walls of the house, or part of them, are made of unreinforced masonry, have they been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	24
7. If the house has a living area over the garage, was the wall around the garage door opening either built to resist earthquakes or has it been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26
8. Is the house outside an Alquist-Priolo Earthquake Fault Zone (zones immediately surrounding known earthquake faults)?					
9. Is the house outside a Seismic Hazard Zone (zone identified as susceptible to liquefaction or land sliding)?				To be reported on the Natural Hazard Disclosure Report	36

If any of the questions are answered "No", the house is likely to have an earthquake weakness. Questions answered "Don't Know" may indicate a need for further evaluation. If you have corrected one or more of these weaknesses, describe the work below on a separate page.

SELLER CERTIFIES THAT THE INFORMATION HEREIN IS TRUE AND CORRECT TO THE BEST OF THE SELLER'S KNOWLEDGE. AS SELLER OF THE PROPERTY DESCRIBED HEREIN, I HAVE ANSWERED THE QUESTIONS ABOVE TO THE BEST OF MY KNOWLEDGE IN AN EFFORT TO DISCLOSE FULLY ANY POTENTIAL EARTHQUAKE WEAKNESSES IT MAY HAVE.

Bernard J. Vukobratovic
Seller Date

Christina J. Star 11/11/06
Seller Date

I ACKNOWLEDGE RECEIPT OF THIS FORM, COMPLETED AND SIGNED BY SELLER. I UNDERSTAND THAT IF THE SELLER HAS ANSWERED "NO" TO ONE OR MORE QUESTIONS, OR IF SELLER HAS INDICATED A LACK OF KNOWLEDGE, THERE MAY BE ONE OR MORE EARTHQUAKE WEAKNESSES IN THIS HOUSE.

Buyer _____ Date _____

Buyer _____ Date _____

1960 Mountain Boulevard, Oakland, CA 94611
3070 Claremont Avenue, Berkeley, CA 94705

Dated _____ between the Buyer(s) _____
and Seller(s) Gene Hittell relating to property located at
2829 Bruce Vista Way Berkeley

Provided below is a list of Berkeley's major regulations that relate to property ownership. These regulations, as well as the fees that are based on the regulations, may not apply to your particular property, but are provided as a convenient reference. You may obtain copies of the codes and ordinances relating to these regulations from the City of Berkeley, 2130 Milvia Street, Berkeley, CA 94704, (510) 981-2489, between 8:30 a.m. and 5:00 p.m., Monday through Friday or visit www.ci.berkeley.ca.us.

This is a brief summary of various complex local ordinances and should in no way be construed as a complete resource on this topic. This summary is NOT a substitute for speaking directly with the appropriate local officials or a real estate attorney experienced in these issues.

NOTE: The provisions in this Addendum shall supersede any contrary provisions in the above referenced contract. The following provisions are incorporated into the above contract:

1. **RECO:** Berkeley's Residential Energy Conservation Ordinance requires that a property meet certain energy conservation standards at the time of sale. The City of Berkeley may change these standards from time to time. A property that previously met requirements may no longer meet the upgraded standards of the ordinance. Any required retrofitting and documentation to comply with the current ordinance shall be the responsibility of the Seller (form A), or the Buyer (form C). Refer to Ordinance #6099-NS. Note: Responsibility for compliance may not be transferred to a subsequent buyer if the seller accepted responsibility at the time of their purchase. If Form C is signed, the home must be brought into compliance within one year of sale. Maximum cost to bring into compliance is 0.75% of sales price. For more information call the City of Berkeley Energy Office at 510-981-5435 or Community Energy Services Corporation (CESC) at 510-644-8546.
2. **TRANSFER TAX CREDIT:** Berkeley has imposed a transfer tax equal to 1.5% of the sale price. Up to one third of the tax (1/2% of sale price) may be held in escrow to pay for seismic strengthening of the structure. To claim this credit, any seismic strengthening work must have been performed after October 17, 1989, and completed with proper building permits issued by the Berkeley Building Department. A Declaration of Real Property Transfer Tax form must be approved by the City prior to close of escrow to authorize holding the funds. Seismic work must be completed and a Seismic Retrofit Verification form filed within 6 months of close of escrow. Upon completion of seismic work, funds in escrow shall be released to the Buyer or Seller or _____. Refer to Ordinance #6072-NS. The application form is available at City of Berkeley Building Permits 510-981-7500. *Credit to go to seller if eligible, if not eligible funds then can go to buyer*
3. **RENT CONTROL ORDINANCE:** Buyer is aware that a local ordinance exists, which regulates the rights and duties of property owners and tenants. It may affect the level of present rents, future rent adjustments, and creates severe restrictions on evicting tenants or recovering the property for personal occupancy. The Buyer is strongly advised to review the Berkeley Rent Stabilization Law and examine the rent control file on the property, if one exists, at the Rent Stabilization Board. The Buyer is further

Seller's Initials GH / SH, Buyer's Initials () ()

The GRUBB Co.

