

# The JCP Report | MAP COVER PAGE

**Property Address:** 377 Palm Av #103,  
Oakland, Alameda County, CA

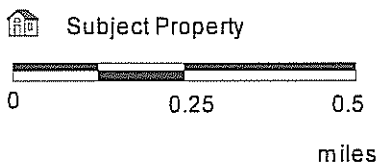
**APN:** 010 0786 036 00

**Date:** 4/26/2006

**Report Number:** 2006042500430



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: 377 Palm Av #103,  
Oakland, Alameda County, CA

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Date: 4/26/2006  
Report Number: 2006042500430

## 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. 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)

*[Signature]*  
Scott Roeklein, Sr. Vice President  
First American Natural Hazard Disclosures

Date 4/26/2006 Rept. No. 2006042500430

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



## The JCP Property Disclosure Report™

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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:** 4/26/2006



Confirmation of Coverage



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## 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	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		See Section 2 Page 1
Located on older alluvial fan deposits.		

#### City Level Zone Disclosures

FAULT	OUT	See Section 2 Page 3
LANDSLIDE	OUT	See Section 2 Page 3
LIQUEFACTION	OUT	See Section 2 Page 3
TSUNAMI	OUT	See Section 2 Page 3

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DAM INUNDATION	OUT	See Section 2 Page 3
FIRE HAZARD	OUT	See Section 2 Page 3

## SECTION 3

### OTHER DISCLOSURES, ADVISORIES AND SERVICES SECTION

#### 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

##### 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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Energy Efficiency Advisory	See Section 3 Page 6
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#### Special Tax Disclosures

##### DESCRIPTION OF PROPERTY TAX CHARGES

MELLO-ROOS SPECIAL ASSESSMENT DISTRICT	NO	See Full Tax Report
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1915 IMPROVEMENT BOND ACT DISTRICT	NO	See Section 3 Page 7
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#### 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 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.



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**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.

**Merritt 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 Oakland Geologic and Seismic Zone Determination

Based on the officially adopted city-level Seismic Safety Element natural hazard maps, the subject property is:  
**Located out of a city-level identified liquefaction, landslide, fault, tsunami, or fire prevention and assessment area. See the city discussion section included with this report for more information.**

### **CITY OF OAKLAND GEOLOGIC ZONES DISCUSSION**

The City of Oakland, separately from the County, State and Federal governments, has officially produced or adopted maps to delineate hazards that are recognized at the local level. Those hazard maps are incorporated into the Safety Element of the General Plan, adopted by the Oakland City Council. The local-level disclosure in this JCP report was based on the following official local map(s): "Safety Hazards Map" (incorporated by reference into 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 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.

The City of Oakland is subject to natural hazards such as seismic activity and flooding. The risk of exposure can be reduced through appropriate land use planning, development engineering, and building construction practices. The City of Oakland Safety Element discusses the varying levels of seismic and flood risk within the City Planning Area.

#### **FAULT**

The City of Oakland lies within the San Andreas fault system, the largest one in California and the one with potential for the strongest earthquakes. More specifically, the city straddles the Hayward Fault, a "branch" fault of the larger system. The Hayward Fault runs along the southwestern base of the East Bay Hills and parallels Highway 13. The Hayward Fault is believed to accumulate strain at one of the highest rates in the Bay Area, suggesting that it is one of the faults in the region most likely to generate a large earthquake.

#### **LANDSLIDE**

Landsliding is the rapid down slope movement of soil, rock, and rock debris. Most slides are natural occurrences, though they can be triggered by improper construction activities. The main causes of landslides are earthquake-induced ground shaking, heavy rains, and poorly engineered grading and drainage projects. Factors that determine the extent and severity of a landslide include the steepness of slope, the presence of weak or poorly consolidated soils, the soil's water-content level and the existing grading and drainage patterns.

#### **LIQUEFACTION**

Liquefaction is the rapid transformation of sediment from a solid state into a fluid state, which causes the soil to lose cohesiveness and become incapable of carrying significant loads; it causes the sediment to behave as quicksand, and results in structures settling, or tipping. Its potential to occur is a function of the intensity of the ground shaking and the underlying geologic conditions.

#### **TSUNAMI**

Most often, tsunamis are generated by large offshore earthquakes in the Pacific Ocean, producing waves that reach the California coast many hours after the earthquake.

Flooding from tsunamis would affect low-lying areas along San Francisco Bay and the Oakland Estuary, especially filled area only a few feet above sea level. Areas mapped as being within a tsunami inundation zone represent areas that would most likely be inundated by a tsunami having wave height of 20 feet. Such a tsunami is estimated to arrive at the Golden Gate once every 200 years.

#### **DAM INUNDATION**

Dam Failure Inundation Areas were defined using the assumption of an instantaneous dam failure with the reservoir full to capacity. However, dams rarely fail instantaneously, and reservoirs are not filled to capacity at all times. Dam inundation areas are subject to flooding in the event of a dam failure.

#### **FIRE HAZARD**

The City of Oakland has established a **Fire Prevention and Assessment District** for hillside areas of the city for funding fire-safety inspections of private properties, vegetation management, roving fire fighter patrols on high fire-hazard days, public education, goat grazing and other



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services. More information can be found at <http://www.oaklandnet.com/government/cmo/wildfireprevention.htm> regarding compliance standards and frequently asked questions.

• • • 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.



## The JCP Property Disclosure Report™

**Property Address:** 377 Palm Av #103,  
Oakland, Alameda County, CA

**APN:** 010 0786 036 00  
**Date:** 4/26/2006  
**Report Number:** 2006042500430

### 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](http://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](mailto: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 510-238-3365.

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](http://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*.

### ENERGY EFFICIENCY ADVISORIES

#### "13 SEER" Federal Energy Efficiency Standard Advisory

Effective January 23, 2006, Federal law requires that all new air conditioning equipment manufactured in the United States comply with a minimum efficiency standard set by the U.S. Department of Energy (DOE). The new standard -- called the "Seasonal Energy Efficiency Rating" standard of 13 (or "13 SEER") -- does not require a seller to replace existing air conditioning equipment, nor does it mean that an existing system will be obsolete or impossible to maintain. However, property owners will likely see a higher cost of the 13 SEER-compliant equipment when an existing non-compliant system is eventually replaced. For more information, visit [http://www.eere.energy.gov/buildings/appliance\\_standards/residential/pdfs/ac\\_factsheet.pdf](http://www.eere.energy.gov/buildings/appliance_standards/residential/pdfs/ac_factsheet.pdf)

#### California's 2005 Energy Efficiency Standards Advisory

Effective October 1, 2005, the California Energy Commission adopted Title 24, Building Energy Efficiency Standards for 2005. Under these standards, local governments must adopt and enforce building codes that require ductwork to be inspected whenever new heating, ventilating or air conditioning equipment is installed. If the ductwork is found to leak in excess of 15%, then repairs to the ductwork are required to bring it into compliance. The California Energy Commission estimates that the average home's ductwork leaks by 30% or more; so, some repair costs are likely for most homes when a new furnace, for example, is installed. Title 24 does not require a seller to replace a furnace that is otherwise safe and serviceable or to inspect or repair a home's ductwork. However, the future replacement of a furnace will require such an inspection and possible repairs, which may impose an unexpected cost on the property owner. This new standard also specifically bans the use of cloth-backed tape ("duct tape") in making duct repairs, unless the tape is used in combination with approved adhesive materials. Compliance with the standard is assured by hiring a contractor who is properly licensed, and doing the installation with a building permit so that the City Building Inspector can check the work when completed. For more information, visit <http://www.energy.ca.gov/title24/2005standards>

#### Home Energy Efficiency Improvement Tax Credits Advisory

According to the DOE, the higher replacement cost of a 13 SEER-compliant air conditioning system will be offset by a savings of up to 23 percent in monthly energy costs. The California Energy Commission notes that leaking ductwork accounts for up to 25 percent of the heating costs of a typical home. Therefore, compliance with the new Federal and State standards offers substantial benefits to the property owner, as well as significant environmental benefits through decreased energy consumption, compared with older systems. In addition, consumers who purchase and install specific products, such as energy-efficient windows, insulation, doors, roofs, and heating and cooling equipment in the home can receive a **tax credit** of up to \$500 beginning in January 2006. For more information, visit <http://www.energy.gov/taxbreaks.htm>



# The JCP Property Disclosure Report™

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Oakland, Alameda County, CA

**APN:** 010 0786 036 00  
**Date:** 4/26/2006  
**Report Number:** 2006042500430

## MELLO-ROOS and SPECIAL ASSESSMENT DETERMINATION

**Determination** Based on data from an independent tax information service:

The subject property is **NOT WITHIN** a Mello-Roos Special Assessment District

No Mello-Roos Special Assessment Districts were determined to have been assessed for this property in the previous tax year.

