

Project No.  
**5904.5.001.01**

February 10, 2004

Mr. Catherine McEfee  
EIP Associates  
1200 Second Street, Suite 200  
Sacramento, CA 95814

SUBJECT: APNS 128-050-070, 167-030-030, 167-030-050, 167-030-020, 167-030-080  
167-020-120, 167-020-110, 128-040-170, 128-040-130, 128-040-140  
128-040-110, 128-040-090, 128-040-120, 128-040-070, 128-040-100  
128-040-180, 167-030-040, 128-040-210, 128-040-150, 128-040-160  
128-040-180, 167-030-060, 128-040-080, 167-020-100  
Lagoon Valley Property  
Solano County, California

**PHASE ONE ENVIRONMENTAL SITE ASSESSMENT**

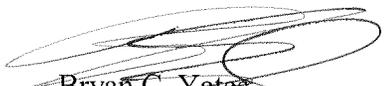
Dear Ms. McEfee:

ENGEO Incorporated is pleased to present our Phase One Environmental Site Assessment of the Lagoon Valley Property, located in Solano County, California. The attached report includes a description of the site assessment activities, along with ENGEO's findings regarding the properties.

We are pleased to be of service to you on this project. If you have any questions concerning the contents of our report, please contact us.

Very truly yours,

ENGEO INCORPORATED

  
Bryan C. Yates  
Environmental Technician

Reviewed by:

  
Dennis B. Nakamoto, C.E.G., C.H., R.E.A. II  
Associate Geologist

**TABLE OF CONTENTS**

Letter of Transmittal

Page

1.0	INTRODUCTION.....	1
2.0	PURPOSE AND SCOPE .....	1
2.1	<b>Purpose of Phase One Environmental Site Assessment</b> .....	1
2.2	<b>Detailed Scope of Services</b> .....	2
2.3	<b>Limitations and Exceptions of Assessment</b> .....	2
2.4	<b>Special Terms and Conditions</b> .....	3
3.0	SITE DESCRIPTION .....	4
3.1	<b>Location and Legal Description</b> .....	4
3.2	<b>Site and Vicinity Characteristics</b> .....	4
3.3	<b>Current Use of Property/Description of Site Improvements</b> .....	5
3.4	<b>Current Uses of Adjoining Properties</b> .....	5
4.0	RECORDS REVIEW .....	5
4.1	<b>Historical Record Sources</b> .....	5
4.1.1	Chain of Title/Ownership.....	6
4.1.2	Historical Topographic Maps.....	6
4.1.3	Fire Insurance Maps .....	8
4.1.5	Other Local Agency Records .....	11
4.2	<b>Environmental Record Sources</b> .....	11
4.2.1	Federal Record Sources.....	12
4.2.1.1	Property .....	14
4.2.1.2	Other Properties.....	14
4.2.2	State Record Sources.....	14
4.2.2.1	Property .....	15
4.2.2.2	Other Properties.....	16
4.2.3	Local Record Sources.....	16
4.2.3.1	Property .....	16
4.2.3.2	Other Properties.....	16
5.0	SITE RECONNAISSANCE .....	16
5.1	<b>Methodology</b> .....	16
5.2	<b>General Site Setting</b> .....	17
5.3	<b>Observations</b> .....	17
5.4	<b>Adjoining Properties</b> .....	19
6.0	INTERVIEWS .....	19
7.0	SUMMARY OF FINDINGS .....	24

**TABLE OF CONTENTS (Continued)**

**LIST OF FIGURES**

- Figure 1 – Vicinity Map
- Figure 2 – Site Map
- Figure 3 – Site Photographs

**APPENDIX A** - Environmental Data Resources, Inc., Sanborn and Radius Map Reports

**APPENDIX B** – Title Reports

## **1.0 INTRODUCTION**

EIP Associates retained *ENGEO* Incorporated (*ENGEO*) to perform a Phase One Environmental Site Assessment on the proposed Lagoon Valley development (Property), which includes the following Solano County Assessor's Parcel Numbers (APNs): 128-050-070, 167-030-030, 167-030-050, 167-030-020, 167-030-080, 167-020-120, 167-070-110, 128-040-170, 128-040-130, 128-040-140, 128-040-110, 128-040-090, 128-040-120, 167-020-100, 128-040-150, 128-040-160, 128-040-070, 128-040-080, 128-040-100, 128-040-180, 167-030-060, 167-030-040, and 128-040-210. *ENGEO* has performed this Phase One Environmental Site Assessment in general conformance with the scope and limitations of ASTM 1527-00 and according to our contract dated May 1, 2003.

The Property encompasses approximately 824 acres located in Vacaville, Solano County, California. A review of aerial photographs and available historical records revealed the Property and nearby properties has been used for sheep/cattle grazing and for growing potted plants by the Hines Nursery.

## **2.0 PURPOSE AND SCOPE**

### **2.1 Purpose of Phase One Environmental Site Assessment**

The purpose of this Phase One Environmental Site Assessment is to identify recognized environmental conditions associated with the Property. As defined in the American Society for Testing and Materials (ASTM) Standard Practice E 1527-00, a Recognized Environmental Condition (REC) is "the presence or likely presence of any hazardous substances or petroleum products on a Property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the Property."

## **2.2 Detailed Scope of Services**

The scope of services performed includes the following:

- A review of publicly available and practically reviewable standard local, state and federal environmental record sources.
- A review of several publicly available and practically reviewable standard historical sources, aerial photographs, fire insurance maps and physical setting sources.
- A review of previous environmental reports prepared for the Property.
- A reconnaissance of the Property.
- Interviews with knowledgeable private and public sector officials.
- Preparation of this report to describe our findings and conclusions.

## **2.3 Limitations and Exceptions of Assessment**

ENGEO Incorporated strives to perform its services in a proper and professional manner with reasonable care and competence; however, our work product depends on information provided to us by others. The recommendations and conclusions presented in this report are based on the findings of our study, which were developed in part from the contracted services. The findings of the report are based on contracted database research, out-of-house reports, our observations, and personal communications. ENGEO Incorporated assumes no liability for the validity of the materials relied upon in the preparation of this report.

This document shall not be subject to unauthorized reuse; that is, reuse without written authorization of ENGEO Incorporated. Such authorization is essential because it requires ENGEO to evaluate the document's applicability given new circumstances, not the least of which is passage of time. The findings from a phase one environmental site assessment are typically valid for 180 days after completion of the report, particularly with regard to the regulatory database files. In some instances the shelf life of the report can be less.

This Phase One Environmental Site Assessment is not intended to represent a soil or groundwater characterization. This assessment does not verify the presence of soil or groundwater contamination and does not define the depth or extent of any contamination that may be present within the Property. It is intended to provide an evaluation of potential environmental concerns associated with the use of the Property. A more extensive assessment that would include a subsurface exploration with laboratory testing of soil and groundwater samples is required if more definitive information concerning site-specific conditions is desired. If additional assessment activities are conducted on the Property and if other entities are retained to provide such services, ENGEO shall be held harmless for any and all claims arising from or resulting from the performance of such services by other persons or entities, and from any and all claims arising or resulting from clarifications, adjustments, modifications, discrepancies or other changes necessary to reflect new information that becomes available after this report.

#### **2.4 Special Terms and Conditions**

ENGEO Incorporated has prepared this report for the exclusive use of our Client, EIP Associates. It is recognized and agreed that ENGEO has assumed responsibility only for undertaking the study for the Client. The responsibility for disclosures or reports to a third party and for remedial or mitigative action shall be solely that of the Client.

Laboratory testing of soil or groundwater samples was not within the scope of the contracted services. The assessment did not include an asbestos survey, an evaluation of lead-based paint, an inspection of light ballasts for PCBs, or a mold survey.

This report is based upon field and other conditions discovered at the time of preparation of ENGEO's work. Visual observations referenced in this report are intended only to represent site conditions at the time of the site visit. ENGEO would not be aware of site contamination, such as dumping and/or accidental spillage, which occurred subsequent to the site reconnaissance conducted by ENGEO personnel.

### **3.0 SITE DESCRIPTION**

#### **3.1 Location and Legal Description**

The Property consists of approximately 824 acres located southeast of the intersection of Interstate 80 and Lagoon Valley Road in Vacaville, Solano County, California (Figure 1). The Property includes the following APNs: 128-050-070, 167-030-030, 167-030-050, 167-030-020, 167-030-080, 167-020-120, 167-070-110, 128-040-170, 128-040-130, 128-040-140, 128-040-110, 128-040-090, 128-040-120, 128-040-070, 128-040-100, 128-040-180, and 128-040-210.

#### **3.2 Site and Vicinity Characteristics**

The predominant site characteristics are listed below.

1. Past uses of the Property are limited to sheep/cattle grazing and the Hines Nursery operation.
2. The top of the shallowest aquifer is approximately 10 feet below ground surface (State of California, Department of Water Resources Web Site, [www.dwr.water.ca.gov](http://www.dwr.water.ca.gov), State Well #05N01W07E001M).

The Property slopes generally from east to west with the highest elevation being approximately 400 feet above mean sea level (msl) and the lowest elevation being approximately 215 feet above msl (USGS, 1980) (Figure 3). The ground cover of the Property primarily consists of grazing land and the Hines Nursery operation. The Geologic Map and Database of Northeastern San Francisco Bay Region, California compiled by R.W. Graymer, D.L. Jones, and E.E. Brabb 2002 lists the geologic formations exposed on the Property as Pleistocene Alluvial Deposits, Cretaceous Guinda Formation, and the Cretaceous Forbes Formation.

### **3.3 Current Use of Property/Description of Site Improvements**

Land within the following APNs is currently used as cattle grazing land that is free of structures except for approximately four abandoned Solano Irrigation District pump sheds and active Solano Irrigation District water conveyance features such as air vents, pumps, and pipes: 128-040-210, 128-040-070, 1258-040-080, 128-040-180, 128-040-100, 128-040-090, 128-040-120, 128-040-110, 128-040-140, 128-040-130, 128-040-170, 167-020-110, and 167-020-120. The Hines Nursery facility occupies APN 128-050-070. The Jamerson parcels, which are currently an unkept walnut orchard with two single family residences, one garage, and two sheds, occupy APNs 167-030-050, 167-030-060, 167-030-030, and 167-030-040. The Harr parcels, which are currently grazing land with one house, one shop, one barn, and two corrals occupy APNs 167-030-080 and 167-030-020.

### **3.4 Current Uses of Adjoining Properties**

The properties adjoining the Property to the east are limited to open space and rural residential properties. The properties adjoining the Property to the south are limited to open space and a Solano Irrigation District water tank. The properties adjoining the Property to the west are limited to the Nelson Road, Interstate 80, and open space. The properties adjoining the Property to the north are limited to Lagoon Valley Regional Park, Lagoon Lake, and open space.

## **4.0 RECORDS REVIEW**

### **4.1 Historical Record Sources**

The purpose of the historical record review is to develop a history of the previous uses or occupancies of the Property and surrounding area in order to identify those uses or occupancies that may be sources or result in conditions that would cause a recognized environmental condition to exist on the Property.

#### 4.1.1 Chain of Title/Ownership

The Title Report lists recorded land title detail, ownership fees, leases, land contracts, easements, liens, deficiencies, and other encumbrances attached to or recorded against a subject property. However, laws and regulations pertaining to land trusts vary from state to state and the detail of information presented in a Title Report can vary greatly by jurisdiction. As a result, ENGEO utilizes a Title Report, when provided to us, as a supplement to other historical record sources. A title report was provided for review. It is presented in Appendix B.

The title to the following APNs is said to be vested in Robert S. Harr and Donna M. Harr: 167-030-020 and 167-030-080. The title to the following APN is said to be vested in Hines Nurseries, Inc., a California Corporation: 0128-050-070. The title to the following APNs is said to be vested in Dorothy B. Jamerson: 167-030-030, 167-030-040, 167-030-050, and 167-030-060. The title to the following APNs is said to be vested in Lagoon Valley Investments Company: 128-040-070, 128-040-080, 128-040-090, 128-040-100, 167-020-100, and 167-020-110. The title to the following APNs is said to be vested in River City Bank: 128-040-180, 128-040-210, 128-040-110, 128-040-120, 128-040-130, 128-040-140, 128-040-150, 128-040-170, 128-040-180, 128-040-210, and 128-040-160. The title for APN 167-020-120 was not listed on any of the title reports provided; however, it is included within the Property. We were not provided with a chain-of-title for the Property.

#### 4.1.2 Historical Topographic Maps

Historical USGS 7.5 Minute Quadrangle Topographic Maps were reviewed to determine if discernible changes in topography or improvements pertaining to the Property had been recorded. We reviewed USGS 7.5 Minute Elmira Quadrangle and Fairfield North Quadrangle Maps each dated 1951, 1968, 1973, and 1980.

1951-Lagoon Valley Road is in place along northern boundary of the Property. At the approximate midpoint of the northern boundary of the Property, Lagoon Valley Road turns south to the central portion of the Property before returning east and exiting the Property near the midpoint of the eastern boundary. Nelson Road is in place along western boundary of the Property. An unnamed road is in place leading south from the approximate mid-point of Lagoon Valley Road into the central portion of the Property. This road ends at a cluster of three small buildings. Five unnamed seasonal creeks run south to north through the Property. These creeks originate in the hills south of the Property and drain towards the Lagoon Valley Reservoir located approximately 1/8-mile north of the Property. Six small buildings are located outside the Property and adjacent to the southern boundary. Outside the Property and immediately adjacent to the north side of Lagoon Valley Road at the location where it turns south, we observed three small buildings to be in place. Highway 40 is mapped running generally southwest to northeast less than 1/8-mile west of the Property. Highway 40 is labeled to be a 4 lane highway and is in the approximate present day alignment of Interstate 80. Approximately the southern half of the Property is mapped as being occupied by orchards. One Building is now located in the southeast area of the Property. An unnamed road is in place extending south from Lagoon Valley Road approximately 1/4-mile and turning east before encountering these buildings. Four buildings are mapped immediately west of the location where Lagoon Valley Road turns east in the central area of the Property. An unnamed road is in place running north to south from the location that Lagoon Valley Road turns east in the central area of the Property. This road terminates near the southern boundary of the Property.

1968-The Vacaville Airport is now mapped outside the Property and adjacent to the northwest corner. Within the Property and immediately west of the point at which Lagoon Valley Road turns south, two buildings are located. One of these buildings is small and the other is mapped to be four times larger. These buildings are located at the present day location of the Hines Nursery. One additional building is mapped in the southeast area of the Property. Highway 40 listed in the 1951 map has been renamed Highway 80.

1973-There are now eight buildings located adjacent to the Vacaville Airport. These buildings are mapped outside the Property boundaries. The orchards previously mapped as occupying the southern ½ of the Property are no longer in place.

1980-Two unimproved dirt roads are in place extending from the approximate mid-point of the northern Property boundary into the Property. The eastern most of these dirt roads terminates at an east west running unimproved dirt road in the central area of the Property.

#### 4.1.3 Fire Insurance Maps

Environmental Data Resources, Inc. (EDR) provided a search for Sanborn Fire insurance maps covering the Property and surrounding properties. EDR located no maps showing the Property.

4.1.4 Aerial Photographs

We reviewed the following aerial photographs for information regarding past conditions and land use at the Property and in the immediate vicinity.