1960 Mountain Boulevard, Oakland, CA 94611
3070 Claremont Avenue, Berkeley, CA 94705

Property located at 2829 Fuena Vista Way

advised to refer rent control issues and questions to a qualified landlord/tenant attorney. Information from City of Berkeley Rent Stabilization Program can be found at 510-644-6128.

- 4. **TENANTS IN COMMON ("TIC") Chapter 13.88 BMC:** If the property described in this purchase contract contains two or more units, and those units are NOT condominiums, the Buyer is hereby notified that the City of Berkeley requires that a buyer be presented with a copy of the **Tenants in Common General Information Statement** (1 page attached). Tenants in Common is an unusual form of ownership in that all owners have an undivided interest in the property. In addition, all owners are named on the same loan or loans for the property. This creates a situation where financial responsibility for the property is shared by all owners. There should always be a formal Tenants in Common Agreement which governs rights of exclusive occupancy of individual units, financial responsibilities and other matters. Any buyer of a Tenant in Common property is urged to seek Legal Counsel to discuss the risks inherent to this form of ownership, prior to purchasing the property.
- 5. **BERKELEY HAZARDOUS FIRE AREA:** Properties situated within this area must comply with the requirements set forth in the Berkeley Uniform Fire Code. Buyer acknowledges that he/she has received a copy of "Fire Hazards and Vulnerabilities" (3 pages attached).
- 6. **SMOKE DETECTORS ORDINANCE:** Smoke Detector location within dwelling units. In dwelling units, a detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.
- 7. **BERKELEY CREEK PROTECTION ORDINANCE:** BMC 17.08 Preservation and Restoration of Natural Watercourses. Over 2000 properties are potentially affected by this ordinance. Homeowners cannot perform any construction within 30 feet of a creek without a variance. This includes but is not limited to permitted repairs, new construction, replacement and improvements after a fire or natural disaster. Variances may be difficult or impossible to obtain. If home is located over a culvert, repairs to the culvert are currently considered by the City of Berkeley to be the homeowner's responsibility. A copy of the City's Creek Map (1 page) is attached.
- 8. **SEWER LATERAL COMPLIANCE:** Beginning July 1, 2006, the City of Berkeley requires homeowners to obtain a Sewer Lateral Certificate before the close of escrow at the sale of a property. The cost of the Certificate is currently \$185. Enforcement of this ordinance will begin October 1, 2006. For additional information, contact Adadu Yemang, Associate Civil Engineer, at 510-981-6413.

The Undersigned Acknowledge Receipt of a Copy of this Disclosure and 4 Pages of Attachments.

Bernard J. Westell Jr. 10/27/06
 Seller Date

Christina Han 11/1/06
 Seller Date

 Buyer Date

 Buyer Date

Fire Hazards and Vulnerabilities

The City of Berkeley faces an ongoing threat from urban and wildland fire. Susceptibility to fire is heightened due to Berkeley's dense development pattern, characterized by older structures including high rise buildings, multi-storied residential units, and a variety of warehouse, manufacturing, and commercial properties. Berkeley also faces a significant wildland fire danger along its hillsides where the wildland and residential areas interface. Wildland fires can result from both human activity and natural causes. Once ignited, these fires can be difficult to contain. The risk of fire is most common during the dry months of May through October, and can become extreme when the warm, dry Diablo winds blow out of the northeast. When the winds blow strongly, fires occurring in the densely vegetated hill areas are extremely difficult to control. A wildfire can move with breathtaking speed, down from the ridge in 30 minutes, expanding to one square mile in one hour, and then consuming hundreds of residences in a day. In the Berkeley and Oakland Hills there have been 14 wildland fires since 1923, which collectively have burned 9,000 acres and destroyed more than 3,500 structures.

On September 17th, 1923, a fire started in Wildcat Canyon, just over the ridge from Berkeley. It was a warm day, with a strong northeast wind, which blew the flames up over the ridge into northeast Berkeley. Firefighters were able to do little to slow the fire as flying embers spread it rapidly from block to block. By the time the winds finally changed in the late afternoon, the fire had burned all the way to the northern edge of the University campus and as far west as Shattuck Avenue. Several thousand people were homeless, and 584 homes were destroyed. Had the winds not shifted, the fire could have burned to the Bay.

Figure 14. Hazardous Hill Area, Fire Station Locations and Evacuation Routes

Because of increased development and vegetation growth in the hills, the fire threat continually increases. Abundant dead brush and vegetation, and non-fire-resistant building materials, fueled the 1991 firestorm, which ignited in the Oakland Hills. The combination of fuel, drought, hot and dry weather, wind conditions, poor accessibility, and insufficient water pressure in some areas proved devastating. The fire destroyed 62 homes in Berkeley and more than 3,000 homes in Oakland, consuming one house every 11 seconds in the first three hours. Twenty-five people lost their lives in the fire.