0.00

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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.

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### 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.



## **New \*Federal\* and \*State\* ENERGY EFFICIENCY ADVISORIES –**

**Now in Section 3, Page 6**

### **“13 SEER” Federal Energy Efficiency Standard Advisory**

Effective January 23, 2006, Federal law requires that all new air conditioning equipment manufactured in the United States comply with a minimum efficiency standard set by the U.S. Department of Energy (DOE). The new standard -- called the "Seasonal Energy Efficiency Rating" standard of 13 (or "13 SEER") -- does not require a seller to replace existing air conditioning equipment, nor does it mean that an existing system will be obsolete or impossible to maintain. However, property owners will likely see a higher cost of the 13 SEER-compliant equipment when an existing non-compliant system is eventually replaced. For more information, visit:

[http://www.eere.energy.gov/buildings/appliance\\_standards/residential/pdfs/ac\\_factsheet.pdf](http://www.eere.energy.gov/buildings/appliance_standards/residential/pdfs/ac_factsheet.pdf)

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### **Home Energy Efficiency Improvement Tax Credits Advisory**

According to the DOE, the higher replacement cost of a 13 SEER-compliant air conditioning system will be offset by a savings of up to 23 percent in monthly energy costs. The California Energy Commission notes that leaking ductwork accounts for up to 25 percent of the heating costs of a typical home. Therefore, compliance with the new Federal and State standards offers substantial benefits to the property owner, as well as significant environmental benefits through decreased energy consumption, compared with older systems. In addition, consumers who purchase and install specific products, such as energy-efficient windows, insulation, doors, roofs, and heating and cooling equipment in the home can receive a **tax credit** of up to \$500 beginning in January 2006. For more information, visit:

<http://www.energy.gov/taxbreaks.htm>

**Agent's Transfer Disclosure Statement:**  
**Physical Inspection of 377 Palm Ave. #102 Oakland, CA.**  
**Completed by Annalise Demuth for Laurie Capitelli**

- Slider to balcony installed inside out
- Slider to balcony very hard to open and close
- Slight slope downward to corner of dining area
- Ding in sheetrock at bottom of shared corner of bedroom and living room
- Bathroom door doesn't close
- Living room walls have hand prints, writing, and general "post construction" markings
- Chandelier is missing one bulb
- Bedroom heater does not produce heat and leaks water
- Electric outlet in bedroom taped and painted over
- Cracks in corners of window in bedroom
- Obvious circular patching on hallway wall (4 circle pattern)
- Leak under kitchen sink
- No GFCI's in kitchen or bathroom
- Dishwasher does not drain properly
- Front door has a 1/2 inch gap from bottom of door to floor
- Dead bolt loose
- Front door inside framing/wall on bottom right has peeling paint
- Tub caulked poorly and sloppily
- Loose exterior tub tile on bottom right of tub
- Cracks above kitchen doors at corner area inside and outside of kitchen
- Exterior of door appears to have been pried open leaving large dents in the door protector

Buyer →

READ & RECEIVED  
 PAGES 1 THRU 1  
 SIGNATURE [Signature]  
 SIGNATURE [Signature]

READ, RECEIVED & APPROVED

Seller(s) →

PAGES ..... THRU .....  
 SIGNATURE [Signature] DATE .....  
 SIGNATURE [Signature] DATE .....

RECEIVED AND READ  
 NUMBER OF PAGES 1

NAME \_\_\_\_\_ DATE \_\_\_\_\_  
 NAME \_\_\_\_\_ DATE \_\_\_\_\_

SELLER'S DISCLOSURE ADDENDUM  
SUPPLEMENT TO PURCHASE CONTRACT

SUBJECT PROPERTY: 377 Palm Ave #102

SELLER: COP National Bank / Treas

RECEIVED AND READ 3  
NUMBER OF PAGES

BUYER: Williams NAME DATE

- 1. Building Modification and Use Restrictions:** Certain city and county authorities impose restrictions regarding use, building size, design, materials, and other matters affecting home construction or modification. Buyer is advised to investigate if such restrictions exist which could affect the subject property and any present and/or future availability of permits or approvals for construction, renovation, modification or other building projects and current or future use of the property.
- 2. Covenants, Conditions & Restrictions / Homeowners Association:** Buyer should carefully review any CC&R's which may affect the property to determine, to their own satisfaction, the impact of these issues on their use and enjoyment of the property and any potential personal liability for assessments. It is advisable to review the CC&R's (if any) with your own attorney. Should the subject property be part of a condominium complex or other planned development governed by a Homeowners Association, we also recommend that you or your agent contact the Homeowners Association in order to determine specifically which items associated with the condominium complex fall under HOA jurisdiction and those that are the responsibility of the individual homeowner. Do not rely on such information supplied by the Seller, Seller's agents or employees, or other individual homeowners within the complex. These are issues that should be addressed to the Homeowners Association.
- 3. Trust Account/Escrow Funds:** An escrow holder cannot disburse funds unless it holds sufficient "good funds" to cover such disbursement. "Good Funds" is defined as cash, wire transfers and cashier's or certified checks drawn on California depositories. Out-of-state checks and all drafts are subject to waiting periods which can delay the close of escrow and do not constitute "good funds" until the money is physically transferred to the escrow holder's account. Seller encourages Buyer to consult with its attorney, real estate agent, or financial consultant to determine what, if any, effect your method of payment will have on the proposed transaction.
- 4. Fire Hazards:** Due to seasonal climate and varied topography, certain areas have higher risk of fires than others. Certain types of materials used in home construction have higher risk of fire than others. Buyer is encouraged to satisfy any concerns regarding the risk of fire by contacting their local fire department and their insurance provider.
- 5. Noise:** People differ on acceptable noise levels. This is a highly subjective concept. Buyer is hereby encouraged to investigate the property's proximity to busy streets, Airports, railroad lines, truck routes or terminals, or any other entity which could impact noise levels. Buyer should also contact neighboring property owners and determine the existence of dogs, cats, horses, cattle, fowl, or any other animal or pet and the degree to which any might impact the Buyer's quiet enjoyment of the property. Buyer should not rely on the personal opinions of Seller or Seller's agent as to noise levels, but should determine to their own satisfaction whether the property meets its standards.