PHOTOGRAPH NUMBER	DATE
39-13/14/15	1989
880280 3-1/2/3/4/5/6	1989
880280 2-1/2/3/4/5/6	1989
880280 1-1/2/3/4	1989
88049 1-1/2/3	1988
103 2-5	1987
82083-16/17	1982
8136-01/02/06/07	1978
10-39/40	1974
3594-2-184/185	1973
3594-2-122/123	1973
2830-3-81	1970
SOL-2-51/52	1966
SOL 6-110/111	1962
SOL 4-42/43/44	1962

1962: Lagoon Valley Road and Nelson Road are both present in their current configuration. A small airstrip is located on the north side of Lagoon Valley Road near the northwest corner of the Property. Interstate 80 is in place near the northwest corner of the Property. A road is visible between APNs 167-020-120 and 167-030-080. Approximately 10 structures and an orchard are present on the north side of Lagoon Valley Road near the south end of the air strip. A rectangular shaped area with several automobiles is present on the north side of Lagoon Valley Road, east of the airstrip. Two structures are visible south of Lagoon Valley Road, in the approximate center

of APN 128-040-180. Five structures are visible near the north boundary of APN 167-020-110. Two structures are visible on the east side of Lagoon Valley Road at the approximate northwest corner of APN 128-050-070. Six structures are visible on the south side of Lagoon Valley Road, near the north boundary of APN 167-030-080. An orchard is visible in the eastern portion of APN 167-030-030. We observed small trees in an evenly spaced pattern indicative of a young orchard in the east ½ of APN 128-050-070. A sparsely wooded stream course runs along the south and west boundaries of APN 167-030-030, and crosses parts of APNs 128-050-070 and 128-040-180. Harvest patterns indicative of grain or animal feed crops are visible at the north end of APNs 167-030-050 and 167-030-060.

1966: With the exception of the addition of three buildings in the southeast corner of APN 167-030-030, conditions appear to be similar to those in the 1962 photograph.

1970: The Lagoon Valley Road interchange is now in place on Interstate 80 and Nelson Road has been widened and paved. A small road is visible near the approximate southwest boundary of APNs 128-040-070 and 128-040-090, and between APNs 128-040-090 and 128-040-110. The orchard previously observed near the south end of the airstrip located north of the northwest corner of the Property is no longer present.

1973: Five structures are visible near the southeast corner of APN 167-030-030. Only one structure is now visible near the north boundary of APN 167-020-110. The road between APNs 167-020-120 and 167-030-080 appears to have been paved.

1974: Conditions appear to be similar to those depicted in the 1973 photograph.

1978: The orchard on the east portion of APN 128-050-070 appears to have been removed.

1982: A nursery occupies all of APN 128-050-070. A large detention basin is located near the northwest corner of the nursery. A second large building is visible near the northwest corner of

APN 128-050-070. One additional building appears near the northeast corner of APN 167-030-080. Lagoon Valley Regional Park is being developed.

1987: There are no longer any buildings present on APN 128-040-180. This parcel shows ground markings indicative of hay cultivation.

1988: Conditions appear to be similar to those depicted in the 1987 photograph.

1989: Conditions appear to be similar to those depicted in the 1988 photograph.

#### 4.1.5 Other Local Agency Records

We contacted the Solano County Agriculture Commissioners Office, the Solano Irrigation District, and the State of California Department of Health Services regarding past development and/or activities conducted at the Property. The results of the inquiries can be found in Section 6.0-Interviews, of this report.

## 4.2 **Environmental Record Sources**

Environmental Data Resources Inc. (EDR) performed a search of local, state and federal agency databases regarding the subject parcel and known contaminated sites in the immediate vicinity. The databases searched are presented and described below.

Appendix A provides the EDR report. EDR listed the Hines Nursery portion of the Property within three of the databases they searched.

The EDR report mapped four locations within 1-mile of the Property where hazardous materials/waste is generated, stored, or have been released from underground storage tanks. All four of these mapped locations either have achieved regulatory closure or do not have listed violations.

#### 4.2.1 Federal Record Sources

The following is a summary of federal databases reviewed by EDR:

- NPL – National Priority List – The National Priority List (Superfund) identifies over 1,200 sites for priority cleanup under the Superfund program.
- Proposed NPL Sites – Provides a list of sites that are under consideration for inclusion on the NPL.
- CERCLIS – Comprehensive Environmental Response, Compensation, and Liability Information System – CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies, and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priority List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.
- CERCLIS-NFRAP – CERCLIS No Further Remedial Action Planned – As of February 1995, CERCLIS sites designated “No Further Remedial Action Planned” (NFRAP) has been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.
- CORRACTS – Corrective Action Report – CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.
- RCRIS – Resource Conservation and Recovery Information System – RCRIS includes selective information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).
- ERNS – Emergency Response Notification System – ERNS records and stores information on reported releases of oil and hazardous substances.
- BRS – Biennial Reporting System – A national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.
- CONSENT – Superfund (CERCLA) Consent Decrees – Major legal settlements that establish responsibility and standards for cleanup at NPL sites.

- ROD – Records of Decision – ROD documents mandate a permanent remedy at an NPL site containing technical and health information to aid in the cleanup.
- DELISTED NPL – National Priority List Deletions – Sites deleted by EPA in accordance with 40 CFR 300.425(e) where no further response is appropriate.
- FINDS – Facility Index System/Facility Identification Initiative Program Summary Report – FINDS contains both facility information and “pointers” to other sources that contain more detailed information.
- HMIRS – Hazardous Materials Information Reporting System – HMIRS contains hazardous material spill incidents reported to the Department of Transportation (DOT).
- MLTS – Material Licensing Tracking System – MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites that possess or use radioactive materials and are subject to NRC licensing requirements.
- MINES – Mines Master Index File – Provides a list of sites that have been subjected to mining activity.
- NPL Liens – Under authority granted by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability.
- PADS – PCB Activity Database System – PADS identifies generators, transporters, commercial storers and/or brokers and disposers of PCBs who are required to notify the EPA of such activities.
- RAATS – RCRA Administrative Action Tracking System – RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. Please note data entry of administrative actions was discontinued after September 30, 1995.
- TRIS – Toxic Chemical Release Inventory System – TRIS identifies facilities that release chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.
- TSCA – Toxic Substances Control Act – TSCA identifies manufacturers and importers of chemical substances included on the SCA Chemical Substance Inventory List.
- FTTS – FIFRA/TSCA Tracking System, and FTTS INSP – FTTS tracks administrative cases and pesticide enforcement actions and compliance related to FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act), TSCA, and EPCRA (Emergency Planning and Community Right-to Know Act).

#### 4.2.1.1 Property

The Property is not listed on any of the above databases.

#### 4.2.1.2 Other Properties

There are zero facilities listed within the appropriate ASTM search distance of the Property.

#### 4.2.2 State Record Sources

The following is a summary of state databases reviewed by EDR.

- AWP – Annual Workplan Sites – Identifies known hazardous substance sites targeted for cleanup.
- CAL-SITES – Contains potential or confirmed hazardous substance release properties.
- CHMIRS – California Hazardous Materials Information Reporting System – Contains information on reported hazardous materials incidents.
- CORTESE – “Cortese” Hazardous Waste and Substances Sites List – Listed sites are designated by the State Water Resources Control Board (LUST), the Integrated Waste Board (SWF/LF), and the Department of Toxic Substances Control (Cal-Sites).
- NOTIFY 65 – Proposition 65 Records – Contains facility notifications regarding known releases that could impact drinking water and thereby expose the public to a potential health risk.
- TOXIC PITS – Toxic Pits Cleanup Act Sites – Identifies sites suspected of containing hazardous substances where cleanup has not yet been completed.
- SWF/LF (SWIS) – Solid Waste Information System – Active, closed and inactive landfills.
- WMUDS/SWAT – Waste Management Unit Database – Used by State Water Resources Control Board staff and Regional Water Quality Control Boards for program tracking and inventory of waste management units.
- LUST – Leaking Underground Storage Tank Information System – Contains an inventory of reported leaking underground storage tank incidents.

- CA BOND EXP. PLAN – Bond Expenditure Plan – A site-specific expenditure plan used as the basis for an appropriation of Hazardous Substance Cleanup Bond Act funds. This has been superseded by the Annual Work Plan (AWP).
- CA UST – Active UST Facilities – A list of active UST facilities gathered from local regulatory agencies.
- CA FID UST – Facility Inventory Database – An historical listing of active and inactive underground storage tank locations from the State Water Resource Control Board.
- HIST UST – Hazardous Substance Storage Container Database – A historical listing of UST sites.
- AST – Above-ground Petroleum Storage Tank Facilities – Registered above-ground storage tanks.
- CLEANERS – Dry Cleaner Facilities – A list of dry cleaner facilities that have EPA ID numbers. Specific criteria for the subject facilities warrant inclusion on this database.
- CA WDS – Waste Discharge System – Sites that have been issued waste discharge requirements.
- DEED – List of Deed Restrictions – A database of deed-restricted properties maintained by DTSC.
- HAZNET – Hazardous Waste Information System – Facility and manifest data regarding hazardous waste shipments.

#### 4.2.2.1 Property

The Hines Nursery portion of the Property is listed on the following databases listed above:

- CA FID UST (1)
- Hist UST (1)
- CA WDS (1)
- UST (1)

#### 4.2.2.2 Other Properties

The following databases have facilities listed within the appropriate ASTM search distance of the subject property (numbers of facilities are reported in parentheses):

- CHMIRS (1)

#### 4.2.3 Local Record Sources

The following is a summary of state databases reviewed by EDR.

- Solano County Master List – Database maintained by the Solano County Environmental Health Department; the list includes sites from the underground tank and hazardous waste generator programs.

##### 4.2.3.1 Property

The Property is not listed on any of the above databases.

##### 4.2.3.2 Other Properties

There are zero facilities listed within the appropriate ASTM search distance of the Property.

## **5.0 SITE RECONNAISSANCE**

### **5.1 Methodology**

An ENGEO staff member conducted a site reconnaissance on June 3, 2003. Mr. Jeff Null of Hines Nursery and Mr. Robert Harr accompanied us on our reconnaissance. The Property was visually reviewed for evidence of materials storage, staining or discoloration of surface soil, debris, stressed vegetation, or other conditions that may be indicative of chemical discharges, and the presence of fill/ventilation pipes, ground subsidence, or other evidence of existing or preexisting underground storage tanks. Photographs taken during the site reconnaissance are presented in Figure 5.

## 5.2 General Site Setting

The Property consists of approximately 824 acres located southeast of the intersections of Interstate 80 and Lagoon Valley Road in the City of Vacaville in Solano County, California (Figure 1). Our research indicates that Property was historically used for orchards, cattle grazing, dry land farming, rural residential properties, and the Hines Nursery operation. We observed that the Property is currently still under these uses. We observed that the structures located within the Property are of an age that would indicate that asbestos containing building materials and lead based paints may have been used for their construction.

## 5.3 Observations

We began our reconnaissance near the northwest corner of the Hines Nursery portion of the Property. We observed that current condition of Hines Nursery is consistent with the historical records and the interviews conducted for this assessment. We observed small areas within the barn/auto repair area of the Hines Nursery portion of the Property to be stained with motor oils and hydraulic oils. Within the barn, we did not observe any floor drains, and it appeared that waste oil, oil filters, motor oil, and hydraulic oil was stored in well maintained areas.

The ground surface around the 5,000-gallon aboveground fuel storage tank located at the Hines Nursery portion of the Property contained a small area of staining. This stained soil was noted to exhibit a slight diesel odor. The ground surface surrounding the two areas where the liquid ammonium nitrate and potassium nitrate is stored and mixed was heavily stained.

Along the eastern boundary of the Hines Nursery portion of the Property, we observed one “roll-off” style dumpster containing wood debris. Around this dumpster, we observed other debris consisting of metal pipe, PVC pipe, wooden posts, fencing material, and metal debris. Within the Hines Nursery portion of the Property, we observed four ground mounted power transformers.

The western half of the Property consists of fallow farmland with a few cattle grazing along the southern boundary. The former homestead sites located in APNs 167-020-120, 167-020-110 and 128-040-180 are no longer in place. We observed no exposed foundations or irregularities within the ground cover indicating the former location of the homestead sites.

Along the western boundary of the Property, we observed an irrigation canal and a pump station. Along the western boundary of the Property, we also observed pole mounted power lines running north to south. Along these power lines, we observed one pole mounted transformer. We also observed pole mounted power lines running east to west along the northern boundary of the Property. Along this section of pole mounted power lines, we observe no transformers.

At the approximate mid-point of the southern boundary of the Property, we observed one New Holland harvester, one International Harvester tractor, three pieces of towed farm equipment, one automobile tire, and one empty 55-gallon drum with no markings. We observed no soil staining or distressed vegetation under or surrounding any of these items.

Moving to the Harr portion of the Property, we observed that the current conditions are consistent with the historic conditions discussed within this report. Within the Harr portion of the Property, we observed that the vegetation within the two corrals to be consistent with that of the surrounding ground cover. We also verified that the three above ground fuel storage tanks were still in place, however, they were empty. We observed no soil staining or distressed vegetation under any of these tanks.

Along the north side garage/shop, we observed approximately 12 stacked automotive and agriculture equipment lead acid batteries. We did not observe any soil staining surrounding these batteries. Within buildings that occupy the Harr portion of the Property, we observed stored vehicles, a total of 25 empty, 55-gallon drums and a wide variety of debris. We observed small areas of soil staining under the parked farm tractors located along the north side of the barn.

Moving to the Jamerson portion of the Property, the current condition is consistent with that of the historic conditions discussed within this report. We observe two 55-gallon drums full of waste oil within the small barn located within the Jamerson portion of the Property. Along the base of these drums, we observed a small dark stained soil and hay area, most likely from spillage during oil transfer. Stacked on top of one of the drums, we observed twelve used oil filters. In a room adjacent to the drums, we observed approximately 40 empty plastic 1-quart containers with labels describing various types and brands of motor oil. This coupled with the waste oil drums, and the oil filters are indications that the occupant of the Jamerson portion of the Property has been changing his oil at this location.

Throughout the Property, we observed pole mounted power lines serving the Property. Along these lines, we observed six pole mounted transformers.

#### **5.4 Adjoining Properties**

The properties adjoining the Property to the east are limited to open space and rural residential properties. The properties adjoining the Property to the south are limited to open space and a Solano Irrigation District water tank. The properties adjoining the Property to the west are limited to the Nelson Road, Interstate 80, and open space. The properties adjoining the Property to the north are limited to Lagoon Valley Regional Park, Lagoon Lake, and open space.

#### **6.0 INTERVIEWS**

We interviewed Ms. Janet Jessen, Deputy Commissioner for the Solano County Agricultural Commissioners Office (SCACO). Ms. Janet Jessen stated that Hines Nursery has occupied a portion of the Property since approximately 1977. Ms. Jessen stated that Hines Nursery has used a wide variety of pesticides since the construction of the nursery. Ms. Jessen stated that Hines Nursery has since 1977 remained in general conformance with federal, state, and local laws and regulations governing nurseries and the storage, mixing, and application of pesticides. Ms.

Jessen went on to state that the western portion of the Property historically has been used for limited dry land farming and cattle grazing. Ms. Jessen stated that it is unlikely that persistent pesticides were used on the western portion of the Property. Ms. Jessen stated that the eastern portion of the Property historically has been occupied by walnut orchards. Ms. Jessen stated that the pesticide most likely applied to the walnut orchard would have been methyl parathion.

We also reviewed data prepared by Oregon State University, Extension Toxicology Network (EXTOXNET). EXTOXNET reports that methyl parathion is a Restricted Use Pesticide (RUP) and belongs to the organophosphate family of pesticides. EXTOXNET reports the half-life of methyl parathion range from 1-day to 30 days.

We interviewed Mr. Robert Harr. Mr. Harr and his wife currently own APNs 167-030-020 and 167-030-080. Mr. Harr is also knowledgeable with the balance of the Property and provided access to the entire Property with the exception of Hines Nursery. Mr. Harr stated that he and his wife had purchased their portion of the Property in approximately 1970. Mr. Harr stated that with the exception of the barn on his Property, the structures presently in place were constructed before his purchase of the Property. Mr. Harr stated that within his portion of the Property, there is one house, one garage/shop, one barn, and two corrals. Mr. Harr stated since his purchase of the Property in approximately 1970, he has grown hay and grazed cattle within the Property. Mr. Harr also stated that until approximately 1985, he used three above ground fuel storage tanks within his portion of the Property. Two of these tanks were 500 gallons in size and the third was 250 gallons. Mr. Harr stated that the 500-gallon tanks had been used to store diesel fuel and the 250-gallon tanks had been used to store gasoline. The tanks are currently located within APN 167-030-080 at the northeast corner of the driveway. Mr. Harr stated that within the Lagoon Valley Property, he is aware of seven abandoned Solano Irrigation District pump houses. These buildings are small wood structures painted red. Mr. Harr stated that there is one well within his portion of the Property and that it is located within his driveway area and was drilled to approximately 64 feet deep. Mr. Harr stated that his house uses one septic system.