In the aftermath of the 1991 Fire, the City established the Hill Hazardous Fire Area District. The purpose of the District was to expand inspection programs, reduce excess vegetation, and educate residents about the special needs for vegetation management and fire prevention for people living in the urban/wildland interface. Hazardous fire area inspections are conducted annually by fire companies, between May and September. Vegetation removal programs, including the chipper and debris box programs, continue with funding provided by a surcharge on the refuse bills for residents in the hill area. In 1997, the City Council-approved assessment district in the Berkeley hills area ended; however, the danger from a wildfire has not. The continued commitment of the residents to a fire-safe area is critical.

Figure 14 shows the location of the Hill Hazardous Fire Area and the Emergency Access and Evacuation Routes established in the General Plan Transportation Element. (Also see *Transportation Policy T-28*.) All streets in the Fire Hazard Area are considered to be evacuation routes, as are the public paths that make up Berkeley's pathway network system (see *Figure 6, Transportation Element*).

Efforts are currently underway to construct a new fire station for the hill areas east of the Hayward fault. The objective of the current efforts is to develop a facility that will be able to respond to major disasters in these neighborhoods.

The location of the residential hill areas adjacent to regional parklands poses two additional fire prevention challenges. First and foremost, these parklands are heavily wooded providing ample fuel for a major wildland fire that can easily move into the Berkeley neighborhoods. Second, these areas are managed by the East Bay Regional Park District and serviced by the California Department of Forestry (CDF). Therefore coordination between the City of Berkeley and the adjacent jurisdiction is essential. Major issues that must be addressed are: 1) the benefits and implications of establishing and maintaining a firebreak between the

wildland areas and the residential areas of Berkeley, and 2) joint response plans to fires in the area.

To fight fires effectively, adequate water pressure, supply, and delivery must be available. While water pressure is generally adequate throughout the city, fire-fighting capability can be hampered by supply and pressure limitations in particular water pressure zones. Moreover, an earthquake can easily sever water lines in the area. Several areas in the East Bay Hills can produce flame fronts that cannot be controlled with water from hydrants, fire truck hoses, or helicopter buckets, or with retardant drops from air tankers, until the winds die down in the late afternoon. Compounding this threat is the fact that evacuation can be difficult, slow, and dangerous due to winding and narrow roadways in the hills.

A secondary hazard is the potential for massive land sliding on fire-burned hillsides when heavy rains follow firestorms. Extreme heat from firestorms can create an impermeable soil layer beneath the surface. When heavy rains fall on denuded slopes, soil saturation occurs rapidly and the danger of landslides in susceptible areas is great, posing a risk to life, structures, and infrastructure.

In conclusion, areas of the city that are most vulnerable to fire hazards are:

Hillside Residential Areas Near and Adjacent to Wildland Areas - There are approximately 750 residences in vulnerable hillside areas in Berkeley.

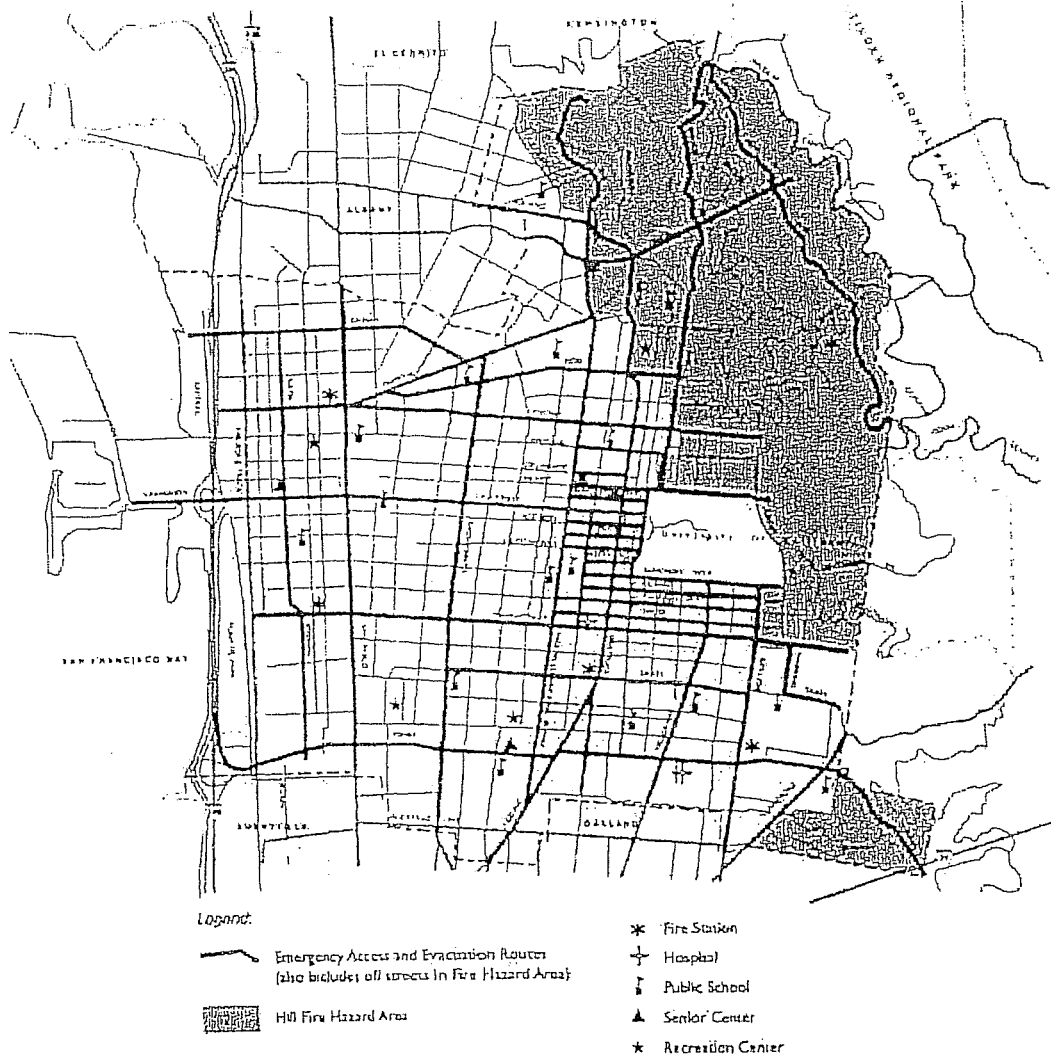
Structures Built with Combustible Materials - The presence of wood siding, shake roofs, and other combustible materials heightens the vulnerability of residences and structures in the hills area.