6. **Private Roads:** If the property is accessed or affected by a private road which is shared with one or more other properties, Buyer is advised to determine the existence of a recorded private road maintenance agreement and the required compliance with that document. Buyer should contact city or county officials and/or their attorney to evaluate any potential responsibilities.
7. **Property Tax Reassessment:** The subject property may be reassessed upon change of ownership. This would affect the taxes to be paid. Supplemental tax bill(s) may be issued.
8. **Rent Control:** Local ordinances may exist which regulate the rights and duties of property owners and tenants in certain areas which may affect the manner in which future rents can be adjusted as well as removal of any tenants. Buyer should contact the local rent control board to satisfy any question regarding these issues.
9. **Public Schools:** Neither the Seller nor its agents can specify which public school any given child may attend at any time. Buyer should contact the appropriate school district to satisfy themselves as to that school's acceptability and to determine which school(s) their children will attend.
10. **Topography, Soil Condition, Water Table, and Drainage:** Due to the inconsistent and unreliable nature of soils and water tables in Northern California, earth movement, drainage, structural and foundation problems may exist or subsequently develop which are not visible upon ordinary and reasonable inspection and which may require a licensed soils engineer in order to evaluate the soil condition and drainage pattern of the site. Even though there may have been a prior soils report in connection with construction, soil conditions and drainage patterns may change. Buyer should be aware that a contractor's license, real estate license, or status as previous owner alone does not qualify the individual to evaluate topography, soils, water table, and drainage conditions. We encourage the Buyer to enlist the assistance of qualified experts to determine what, if any, on site or off site topography, soils conditions, water table, or drainage issues could potentially affect the property including any conditions on adjacent or nearby properties.
11. **Title Insurance:** There are various types of title insurance policies at different costs, such as an ALTA Owners or Residential Policy or CLTA Policy with or without endorsement(s). Different policies provide different coverage. Buyer is advised to discuss the choice of title insurance policies with the title company and determine to its sole satisfaction the nature and extent of the title insurance provided.
12. **Release of Buyer's Deposits:** Buyer acknowledges that funds deposited in trust accounts or escrow are not necessarily released automatically in the event of a dispute and may be subject to any charges or expenses accrued. Standard practice requires a written release of funds be signed by the parties unless escrow instructions provide otherwise.
13. **Inspection Prior to Close of Escrow:** Buyer is encouraged to inspect all aspects of the property including all operating systems associated with the property and common area (if any) and determine their condition prior to close of escrow to confirm that all repairs that were previously agreed upon in writing have been completed, all appliances, heating and air-conditioning systems, pool and spa equipment, if any, and mechanical, plumbing, and electrical systems are still in working order, and that the property, improvements and landscaping are in the same general condition as when the purchase contract was originally signed by Buyer and Seller. Buyer understands that resale homes should not be expected to meet the same expectations and standards as newly built structures.

14. **Water:** Some areas periodically face water shortages and the water utilities serving those areas may impose mandatory rationing, retrofit requirements, and/or increased charges. Water quality may also be affected. Buyer can check with the utility which will be serving the property to determine the extent of any charges or restrictions that may be imposed and the impact of those charges or restrictions on the enjoyment and use of the property. If the property has a well, Buyer is advised to obtain a report as to the quantity of available water and its quality so as to determine the viability of the well for all planned uses. If the property has a pool/spa/hot tub, Buyer is encouraged to investigate with the planning department as to local safety requirements.
15. **Trustee Sale:** The Seller purchased the subject property at a Trustee Sale without representations or warranties and has never occupied the property or lived in the neighborhood.
16. **Wood Frame Construction/Improvements to Property:** While certain renovations have been made to the property, it does not involve predominantly new construction and should not be expected to meet the same construction standards as new construction. It is typical for all types of construction, and structures involving the use of wood, stucco, and concrete in particular, to undergo certain modifications over time due to the natural qualities of these materials and the types of soils upon which a structure is built (ie: cracking, splitting, sagging, settling, etc.). The Buyer is advised to determine to their sole satisfaction the acceptability of such natural effects associated with these types of building materials.
17. **Accuracy of Information:** All information describing the property and its characteristics have been provided by sources we deem reliable but which has not been verified for accuracy of content. Buyer should investigate and confirm to its sole satisfaction the accuracy of any descriptions, dimensions, or other site characteristics including but not limited to room size, ceiling height, lot size, floor area ratio, size of garage, total size of property or its improvements, or information regarding any other characteristic of the property provided by Seller or Seller's agents which the Buyer deems important. Dimensions, in particular, may only be estimates of actual size. Buyer should verify the accuracy of any property information provided by any source to Buyer's sole satisfaction.
18. **Sellers are Agents:** Sellers are real estate agents licensed in the state of California.
19. **Proximity to Pool and Waterway:** If the property is located near a waterway, lake, river, ocean or other body of water or pool, it may involve the presence of humidity and other meteorologic, animal, insect, bacteriological, viral, and other biological life form influences associated with water-related environments and habitats that may affect the health of the property, its occupants, and anything within their spheres of influence. Buyer should determine to its sole satisfaction the degree to which the presence of such elements may or may not impact Buyer's quiet enjoyment of the property. If the property has a pool/spa/hot tub/boat launch/dock area or other such amenity, Buyer is encouraged to investigate with the city's planning department the degree to which those facilities comply with local safety requirements and regulations.

20. **Acceptance of Neighborhood:** Buyer is encouraged to investigate the neighborhood within which the property is included and determine to Buyer's sole satisfaction the acceptability of such neighborhood issues as street parking, sidewalks, curbs and gutters (or lack thereof), street lighting, telephone or electrical lines, proximity to schools, public parks and vacant lots, graffiti, litter, traffic and noise level, level of home maintenance by neighborhood homeowners and all other issues associated with suburban life.

~~21. **Willow Glen Community:** Buyer is hereby advised that much of Willow Glen is known to have been built on soils which by nature may be prone to movement. Seller recommends that Buyer enlist the services of knowledgeable experts in the field for advice regarding associated issues and be aware that this condition persists in most Willow Glen communities.~~

**NOTE:** This disclosure has been compiled by the Seller as a convenience for the Buyer in alerting the Buyer to certain issues associated with property ownership which should be addressed prior to purchase. It is not an all-inclusive list of disclosures, nor is it a comprehensive survey of each and every item which should be taken under advisement when purchasing real property.

Jeffrey Paul  
SELLER

9-8-03  
DATE

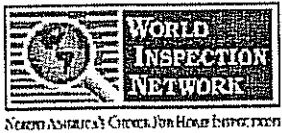
THE UNDERSIGNED BUYER ACKNOWLEDGES RECEIPT OF THIS DISCLOSURE

Ben Williams  
BUYER

9/10/03  
DATE

\_\_\_\_\_  
BUYER

\_\_\_\_\_  
DATE



## WINspect Home Condition Analysis <sup>TM</sup>

### Electronic Condensed Inspection Report

The following is a condensed version of the final inspection report sent via e-mail. If you have any questions, please feel free to call the inspection company.

THE HOME INSPECTION, THE INSPECTION AGREEMENT, AND THE INSPECTION REPORT DO NOT CONSTITUTE A HOME WARRANTY, AN INSURANCE POLICY, OR A GUARANTEE OF ANY KIND; NOR DO THEY SUBSTITUTE FOR ANY DISCLOSURE STATEMENT AS MAY BE REQUIRED BY LAW. There are no warranties made against roof leaks, wet basements, or mechanical breakdowns. The report is NOT a listing of repairs that need to be made. Therefore, you agree NOT to hold us responsible for future failure and repair, or for the non-discovery of any patent or latent defects in material, workmanship, or other conditions of the property which may occur or become evident after the inspection date; nor for any alleged non-disclosure of conditions that are the express responsibility of the seller of the property. You agree to assume all the risk for conditions which are concealed from view or inaccessible to us at the time of the inspection.

### EXPLANATION OF TERMS

READ & RECEIVED  
PAGES 1 THRU 230  
SIGNATURE Bruce W. [Signature]  
SIGNATURE \_\_\_\_\_

This WINspect inspection is conducted with the age of the structure and the comparable condition of neighborhood structures taken into consideration. Below is an explanation of the terms used in the report.