We interviewed Mr. Harr regarding the portion of the Property consisting of APNs 167-030-030, 167-030-050, and 167-030-060. The following summarizes information provided by Mr. Harr. This portion of the Property is also known as the Jamerson Property because the Jamerson family has owned the Property since approximately 1900. There are currently five buildings within that portion of the Property. There were two additional buildings within the Jamerson portion of the Property until approximately 1998 when they collapsed. These two buildings were used as a pump house and a small milk barn for three milk cows. The Jamerson portion of the Property has and is currently being used for hay, cattle grazing, a walnut orchard, and two homes. The walnut orchard has been left unkept since 2000. There is also one domestic water well serving the Jamerson portion of the Property. This well is also approximately 64 feet deep. The two houses on the Jamerson portion of the Property each contain their own septic system.

We interviewed Mr. Jeff Null of Hines Nursery. The following summarizes information provided by Mr. Null. The Hines Nursery was constructed in 1977 and 1978. Until 1997 and 1998, Hines had one 12,000-gallon underground diesel fuel storage tank, one 12,000-gallon underground gasoline storage tank, one 250-gallon underground waste oil storage tank, and one 8000-gallon underground pesticide rinsate storage tank. Until 1998, Hines Nursery had four groundwater monitoring wells located in the vicinity of the two 12,000-gallon underground storage tanks and the 250-gallon underground waste oil storage tanks to monitor for leaks. Under permit from Solano County Environmental Management Department, the wells were properly abandoned by Vaca Drilling Company in 1998. The barn, technical services & lab building, and the conference room building were in place prior to Hines Nursery being constructed in 1977 and 1978. The barn has a concrete slab floor and contains a vehicle workshop, wood shop, one in-ground hydraulic lift, and pesticide storage. We observed small areas of drip stains on the floor of the barn. There were no floor drains in this barn. Between the barn and the administrative offices, Mr. Null stated that there is one 5000-gallon aboveground fuel storage tank that contains a partition separating 2,500 gallons of gasoline from 2,500 gallons of diesel. Runoff from the Hines Nursery portion of the Property is collected into a tail water collection basin located along the southern boundary of the Hines Nursery boundary. A french drain runs generally southeast to northwest through the southern portion of Hines Nursery to

collect the shallow groundwater and divert it off-site into a channel that leads to Lagoon Valley Lake. There are two sets of sand filters to remove sediment from water collected in the tail water collection basin that can hold approximately 12-acre feet of water and is approximately 12 feet deep and has no liner. The pump moving water from the tail water collection basin into the sand filters has a diesel backup motor and one 500-gallon above ground diesel fuel storage tank. Mr. Null stated that there are two locations within Hines Nursery where liquid potassium nitrate and liquid ammonium nitrate are stored and mixed. One area is located in the eastern area and the second is in the eastern area of Hines Nursery. We observed areas of soil staining within each of these locations.

We reviewed a Kennedy/Jenks/Chilton Phase I Environmental Assessment of the Hines Wholesale Nursery portion of the Property. This report was provided by Mr. Jeff Null of Hines Nursery. This report is dated December 18, 1990 and is identified by the Kennedy/Jenks/Chilton project number 900066.00. This report identified elevated nitrate levels in the soil and groundwater of the Hines portion of the Property. This report recommended that groundwater be analyzed to determine background levels of nitrates and that five groundwater monitoring wells be installed within the Property to investigate and document the impact of nitrates on the groundwater of the Property.

We reviewed a letter prepared by Mr. Ronald R. Roberto, M.D., Chief of the Disease Control Section, Infectious Disease Branch of the State of California, Department of Health Services. This letter is titled "Anthrax Threat In Land-Developed Areas" and is dated July 11, 1991. This letter was provided to us by EIP Associates. This letter was written in response to a question raised by a concerned party over the potential for an animal anthrax outbreak in developed areas. Mr. Roberto in this letter stated that "agriculture anthrax is caused by direct contact with infected animals where farmers, butchers, and veterinarians are at greatest risk." Mr. Roberto goes on to state that "in my opinion, the risk of anthrax disease to humans from the development of the Lagoon Valley/Cherry Glen area in Solano County is highly unlikely, at best theoretical."

We reviewed the Pilko & Associates, Inc. Phase 1 Environmental Assessment of the Hines Nurseries Inc. Facilities. This report was provided to us by Mr. Jeff Null of Hines Nurseries with the portions of the reports discussing other Hines Nursery locations blacked out. This report is dated June 2, 1995 and is referenced by Pilko & Associates file number 1913/105309.00. This report finds that “Nitrate contamination of groundwater represents an undefined, but potentially significant liability at the Vacaville facility. This contamination is likely associated with Hines fertilizer usage.”

We reviewed a letter prepared by Michael D. Rees, Senior Environmental Specialist with the Solano County Environmental Management Department. This letter was supplied to us by Mr. Jeff Null of Hines Nursery. This letter is dated January 27, 1998 and was written regarding the Hines Nursery Underground Storage Tank Closure Report. In this letter Mr. Rees stated that the analytical results submitted with the tank closure report “indicate no significant contamination was found in the tank excavation or in the spoil material. Mr. Rees went on to state that no further action was required at time of the letter.

We reviewed a letter prepared by Michael D. Rees, Senior Environmental Specialist with the Solano County Environmental Management Department. This letter was supplied to us by Mr. Jeff Null of Hines Nursery. This letter is dated February 27, 1998 and was written regarding the monitoring wells within the Property. In the letter, Mr. Rees stated that the reason the wells were constructed was to assist in monitoring the former underground fuel storage tanks at Hines Nursery for leaks and since the tanks had been pulled and the site was closed, Solano County Department of Environmental Management did not require the wells to be in place any longer.

We reviewed the Environmental Sampling, Lagoon Valley Lake Report Prepared by Carlton Engineering, Inc. The report was provided to ENGEO by EIP Associates and the City of Vacaville. This report was completed on May 25, 2001 and is identified by Carlton Engineering Project Number 2001-109 for the City of Vacaville Parks and Recreation Department. The scope of this report is listed to have been to collect ten soil samples from the lake sediments and drainage channel sediments to attempt to classify the sediments as hazardous waste, designated

waste, or non hazardous waste. This report states that “based on the information obtained from the laboratory analysis of selected samples of Lagoon Valley Lake sediments, hazardous levels of the targeted inorganic and organic constituents were not found.”

## **7.0 SUMMARY OF FINDINGS**

Based on the data obtained and reviewed in preparation of this Phase One Environmental Site Assessment, we have identified the following Recognized Environmental Conditions (REC).

We reviewed two consultant reports provided to us by Mr. Jeff Null of Hines Nursery. Both of these reports identified nitrate impacts of the soil and groundwater of the Hines Nursery portion of the Property. These reports go to recommend that further soil and groundwater evaluation of the Hines Nursery portion of the Property be completed. We were informed by Mr. Jeff Null of Hines Nursery that this evaluation has not been done. We recommend that the Phase II evaluation of the soil and groundwater of the Hines Nursery portion of the Property recommended by prior consultants be completed.

We observed 55-gallon drums within all the Harr and Jamerson portions of the Property. Many of these drums are empty however; two within the Jamerson portion contain waste oil. We recommend that the stained soil at the base of the drums containing the waste oil also be collected for appropriate disposal.

We observed four aboveground storage tanks within the Property. One of these tanks is located within the Hines Nursery portion of the Property and contains both diesel fuel and gasoline. We observed no soil staining or distressed vegetation surrounding this tank. The other three aboveground storage tanks area located within the Harr portion of the Property. The tanks located within the Harr portion of the Property appear to be empty and there is no soil staining or distress vegetation surrounding them. We recommend that these be tanks and their contents be collected for appropriate disposal. In the event that stained soil is observed after the

aboveground tanks are removed, we recommend that the stained soil be collected for appropriate disposal.

We observed buildings within the Harr, Hines Nursery, and Jamerson portions of the Property that were constructed during a time when lead based paints and asbestos containing building materials could have been used during their construction. We recommend that a licensed lead and asbestos remediation contractor be retained to do a survey of the structures prior to their demolition.

We observed areas of soils staining within each portion of the Property. We recommend that the stained soil be collected for appropriate disposal. We observed pesticide containers in two locations of the Widmer portion of the Property. We recommend that these containers be collected for appropriate disposal. We observed equipment wash pads within the Widmer and Rio Blanco/Robinson portions of the Property. We recommend that these features be demolished. The rubble and any stained soil should be collected for appropriate disposal. In the event that stained soil is observed at any of these locations, we recommend that the stained soil be collected for appropriate disposal.

We observed a small amount of debris and abandoned farm equipment within the various portions of the Property. We recommend that this debris be collected for appropriate disposal. If any soil staining is discovered under this debris, we recommend that it also be collected for appropriate disposal.

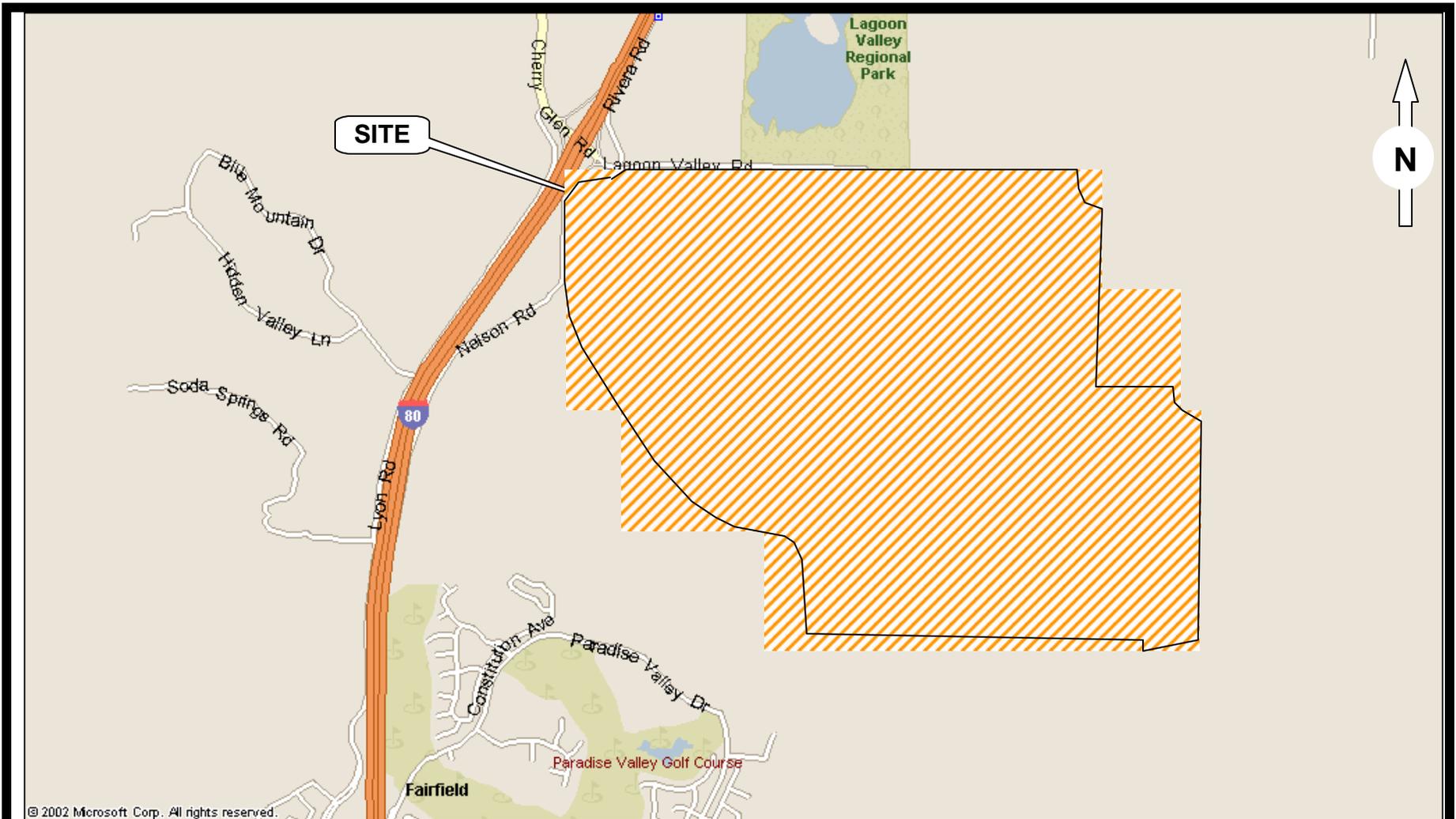
Additionally, we recommend that the agriculture and domestic water wells and the septic systems located within the Hines, Harr, and Jamerson portions of the Property be abandoned under permit by Solano County Environmental Management Department.

We observed six pole mounted transformer located throughout the Property. We contacted Mr. Daryl Johnson of Pacific Gas and Electric. Mr. Johnson stated that the transformers located within the Property do not use PCB cooling oils.

ENGEO Incorporated has performed a Phase One Environmental Site Assessment in general conformance with the scope and limitations of ASTM 1527-00 and our Agreement dated March 28, 2003 regarding the Property.