Areas of Heavy or Unmanaged Vegetation - Dense vegetation increases the danger to people and structures from fire. The fuel load is particularly high in the Berkeley hills.

Circulation and Utilities - As demonstrated in the 1991 firestorm, narrow winding roads can become inaccessible and unusable for evacuation or for emergency equipment and personnel. Aboveground utility poles can exacerbate problems.

The Water Delivery System - In an emergency the age of the existing water supply system may cause the system to be unreliable.

Figure 14. Hazardous Hill Area, Fire Station Locations and Evacuation Routes





CALIFORNIA ASSOCIATION OF REALTORS®

LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS DISCLOSURE, ACKNOWLEDGMENT AND ADDENDUM For Pre-1978 Housing Sales, Leases, or Rentals (C.A.R. Form FLD, Revised 1/03)

The following terms and conditions are hereby incorporated in and made a part of the: [X] California Residential Purchase Agreement, [] Residential Lease or Month-to-Month Rental Agreement, or [] other: _____, dated _____, on property known as: _____, 2829 Buena Vista Way, Berkeley Ca 94708 ("Property") in which _____ is referred to as Buyer or Tenant and _____ Bernie Mikell is referred to as Seller or Landlord.

LEAD WARNING STATEMENT (SALE OR PURCHASE) Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligent quotient, behavioral problems and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

LEAD WARNING STATEMENT (LEASE OR RENTAL) Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive federally approved pamphlet on lead poisoning prevention.

1. SELLER'S OR LANDLORD'S DISCLOSURE

I (we) have no knowledge of lead-based paint and/or lead-based paint hazards in the housing other than the following: _____

I (we) have no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing other than the following, which, previously or as an attachment to this addendum have been provided to Buyer or Tenant: _____

I (we), previously or as an attachment to this addendum, have provided Buyer or Tenant with the pamphlet "Protect Your Family From Lead In Your Home" or an equivalent pamphlet approved for use in the State such as "The Homeowner's Guide to Environmental Hazards and Earthquake Safety."

For Sales Transactions Only: Buyer has 10 days, unless otherwise agreed in the real estate purchase contract, to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

I (we) have reviewed the information above and certify, to the best of my (our) knowledge, that the information provided is true and correct.

Seller or Landlord: [Signature] Bernie Mikell, Date: 10/27/06
Seller or Landlord: [Signature], Date: 10/27/06

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Buyer's Initials () ()
Seller's Initials () ()
Reviewed by _____ Date _____



Property Address: 2029 Buena Vista Way, Berkeley Ca 94708 Date: _____

2. LISTING AGENT'S ACKNOWLEDGMENT

Agent has informed Seller or Landlord of Seller's or Landlord's obligations under §42 U.S.C. 4852d and is aware of Agent's responsibility to ensure compliance.

I have reviewed the information above and certify, to the best of my knowledge, that the information provided is true and correct.