**GOOD:** Items marked Good appear to be new or nearly new. There are no visible indications of failure at the time of the inspection. The inspector recommends checking with the seller concerning any installation information that may pertain to this item.

**FUNCTIONAL:** Items marked Functional appear to be in serviceable condition using normal operating controls. There were no visible indications of failure at the time of the inspection.

**SATISFACTORY:** Items marked Satisfactory appear to be in serviceable condition using normal operating controls. There were no visible indications of failure at the time of the inspection. Items that need minor service that do not significantly affect an item's use may be classified as satisfactory.

**ATTENTION:** Items marked Attention appear to be in need of preventative maintenance or service. Attention may also indicate an item that the inspector would recommend gaining further information from a third party immediately following the inspection in order to provide additional clarification and/or insight about an item's condition.

**MAINTENANCE:** Items marked Maintenance are in need of repair or replacement in order to make the item functional and/or to prevent further deterioration of that item.

**ACTION REQUIRED:** Items marked Action Required appear to be in need of immediate repair or replacement. Delay in repair or replacement may result in a dramatic shortening of the life expectancy of the item, have immediate effect on the item, system, structure, other related items, or present a potential health and/or safety hazard.

**N/A:** Items marked N/A are not included in the inspection or report. The item may not be present, not included, not accessible, not available, not addressed, not applicable, not appropriate, and/or not inspected.

# World Inspection Network

## Condominium Inspection

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World Inspection Network Piedmont

6114 La Salle Ave, #721

Oakland, CA 94611

(510) 599-6244

www.wini.com/piedmont

<b>Work Order Number:</b> 10301070		<b>Inspected on:</b> 9/10/03		<b>Time:</b> 04:00 PM	
<b>Inspection Address:</b> 377 Palm #102  Oakland, CA USA					
<b>Client:</b> present at inspection Name: Ben Williams Address: City/State/Zip: Work Phone: Home Phone: Other Phone: Email Address:			<b>Bill to:</b>		
<b>Selling/Buyers Agent</b> present at inspection Name: Annalise Demuth Company: Red Oak Realty Phone: Ext. Email:			Occupied? Yes Structure: SF wood frame Foundation: Poured concrete Weather: Sunny Temp: 74°		
<b>Listing Agent/Other:</b> Name: Company: Phone: Ext. Email:			Approximate Age: 32.00 years Bedrooms: 1.00 Bathrooms: 1.00 Floors: 1.00		
<b>Price</b> 295.00  Outsourced Amt 0.00 Sales Tax 0.00 Pd at Inspection 295.00 <b>Balance Due:</b> \$0.00			<b>Signed:</b> Sal D'Onofrio Inspector  <b>Email</b> <b>License #</b> FCA0299077		

**Notes:** -

RECEIVED AND READ

NUMBER OF PAGES 22

NAME DATE

NAME DATE

## Building Maintenance Summary Report

Your inspection service has identified various items on the subject structure that either require maintenance now or will require periodic maintenance as a normal course of home maintenance. This listing is intended as a guide for use in both short and long term scheduling of maintenance items. It is always advisable to use experienced tradespeople or a qualified handyperson when contracting for work that may not be within the scope of your capabilities.

### 1. Main Entry Door, Weather Strip

#### Maintenance - threshold

The inspector noted gaps between the door and threshold at the main entry. Consideration should be made to adding a door sweep or threshold to minimize drafts.

### 2. Main Entry Door, Dead Bolts

#### maintenance

The inspector noted a lock mechanism on the front door which may need adjustment or repair to function properly. The metal lock casing appeared to be damaged.

### 3. Kitchen, Under Sink Inspection

#### Maintenance - leak

The inspector noted a leak under the kitchen sink which needs to be repaired to insure the cabinet is not damaged. The leak appears to be coming from the "P" trap. A plumber should be contacting for repairs.

### 4. Kitchen, Stove Exhaust Fan

#### Light

A light for the stove exhaust was not functioning and may require a bulb.

### 5. Kitchen, Oven Appearance/Condition

#### Attention - anti tip

The inspector noted an oven which was missing an anti-tip bracket. The bracket helps prevent the oven from tipping forward when something heavy is placed on the oven door. Recommendations are made to have the bracket installed for safety reasons.

### 6. Kitchen, Dishwasher

#### Maintenance

The dishwasher does not appear to be functioning properly. When tested the dishwasher was not draining and may need to have the disposal punch out opened.

### 7. Bathroom Category

#### General Category Comment

The inspector noted a bathroom door lock mechanism in need of repair to lock properly.

### 8. Bathroom, Caulking - Water Exposed Area

#### Attention

Loose tile was noted in the bathroom shower enclosure which should be secured properly to prevent moisture penetration.

### 9. Patios/Decking, Wood Deck

#### Maintenance

The inspector noted some patching at the patio area along the porch overhang. Informing the HOA to determine if leaks are present should be considered.

### 10. Electrical Service, G.F.I. Outlets

No

There are no Ground Fault Circuit Interrupters (GFCI Circuits) installed in the kitchen, bathrooms and exterior outlets. Current electrical requirements require GFCI circuits be located in areas where there is a higher potential danger of electrical shock (garage, bathroom, exterior and kitchen outlets). The age of the structure falls before that dates in which this requirement was adopted. Consideration should be given to installing GFCI circuits in those areas of the house where there is a higher potential for electrical shock.

#### **11. Electrical Service, Plugs, Switches, Junction Boxes**

##### **Maintenance**

The inspector noted miscellaneous electrical issues that are in need of repair by a qualified electrical expert for safety considerations:

1. The inspector noted a stove in the kitchen which will need correction to insure proper service.
- An open junction box was noted and should be cover for safety reasons.

#### **12. Heating System, On/Off Check**

##### **Maintenance**

The inspector would recommend having the hydronic heating system professionally serviced at this time due to its condition. The system was not functioning properly and appears to be leaking in the bedroom. Contact a licensed professional service company to provide the desired service and repair.



## Building Inspection Details

### Main Entry Door

#### 1. Correct Application:

Yes

The main entry door appears to be of proper construction and application.

#### 2. Door Fit:

Functional

#### 3. Weather Strip:

Maintenance - threshold

The inspector noted gaps between the door and threshold at the main entry. Consideration should be made to adding a door sweep or threshold to minimize drafts.

#### 4. Finish:

Functional

#### 5. Dead Bolts:

maintenance

The inspector noted a lock mechanism on the front door which may need adjustment or repair to function properly. The metal lock casing appeared to be damaged.

#### 6. Security/Caller Visibility:

Yes

#### 7. Storm/Screen/Doors:

None

#### 8. Door Chime:

Functional

#### 9. Intercom:

Yes

There is an intercom communication system for entry to the structure. This system should provide an added element of security and safety. Verification of the systems operation is not within the scope of this inspection.

**10. Lighting:**

Satisfactory

<b>Kitchen</b>
----------------

**1. Floor Cover Material:**

Satisfactory

**2. Under Sink Inspection:**

Maintenance - leak

The inspector noted a leak under the kitchen sink which needs to be repaired to insure the cabinet is not damaged. The leak appears to be coming from the "P" trap. A plumber should be contacting for repairs.

**3. Ceiling:**

Satisfactory

**4. Faucets or Spouts Leak:**

No

**5. Drains Appear Clear:**

Yes

**6. Stove Exhaust Fan:**

Light

A light for the stove exhaust was not functioning and may require a bulb.

**7. Stove Exhaust Filter:**

Functional

The cook top grease filter can be cleaned in the dishwasher periodically.

**8. Kitchen Windows:**

Satisfactory

**9. Water For Refrigerator:**

No

There is no water connection in the area of the refrigerator. If an automatic ice maker or a dispensing refrigerator is to be installed, a water line will also have to be installed.