## **LIST OF FIGURES**

Figure 1	Site Vicinity Map
Figure 2	Site Map
Figure 3	Site Photographs



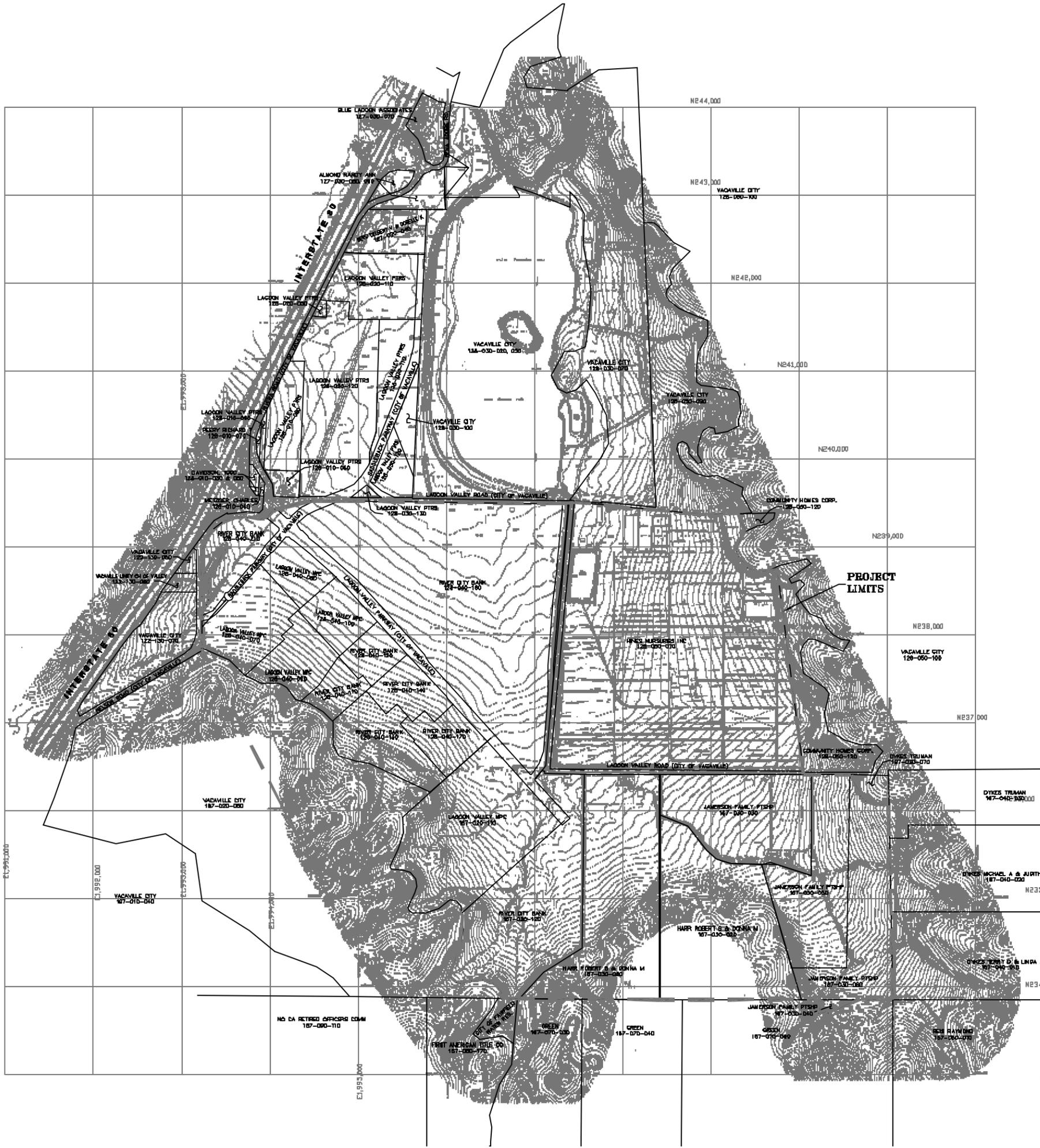
# VICINITY MAP

Lagoon Valley PSA



Not to Scale

Job No.  
5904.5.001.01  
Figure 1



BASE MAP SOURCE: PHILLIPPI ENGINEERING



**SITE MAP**  
LAGOON VALLEY PSA  
VACAVILLE, CALIFORNIA

PROJECT NO.: 5904.5.001.01  
DATE: FEBRUARY 2004  
DRAWN BY: DLB    CHECKED BY:

FIGURE NO.

**2**

**FIGURE 5**  
**Property Photographs**



Pictured above is the surface water collection pond and pump/filter system located within the Hines Nursery portion of the Property.



Pictured above is one of the two ammonium nitrate and potassium nitrate storage areas within the Hines Nursery portion of the Property. There is soil staining around both storage areas.

**FIGURE 5**  
**Property Photographs**



Pictured above are the empty aboveground fuel storage tanks observed on the Harr portion of the Property.



Pictured above is one of the two houses located within the Jamison portion of the Property.

**APPENDIX A**

ENVIRONMENTAL DATA RESOURCES, INC.

Sanborn Map Report  
Radius Map Report



"Linking Technology with Tradition"

## Sanborn® Map Report

**Ship to:** Bryan Yates

Engeo

631 Commerce Drive

Roseville, CA 95678

1013989CMK

916-786-8883

**Order Date:** 5/19/2003

**Completion Date:** 5/21/2003

**Inquiry #:** 0979884.1s

**P.O. #:** NA

**Site Name:** Lagoon Valley

**Address:** Lagoon Valley

**City/State:** Vacaville, CA 95687

**Cross Streets:**

This document reports that the largest and most complete collection of Sanborn fire insurance maps has been reviewed based on client-supplied information, and fire insurance maps depicting the target property at the specified address were not identified.

**NO COVERAGE**

---

All maps provided pursuant to a Sanborn® Map Report are currently reproducible of fire insurance maps owned or licensed by Environmental Data Resources, Inc. NO WARRANTY, EXPRESSED OR IMPLIED IS MADE WHATSOEVER. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, WARRANTIES AS TO ACCURACY, VALIDITY, COMPLETENESS, SUITABILITY, CONDITION, QUALITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR USE OR PURPOSE WITH RESPECT TO THE REPORT, THE MAPS, THE INFORMATION CONTAINED THEREIN, OR THE RESULTS OF A SEARCH OR OTHERWISE. ALL RISK IS ASSUMED BY THE USER. Environmental Data Resources, Inc. assumes no liability to any party for any loss or damage whether arising out of errors or omissions, negligence, accident or any other cause. In no event shall Environmental Data Resources, Inc., its affiliates or agents, be liable to anyone for special, incidental, consequential or exemplary damages.

Copyright 2003, Environmental Data Resources, Inc. All rights reserved. Reproduction in any media or format of any map of Environmental Data Resources, Inc. (whether obtained as a result of a search or otherwise) may be prohibited without prior written permission from Environmental Data Resources, Inc. Sanborn and Sanborn Map are registered trademarks of Environmental Data Resources, Inc.



# The EDR Area Study Report

Study Area  
Lagoon Valley  
Vacaville, CA 95687

May 27, 2003

Inquiry number 0977943.1r

## *The Source* For Environmental Risk Management Data

3530 Post Road  
Southport, Connecticut 06890

### Nationwide Customer Service

Telephone: 1-800-352-0050  
Fax: 1-800-231-6802  
Internet: [www.edrnet.com](http://www.edrnet.com)

# EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc. (EDR).

## TARGET PROPERTY INFORMATION

### ADDRESS

LAGOON VALLEY  
VACAVILLE, CA 95687

## DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ( "reasonably ascertainable ") government records within the requested search area for the following databases:

### FEDERAL ASTM STANDARD

**NPL**..... National Priority List  
**Proposed NPL**..... Proposed National Priority List Sites  
**CERCLIS**..... Comprehensive Environmental Response, Compensation, and Liability Information System  
**CERC-NFRAP**..... CERCLIS No Further Remedial Action Planned  
**CORRACTS**..... Corrective Action Report  
**RCRIS-TSD**..... Resource Conservation and Recovery Information System  
**RCRIS-LQG**..... Resource Conservation and Recovery Information System  
**RCRIS-SQG**..... Resource Conservation and Recovery Information System  
**ERNS**..... Emergency Response Notification System

### STATE ASTM STANDARD

**AWP**..... Annual Workplan Sites  
**Cal-Sites**..... Calsites Database  
**Cortese**..... "Cortese" Hazardous Waste & Substances Sites List  
**Notify 65**..... Proposition 65 Records  
**Toxic Pits**..... Toxic Pits Cleanup Act Sites  
**SWF/LF**..... Solid Waste Information System  
**WMUDS/SWAT**..... Waste Management Unit Database  
**LUST**..... Leaking Underground Storage Tank Information System  
**CA BOND EXP. PLAN**..... Bond Expenditure Plan  
**VCP**..... Voluntary Cleanup Program Properties  
**INDIAN UST**..... Underground Storage Tanks on Indian Land

### FEDERAL ASTM SUPPLEMENTAL

**CONSENT**..... Superfund (CERCLA) Consent Decrees  
**ROD**..... Records Of Decision  
**Delisted NPL**..... National Priority List Deletions

## EXECUTIVE SUMMARY

<b>FINDS</b> .....	Facility Index System/Facility Identification Initiative Program Summary Report
<b>HMIRS</b> .....	Hazardous Materials Information Reporting System
<b>MLTS</b> .....	Material Licensing Tracking System
<b>MINES</b> .....	Mines Master Index File
<b>NPL Liens</b> .....	Federal Superfund Liens
<b>PADS</b> .....	PCB Activity Database System
<b>DOD</b> .....	Department of Defense Sites
<b>RAATS</b> .....	RCRA Administrative Action Tracking System
<b>TRIS</b> .....	Toxic Chemical Release Inventory System
<b>TSCA</b> .....	Toxic Substances Control Act
<b>SSTS</b> .....	Section 7 Tracking Systems
<b>FTTS</b> .....	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

### STATE OR LOCAL ASTM SUPPLEMENTAL

<b>AST</b> .....	Aboveground Petroleum Storage Tank Facilities
<b>CLEANERS</b> .....	Cleaner Facilities
<b>DEED</b> .....	List of Deed Restrictions
<b>REF</b> .....	Unconfirmed Properties Referred to Another Agency
<b>NFA</b> .....	No Further Action Determination
<b>NFE</b> .....	Properties Needing Further Evaluation
<b>SCH</b> .....	School Property Evaluation Program
<b>CA SLIC</b> .....	Spills, Leaks, Investigation & Cleanup Cost Recovery Listing
<b>HAZNET</b> .....	Hazardous Waste Information System

### EDR PROPRIETARY HISTORICAL DATABASES

<b>Coal Gas</b> .....	Former Manufactured Gas (Coal Gas) Sites
-----------------------	--

### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified.

Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

### STATE ASTM STANDARD

**CHMIRS:** The California Hazardous Material Incident Report System contains information on reported hazardous material incidents, i.e., accidental releases or spills. The source is the California Office of Emergency Services.

A review of the CHMIRS list, as provided by EDR, and dated 12/31/2001 has revealed that there is 1 CHMIRS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
Not reported	WB I-80 .5 W/O CHERRY G	1	3

## EXECUTIVE SUMMARY

**UST:** The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the State Water Resources Control Board's Hazardous Substance Storage Container Database.

A review of the UST list, as provided by EDR, and dated 04/02/2003 has revealed that there is 1 UST site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
HINES NURSERY	3920 LAGOON VALLEY RD	4	6

**CA FID:** The Facility Inventory Database contains active and inactive underground storage tank locations. The source is the State Water Resource Control Board.

A review of the CA FID UST list, as provided by EDR, has revealed that there is 1 CA FID UST site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
HINES NURSERY	I-80 / LAGOON VALLEY	2	4

**HIST UST:** Historical UST Registered Database.

A review of the HIST UST list, as provided by EDR, and dated 10/15/1990 has revealed that there is 1 HIST UST site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
HINES WHOLESALE NURSERY	I-80 / LAGOON VALLEY	2	4

### STATE OR LOCAL ASTM SUPPLEMENTAL

**WDS:** California Water Resources Control Board - Waste Discharge System.

A review of the CA WDS list, as provided by EDR, and dated 03/21/2003 has revealed that there is 1 CA WDS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
NURSERY	LAGOON VALLEY RD	3	5

## **EXECUTIVE SUMMARY**

Please refer to the end of the findings report for unmapped orphan sites due to poor or inadequate address information.

## MAP FINDINGS SUMMARY

<u>Database</u>	<u>Total Plotted</u>
<b><u>FEDERAL ASTM STANDARD</u></b>	
NPL	0
Proposed NPL	0
CERCLIS	0
CERC-NFRAP	0
CORRACTS	0
RCRIS-TSD	0
RCRIS Lg. Quan. Gen.	0
RCRIS Sm. Quan. Gen.	0
ERNS	0
<b><u>STATE ASTM STANDARD</u></b>	
AWP	0
Cal-Sites	0
CHMIRS	1
Cortese	0
Notify 65	0
Toxic Pits	0
State Landfill	0
WMUDS/SWAT	0
LUST	0
CA Bond Exp. Plan	0
UST	1
VCP	0
INDIAN UST	0
CA FID UST	1
HIST UST	1
<b><u>FEDERAL ASTM SUPPLEMENTAL</u></b>	
CONSENT	0
ROD	0
Delisted NPL	0
FINDS	0
HMIRS	0
MLTS	0
MINES	0
NPL Liens	0
PADS	0
DOD	0
RAATS	0
TRIS	0
TSCA	0
SSTS	0
FTTS	0
<b><u>STATE OR LOCAL ASTM SUPPLEMENTAL</u></b>	
AST	0

MAP FINDINGS SUMMARY

<u>Database</u>	<u>Total Plotted</u>
CLEANERS	0
CA WDS	1
DEED	0
REF	0
NFA	0
NFE	0
SCH	0
CA SLIC	0
HAZNET	0

**EDR PROPRIETARY HISTORICAL DATABASES**

Coal Gas	0
----------	---

NOTES:

Sites may be listed in more than one database

MAP FINDINGS

Map ID  
 Direction  
 Distance  
 Distance (ft.)Site

EDR ID Number  
 EPA ID Number

Database(s)

**Coal Gas Site Search: No site was found in a search of Real Property Scan's ENVIROHAZ database.**

1

CHMIRS S100280821  
 N/A

**WB I-80 .5 W/O CHERRY GLEN / LAGOON VALL  
 VACAVILLE, CA**

CHMIRS:

OES Control Number:	Not reported	DOT ID:	Not reported
DOT Hazard Class:	Not Reported		
Chemical Name:	Not reported		
Extent of Release:	Not reported		
CAS Number:	Not reported	Quantity Released:	Not reported
Environmental Contamination:	None Reported	Property Use:	Not reported
Incident Date:	Not reported	Date Completed:	Not reported
Time Completed :		1800	
Physical State Stored :		Not reported	
Physical State Released :		Not reported	
Release Unit :		Not reported	
Container Description :		Not reported	
Container Type :		Not reported	
Container Material :		Not reported	
Level Of Container :		Not reported	
Container Capacity :		Not reported	
Container Capacity Units (code) :		Not reported	
Extent Of Release (code) :		Not reported	
Agency Id Number :		48706	
Agency Incident Number :		0	
OES Incident Number :		Not reported	
Time Notified :		1300	
Surrounding Area :		961	
Estimated Temperature :		Not reported	
Property Management :		U	
More Than Two Substances Involved? :		Not reported	
Special Studies 1 :		Not reported	
Special Studies 2 :		Not reported	
Special Studies 3 :		Not reported	
Special Studies 4 :		Not reported	
Special Studies 5 :		Not reported	
Special Studies 6 :		Not reported	
Responding Agency Personel # Of Injuries :		Not reported	
Responding Agency Personel # Of Fatalities :		Not reported	
Resp Agncy Personel # Of Decontaminated :		Not reported	
Others Number Of Decontaminated :		Not reported	
Others Number Of Injuries :		Not reported	
Others Number Of Fatalities :		Not reported	
Vehicle Make/year :		Not reported	
Vehicle License Number :		Not reported	
Vehicle State :		Not reported	
Vehicle Id Number :		Not reported	
CA/DOT/PUC/ICC Number :		Not reported	
Company Name :		Not reported	
Reporting Officer Name/ID :		HOLLY A. BOWERS	
Report Date :		21-SEP-88	
Comments :		No	
Facility Telephone Number :		707 429-6401	
Waterway Involved :		Not reported	
Waterway :	Not reported		

MAP FINDINGS

Map ID  
 Direction  
 Distance  
 Distance (ft.)Site

EDR ID Number  
 EPA ID Number

Database(s)

**(Continued)**

**S100280821**

Spill Site :		Not reported
Cleanup By :	Not reported	
Containment :		Not reported
What Happened :	Not reported	
Date/Time :		Not reported
Evacuations :		Not reported
Type :	Not reported	
Other :	Not reported	
Chemical 1 :		Not Reported
Chemical 2 :		Not Reported
Chemical 3 :		Not Reported

2

**HINES NURSERY  
 I-80 / LAGOON VALLEY RD  
 VACAVILLE, CA 95687**

**CA FID UST**

**S101595082  
 N/A**

FID:

Facility ID:	48001417	Regulate ID:	00061552
Reg By:	Active Underground Storage Tank Location		
Cortese Code:	Not reported	SIC Code:	Not reported
Status:	Active	Facility Tel:	(707) 446-4700
Mail To:	Not reported		
	P.O. BOX 1449		
	VACAVILLE, CA 95687		
Contact:	Not reported	Contact Tel:	Not reported
DUNS No:	Not reported	NPDES No:	Not reported
Creation:	10/22/93	Modified:	00/00/00
EPA ID:	Not reported		
Comments:	Not reported		

2

**HINES WHOLESALE NURSERY  
 I-80 / LAGOON VALLEY ROAD  
 VACAVILLE, CA 95688**

**HIST UST**

**U001614057  
 N/A**

UST HIST:

Facility ID:	61552	Container Num:	1
Tank Num:	1	Year Installed:	1978
Tank Capacity:	12000		
Tank Used for:	PRODUCT	Tank Construction:	Not reported
Type of Fuel:	UNLEADED		
Leak Detection:	Visual, Stock Inventor	Telephone:	(707) 446-4700
Contact Name:	PAT MCGOVNEY	Region:	STATE
Total Tanks:	4	Other Type:	NURSERY
Facility Type:	2		
Facility ID:	61552	Container Num:	2
Tank Num:	2	Year Installed:	1984
Tank Capacity:	280		
Tank Used for:	WASTE	Tank Construction:	Not reported
Type of Fuel:	WASTE OIL		
Leak Detection:	Visual	Telephone:	(707) 446-4700
Contact Name:	PAT MCGOVNEY	Region:	STATE
Total Tanks:	4	Other Type:	NURSERY
Facility Type:	2		
Facility ID:	61552	Container Num:	3
Tank Num:	3	Year Installed:	1979
Tank Capacity:	8000		

MAP FINDINGS

Map ID  
 Direction  
 Distance  
 Distance (ft.)Site

EDR ID Number  
 EPA ID Number

Database(s)

**HINES WHOLESALE NURSERY (Continued)**

**U001614057**

Tank Used for:	WASTE	Tank Construction:	Not reported
Type of Fuel:	Not Reported		
Leak Detection:	Visual		
Contact Name:	PAT MCGOVNEY	Telephone:	(707) 446-4700
Total Tanks:	4	Region:	STATE
Facility Type:	2	Other Type:	NURSERY
Facility ID:	61552		
Tank Num:	4	Container Num:	4
Tank Capacity:	12000	Year Installed:	1978
Tank Used for:	PRODUCT	Tank Construction:	Not reported
Type of Fuel:	DIESEL		
Leak Detection:	Visual		
Contact Name:	PAT MCGOVNEY	Telephone:	(707) 446-4700
Total Tanks:	4	Region:	STATE
Facility Type:	2	Other Type:	NURSERY

3

**NURSERY  
 LAGOON VALLEY RD  
 VACAVILLE, CA**

**CA WDS S102007384  
 N/A**

WDS:

Facility ID:	Sacramento River 481005001	Facility Telephone:	Not reported
Facility Contact:	Not reported	SIC Code 2:	Not reported
SIC Code:	5199		
Agency Name:	HINES WHOLESALE NURSERY, INC.		
Agency Address:	PO BOX 1449 VACAVILLE 95696		
Agency Contact:	JEFF NULL	Agency Phone:	0
Design Flow:	0 Million Gal/Day	Baseline Flow:	0 Million Gal/Day
Facility Type:	Industrial - Facility that treats and/or disposes of liquid or semisolid wastes from any servicing, producing, manufacturing or processing operation of whatever nature, including mining, gravel washing, geothermal operations, air conditioning, ship building and repairing, oil production, storage and disposal operations, water pumping.		
Facility Status:	Active - Any facility with a continuous or seasonal discharge that is under Waste Discharge Requirements.		
Agency Type:	Private		
Waste Type:	Irrigation Runoff - Designated/Influent or Solid Wastes that pose a significant threat to water quality because of their high concentrations (E.G., BOD, Hardness, TRF, Chloride). 'Manageable' hazardous wastes (E.G., inorganic salts and heavy metals) are included in this category.		
Threat to Water:	Minor Threat to Water Quality. A violation of a regional board order should cause a relatively minor impairment of beneficial uses compared to a major or minor threat. Not: All nurds without a TTWQ will be considered a minor threat to water quality unless coded at a higher Level. A Zero (0) may be used to code those NURDS that are found to represent no threat to water quality.		
Complexity:	Category B - Any facility having a physical, chemical, or biological waste treatment system (except for septic systems with subsurface disposal), or any Class II or III disposal site, or facilities without treatment systems that are complex, such as marinas with petroleum products, solid wastes, and sewage pump out facilities.		
Reclamation:	No reclamation requirements associated with this facility.		
POTW:	The POTW Does not have an approved pretreatment program. Some POTWs may have local pretreatment programs that have not been approved by the regional board and/or EPA.		
NPDES Number:	Not reported		
Subregion:	0		

MAP FINDINGS

Map ID  
Direction  
Distance  
Distance (ft.)Site

EDR ID Number

Database(s) EPA ID Number

**NURSERY (Continued)**

**S102007384**

4

**HINES NURSERY  
3920 LAGOON VALLEY RD  
VACAVILLE, CA 95687**

**UST U002095348  
N/A**

UST Solano County:  
Facility Id: 80051  
Region: SOLANO  
Facility Status: Active

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
FAIRFIELD	1000198544	PG&E SERPA COMPRESSOR STATION	AMERADA RD 1/4 MI S OF HWY 12	94533	RCRIS-SQG, FINDS
FAIRFIELD	1000196323	PG&E CREED STATION	CREED RD 1.3 MI W OF HWY 113	94533	RCRIS-SQG, FINDS
FAIRFIELD	S103678698	OEA AEROSPACE, INC	EXPLOSIVE TECH RD / HWY 12	94533	HAZNET
FAIRFIELD	1000180422	IT CORP MONTEZUMA FAC	LITTLE HONKER BAY RD & COLLINS	94533	RCRIS-SQG, FINDS, RCRIS-TSD, CERC-NFRAP
FAIRFIELD	S105091568	APPLES AUTO REPAIR	311 STATE ST UNIT D	94533	HAZNET
FAIRFIELD	S103653687	EQUILON ENTERPRISES LLC	3345 N TEXAS/I-80	94533	HAZNET
SONOMA	S101716020	SKAGGS ISLAND NSGA	4400 ACRES 8 MI NW OF VALLEJO	94533	Cal-Sites, Cortese, AWP
VACAVILLE	S103679023	HINES HORTICULTURE INC	I-80 / LAGOON VALLEY RD	95687	HAZNET
VACAVILLE	S103989503	STEVEN LYNCH DDS	3000 ALAMO DRIVE STE 202	95687	HAZNET
VACAVILLE	S105084961	WELLS FARGO BANK	BUTCHER ROAD AT I-80	95687	HAZNET
VACAVILLE	S105481929	VACAVILLE CLEAN LOAN	700-702 EAST MAIN STREET / 701 CATHERINE	95688	Cal-Sites, AWP
VACAVILLE	S103619504	U.S. NAVAL COMM. STATION	1/2 MILE OFF I-80 ON MT. VACA		HAZNET
VACAVILLE	U003139348	AMERICAN TOWER	PENA ADOBE RD	95688	UST
VACAVILLE	U003113358	B.C. STOCKING	80 STEVENSON ST	95688	UST

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

**Elapsed ASTM days:** Provides confirmation that this EDR report meets or exceeds the 90-day updating requirement of the ASTM standard.

## **FEDERAL ASTM STANDARD RECORDS**

### **NPL: National Priority List**

Source: EPA

Telephone: N/A

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 01/29/03

Date Made Active at EDR: 03/04/03

Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 02/04/03

Elapsed ASTM days: 28

Date of Last EDR Contact: 05/09/03

### **NPL Site Boundaries**

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)

Telephone: 202-564-7333

EPA Region 1

Telephone 617-918-1143

EPA Region 3

Telephone 215-814-5418

EPA Region 4

Telephone 404-562-8033

EPA Region 6

Telephone: 214-655-6659

EPA Region 8

Telephone: 303-312-6774

### **Proposed NPL: Proposed National Priority List Sites**

Source: EPA

Telephone: N/A

Date of Government Version: 01/29/03

Date Made Active at EDR: 03/04/03

Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 02/04/03

Elapsed ASTM days: 28

Date of Last EDR Contact: 05/05/03

### **CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System**

Source: EPA

Telephone: 703-413-0223

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 03/19/03

Date Made Active at EDR: 04/08/03

Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/24/03

Elapsed ASTM days: 15

Date of Last EDR Contact: 03/24/03

### **CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned**

Source: EPA

Telephone: 703-413-0223

As of February 1995, CERCLIS sites designated "No Further Remedial Action Planned" (NFRAP) have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration. EPA has removed approximately 25,000 NFRAP sites to lift the unintended barriers to the redevelopment of these properties and has archived them as historical records so EPA does not needlessly repeat the investigations in the future. This policy change is part of the EPA's Brownfields Redevelopment Program to help cities, states, private investors and affected citizens to promote economic redevelopment of unproductive urban sites.

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/19/03  
Date Made Active at EDR: 04/08/03  
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/24/03  
Elapsed ASTM days: 15  
Date of Last EDR Contact: 03/24/03

**CORRACTS:** Corrective Action Report

Source: EPA  
Telephone: 800-424-9346

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/31/03  
Date Made Active at EDR: 05/08/03  
Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 04/07/03  
Elapsed ASTM days: 31  
Date of Last EDR Contact: 03/10/03

**RCRIS:** Resource Conservation and Recovery Information System

Source: EPA/NTIS  
Telephone: 800-424-9346

Resource Conservation and Recovery Information System. RCRIS includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).

Date of Government Version: 09/09/02  
Date Made Active at EDR: 10/28/02  
Database Release Frequency: Varies

Date of Data Arrival at EDR: 09/24/02  
Elapsed ASTM days: 34  
Date of Last EDR Contact: 04/18/03

**ERNS:** Emergency Response Notification System

Source: National Response Center, United States Coast Guard  
Telephone: 202-260-2342

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/01  
Date Made Active at EDR: 07/15/02  
Database Release Frequency: Annually

Date of Data Arrival at EDR: 07/02/02  
Elapsed ASTM days: 13  
Date of Last EDR Contact: 04/28/03

**FEDERAL ASTM SUPPLEMENTAL RECORDS**

**BRS:** Biennial Reporting System

Source: EPA/NTIS  
Telephone: 800-424-9346

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/99  
Database Release Frequency: Biennially

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

**CONSENT:** Superfund (CERCLA) Consent Decrees

Source: EPA Regional Offices  
Telephone: Varies

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: N/A  
Database Release Frequency: Varies

Date of Last EDR Contact: N/A  
Date of Next Scheduled EDR Contact: N/A

**ROD:** Records Of Decision

Source: EPA  
Telephone: 703-416-0223

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 01/09/03  
Database Release Frequency: Annually

Date of Last EDR Contact: 04/07/03  
Date of Next Scheduled EDR Contact: 07/07/03

## **DELISTED NPL:** National Priority List Deletions

Source: EPA  
Telephone: N/A

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 01/29/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/05/03  
Date of Next Scheduled EDR Contact: 08/04/03

## **FINDS:** Facility Index System/Facility Identification Initiative Program Summary Report

Source: EPA  
Telephone: N/A

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 01/14/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/07/03  
Date of Next Scheduled EDR Contact: 07/07/03

## **HMIRS:** Hazardous Materials Information Reporting System

Source: U.S. Department of Transportation  
Telephone: 202-366-4555

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 11/30/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 04/25/03  
Date of Next Scheduled EDR Contact: 07/21/03

## **MLTS:** Material Licensing Tracking System

Source: Nuclear Regulatory Commission  
Telephone: 301-415-7169

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 01/16/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/07/03  
Date of Next Scheduled EDR Contact: 07/07/03

## **MINES:** Mines Master Index File

Source: Department of Labor, Mine Safety and Health Administration  
Telephone: 303-231-5959

Date of Government Version: 03/11/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/31/03  
Date of Next Scheduled EDR Contact: 06/30/03

## **NPL LIENS:** Federal Superfund Liens

Source: EPA  
Telephone: 205-564-4267

Federal Superfund Liens. Under the authority granted the USEPA by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/15/91  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 02/27/03  
Date of Next Scheduled EDR Contact: 05/26/03

**PADS:** PCB Activity Database System

Source: EPA  
Telephone: 202-564-3887

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 12/12/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 05/12/03  
Date of Next Scheduled EDR Contact: 08/11/03

**DOD:** Department of Defense Sites

Source: USGS  
Telephone: 703-648-5920

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 10/01/02  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/12/03  
Date of Next Scheduled EDR Contact: 08/11/03

**RAATS:** RCRA Administrative Action Tracking System

Source: EPA  
Telephone: 202-564-4104

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/95  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 03/10/03  
Date of Next Scheduled EDR Contact: 06/09/03

**TRIS:** Toxic Chemical Release Inventory System

Source: EPA  
Telephone: 202-260-1531

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/00  
Database Release Frequency: Annually

Date of Last EDR Contact: 03/25/03  
Date of Next Scheduled EDR Contact: 06/23/03

**TSCA:** Toxic Substances Control Act

Source: EPA  
Telephone: 202-260-5521

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/98  
Database Release Frequency: Every 4 Years

Date of Last EDR Contact: 03/06/03  
Date of Next Scheduled EDR Contact: 06/09/03

**FTTS INSP:** FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

Source: EPA  
Telephone: 202-564-2501

Date of Government Version: 04/15/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 06/24/03  
Date of Next Scheduled EDR Contact: 06/23/03

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## **SSTS:** Section 7 Tracking Systems

Source: EPA  
Telephone: 202-564-5008

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/00  
Database Release Frequency: Annually

Date of Last EDR Contact: 04/23/03  
Date of Next Scheduled EDR Contact: 07/21/03

## **FTTS:** FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

Source: EPA/Office of Prevention, Pesticides and Toxic Substances  
Telephone: 202-564-2501

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/15/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/24/03  
Date of Next Scheduled EDR Contact: 06/23/03

## **STATE OF CALIFORNIA ASTM STANDARD RECORDS**

### **AWP:** Annual Workplan Sites

Source: California Environmental Protection Agency  
Telephone: 916-323-3400

Known Hazardous Waste Sites. California DTSC's Annual Workplan (AWP), formerly BEP, identifies known hazardous substance sites targeted for cleanup.

Date of Government Version: 03/31/03  
Date Made Active at EDR: 04/25/03  
Database Release Frequency: Annually

Date of Data Arrival at EDR: 04/07/03  
Elapsed ASTM days: 18  
Date of Last EDR Contact: 04/07/03

### **CAL-SITES:** Calsites Database

Source: Department of Toxic Substance Control  
Telephone: 916-323-3400

The Calsites database contains potential or confirmed hazardous substance release properties. In 1996, California EPA reevaluated and significantly reduced the number of sites in the Calsites database.

Date of Government Version: 02/28/03  
Date Made Active at EDR: 03/21/03  
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/11/03  
Elapsed ASTM days: 10  
Date of Last EDR Contact: 03/11/03

### **CHMIRS:** California Hazardous Material Incident Report System

Source: Office of Emergency Services  
Telephone: 916-845-8400

California Hazardous Material Incident Reporting System. CHMIRS contains information on reported hazardous material incidents (accidental releases or spills).

Date of Government Version: 12/31/01  
Date Made Active at EDR: 01/15/03  
Database Release Frequency: Varies

Date of Data Arrival at EDR: 12/02/02  
Elapsed ASTM days: 44  
Date of Last EDR Contact: 02/24/03

### **CORTESE:** "Cortese" Hazardous Waste & Substances Sites List

Source: CAL EPA/Office of Emergency Information  
Telephone: 916-323-9100

The sites for the list are designated by the State Water Resource Control Board (LUST), the Integrated Waste Board (SWF/LS), and the Department of Toxic Substances Control (Cal-Sites).

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/01/01  
Date Made Active at EDR: 07/26/01  
Database Release Frequency: No Update Planned

Date of Data Arrival at EDR: 05/29/01  
Elapsed ASTM days: 58  
Date of Last EDR Contact: 04/28/03

**NOTIFY 65:** Proposition 65 Records

Source: State Water Resources Control Board  
Telephone: 916-445-3846

Proposition 65 Notification Records. NOTIFY 65 contains facility notifications about any release which could impact drinking water and thereby expose the public to a potential health risk.