Grubb Company, Helene Barkin
Agent (Broker representing Seller) Please Print

By Helene Barkin 10/27/06
Associate-Licensee or Broker Signature Date

3. BUYER'S OR TENANT'S ACKNOWLEDGMENT

I (we) have received copies of all information listed, if any, in 1 above and the pamphlet "Protect Your Family From Lead In Your Home" or an equivalent pamphlet approved for use in the State such as "The Homeowner's Guide to Environmental Hazards and Earthquake Safety." If delivery of any of the disclosures or pamphlet referenced in paragraph 1 above occurs after Acceptance of an offer to purchase, Buyer has a right to cancel pursuant to the purchase contract. If you wish to cancel, you must act within the prescribed period.

For Sales Transactions Only: Buyer acknowledges the right for 10 days, unless otherwise agreed in the real estate purchase contract, to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; OR, (if checked) Buyer waives the right to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

I (we) have reviewed the information above and certify, to the best of my (our) knowledge, that the information provided is true and correct.

Buyer or Tenant Date Buyer or Tenant Date

4. COOPERATING AGENT'S ACKNOWLEDGMENT

Agent has informed Seller or Landlord, through the Listing Agent if the property is listed, of Seller's or Landlord's obligations under §42 USC 4852d and is aware of Agent's responsibility to ensure compliance.

I have reviewed the information above and certify, to the best of my knowledge, that the information provided is true and correct.

Agent (Broker obtaining the Offer) By _____ Associate-Licensee or Broker Signature Date

THIS FORM HAS BEEN APPROVED BY THE CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). NO REPRESENTATION IS MADE AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION IN ANY SPECIFIC TRANSACTION. A REAL ESTATE BROKER IS THE PERSON QUALIFIED TO ADVISE ON REAL ESTATE TRANSACTIONS. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.
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Published by the California Association of REALTORS®

Reviewed by _____ Date _____





CALIFORNIA ASSOCIATION OF REALTORS®

WATER HEATER STATEMENT OF COMPLIANCE

Water Heater Bracing, Anchoring or Strapping

As required by California Health and Safety Code §19211

(Only required when there is a water heater on or in the property)

(C.A.R. Form WHS, Revised 4/05)

Property Address: 2829 Buena Vista Way, Berkeley Ca 94708

- 1. STATE LAW: California Law requires that all new and replacement water heaters and existing residential water heaters be braced, anchored or strapped to resist falling or horizontal displacement due to earthquake motion. "Water heater" means any standard water heater with a capacity of no more than 120 gallons for which a pre-engineered strapping kit is readily available. (Health and Safety Code §19211).
2. LOCAL REQUIREMENTS: Some local ordinances impose more stringent water heater bracing, anchoring or strapping requirements than does California Law. Therefore, it is important to check with local city or county building and safety departments regarding the applicable water heater bracing, anchoring or strapping requirements for your property.
3. TRANSFEROR'S WRITTEN STATEMENT: California Health and Safety Code §19211 requires the seller of any real property containing a water heater to certify, in writing, that the seller is in compliance with California State Law.
4. EXCEPTIONS: There are no exceptions to the State Law.
5. CERTIFICATION: Seller represents that the Property, as of the Close Of Escrow, will be in compliance with Health and Safety Code §19211 by having the water heater(s) braced, anchored or strapped in place, in accordance with those requirements.

Seller [Signature] [Print Name: Bernie Mikell] Date 10/27/06
Seller [Signature] [Print Name: Victoria G. Hertel] Date 4/1/06

The undersigned hereby acknowledges receipt of a copy of this document.

Buyer (Signature) (Print Name) Date

Buyer (Signature) (Print Name) Date

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Reviewed by _____ Date _____



WHS REVISED 4/05 (PAGE 1 OF 1)

WATER HEATER STATEMENT OF COMPLIANCE (WHS PAGE 1 OF 1)

The GRUBB Co., Inc. 3070 Claremont Ave. Berkeley, CA 94705 Phone: (510) 652 - 2133 Fax: (510) 652 - 0114 Helene Barkin

Bernie Mikell

Produced with ZipForm™ by RE FormsNet, LLC 18025 Fifteen Mile Road, Clinton Township, Michigan 48035. (800) 383-9805 www.zipform.com



CALIFORNIA ASSOCIATION OF REALTORS®

SMOKE DETECTOR STATEMENT OF COMPLIANCE

As required by California State Health and Safety Code §13113.8(b) (C.A.R. Form SDS, Revised 4/05)

Property Address: 2829 Buena Vista Way, Berkeley Ca 94708

- 1. STATE LAW: California Law requires that every single-family dwelling and factory built housing unit sold on or after January 1, 1986, must have an operable smoke detector...
2. LOCAL REQUIREMENTS: Some local ordinances impose more stringent smoke detector requirements than does California Law.
3. TRANSFEROR'S WRITTEN STATEMENT: California Health and Safety Code §13113.8(b) requires every transferor of any real property containing a single-family dwelling...
4. EXCEPTIONS: Exceptions to the State Law are generally the same as the exceptions to the Transfer Disclosure Statement Laws.
5. CERTIFICATION: Seller represents that the Property, as of the Close Of Escrow, will be in compliance with Health and Safety Code §13113.8 by having operable smoke detector(s) approved and listed by the State Fire Marshal installed in accordance with the State Fire Marshal's regulations and in accordance with applicable local ordinance(s).