**10. Stove/Cook Top:**

Electric

**11. All Elements Work:**

Yes

**12. Controls:**

Functional

**13. Built-in Microwave Operational:**

Yes

**14. Built-in Microwave Door Appearance:**

Functional

**15. Oven:**

Electric

**16. Oven Operational:**

Yes

**17. Oven Appearance/Condition:**

Attention - anti tip

The inspector noted an oven which was missing an anti-tip bracket. The bracket helps prevent the oven from tipping forward when something heavy is placed on the oven door. Recommendations are made to have the bracket installed for safety reasons.

**18. Counter Tops:**

Satisfactory

**19. Garbage Disposal:**

Functional

**20. Lighting:**

Functional

**21. Woodwork Finishes:**

Satisfactory

**22. Drawers/Doors:**

Functional

**23. Dishwasher:**

Maintenance

The dishwasher does not appear to be functioning properly. When tested the dishwasher was not draining and may need to have the disposal punch out opened.

**24. Trash Compactor:**

No

**Bathroom**

The inspector noted a bathroom door lock mechanism in need of repair to lock properly.

**1. Location:**

main

**2. Floor Cover:**

Satisfactory

**3. Mildew Noted:**

No

**4. Basin(s)/Fixtures:**

Satisfactory

**5. Basin Drain:**

Functional

**6. Shower Fixtures:**

Functional

**7. Shower Head:**

Functional

Some local water districts provide low water flow, 2.5 gallons per minute(gpm) shower heads for reducing water usage during showering. Some of the low flow heads are of good quality and provide adequate and comfortable service. Call your local water company to inquire about a no fee low flow shower head.

**8. Shower/Tub Enclosure:**

Satisfactory

**9. Water Resist Cover Wall Cover:**

Satisfactory

The water resistant wall covering in the shower/bathtub area is in functional condition and appears to be providing adequate protection to the wall surface. The wall covering should be periodically inspected for cracks. Cracks may allow water to penetrate behind the surface material if left unattended.

**10. Caulking - Water Exposed Area:**

Attention

Loose tile was noted in the bathroom shower enclosure which should be secured properly to prevent moisture penetration.

**11. Tub:**

Functional

**12. Tub Fixtures:**

Functional

**13. Tub/Shower Drain:**

Functional

The bathtub/shower drains at an acceptable rate. The drain may need periodic attention to remove clogs or other debris to improve flow.

**14. Toilet:**

Functional

The toilet was inspected for cracks and serviceability. The toilet should be inspected periodically for indications of cracking in the toilet box, tank or base. Cracks are an indication that the toilet has reached the end of its useful life and should be replaced before it leaks.

**15. Ventilation:**

Functional

**16. Heat:**

None

**17. Window(s):**

Satisfactory

**Bed Room**

**1. Location:**

Main floor

**2. Entry Door(s)/Closet:**

Satisfactory

**3. Ceiling:**

Satisfactory

**4. Window(s):**

Satisfactory

**5. Floor:**

Satisfactory

**Living Room / Main Hall**

**1. Floor:**

Satisfactory

**2. Windows:**

Satisfactory

**3. Ceiling:**

Satisfactory

**4. Doors:**

Satisfactory

**5. Interior Stairway(s):**

N/A

<b>Laundry Area</b>
---------------------

**1. Location:**

Adjacent to kitchen

**2. Washer Hookup:**

Yes

**3. Dryer Hookup:**

Yes

**4. Gas Service:**

No

**5. Dryer Electrical Service 220V:**

Yes



**6. Drain:**

Functional

**7. Laundry Basin:**

Functional

**8. Dryer Ventilation System:**

Satisfactory

**9. Floor Condition:**

Satisfactory

**10. Lighting:**

Satisfactory

**11. Area Ventilation:**

None

The addition of a vent exhaust fan in the laundry area limits moisture buildup and will help keep the area dry and free of mildew and insects.

**12. Shelving/Storage:**

Satisfactory

<b>Patios/Decking</b>
-----------------------

**1. Wood Deck:**

Maintenance

The inspector noted some patching at the patio area along the porch overhang. Informing the HOA to determine if leaks are present should be considered.

**2. Deck/Railings:**

Satisfactory

As the railing ages, the nails securing the railing to the deck supports loosen. As a preventive maintenance measure, consideration will need to be given to pounding the nails back in or removing the nails and installing screws in their place to keep the railing secure. For child safety, new building code requires that guardrails be constructed so that a four-inch ball will not pass through the railing. Consideration may need to be given to modifying the guardrail as a preventive safety measure.

**3. Steps/Handrails:**

Satisfactory

As the steps age, the nails securing the steps to the stringer supports loosen. As a preventive maintenance measure, consideration will need to be given to pounding the nails back in or removing the nails and installing screws in their place to keep the steps secure.

**4. Deck Foundation:**

N/A

**5. Concrete Slab:**

Satisfactory

**6. Electrical Service to Deck/Patio:**

Yes

**7. Weather Protected Outlet:**

Yes

**8. Natural Gas Service:**

No

**9. Deck/Patio Lights:**

Functional

**10. Deck/Patio Covers:**

None

<b>Other Ext. Entry Doors</b>
-------------------------------

**1. Locations:**

Living room

**2. Correct Applications:**

Yes

The secondary structure entry doors appear to be of proper construction and application.

**3. Finishes:**

Satisfactory

**4. Door Fit:**

Functional

**5. Weather Stripping:**

Functional

**6. Storm/Screen Door:**

None

**7. Locks:**

Functional

**8. Sliding Door Glass/Safety:**

Satisfactory

The inspector was not able to identify whether the safety glass to the slider was tempered safety glass.

<b>Electrical Service</b>
---------------------------

**1. Panel/Sub Panel Location(s):**

Bedroom

**2. Service Size (Amps) / (Volts):**

70 amps 120 volts

**3. Over Current Devices:**

Breakers

Overload protection is provided by breakers for this structure.

**4. Service to Panel:**

Alum

**5. Panel to Structure:**

Copper

**6. Panel Cover:**

Functional

**7. Panel Cover Removed:**

Yes

The face plate of the electrical panel was removed at one or more of the electrical panels to provide the inspector visual access for verification.

**8. Breaker Configuration:**

Satisfactory

**9. Wire-Over Current Compatibility:**

Satisfactory

The visible wires appeared to be properly sized to the breaker overcurrent rating, however not all the wire ends were visible where they connected to the breakers. An overcurrent incompatibility condition may exist in the panel. The only way to find out is to turn off the breakers and remove the wires for inspection. This however is well outside the scope of the national home inspection standards of practice and is considered invasive.

**10. Receptacle Ground Verify:**

Satisfactory

The inspector has SPOT CHECKED the three-prong female 110 volt electrical outlets throughout the structure, and has not found any that were not correctly grounded. NOTE! This is not a warranty and an undiscovered condition may exist.

**11. G.F.I. Outlets:**

No

There are no Ground Fault Circuit Interrupters (GFCI Circuits) installed in the kitchen, bathrooms and exterior outlets. Current electrical requirements require GFCI circuits be located in areas where there is a higher potential danger of electrical shock (garage, bathroom, exterior and kitchen outlets). The age of the structure falls before that dates in which this requirement was adopted. Consideration should be given to installing GFCI circuits in those areas of the house where there is a higher potential for electrical shock.

**12. Service Ground Verified:**

Yes

The main ground for the electrical service appears to be grounded to the-plumbing pipe of the structure. The inspector was unable to verify if all of the metal piping inside the structure has been bonded to the electrical service ground. Bonding of all metal piping is recommended to prevent metal piping from becoming "live" in the event of an electrical short. As a preventive safety consideration, contacting a qualified electrical expert to bond all of the metal piping inside the structure is recommended.