Date of Government Version: 10/21/93  
Date Made Active at EDR: 11/19/93  
Database Release Frequency: No Update Planned

Date of Data Arrival at EDR: 11/01/93  
Elapsed ASTM days: 18  
Date of Last EDR Contact: 04/21/03

**TOXIC PITS:** Toxic Pits Cleanup Act Sites

Source: State Water Resources Control Board  
Telephone: 916-227-4364

Toxic PITS Cleanup Act Sites. TOXIC PITS identifies sites suspected of containing hazardous substances where cleanup has not yet been completed.

Date of Government Version: 07/01/95  
Date Made Active at EDR: 09/26/95  
Database Release Frequency: No Update Planned

Date of Data Arrival at EDR: 08/30/95  
Elapsed ASTM days: 27  
Date of Last EDR Contact: 05/05/03

**SWF/LF (SWIS):** Solid Waste Information System

Source: Integrated Waste Management Board  
Telephone: 916-341-6320

Active, Closed and Inactive Landfills. SWF/LF records typically contain an inventory of solid waste disposal facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 03/14/03  
Date Made Active at EDR: 04/04/03  
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/17/03  
Elapsed ASTM days: 18  
Date of Last EDR Contact: 03/17/03

**WMUDS/SWAT:** Waste Management Unit Database

Source: State Water Resources Control Board  
Telephone: 916-227-4448

Waste Management Unit Database System. WMUDS is used by the State Water Resources Control Board staff and the Regional Water Quality Control Boards for program tracking and inventory of waste management units. WMUDS is composed of the following databases: Facility Information, Scheduled Inspections Information, Waste Management Unit Information, SWAT Program Information, SWAT Report Summary Information, SWAT Report Summary Data, Chapter 15 (formerly Subchapter 15) Information, Chapter 15 Monitoring Parameters, TPCA Program Information, RCRA Program Information, Closure Information, and Interested Parties Information.

Date of Government Version: 04/01/00  
Date Made Active at EDR: 05/10/00  
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 04/10/00  
Elapsed ASTM days: 30  
Date of Last EDR Contact: 03/17/03

**LUST:** Leaking Underground Storage Tank Information System

Source: State Water Resources Control Board  
Telephone: 916-341-5740

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 04/02/03  
Date Made Active at EDR: 04/25/03  
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 04/16/03  
Elapsed ASTM days: 9  
Date of Last EDR Contact: 04/16/03

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

**CA BOND EXP. PLAN:** Bond Expenditure Plan

Source: Department of Health Services  
Telephone: 916-255-2118

Department of Health Services developed a site-specific expenditure plan as the basis for an appropriation of Hazardous Substance Cleanup Bond Act funds. It is not updated.

Date of Government Version: 01/01/89  
Date Made Active at EDR: 08/02/94  
Database Release Frequency: No Update Planned

Date of Data Arrival at EDR: 07/27/94  
Elapsed ASTM days: 6  
Date of Last EDR Contact: 05/31/94

**CA UST:****UST:** Active UST Facilities

Source: SWRCB  
Telephone: 916-341-5700  
Active UST facilities gathered from the local regulatory agencies

Date of Government Version: 04/02/03  
Date Made Active at EDR: 04/30/03  
Database Release Frequency: Semi-Annually

Date of Data Arrival at EDR: 04/16/03  
Elapsed ASTM days: 14  
Date of Last EDR Contact: 04/16/03

**VCP:** Voluntary Cleanup Program Properties

Source: Department of Toxic Substances Control  
Telephone: 916-323-3400

Contains low threat level properties with either confirmed or unconfirmed releases and the project proponents have request that DTSC oversee investigation and/or cleanup activities and have agreed to provide coverage for DTSC's costs.

Date of Government Version: 02/28/03  
Date Made Active at EDR: 04/04/03  
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 03/05/03  
Elapsed ASTM days: 30  
Date of Last EDR Contact: 03/05/03

**INDIAN UST:** Underground Storage Tanks on Indian Land

Source: EPA Region 9  
Telephone: 415-972-3368

Date of Government Version: N/A  
Date Made Active at EDR: N/A  
Database Release Frequency: Varies

Date of Data Arrival at EDR: N/A  
Elapsed ASTM days: 0  
Date of Last EDR Contact: N/A

**CA FID UST:** Facility Inventory Database

Source: California Environmental Protection Agency  
Telephone: 916-445-6532

The Facility Inventory Database (FID) contains a historical listing of active and inactive underground storage tank locations from the State Water Resource Control Board. Refer to local/county source for current data.

Date of Government Version: 10/31/94  
Date Made Active at EDR: 09/29/95  
Database Release Frequency: No Update Planned

Date of Data Arrival at EDR: 09/05/95  
Elapsed ASTM days: 24  
Date of Last EDR Contact: 12/28/98

**HIST UST:** Hazardous Substance Storage Container Database

Source: State Water Resources Control Board  
Telephone: 916-341-5700

The Hazardous Substance Storage Container Database is a historical listing of UST sites. Refer to local/county source for current data.

Date of Government Version: 10/15/90  
Date Made Active at EDR: 02/12/91  
Database Release Frequency: No Update Planned

Date of Data Arrival at EDR: 01/25/91  
Elapsed ASTM days: 18  
Date of Last EDR Contact: 07/26/01

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## STATE OF CALIFORNIA ASTM SUPPLEMENTAL RECORDS

### **AST:** Aboveground Petroleum Storage Tank Facilities

Source: State Water Resources Control Board

Telephone: 916-341-5712

Registered Aboveground Storage Tanks.

Date of Government Version: 03/18/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/05/03

Date of Next Scheduled EDR Contact: 08/04/03

### **CLEANERS:** Cleaner Facilities

Source: Department of Toxic Substance Control

Telephone: 916-225-0873

A list of drycleaner related facilities that have EPA ID numbers. These are facilities with certain SIC codes:

power laundries, family and commercial; garment pressing and cleaner's agents; linen supply; coin-operated laundries and cleaning; drycleaning plants, except rugs; carpet and upholster cleaning; industrial launderers; laundry and garment services.

Date of Government Version: 03/11/03

Database Release Frequency: Annually

Date of Last EDR Contact: 04/07/03

Date of Next Scheduled EDR Contact: 07/07/03

### **CA WDS:** Waste Discharge System

Source: State Water Resources Control Board

Telephone: 916-657-1571

Sites which have been issued waste discharge requirements.

Date of Government Version: 03/21/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/24/03

Date of Next Scheduled EDR Contact: 06/23/03

### **DEED:** List of Deed Restrictions

Source: Department of Toxic Substances Control

Telephone: 916-323-3400

The use of recorded land use restrictions is one of the methods the DTSC uses to protect the public from unsafe exposures to hazardous substances and wastes.

Date of Government Version: 04/04/03

Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/07/03

Date of Next Scheduled EDR Contact: 07/07/03

### **NFA:** No Further Action Determination

Source: Department of Toxic Substances Control

Telephone: 916-323-3400

This category contains properties at which DTSC has made a clear determination that the property does not pose a problem to the environment or to public health.

Date of Government Version: 02/28/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/11/03

Date of Next Scheduled EDR Contact: 06/02/03

### **REF:** Unconfirmed Properties Referred to Another Agency

Source: Department of Toxic Substances Control

Telephone: 916-323-3400

This category contains properties where contamination has not been confirmed and which were determined as not requiring direct DTSC Site Mitigation Program action or oversight. Accordingly, these sites have been referred to another state or local regulatory agency.

Date of Government Version: 03/18/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/11/03

Date of Next Scheduled EDR Contact: 06/02/03

### **SCH:** School Property Evaluation Program

Source: Department of Toxic Substances Control

Telephone: 916-323-3400

This category contains proposed and existing school sites that are being evaluated by DTSC for possible hazardous materials contamination. In some cases, these properties may be listed in the CalSites category depending on the level of threat to public health and safety or the environment they pose.

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 02/28/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/11/03  
Date of Next Scheduled EDR Contact: 06/02/03

## **NFE: Properties Needing Further Evaluation**

Source: Department of Toxic Substances Control  
Telephone: 916-323-3400

This category contains properties that are suspected of being contaminated. These are unconfirmed contaminated properties that need to be assessed using the PEA process. PEA in Progress indicates properties where DTSC is currently conducting a PEA. PEA Required indicates properties where DTSC has determined a PEA is required, but not currently underway.

Date of Government Version: 02/28/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/11/03  
Date of Next Scheduled EDR Contact: 06/02/03

## **HAZNET: Hazardous Waste Information System**

Source: California Environmental Protection Agency  
Telephone: 916-255-1136

Facility and Manifest Data. The data is extracted from the copies of hazardous waste manifests received each year by the DTSC. The annual volume of manifests is typically 700,000 - 1,000,000 annually, representing approximately 350,000 - 500,000 shipments. Data are from the manifests submitted without correction, and therefore many contain some invalid values for data elements such as generator ID, TSD ID, waste category, and disposal method.

Date of Government Version: 12/31/01  
Database Release Frequency: Annually

Date of Last EDR Contact: 05/12/03  
Date of Next Scheduled EDR Contact: 08/11/03

## **LOCAL RECORDS**

### **ALAMEDA COUNTY:**

#### **Local Oversight Program Listing of UGT Cleanup Sites**

Source: Alameda County Environmental Health Services  
Telephone: 510-567-6700

Date of Government Version: 12/02/02  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/28/03  
Date of Next Scheduled EDR Contact: 07/28/03

#### **Underground Tanks**

Source: Alameda County Environmental Health Services  
Telephone: 510-567-6700

Date of Government Version: 11/26/02  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/28/03  
Date of Next Scheduled EDR Contact: 07/28/03

### **CONTRA COSTA COUNTY:**

#### **Site List**

Source: Contra Costa Health Services Department  
Telephone: 925-646-2286

List includes sites from the underground tank, hazardous waste generator and business plan/2185 programs.

Date of Government Version: 06/05/02  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/03/03  
Date of Next Scheduled EDR Contact: 06/02/03

### **FRESNO COUNTY:**

#### **CUPA Resources List**

Source: Dept. of Community Health  
Telephone: 559-445-3271

Certified Unified Program Agency. CUPA's are responsible for implementing a unified hazardous materials and hazardous waste management regulatory program. The agency provides oversight of businesses that deal with hazardous materials, operate underground storage tanks or aboveground storage tanks.

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/28/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/28/03  
Date of Next Scheduled EDR Contact: 08/11/03

## KERN COUNTY:

### Underground Storage Tank Sites & Tank Listing

Source: Kern County Environment Health Services Department  
Telephone: 661-862-8700  
Kern County Sites and Tanks Listing.

Date of Government Version: 03/25/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/10/03  
Date of Next Scheduled EDR Contact: 06/09/03

## LOS ANGELES COUNTY:

### List of Solid Waste Facilities

Source: La County Department of Public Works  
Telephone: 818-458-5185

Date of Government Version: 03/01/03  
Database Release Frequency: Varies

Date of Last EDR Contact: 05/19/03  
Date of Next Scheduled EDR Contact: 08/18/03

### City of El Segundo Underground Storage Tank

Source: City of El Segundo Fire Department  
Telephone: 310-607-2239

Date of Government Version: 03/01/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/19/03  
Date of Next Scheduled EDR Contact: 08/18/03

### City of Long Beach Underground Storage Tank

Source: City of Long Beach Fire Department  
Telephone: 562-570-2543

Date of Government Version: 05/30/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 02/24/03  
Date of Next Scheduled EDR Contact: 05/26/03

### City of Torrance Underground Storage Tank

Source: City of Torrance Fire Department  
Telephone: 310-618-2973

Date of Government Version: 02/25/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/19/03  
Date of Next Scheduled EDR Contact: 08/18/03

### City of Los Angeles Landfills

Source: Engineering & Construction Division  
Telephone: 213-473-7869

Date of Government Version: 03/01/02  
Database Release Frequency: Varies

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

### HMS: Street Number List

Source: Department of Public Works  
Telephone: 626-458-3517  
Industrial Waste and Underground Storage Tank Sites.

Date of Government Version: 02/27/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/19/03  
Date of Next Scheduled EDR Contact: 08/18/03

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## Site Mitigation List

Source: Community Health Services  
Telephone: 323-890-7806  
Industrial sites that have had some sort of spill or complaint.

Date of Government Version: 01/07/03  
Database Release Frequency: Annually

Date of Last EDR Contact: 05/19/03  
Date of Next Scheduled EDR Contact: 08/18/03

## San Gabriel Valley Areas of Concern

Source: EPA Region 9  
Telephone: 415-972-3178  
San Gabriel Valley areas where VOC contamination is at or above the MCL as designated by region 9 EPA office.

Date of Government Version: 12/31/98  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 06/29/99  
Date of Next Scheduled EDR Contact: N/A

## MARIN COUNTY:

### Underground Storage Tank Sites

Source: Public Works Department Waste Management  
Telephone: 415-499-6647  
Currently permitted USTs in Marin County.

Date of Government Version: 03/04/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/05/03  
Date of Next Scheduled EDR Contact: 08/04/03

## NAPA COUNTY:

### Sites With Reported Contamination

Source: Napa County Department of Environmental Management  
Telephone: 707-253-4269

Date of Government Version: 03/31/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/31/03  
Date of Next Scheduled EDR Contact: 06/30/03

### Closed and Operating Underground Storage Tank Sites

Source: Napa County Department of Environmental Management  
Telephone: 707-253-4269

Date of Government Version: 03/31/03  
Database Release Frequency: Annually

Date of Last EDR Contact: 03/31/03  
Date of Next Scheduled EDR Contact: 06/30/03

## ORANGE COUNTY:

### List of Underground Storage Tank Cleanups

Source: Health Care Agency  
Telephone: 714-834-3446  
Orange County Underground Storage Tank Cleanups (LUST).

Date of Government Version: 11/04/02  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/14/03  
Date of Next Scheduled EDR Contact: 06/09/03

### List of Underground Storage Tank Facilities

Source: Health Care Agency  
Telephone: 714-834-3446  
Orange County Underground Storage Tank Facilities (UST).

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 11/27/01  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/14/03  
Date of Next Scheduled EDR Contact: 06/09/03

## List of Industrial Site Cleanups

Source: Health Care Agency  
Telephone: 714-834-3446  
Petroleum and non-petroleum spills.

Date of Government Version: 10/24/00  
Database Release Frequency: Annually

Date of Last EDR Contact: 03/14/03  
Date of Next Scheduled EDR Contact: 06/09/03

## PLACER COUNTY:

### Master List of Facilities

Source: Placer County Health and Human Services  
Telephone: 530-889-7312  
List includes aboveground tanks, underground tanks and cleanup sites.

Date of Government Version: 02/03/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/25/03  
Date of Next Scheduled EDR Contact: 06/23/03

## RIVERSIDE COUNTY:

### Listing of Underground Tank Cleanup Sites

Source: Department of Public Health  
Telephone: 909-358-5055  
Riverside County Underground Storage Tank Cleanup Sites (LUST).

Date of Government Version: 02/24/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/21/03  
Date of Next Scheduled EDR Contact: 07/21/03

### Underground Storage Tank Tank List

Source: Health Services Agency  
Telephone: 909-358-5055

Date of Government Version: 02/24/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/21/03  
Date of Next Scheduled EDR Contact: 07/21/03

## SACRAMENTO COUNTY:

### CS - Contaminated Sites

Source: Sacramento County Environmental Management  
Telephone: 916-875-8406

Date of Government Version: 04/02/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/05/03  
Date of Next Scheduled EDR Contact: 08/04/03

### ML - Regulatory Compliance Master List

Source: Sacramento County Environmental Management  
Telephone: 916-875-8406  
Any business that has hazardous materials on site - hazardous material storage sites, underground storage tanks, waste generators.

Date of Government Version: 04/03/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/05/03  
Date of Next Scheduled EDR Contact: 08/04/03

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## SAN BERNARDINO COUNTY:

### Hazardous Material Permits

Source: San Bernardino County Fire Department Hazardous Materials Division  
Telephone: 909-387-3041

This listing includes underground storage tanks, medical waste handlers/generators, hazardous materials handlers, hazardous waste generators, and waste oil generators/handlers.