Seller Bernard J. Mikell, Jr. (Signature) Bernie Mikell (Print Name) Date 11/1/06
Seller Victoria G. Horton (Signature) Victoria G. Horton (Print Name) Date 11/1/06

The undersigned hereby acknowledges receipt of a copy of this document.

Buyer (Signature) (Print Name) Date
Buyer (Signature) (Print Name) Date

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Reviewed by _____ Date _____



SDS REVISED 4/05 (PAGE 1 OF 1)

SMOKE DETECTOR STATEMENT OF COMPLIANCE (SDS PAGE 1 OF 1)

Property Address: 2829 BUENA VISTA WAY, BERKELEY, CA

This disclosure is designed to give buyers and sellers a basic understanding of four contract provisions: Agency, Liquidated Damages, Arbitration of Disputes and the Megan's Law Database. The Liquidated Damages and Arbitration of Disputes provisions deal with different issues and must be read, in their entirety, before signing a contract.

AGENCY

The Brokers have a fiduciary duty to their own Clients. However, the Brokers also owe all Principals in the transaction: fair and honest dealing, acting in a diligent manner and handling the transaction in a timely fashion. Furthermore, the Broker representing the Buyer may also represent other potential Buyers who may consider or make offers on the same property. Likewise, the Broker representing the Seller may also represent other Sellers that have similar or competing properties.

There are 3 basic forms of representation under Agency. The Buyer may have sole representation by their Agent/Broker, the Seller may have sole representation by their Agent/Broker, or there may be Dual Agency, wherein the Agent /Broker represents both the Buyer and the Seller. This Dual Agency does exist whether 2 separate Agents working for the SAME Brokerage are representing the Buyer and the Seller, or if the SAME AGENT represents both Buyer and Seller.

- I understand that The GRUBB Co. is representing BOTH Buyer and Seller in this transaction.
- I understand that The GRUBB Co. and _____ are representing BOTH Buyer and Seller in this transaction.

In addition, the Agents must disclose if they have any financial interest in the subject property.

- The Agent/Broker DOES NOT have a financial interest in the subject property.
- The Agent/Broker DOES have a financial interest in the subject property in the form of a Swing Loan.
- The Agent/Broker DOES have a financial interest in the subject property in the form of the following described Loan _____

Seller's Initials SM AB / Buyer's Initials () ()

Property Address: 2829 Buena Vista Way Berkeley

LIQUIDATED DAMAGES

The parties can, if they choose, agree to have this option or they can decline it in the purchase contract. Most standard real estate contract forms contain a provision for the buyer and seller to agree, in advance, to set a limit on the maximum amount of damages the seller will recover if the buyer breaches the contract. This limit is usually 3% of the purchase price or the amount in escrow, whichever is less. Initialing this provision is not a guarantee that the seller will recover the deposit and it is not a means to prevent a buyer from terminating the contract. This section does not address and has no effect on other legal remedies, such as specific performance. This section does not limit the damages the buyer will recover if the seller breaches the contract. The provision only applies if the buyer breaches the contract. Neither Realtors nor escrow holders can determine if a breach has occurred; this is an issue decided by a court or through arbitration.

ARBITRATION OF DISPUTES

The parties can, if they choose, agree to have this option or they can decline both. Most standard real estate contract forms contain a provision whereby the buyer and seller can, if they choose, agree to submit their disputes to binding arbitration. This is a contract option which has been made available as a convenience for buyers and sellers to decide what forum will be used to resolve any disputes. Arbitration is less formal and can be a faster, less expensive means of resolving disputes than a court trial.

NATURE OF BINDING ARBITRATION: Binding arbitration is a process whereby parties (by themselves or through their attorney) resolve disputes before a neutral arbitrator(s). The arbitrator (s) is required to be a neutral, disinterested person that the parties agree to use, such as a retired judge or an arbitration service, such as the American Arbitration Association (AAA), and must render a fair and impartial decision. That decision is then final and enforceable; there is no appeal even if the decision is based upon a misunderstanding of fact and/or law. By electing binding arbitration, the parties are generally giving up the right to a trial by a judge or jury as well as the right to full and formal court process. However, the parties can be represented by legal counsel if they choose arbitration.

SCOPE OF ARBITRATION: The arbitration would cover most real estate transaction disputes that arise either before or after escrow closes. Those excluded actions are described in The Arbitration of Disputes Provision. The only parties who must submit to the arbitration process are The Principals to the Transaction.

ARBITRATOR: The arbitrator is required to be a neutral, disinterested person that the parties agree to use, such as a retired judge or an arbitration service, such as the American Arbitration Association (AAA).