### 13. Plugs, Switches, Junction Boxes:

#### Maintenance

The inspector noted miscellaneous electrical issues that are in need of repair by a qualified electrical expert for safety considerations:

1. The inspector noted a stove in the kitchen which will need correction to insure proper service. An open junction box was noted and should be cover for safety reasons.

### 14. Wire Method:

Romex

## Heating System

### 1. System Type/Info:

Hot water system  
hydronic system

### 2. Location:

Various

### 3. Thermostat Locations:

Living room

### 4. Energy Saving Unit:

No

A new electronic energy efficient thermostat can be installed to control the operation of the furnace. The thermostat will allow for preprogrammed and adjustable operation of the heating system for reduced heating bills and increased comfort. A thermostat of this type can be purchased at your local home improvement center or from your heating technician.

### 5. Thermostat Condition:

Functional

### 6. On/Off Check:

#### Maintenance

The inspector would recommend having the hydronic heating system professionally serviced at this time due to its condition. The system was not functioning properly and appears to be leaking in the bedroom. Contact a licensed professional service company to provide the desired service and repair.

### 7. Operation Noise:

Satisfactory

**8. Filter Condition:**

N/A

**9. Electronic Filter System:**

No

**10. Vents/Flues:**

NA

**11. Ducts/Returns:**

N/A

**12. Non-heated Living Area:**

None

**13. Service Notes/Filter Size:**

n/a

<b>Plumbing</b>
-----------------

**1. Size Service to Structure:**

3/4 inch

**2. Structure Pipe Material:**

Copper

**3. Waste Pipe Material:**

Cast iron

**4. Pipe Rumble Noise:**

No

**5. Surge Bangs:**

No

**6. Encrustations Evident:**

No

Encrustations (readily visible deposits at the pipe connections) are an early indication of a developing leak. There were no encrustations visible that would indicate a developing leak.

**7. Mineral Deposits:**

No

**8. Hot Water Pipe Insulation:**

No

**9. Evidence of Leaks:**

No

An inspection of the readily accessible sections of the plumbing water supply, waste pipes, faucets and fixtures identified no visible leaks that require repair at this time. A program of regular inspection by the homeowner should be considered in order to identify any visible leaks prior to causing any substantial damage.

**10. Interior Water Flow:**

Functional

**11. Exterior Water Flow:**

N/A

**12. Pressure Readings Interior/Exterior:**

None taken

**13. Soft Water System:**

None

**14. Filter System:**

None

**15. Drainage and Sump Pumps:**

N/A

<b>Structure</b>
------------------

**1. Description:**

Wood framed

**2. Date Built:**

1970

**3. Bedroom(s):**

1

**4. Bathroom(s):**

1

**5. Other Room(s):**

LR,DR

**6. Remodel/Modernization Evident:**

Yes

It appears that a number of updates and modifications have been made to the original structure at some time during the life of the structure. The inspector recommends questioning the seller to determine if any of the updates were performed during their ownership, whether any permits were needed and if so obtained, as well as who performed the updates. In addition, requesting any warranty information on materials or workmanship is recommended.

**7. Repairs Evident:**

No

**8. Insulating Rating Evident:**

No



**9. Insulation:**

Not visible in walls

**10. Smoke Detector(s):**

Satisfactory

The inspector noted the presence of one or more smoke/fire detectors inside the structure.

The detector(s) alarm testing function was tested and found to be functional at the time of the inspection. The inspector recommends testing the units prior to occupying the structure and every month to identify functional operation of the battery powered detectors.

Functional smoke/fire detectors on each level of the structure is recommended outside any sleeping areas for increased safety awareness.

**11. Alarm/Security System:**

None

No alarm system was noted by the inspector. Questioning the seller if one exists should be considered.

**12. Windows Latches/Locks:**

Functional

At the time of the inspection the latches and locks appeared to be functional. Most window latches will need periodic adjustment.

**13. Asbestos Noted:**

N/A

The scope of this inspection does not include an asbestos in materials sampling inspection.

**14. Lead:**

N/A

The scope of this inspection does not include a lead in materials sampling inspection.

**15. Furn/Storage:**

Vacant

The home was empty of furniture and or storage of items at the time of the inspection.

**16. Party or Lot Line Wall:**

No

**17. Floor Structure:**

Not visible

**18. Ceiling Structure:**

Not visible

**19. Roof Structure:**

Not visible

**20. Interior Walls:**

Textured Drywall

2x4 Framing

2x6 Framing

Other

Not visible

**21. Interior Stairway Structure:**

N/A

**22. Interior Ventilation Method:**

Combination

Including kitchen, bathrooms and whole house Fans or vent systems.

<b>Utility Services</b>
-------------------------

**1. Electrical Services:**

Underground

**2. Overhead Service Lines:**

Satisfactory

**3. Water Source:**

City

**4. Water Meter Location:**

At street

**5. Water Shutoff:**

At meter

**6. Sewer:**

City

The sewer main line appears to be Cast Iron where it enters the ground. Cast Iron piping typically has a serviceable life of 50 years and up. This inspection does not cover failure to sewer lines due to their inaccessibility to inspection. Periodic clearing of cast iron drain piping is often needed due to debris blockage caused from the rough inside of the piping. Spare use of garbage disposals is recommended on cast iron and galvanized steel waste piping due to the fact that they are prone to blockage.

**7. Sewer Line Clean-out:**

Exterior

**8. Telephone:**

Underground

**9. Cable TV Service:**

Underground

**10. Gas Service:**

Natural

The inspector recommends purchasing an emergency shut off tool for the gas meter. A crescent wrench or special shut off tool can be purchased at your local hardware or home improvement center. The inspector recommends attaching it with a piece of string to the meter for easy accessibility. The gas utility provider recommends shutting the gas off at the meter in the event a gas odor is identified in the structure. Once the gas has been shut off, the gas utility provider should be contacted to inspect the house for leaks in the gas piping or appliances.

**11. Gas Odors:**

None Noted

**12. Vents/Exhaust:**

Satisfactory

The exhaust vent piping for the gas appliances were inspected and found to be free of defects that would require immediate action at this time. The vent piping should be inspected annually when the gas appliances are serviced.

**13. Service Shut Off(s):**

At main meters

**14. Fuel Storage Tank Location:**

none

**15. Fuel Storage Underground:**

N/A

**16. Fuel in Tank:**

N/A

**17. Fuel Tank Condition:**

N/A

**18. Fuel Tank Plumbing:**

N/A

# Alliance Title

## PRELIMINARY REPORT

### Escrow Branch:

901 Campisi Way, Suite 100

Campbell, CA 95008

(408) 559-3424 Fax (408) 377-0284

Escrow Officer: Lynn Thompson/ars

ORDER NO. 11127399-001- LT

Ref. No:

### Hawthorne Properties

1261 Lincoln Avenue, #102

San Jose, Ca 95125

Attn.: Jeff Toews/Loren Toews

### Property Address:

377 Palm Avenue, #102

Oakland, CA 94610

APN: 010-0786-036

In response to the above referenced application for a policy of title insurance, this Company 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 herein 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.

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 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.

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

**CLTA Owner's, ALTA Lender's issued by First American Title Insurance Company**

Dated as of December 24, 2002 at 7:30 a.m.

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

**A condominium as defined in Section 783 and Subdivision (F) of Section 1351 of the California Civil Code, in Fee.**

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

**Cupertino National Bank-Custodian, for Loren Toews Sep IRA 50% interest and Cupertino National Bank-Custodian, for Jeff M. Toews Sep IRA 50% interest**

The land referred to in this Report is situated in the State of California, County of Alameda and is described as follows:  
(See "Legal Description" Schedule C attached)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy would be those as shown on the following pages.