Date of Government Version: 04/01/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/10/03  
Date of Next Scheduled EDR Contact: 06/09/03

## SAN DIEGO COUNTY:

### Solid Waste Facilities

Source: Department of Health Services  
Telephone: 619-338-2209  
San Diego County Solid Waste Facilities.

Date of Government Version: 08/01/00  
Database Release Frequency: Varies

Date of Last EDR Contact: 02/24/03  
Date of Next Scheduled EDR Contact: 05/26/03

### Hazardous Materials Management Division Database

Source: Hazardous Materials Management Division  
Telephone: 619-338-2268

The database includes: HE58 - This report contains the business name, site address, business phone number, establishment 'H' permit number, type of permit, and the business status. HE17 - In addition to providing the same information provided in the HE58 listing, HE17 provides inspection dates, violations received by the establishment, hazardous waste generated, the quantity, method of storage, treatment/disposal of waste and the hauler, and information on underground storage tanks. Unauthorized Release List - Includes a summary of environmental contamination cases in San Diego County (underground tank cases, non-tank cases, groundwater contamination, and soil contamination are included.)

Date of Government Version: 03/31/02  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/16/03  
Date of Next Scheduled EDR Contact: 07/07/03

## SAN FRANCISCO COUNTY:

### Local Oversight Facilities

Source: Department Of Public Health San Francisco County  
Telephone: 415-252-3920

Date of Government Version: 03/17/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/10/03  
Date of Next Scheduled EDR Contact: 06/09/03

### Underground Storage Tank Information

Source: Department of Public Health  
Telephone: 415-252-3920

Date of Government Version: 03/17/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/10/03  
Date of Next Scheduled EDR Contact: 06/09/03

## SAN MATEO COUNTY:

### Fuel Leak List

Source: San Mateo County Environmental Health Services Division  
Telephone: 650-363-1921

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/13/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/28/03  
Date of Next Scheduled EDR Contact: 07/28/03

## Business Inventory

Source: San Mateo County Environmental Health Services Division  
Telephone: 650-363-1921

List includes Hazardous Materials Business Plan, hazardous waste generators, and underground storage tanks.

Date of Government Version: 05/01/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 04/28/03  
Date of Next Scheduled EDR Contact: 07/14/03

## SANTA CLARA COUNTY:

### Fuel Leak Site Activity Report

Source: Santa Clara Valley Water District  
Telephone: 408-265-2600

Date of Government Version: 01/08/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/31/03  
Date of Next Scheduled EDR Contact: 06/30/03

### Hazardous Material Facilities

Source: City of San Jose Fire Department  
Telephone: 408-277-4659

Date of Government Version: 12/11/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 03/10/03  
Date of Next Scheduled EDR Contact: 06/09/03

## SOLANO COUNTY:

### Leaking Underground Storage Tanks

Source: Solano County Department of Environmental Management  
Telephone: 707-421-6770

Date of Government Version: 12/20/02  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

### Underground Storage Tanks

Source: Solano County Department of Environmental Management  
Telephone: 707-421-6770

Date of Government Version: 12/18/02  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

## SONOMA COUNTY:

### Leaking Underground Storage Tank Sites

Source: Department of Health Services  
Telephone: 707-565-6565

Date of Government Version: 04/28/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/28/03  
Date of Next Scheduled EDR Contact: 07/28/03

## SUTTER COUNTY:

### Underground Storage Tanks

Source: Sutter County Department of Agriculture  
Telephone: 530-822-7500

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 07/01/01  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/07/03  
Date of Next Scheduled EDR Contact: 07/07/03

## VENTURA COUNTY:

### Inventory of Illegal Abandoned and Inactive Sites

Source: Environmental Health Division  
Telephone: 805-654-2813  
Ventura County Inventory of Closed, Illegal Abandoned, and Inactive Sites.

Date of Government Version: 09/01/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 02/24/03  
Date of Next Scheduled EDR Contact: 05/26/03

### Listing of Underground Tank Cleanup Sites

Source: Environmental Health Division  
Telephone: 805-654-2813  
Ventura County Underground Storage Tank Cleanup Sites (LUST).

Date of Government Version: 03/10/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

### Underground Tank Closed Sites List

Source: Environmental Health Division  
Telephone: 805-654-2813  
Ventura County Operating Underground Storage Tank Sites (UST)/Underground Tank Closed Sites List.

Date of Government Version: 12/30/02  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

### Business Plan, Hazardous Waste Producers, and Operating Underground Tanks

Source: Ventura County Environmental Health Division  
Telephone: 805-654-2813  
The BWT list indicates by site address whether the Environmental Health Division has Business Plan (B), Waste Producer (W), and/or Underground Tank (T) information.

Date of Government Version: 02/11/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 03/17/03  
Date of Next Scheduled EDR Contact: 06/16/03

## YOLO COUNTY:

### Underground Storage Tank Comprehensive Facility Report

Source: Yolo County Department of Health  
Telephone: 530-666-8646

Date of Government Version: 10/28/02  
Database Release Frequency: Annually

Date of Last EDR Contact: 04/21/03  
Date of Next Scheduled EDR Contact: 07/21/03

## California Regional Water Quality Control Board (RWQCB) LUST Records

### LUST REG 1: Active Toxic Site Investigation

Source: California Regional Water Quality Control Board North Coast (1)  
Telephone: 707-576-2220

Del Norte, Humboldt, Lake, Mendocino, Modoc, Siskiyou, Sonoma, Trinity counties. For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 02/01/01  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 02/24/03  
Date of Next Scheduled EDR Contact: 05/26/03

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

**LUST REG 2: Fuel Leak List**

Source: California Regional Water Quality Control Board San Francisco Bay Region (2)  
Telephone: 510-286-0457

Date of Government Version: 03/28/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/15/03  
Date of Next Scheduled EDR Contact: 07/14/03

**LUST REG 3: Leaking Underground Storage Tank Database**

Source: California Regional Water Quality Control Board Central Coast Region (3)  
Telephone: 805-549-3147

Date of Government Version: 02/18/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 05/19/03  
Date of Next Scheduled EDR Contact: 08/18/03

**LUST REG 4: Underground Storage Tank Leak List**

Source: California Regional Water Quality Control Board Los Angeles Region (4)  
Telephone: 213-266-6600

Los Angeles, Ventura counties. For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 08/09/01  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 03/31/03  
Date of Next Scheduled EDR Contact: 06/30/03

**LUST REG 5: Leaking Underground Storage Tank Database**

Source: California Regional Water Quality Control Board Central Valley Region (5)  
Telephone: 916-255-3125

Date of Government Version: 04/01/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/08/03  
Date of Next Scheduled EDR Contact: 07/07/03

**LUST REG 6L: Leaking Underground Storage Tank Case Listing**

Source: California Regional Water Quality Control Board Lahontan Region (6)  
Telephone: 916-542-5424

For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 04/10/03  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 04/07/03  
Date of Next Scheduled EDR Contact: 07/07/03

**LUST REG 6V: Leaking Underground Storage Tank Case Listing**

Source: California Regional Water Quality Control Board Victorville Branch Office (6)  
Telephone: 760-346-7491

Date of Government Version: 01/24/03  
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/07/03  
Date of Next Scheduled EDR Contact: 07/07/03

**LUST REG 7: Leaking Underground Storage Tank Case Listing**

Source: California Regional Water Quality Control Board Colorado River Basin Region (7)  
Telephone: 760-346-7491

Date of Government Version: 07/02/02  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/31/03  
Date of Next Scheduled EDR Contact: 06/30/03

**LUST REG 8: Leaking Underground Storage Tanks**

Source: California Regional Water Quality Control Board Santa Ana Region (8)  
Telephone: 909-782-4498

California Regional Water Quality Control Board Santa Ana Region (8). For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 03/14/03  
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 05/12/03  
Date of Next Scheduled EDR Contact: 08/11/03

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## **LUST REG 9:** Leaking Underground Storage Tank Report

Source: California Regional Water Quality Control Board San Diego Region (9)

Telephone: 858-467-2980

Orange, Riverside, San Diego counties. For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 03/01/01

Database Release Frequency: No Update Planned

Date of Last EDR Contact: 04/21/03

Date of Next Scheduled EDR Contact: 07/21/03

## **California Regional Water Quality Control Board (RWQCB) SLIC Records**

### **SLIC REG 1:** Active Toxic Site Investigations

Source: California Regional Water Quality Control Board, North Coast Region (1)

Telephone: 707-576-2220

Date of Government Version: 04/03/03

Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 03/10/03

Date of Next Scheduled EDR Contact: 05/26/03

### **SLIC REG 2:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: Regional Water Quality Control Board San Francisco Bay Region (2)

Telephone: 510-286-0457

Any contaminated site that impacts groundwater or has the potential to impact groundwater.

Date of Government Version: 03/28/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/15/03

Date of Next Scheduled EDR Contact: 07/14/03

### **SLIC REG 3:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: California Regional Water Quality Control Board Central Coast Region (3)

Telephone: 805-549-3147

Any contaminated site that impacts groundwater or has the potential to impact groundwater.

Date of Government Version: 02/18/03

Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 05/19/03

Date of Next Scheduled EDR Contact: 08/18/03

### **SLIC REG 4:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: Region Water Quality Control Board Los Angeles Region (4)

Telephone: 213-576-6600

Any contaminated site that impacts groundwater or has the potential to impact groundwater.

Date of Government Version: 04/01/03

Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/28/03

Date of Next Scheduled EDR Contact: 07/28/03

### **SLIC REG 5:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: Regional Water Quality Control Board Central Valley Region (5)

Telephone: 916-855-3075

Unregulated sites that impact groundwater or have the potential to impact groundwater.

Date of Government Version: 03/01/03

Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/08/03

Date of Next Scheduled EDR Contact: 07/07/03

### **SLIC REG 6L:** SLIC Sites

Source: California Regional Water Quality Control Board, Lahontan Region

Telephone: 530-542-5574

Date of Government Version: 04/10/03

Database Release Frequency: Varies

Date of Last EDR Contact: 03/10/03

Date of Next Scheduled EDR Contact: 06/09/03

### **SLIC REG 6V:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: Regional Water Quality Control Board, Victorville Branch

Telephone: 619-241-6583

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 07/19/01  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/08/03  
Date of Next Scheduled EDR Contact: 07/07/03

## **SLIC REG 7:** SLIC List

Source: California Regional Quality Control Board, Colorado River Basin Region  
Telephone: 760-346-7491

Date of Government Version: 03/01/03  
Database Release Frequency: Varies

Date of Last EDR Contact: 02/28/03  
Date of Next Scheduled EDR Contact: 05/26/03

## **SLIC REG 8:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: California Region Water Quality Control Board Santa Ana Region (8)  
Telephone: 909-782-3298

Date of Government Version: 04/01/03  
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 04/21/03  
Date of Next Scheduled EDR Contact: 07/07/03

## **SLIC REG 9:** Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

Source: California Regional Water Quality Control Board San Diego Region (9)  
Telephone: 858-467-2980

Date of Government Version: 03/03/03  
Database Release Frequency: Annually

Date of Last EDR Contact: 03/03/03  
Date of Next Scheduled EDR Contact: 06/02/03

## **EDR PROPRIETARY HISTORICAL DATABASES**

**Former Manufactured Gas (Coal Gas) Sites:** The existence and location of Coal Gas sites is provided exclusively to EDR by Real Property Scan, Inc. ©Copyright 1993 Real Property Scan, Inc. For a technical description of the types of hazards which may be found at such sites, contact your EDR customer service representative.

### **Disclaimer Provided by Real Property Scan, Inc.**

The information contained in this report has predominantly been obtained from publicly available sources produced by entities other than Real Property Scan. While reasonable steps have been taken to insure the accuracy of this report, Real Property Scan does not guarantee the accuracy of this report. Any liability on the part of Real Property Scan is strictly limited to a refund of the amount paid. No claim is made for the actual existence of toxins at any site. This report does not constitute a legal opinion.

## **OTHER DATABASE(S)**

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

**Oil/Gas Pipelines:** This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

**Sensitive Receptors:** There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

### **AHA Hospitals:**

Source: American Hospital Association, Inc.  
Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

### **Medical Centers: Provider of Services Listing**

Source: Centers for Medicare & Medicaid Services  
Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## **Nursing Homes**

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

## **Public Schools**

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

## **Private Schools**

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

## **Daycare Centers: Licensed Facilities**

Source: Department of Social Services

Telephone: 916-657-4041

**Flood Zone Data:** This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

**NWI:** National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 from the U.S. Fish and Wildlife Service.

## **STREET AND ADDRESS INFORMATION**

© 2003 Geographic Data Technology, Inc., Rel. 07/2002. This product contains proprietary and confidential property of Geographic Data Technology, Inc. Unauthorized use, including copying for other than testing and standard backup procedures, of this product is expressly prohibited.

***Thank you for your business.***  
Please contact EDR at 1-800-352-0050  
with any questions or comments.

**Disclaimer**

This Report contains information obtained from a variety of public sources and EDR makes no representation or warranty regarding the accuracy, reliability, quality, or completeness of said information or the information contained in this report. The customer shall assume full responsibility for the use of this report.

**No warranty of merchantability or of fitness for a particular purpose, expressed or implied, shall apply and EDR specifically disclaims the making of such warranties. In no event shall EDR be liable to anyone for special, incidental, consequential or exemplary damages.**

## **APPENDIX B**

Title Report

## APPLICANT:

Hefner, Stark & Marois  
 2150 River Plaza Drive #450  
 Sacramento, CA 95833  
 Attn: Martin Steiner

## YOUR CONTACT

PERSON IS : Molly Baier  
 CONTACT AT : (707) 423-9000  
 FAX NO. : (707) 425-1094

Escrow Order No. : S605644  
 Title Order No. : S605644 UPDATE I  
 Title Officer : Paul Cotruvo/pc  
 Customer Reference : None  
 Property Address :

COPIES TO: NONE

Subject to a minimum charge required by Section 12404 of the Insurance Code. The form of policy of title insurance contemplated by this report is:

**AN AMERICAN LAND TITLE ASSOCIATION STANDARD COVERAGE OWNER'S POLICY - 1992 WITH REGIONAL EXCEPTIONS (Amended 10-17-92).**

NOTE: A SPECIFIC REQUEST SHOULD BE MADE IF ANOTHER FORM OR ADDITIONAL COVERAGE IS DESIRED.

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

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

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments thereto) 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.



Title Operations Manager

Dated as of May 1, 2001 at 7:30 a.m.

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

**RIVER CITY BANK, a California corporation**

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

**A fee as to Parcels One, Four and Five; an easement as to Parcels Two and Three**

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS CONTAINED IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. PROPERTY TAXES, including any assessments collected with taxes, for the fiscal year 2001-2002, a lien not yet due or payable.
2. THE LIEN of defaulted taxes for the fiscal year 1993-1994, and any subsequent delinquencies.  
Tax Rate Area : 6146  
A.P. No. : 128-040-180  
Amount to redeem : \$92,788.46  
Valid through : April 30, 2001  
Amount to redeem : \$94,180.28  
Valid through : May 31, 2001

THE DEFAULTED TAXES shown above have been placed into an installment plan by the County Tax Collector.

THE LIEN of defaulted taxes for the fiscal year 1993-1994, and any subsequent delinquencies.  
Tax Rate Area : 6146  
A.P. No. : 128-040-210  
Amount to redeem : \$6,776.71  
Valid through : April 30, 2001  
Amount to redeem : \$6,878.36  
Valid through : May 31, 2001

THE DEFAULTED TAXES shown above have been placed into an installment plan by the County Tax Collector.