Seller's Initials (S) (S) / Buyer's Initials () ()

Property Address: 2829 Buena Vista Way Berkeley

RIGHTS TO DISCOVERY AND RULES OF EVIDENCE: Arbitration provisions vary regarding the right to conduct discovery (such as depositions, inspections of records). Code of Civil Procedure §1283.05 permits such discovery in arbitration if it is provided for in the agreement. The rules of evidence in arbitration are less rigid than in a trial court. The parties can put forth documents, present and cross-examine witnesses and make oral and/or written arguments.

ARBITRATION FEES: The cost of arbitration varies, depending upon the nature of the case and the type of arbitration chosen. As an example, AAA has a sliding scale based on the amount of claim (i.e., \$1 to \$25,000 is a 3% fee, subject to a \$300 minimum). Who pays those fees depends upon the arbitration agreement.

THE UNDERSIGNED ACKNOWLEDGE AND UNDERSTANDS THAT THEIR CHOICES REGARDING LIQUIDATED DAMAGES AND ARBITRATION HAVE NOT BEEN BASED UPON ANY REPRESENTATIONS OF THE REAL ESTATE AGENTS IN THIS TRANSACTION. THE UNDERSIGNED UNDERSTANDS THAT IF THEY HAVE FURTHER QUESTIONS, CONCERNS, OR NEED ADVICE ABOUT AGENCY, LIQUIDATED DAMAGES OR ARBITRATION, THEY SHOULD CONSULT THEIR ATTORNEY.

MEGANS LAW DATABASE

Notice: Pursuant to Section 290.46 of the Penal Code, information about specified Registered sex offenders is made available 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. Neither Seller nor Brokers are required to check this web site. If this is information that is important to Buyer, Broker advises Buyer to conduct his/her own investigation of this database during Buyer's inspection contingency. Furthermore, neither the Listing Agent nor the Seller has verified the accuracy of the database, nor do Brokers have expertise in this area.

RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED.