RECEIVED AND READ

NUMBER OF PAGES 14

NAME

DATE

NAME

DATE

1. PROPERTY TAXES, including any assessments collected with taxes, for the fiscal year 2003-2004, a lien not yet due or payable.
2. PROPERTY TAXES, including any assessments collected with taxes, for the fiscal year 2002-2003, a lien, shown as follows:

1st Installment	\$586.91	DELINQUENT + PENALTY	\$58.69
2nd Installment	\$586.91	OPEN	
Assessor's Parcel No. 010-0786-036 Code Area 17-001			
Land	\$26,432.00	IMP	\$42,953.00
		PP	NONE
		Exempt	\$7,000.00

3. PROPERTY TAXES, including any assessments collected with taxes, for the fiscal year 2002-2003, have been declared "Tax Defaulted", Assessment No. 010-0786-036, Code Area 17-001

Taxing Authority: County Tax Collector

Amount to redeem prior to February 28, 2003 \$1,388.83

Amount to redeem prior to March 30, 2003 \$1,405.60

Amount to redeem prior to April 30, 2003 \$1,422.37

4. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5, (commencing with Section 75) to the Revenue and Taxation Code of the State of California.
5. Matters in various instruments of record which contain among other things, easements and rights of way in, on, over or under the common area for the purpose of constructing, erecting, operating, or maintaining thereon or thereunder overhead or underground lines, cables, wires, conduits, or other devices for electricity, power, telephone and other purposes, storm water drains and pipes, water systems, sprinkling systems, water, heating and gas lines or pipes, and any similar public or quasi-public improvements or facilities. Also, the equitable right of use and enjoyment in and to and throughout the common area as well as non-exclusive easements and equitable right for ingress, egress to the owner herein described.

Reference is hereby being made to various documents and maps of record for full and further particulars.

Affects: The Common Area.

6. Covenants, Conditions and Restrictions in a Declaration of Restrictions, which provide that a violation thereof shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value. Said covenants, conditions and restrictions do not provide for reversion of title in the event of a breach thereof.

Recorded: September 01, 1978 in Book 5563, Page 65, Official Records.

NOTE: Section 12956.1 of the Government Code provides the following: If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void.

Page No. 3

File No. 11127399-001- LT

Any person holding an interest in this property may request that the county recorder remove the restrictive language pursuant to subdivision © of Section 12956.1 of the Government Code.

Said covenants, conditions and restrictions have been modified by an instrument,  
Recorded: October 12, 1978 in Reel 5621, Image 31, Official Records.

Said covenants, conditions and restrictions have been modified by an instrument,  
Recorded: February 22, 1980, under Recorder's Serial No. 80-031685, Official Records.

7. The right to levy certain charges or assessments against said land which shall become a lien if not paid, as therein set forth conferred upon Palm Manor Condominiums Homeowners Association.
8. Our examination of the records has disclosed no currently open Deed of Trust of Mortgage affecting said land. Inquiry should be made to the vestee(s) named herein in order to verify that no open Deed of Trust or Mortgage currently exists affecting said land.
9. The right, if any, of the United States to redeem said land within 120 days from the date of the non-judicial sale held on January 17, 2003 as provided for by the Federal Tax Lien Act of 1966 (Public Law 89-719), 80 Stat. 1125 (1966)

**NOTES:**

- a. Date last insured: August 07, 1986
- b. This report does not reflect requests for notice of default, requests for notice of delinquency, subsequent transfers of easements, and similar matters not germane to the issuance of the policy of title insurance anticipated hereunder.
- c. If this company is requested to disburse funds in connection with this transaction, Chapter 598 of 1989 Mandates of the California Insurance Code requires hold periods for checks deposited to escrow or sub-escrow accounts. Such periods vary depending upon the type of check and anticipated methods of deposit should be discussed with the escrow officer.
- d. No endorsement issued in connection with the policy and relating to covenants, conditions or restrictions provides coverage for environmental protection.
- e. According to the public records, no Deeds conveying the property described in this report have been recorded within a period of two (2) years prior to the date of this report, except as shown herein--  
  
Grantor: Golden West Savings Association Service Co., A California Corporation  
Grantee: Cupertino National Bank-Custodian, for Loren Toews Sep IRA 50% interest  
and Cupertino National Bank-Custodian, for Jeff M. Toews Sep IRA 50% interest  
Recorded: January 27, 2003, under Recorder's Serial No. 2003-047130, Official Records.
- f. This company is not aware of any matters which would cause it to decline to attach CLTA endorsements 100 and 116 to an extended coverage lender's policy of title insurance issued in connection with this escrow. CLTA endorsement 116 will indicate that a condominium unit known as 377 Palm Avenue, #102, Oakland, CA 94610 is located thereon.
- g. In addition to the county transfer tax of \$0.55 per \$500.00 valuation, the property herein is also subject to a city transfer tax imposed by the City of Oakland. This transfer tax is computed at \$15.00 per \$1,000.00 valuation, based upon the full value of the property. The City does not give any credit for existing loans (deed of trust or mortgages) or bonds that the new owner may be assuming to purchase the property.



**SCHEDULE C  
LEGAL DESCRIPTION**

All that certain real property situate in the City of Oakland, County of Alameda, State of California, described as follows:

**Parcel One:**

Unit 102, Lot 1, Tract 3944, filed August 25, 1978, Map Book 104, Pages 67 and 68, Alameda County Records, said unit is shown on Condominium Plan attached as Exhibit A of t Declaration of Covenants, Conditions and Restrictions recorded October 12, 1978, Series No. 198723, Reel 5621 OR, Image 311, Alameda County Records.

Excepting and Reserving Therefrom:

Easement through said unit appurtenant to the Common Area and all other units, for support and repair of the Common Area and all other units.

**Parcel Two:**

An undivided 3.3629% interest in and to Lot 1, Tract 3944, recorded August 25, 1978, Map Book 104, Pages 67 and 68, Alameda County Records.

Excepting and Reserving Therefrom:

1. Units 101 through 108, inclusive, 201 through 208, inclusive, 302 through 308, inclusive and 401, as shown on the herein above mentioned Condominium Plan.
2. Exclusive easements for the use, occupancy, and possession of the patios, balconies and parking stalls as shown on hereinabove mentioned Condominium Plan.

**Parcel Three:**

An exclusive easement for the use, occupancy, and possession of the patios and/or balconies immediately adjacent to the unit and appurtenant thereto, as shown on the hereinabove mentioned Condominium Plan.

Page No. 6

File No. 11127399-001- LT

Parcel Four:

An exclusive easement for the use, occupancy and possession of parking stall number 4, as shown on the hereinabove mentioned Condominium Plan.

ARB No:

APN No: 010-0786-036

# Alliance Title

## Notice

In accordance with Section 1805 & 26131 of the Revenue & Taxation Code, a buyer may be required to withhold an amount equal to three & one-third percent of the sales price in the case of the disposition of California real property interest by either:

- 1) A seller who is an individual with a last known street address outside of California or when the disbursement instructions authorize the proceeds be sent to a financial intermediary of the seller.

Or

- 2) A corporate seller which has no permanent place of business in California.

The buyer may become subject to penalty for failure to withhold an amount equal to the lesser of 10 percent of the amount required to be withheld or five hundred dollars (\$500.00).

However, notwithstanding any other provision included in the California statutes referenced above, no buyer will be required to withhold any amount or be subject to penalty for failure to withhold if:

- 1) The sales price of the California real property conveyed does not exceed one hundred thousand dollars (\$100,000.00).

Or

- 2) The seller executes a written certificate, under the penalty of perjury, certifying that the seller is a resident of California, or if a corporation has a permanent place of business in California.