Ronald J. Vitelli, Jr. 10/27/06
Seller Date

Buyer Date

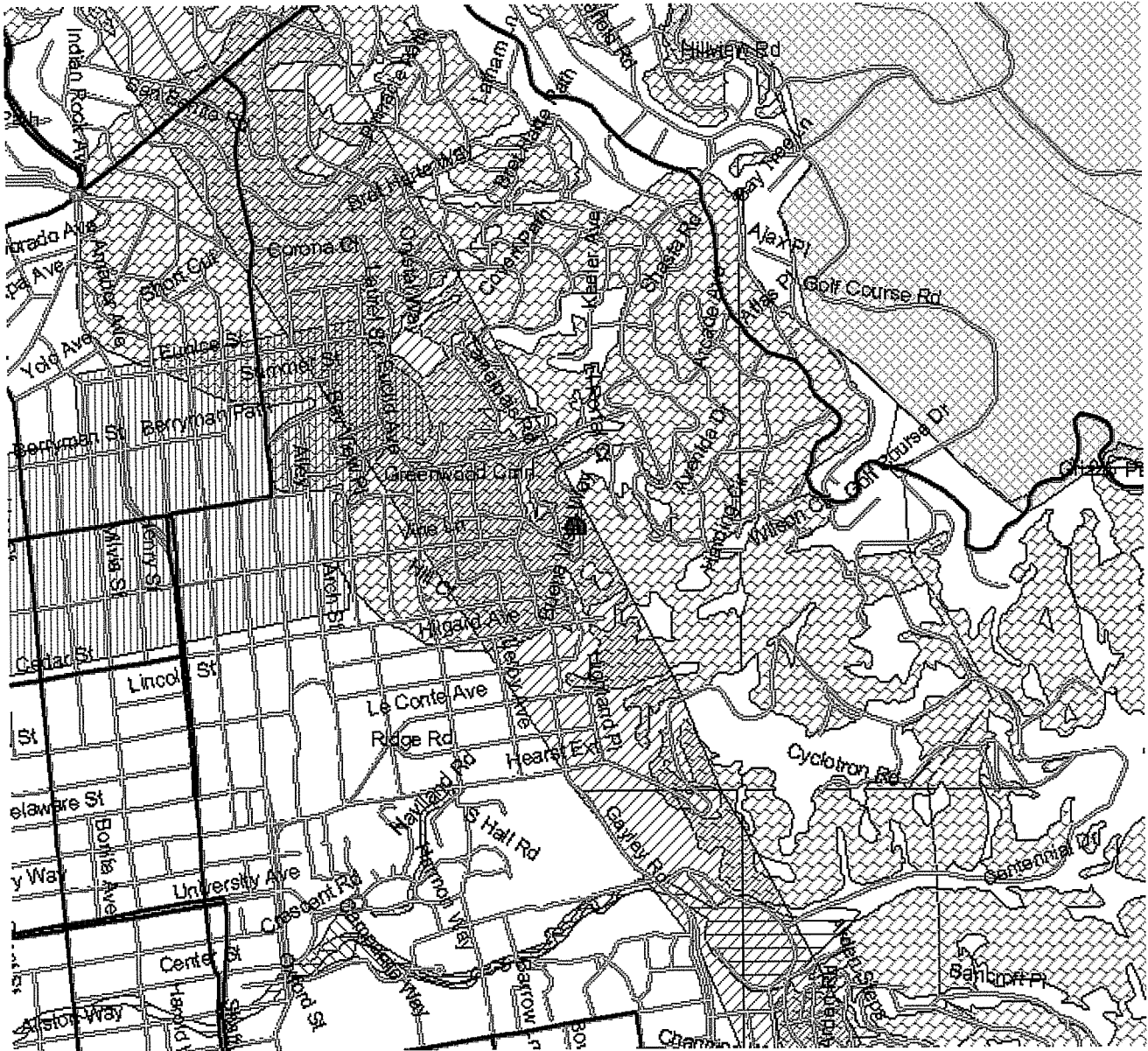
[Signature] 10/27/06
Seller Date

Buyer Date

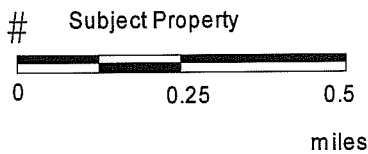
The JCP Report | MAP COVER PAGE

Property Address: 2829 Buena Vista Wy,
Berkeley, Alameda County, CA

APN: 058 2242 028 00
Date: 10/30/2006
Report Number: 2006103000159



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.



	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



The JCP Property Disclosure Report™

Property Address: 2829 Buena Vista Wy,
Berkeley, Alameda County, CA

APN: 058 2242 028 00
Date: 10/30/2006
Report Number: 2006103000159

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 X No _____

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

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

No _____ 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. TRANSFEREE(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) _____ Date 10/30/2006 Rept. No. 2006103000159

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

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 – Section 5 EnviroCheck™ Disclosure Report

Statutory Form



The JCP Property Disclosure Report™

Property Address: 2829 Buena Vista Wy,
Berkeley, Alameda County, CA

APN: 058 2242 028 00
Date: 10/30/2006
Report Number: 2006103000159

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:** 10/30/2006



Confirmation of Coverage



The JCP Property Disclosure Report™

Property Address: 2829 Buena Vista Wy,
Berkeley, Alameda County, CA

APN: 058 2242 028 00
Date: 10/30/2006
Report Number: 2006103000159

The JCP Report™

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	IN	See Section 1 Page 2
	A SEISMIC HAZARD LANDSLIDE ZONE	IN	See Section 1 Page 2
	A SEISMIC HAZARD LIQUEFACTION ZONE	OUT	See Section 1 Page 2

SECTION 2

County Level Natural Hazard Disclosures

FAULT Located in the active Hayward Fault Zone.	IN	See Section 2 Page 1
LANDSLIDE	IN	See Section 2 Page 1
TSUNAMI	OUT	See Section 2 Page 1
SOILS Located in a bedrock area with possible slope stability hazards present especially if slopes are steeper than 20%.		See Section 2 Page 1

City Level Zone Disclosures

FIRE HAZARD	ZONE 2	See Section 2 Page 3
--------------------	--------	----------------------

SECTION 3



The JCP Property Disclosure Report™

Property Address: 2829 Buena Vista Wy,
Berkeley, Alameda County, CA

APN: 058 2242 028 00
Date: 10/30/2006
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OTHER DISCLOSURES, ADVISORIES AND SERVICES SECTION

Other Zone Disclosures

	<u>Determination</u>	
Commercial/ Industrial LOCATED WITHIN 1 MILE OF A COMMERCIAL OR INDUSTRIAL SITE	YES	See Section 3 Page 1
Military Ordnance FORMER MILITARY ORDNANCE SITE DISCLOSURE	NOT IN	See Section 3 Page 1
Airports AIRPORT NOISE 65 DECIBEL ZONE	NOT IN	See Section 3 Page 2
AIRPORT INFLUENCE AREA	NOT IN	See Section 3 Page 2
Megan's Law		See Section 3 Page 3
San Francisco Bay Conservation and Development Commission Disclosure	OUT	See Section 3 Page 4

Advisories

METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE ADVISORY		See Section 3 Page 5
Mold Advisory		See Section 3 Page 5
Radon Advisory		See Section 3 Page 6
Energy Efficiency Advisory		See Section 3 Page 6
Endangered Species Act Advisory		See Section 3 Page 7

Special Tax Disclosures

DESCRIPTION OF PROPERTY TAX CHARGES		See Full Tax Report
MELLO-ROOS SPECIAL ASSESSMENT DISTRICT	YES	See Section 3 Page 8
1915 IMPROVEMENT BOND ACT DISTRICT	NO	See Section 3 Page 8

JCP Services Section