Or

- 3) The seller, who is an individual, executes a written certificate, under the penalty of perjury, that the California real property being conveyed is the seller's principal residence (as defined in section 1034 of the Internal Revenue Code).

The seller is subject to penalty for knowingly filing a fraudulent certificate for the purpose of avoiding the withholding requirement.

The California statutes referenced above include provisions which authorize the Franchise Tax Board to grant reduced withholding & waivers from withholding on a case-by-case basis.

The parties to this transaction should seek an attorney's, accountant's, or other tax specialist's opinion concerning the effect of this law on this transaction & should not act on any statements made or omitted by the escrow or closing officer.

## Please call your Escrow Officer if your answer is "Yes" to any of the following questions

- ♦ At any time during the preceding 6 months, has there been, or is there currently, any work or construction of improvements on the property?
- ♦ Are any of the parties currently vested in title, on the property herein currently Incapacitated or Deceased?
- ♦ Are any of the principals of the transaction intending to use a Power of Attorney to execute any of the documentation involved in this transaction?
- ♦ Has there been a recent change of marital status of any of the principals involved in this transaction?
- ♦ Is the property herein intended to be transferred into a Trust, Partnership, Corporation, or Limited Liability Company?
- ♦ Do the sellers of the property reside outside the state of California?
- ♦ Will the property described herein be part of a Tax Deferred Exchange?

## In order to better serve you, We ask that you remember:

- ♦ All parties signing documents must have a valid Photo Identification Card, Drivers License, or Passport for notarial acknowledgment.
- ♦ Please call your Escrow Officer with any Loan or Lien payoff information, if required, so we may order payoff demands in a timely manner, & advise your Escrow Officer of any loan(s) that are to be assumed by the buyer.
- ♦ If parties are obtaining a loan, your Escrow Officer will need to have the Fire/Hazard Insurance, agent name & phone number to add the new lender on the policy as a loss payee.
- ♦ If there is to be a change of ownership, it will be necessary for the parties acquiring title to indicate how they would like to be vested. Alliance Title has a worksheet available that will briefly explain each of the various methods of holding title (please feel free to request a copy from your Escrow Officer). Note: Each method by which you can hold title has different legal &/or tax considerations & parties are encouraged to obtain advise from an Attorney, CPA, or other professional knowledgeable in this area.

## Privacy Policy for Customers

We will not reveal nonpublic personal customer information to any external non-affiliated organization unless we have been authorized by the customer, or are required by law.

## EXHIBIT "A"

## LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS

Note: This Exhibit reflects the matters which are excluded and excepted from coverage in the 1990 CLTA Standard Coverage Policy and the 1992 ALTA Extended Coverage Loan Policy with ALTA endorsement - Form 1 Coverage. If the issuance of any other type of policy is anticipated, the escrow officer should be contacted to determine the applicable exclusions and exceptions.

1992 AMERICAN LAND TITLE ASSOCIATION EXTENDED COVERAGE LOAN POLICY  
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

## EXCLUSIONS FROM COVERAGE

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 locations 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 had 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 (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory liens for services, labor or materials, or to 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 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 or priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from the 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) subordination of the interest of the insured mortgagee as the 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 purchaser for value or a judgment or lien creditor.

## EXHIBIT "A" - continued

## CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

## EXCLUSIONS FROM COVERAGE

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 locations 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 had 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 the estate of interest insured by this policy.
4. Unenforceability of the lien of the 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 this 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.

## EXCEPTIONS FROM COVERAGE

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 notices 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.

ASSESSOR'S MAP 10

0:17-00

786

Highland Subdivision of Adams Point Property (see map)  
Sub No. 1, of Adams Point Property (see map)

TR. 3944 104/87  
TR. 4304 117/87

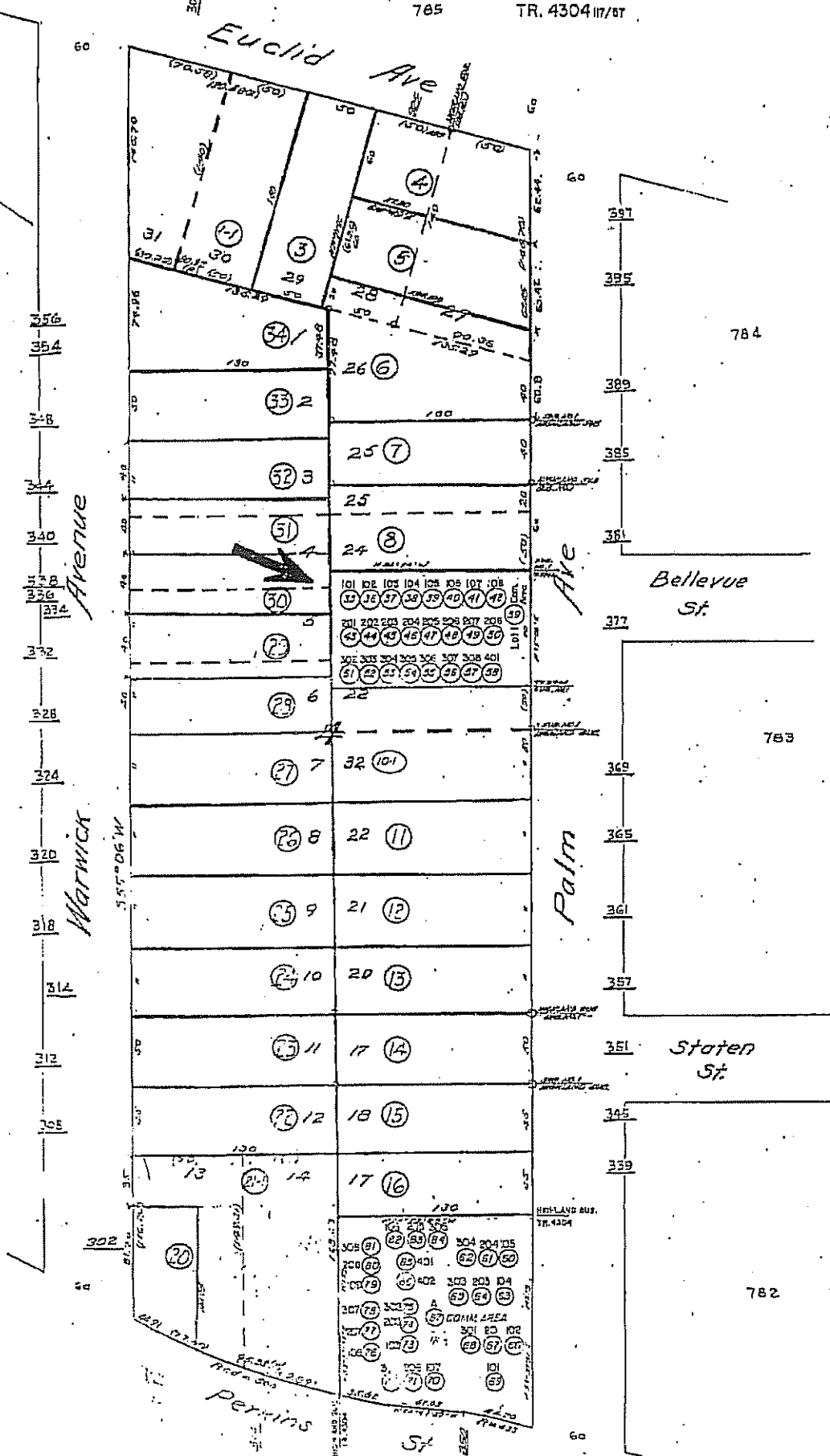
Scale 1" = 60'

785

7

REV. 1-1-87  
BY: [Signature]  
DATE: 1-1-87

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY  
IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT  
COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.



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