3. ASSESSMENT of Bond Project No. 8631, in the original amount of \$19,519.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$2,031.46. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.  
A.P.No. : 128-040-110

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$22,008.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$2,288.48. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-120

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$47,104.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$4,879.84. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-130

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$29,677.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$3,080.36. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-140

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$2,618.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$283.78. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-150

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$204.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$22.12. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-160

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$30,642.00, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$3,180.00. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-170

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$1,053,782.70, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$108,826.44. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-180

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the original amount of \$76,619.30, plus interest. Said Assessment is collected and payable with the City and County Taxes. The amount collected with County Taxes for the fiscal year 2000-2001 is \$7,927.48. Application must be made to the MUNI Financial Services, Inc. for remaining unpaid balance together with amounts necessary to pay in full. Payoff information: (800) 755-MUNI.

A.P.No. : 128-040-210

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

4. THE LIEN of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
5. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Anchors, guys and fixtures  
Granted to : Pacific Telephone and Telegraph Company  
Recorded : March 23, 1934, Book 121, Page 161, Official Records  
Affects : The exact location is not disclosed of record.
6. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Poles  
Granted to : Pacific Telephone and Telegraph Company  
Recorded : March 26, 1936, Book 156, Page 293, Official Records  
Affects : The exact location is not disclosed of record.

7. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : UHL pipeline, spill lateral and lateral extension  
Granted to : Solano Irrigation District  
Recorded : April 15, 1964, Book 1264, Page 419, Official Records  
Affects : A portion of the premises  
  
AND re-recorded March 27, 1967 in Book 1446, Page 246, Official Records.
8. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : UHL lateral pipe lines  
Granted to : Solano Irrigation District  
Recorded : April 15, 1964, Book 1264, Page 422, Official Records  
Affects : A portion of Parcel Five
9. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : UHL pipe line - highway relocation  
Granted to : Solano Irrigation District  
Recorded : October 18, 1965, Book 1363, Page 563, Official Records  
Affects : A portion of Parcel Five
10. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Public utilities  
Reserved by : The County of Solano  
Recorded : August 5, 1982, Book 1982, Page 50441, Official Records  
Affects : A portion of the premises
11. AGREEMENT on the terms and conditions contained therein,  
For : Waiver and release for hazardous materials  
Between : Peter A. McCuen, Trustee, et al  
And : Lagoon Valley Investment Company, a California limited partnership  
Recorded : July 24, 1990, Series No. 90-57547, Official Records.
12. EASEMENT shown on filed map, and incidents thereto  
Purpose : View corridor  
Affects : A portion of Parcel Five
13. AGREEMENT on the terms and conditions contained therein,  
For : Development  
Between : City of Vacaville  
And : Lagoon Valley Investment Company, et al  
Recorded : December 12, 1991, Series No. 91-92573, Official Records.

MODIFICATION thereof recorded March 1, 1993, Series No. 93-17751 and Series No. 93-17752, Official Records.

MODIFICATION thereof recorded May 7, 1993, Series No. 93-40823, Official Records.

DEVELOPMENT Agreement Assignment and Document Clarifications, recorded May 7, 1993, Series No. 93-40846, Official Records.

14. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Ingress, egress and utilities  
Granted to : Lagoon Valley Associates, a California limited partnership  
Recorded : June 30, 1992, Series No. 92-58496, Official Records  
Affects : A portion of Parcel Five
  
15. AGREEMENT on the terms and conditions contained therein,  
For : Lower Lagoon Valley Benefit District No. 1992-1  
Between : Hines Nurseries, Inc., a California corporation, et al  
And : City of Vacaville, a municipal corporation  
Recorded : October 14, 1992, Series No. 92-94283, Official Records.
  
16. THE EFFECT of the "Notes" as shown on the Parcel Map of said land hereinafter referred to.  
  
Said matter affects Parcel One
  
17. THE FOLLOWING as contained in the Owner's Statement as shown on the filed Parcel Map:  
  
"The fire break/access road shall be constructed upon each parcel concurrently with the first development improvements of each parcel and shall be maintained by the owner(s) of each parcel, their successors and heirs."  
  
Said matter affects Parcel One.
  
18. EASEMENT shown on filed Parcel Map, and incidents thereto  
Purpose : Drainage, landscaping and sidewalk  
Affects : Portions of Parcels 2-"F", 2-"G" and 2-"H"
  
19. EASEMENT shown on filed Parcel Map, and incidents thereto  
Purpose : Public utilities  
Affects : Portions of Parcels 2-"E", 2-"F", 2-"G" and 2-"H"
  
20. EASEMENT shown on filed Parcel Map, and incidents thereto  
Purpose : Fire access road and public utilities  
Affects : Portions of Parcels 2-"H" and 2-"J"
  
21. EASEMENT shown on filed Parcel Map, and incidents thereto  
Purpose : Firebreak and access  
Affects : Portions of Parcels 2-"E" and 2-"J"
  
22. EASEMENT shown on filed Parcel Map, and incidents thereto  
Purpose : Private access, utilities and drainage  
Affects : Portions of Parcels 2-"E", 2-"F", 2-"G" and 2-"J"
  
23. EASEMENT shown on filed Parcel Map, and incidents thereto  
Purpose : Private access  
Affects : Portions of Parcels 2-"E", 2-"H" and 2-"J"

24. EASEMENT for the purposes stated herein and incidents thereto  
For : Avigation  
To : The City of Vacaville  
Recorded : May 7, 1993, Series No. 93-40825, Official Records
- Said matter affects Parcel Four.
25. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Storm drainage and detention  
Granted to : The City of Vacaville  
Recorded : May 7, 1993, Series No. 93-40829, Official Records  
Affects : A portion of the premises
26. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Storm drainage and detention  
Granted to : The City of Vacaville  
Recorded : May 7, 1993, Series No. 93-40830, Official Records  
Affects : A portion of the premises
27. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Storm drainage channel  
Granted to : The City of Vacaville  
Recorded : May 7, 1993, Series No. 93-40836, Official Records  
Affects : A portion of the premises
28. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Access and utilities  
Granted to : The City of Vacaville  
Recorded : May 7, 1993, Series No. 93-40837, Official Records  
Affects : A portion of Parcel Four
29. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : Private access, utilities and drainage  
Granted to : Bank of America National Trust and Savings Association  
Recorded : May 7, 1993, Series No. 93-40840, Official Records  
Affects : A portion of Parcels 2-"E" and 2-"F"
30. AGREEMENT on the terms and conditions contained therein,  
For : Phase One Improvements  
Between : Lagoon Valley Investment Company, a California limited partnership  
And : Bank of America National Trust and Savings Association, et al  
Recorded : May 7, 1993, Series No. 93-40841, Official Records.
31. AN AGREEMENT on the terms and conditions contained therein,  
For : Assessment District Operation and Shortfall Contribution  
Between : Lagoon Valley Investment Company, a California limited partnership  
And : Bank of America National Trust and Savings Association, et al  
Recorded : May 7, 1993, Series No. 93-40842, Official Records

32. LIMITATIONS, covenants, conditions, restrictions, reservations, exceptions, terms, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, marital status, ancestry, disability, handicap, familial status, or national origin, to the extent such covenants, conditions or restrictions violate 42 U.S.C. §3604(c) or California Government Code §12955, contained in the document recorded May 7, 1993, Series No. 93-40843, Official Records. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
33. THE REQUIREMENT that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the property.
34. THE TERMS AND PROVISIONS of any unrecorded leases, including, but not limited to, any options to purchase or rights of first refusal contained therein.
35. MATTERS WHICH may be disclosed by an inspection or by a survey of said land that is satisfactory to this Company, or by inquiry of the parties in possession thereof.

<b>INFORMATIONAL NOTES</b>
----------------------------

A. LENDER'S SPECIAL INFORMATION

According to the public records, there have been no deeds conveying the herein described property recorded within two years prior to the date thereof except as follows:

NONE

B. TAX NOTES

TAXES for the fiscal year 2000-2001

1st Installment	:	Cancelled
2nd Installment	:	Cancelled
Land	:	None
Improvements	:	None
Personal Property	:	None
Exemption	:	None
A. P. No.	:	128-040-190
Code Area	:	6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment	:	\$1,383.94
2nd Installment	:	\$1,383.94
Land	:	\$49,140.00
Improvements	:	None
Personal Property	:	None
Exemption	:	None
A. P. No.	:	128-040-110
Code Area	:	6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$1,559.18  
2nd Installment : \$1,559.18  
Land : \$55,374.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-120  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$3,327.44  
2nd Installment : \$3,327.44  
Land : \$118,434.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-130  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$2,099.18  
2nd Installment : \$2,099.18  
Land : \$74,593.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-140  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$258.00  
2nd Installment : \$258.00  
Land : \$17,661.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-150  
Code Area : 6163

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$20.61  
2nd Installment : \$20.61  
Land : \$1,455.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-160  
Code Area : 6163

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$2,167.61  
2nd Installment : \$2,167.61  
Land : \$77,087.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-170  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$61,779.71  
2nd Installment : \$61,779.71  
Land : \$983,008.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-180  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$36.45  
2nd Installment : \$36.45  
Land : \$5,506.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-200  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$4,499.36  
2nd Installment : \$4,499.36  
Land : \$71,477.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 128-040-210  
Code Area : 6146

BOTH installments of taxes for the fiscal year 2000-2001 have been paid in full

1st Installment : \$2,071.87  
2nd Installment : \$2,071.87  
Land : \$394,055.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 167-020-120  
Code Area : 6136

- C. LAST insured transaction over 5 years.
- D. COLLECT \$10.00 user fee for each Grant Deed for County Monument Preservation Fund.
- E. SECRETARY OF State Office reports River City Bank is in good standing as of 5-12-2001.
- F. THE REQUIREMENT that a resolution of the Board of Directors of the vestee be submitted authorizing execution of any deed or loan documents and that the by-laws be submitted prior to the recordation of such documents.
- G. PURSUANT to California State Law, the County Recorder will no longer accept witness acknowledgments on any deeds, deeds of trust, mortgages or other security instruments.
- H. WIRE INFORMATION FOR ESCROWS BEING HANDLED IN SOLANO COUNTY ONLY.

The following information should be used for all funds to be wired for this order. Please reference your Escrow Officer's Name and Escrow Number when wiring funds to:

First American Trust Company  
Santa Ana Branch  
421 North Main Street  
Santa Ana, CA 92701  
ABA #122241255

Credit: First American Title Guaranty Company Trust  
Account #12401

Re: Escrow No.: S605644  
Escrow Officer: Molly Baier

## LEGAL DESCRIPTION

REAL PROPERTY in the City of Vacaville, County of Solano, State of California, described as follows:

### PARCEL ONE:

Parcels 2-"E", 2-"F", 2-"G", 2-"H" and 2-"J" as shown on the Parcel Map entitled "Parcel Map of Parcel 2 of Lands of Lagoon Valley Investment Company", filed May 7, 1993 in Book 38 of Parcel Maps, Page 11, Solano County Records.

### EXCEPTING THEREFROM:

- 1) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with the easements and rights appurtenant there to as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Edward V. Shaffer, et ux, recorded June 25, 1943, in Book 279 of Official Records, at Page 572, Instrument No. 5433.
- 2) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with the easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Lucia Copita, recorded June 25, 1943, in Book 279 of Official Records at Page 579, Instrument No. 5437.

A.P. Nos.: 128-040-110, 120, 130, 140, 150, 160 and 170

### PARCEL TWO:

A non-exclusive twenty (20) foot wide private access, utility and drainage easement over and across the easterly twenty (20) feet of Parcels 2C and 2D shown upon the Parcel Map, as said easement is shown and depicted on the Parcel Map. Said easement shall be for the benefit of and appurtenant to Parcels 2E, 2F, 2G, 2H and 2J, shown on the Parcel Map.

### PARCEL THREE:

A non-exclusive 50 foot wide private storm drain easement over, under and across that real property located in the City of Vacaville, County of Solano, State of California, being a portion of Parcel 3 as shown on that certain Map entitled "Parcel Map of Lagoon Valley Investment Company" filed in Book 36 of Parcel Maps at Page 65, Solano County Records, being more particularly described as follows:

COMMENCING at the most easterly corner of Parcel 2 as shown on said Parcel Map; thence southwesterly along the common boundary between Parcel 2 and Parcel 3 South 48° 05' 00" West 513.29 feet to the True Point of Beginning; thence from True Point of Beginning, leaving said common boundary North 77° 51' 00" East 126.33 feet; thence North 89° 45' 37" East 464.09 feet to the southwesterly right of way line of Lagoon Valley Boulevard; thence southeasterly along said southwesterly right of way line South 41° 55' 00" East 66.94 feet; thence leaving said southwesterly right of way line South 89° 45' 37" West 503.39 feet; thence 77° 51' 00" West 208.54 feet to the common boundary between Parcel 2 and Parcel 3; thence northeasterly along said common boundary North 48° 05' 00" East 100.71 feet to the True Point of Beginning.

Said easement shall be for the benefit of and appurtenant to Parcel 2J of said Parcel is shown upon that certain Parcel Map (the "Parcel Map") entitled "Parcel Map of Parcel 2 of Lands of Lagoon Valley Investment Company" filed for record on May 7, 1993 in Book 38 of Parcel Maps at Page 11 in the Official Records of Solano County, California, and shall be on all of the terms and subject to all of the conditions set forth in that certain Grant Deed dated April 30, 1993 from Lagoon Valley Associates to Lagoon Valley Investment Company recorded on May 7, 1993, as Recorder's Series No. 93-40844, Solano County Records.

PARCEL FOUR:

Parcel 5 as shown on the Parcel Map of Lands of Lagoon Valley Investment Company, filed September 23, 1991, in Book 36 of Parcel Maps, Page 65, Solano County Records.

EXCEPTING THEREFROM:

- 1) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with the easements and rights appurtenant there to as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Edward V. Shaffer, et ux, recorded June 25, 1943, in Book 279 of Official Records, at Page 572, Instrument No. 5433.
- 2) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with the easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Lucia Copita, recorded June 25, 1943, in Book 279 of Official Records at Page 579, Instrument No. 5437.
- 3) That portion conveyed in the Deed to the City of Vacaville, recorded May 7, 1993, Series No. 93-40835, Official Records.

A.P. No.: 167-020-120

PARCEL FIVE:

Parcel 1 as shown on the Parcel Map of Lands of Lagoon Valley Investment Company, filed September 23, 1991 in Book 36 of Parcel Maps, Page 65, Solano County Records.

EXCEPTING THEREFROM:

- 1) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with easements and rights appurtenant there to as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Edward V. Shaffer, et ux, recorded June 25, 1943, in Book 279 of Official Records at Page 572, Instrument No. 5433.
- 2) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Lucia Copita, recorded June 25, 1943, in Book 279 of Official Records at Page 579, Instrument No. 5437.
- 3) That portion conveyed in the Deed to Solano Irrigation District, recorded May 7, 1993, Series No. 93-40831, Official Records.

4) That portion conveyed in the Deed to The City of Vacaville, recorded May 7, 1993, Series No. 93-40832, Official Records.

5) That portion conveyed in the Deed to the City of Vacaville, recorded May 7, 1993, Series No. 93-40833, Official Records.

A.P. Nos.: 128-040-180, 190, 200 and 210

\*\*\*\*

# *Thank you for your order.*

*We look forward to serving your future title needs.*

1. Regarding transfer tax and preliminary change of ownership reports:
  - a) The Solano County Recorder will not accept any document of conveyance for recording unless accompanied by a fully completed P.C.O.R. or a fully completed transfer tax statement. We have attached a copy of the county transfer tax statement for your use on this transaction. **THIS FORM (OR PCOR) MUST BE FILLED OUT BY THE GRANTEES.** The County will require a completed form with all recording packages that include a conveyance document, for confirming payment of City and County transfer tax, whether or not there is monetary consideration for the deed.
  - b) The Contra Costa County Recorder will charge \$20.00 if no PCOR is present or if it is incomplete.
  - c) There is additional Transfer Tax levied by the following cities:

El Cerrito, Richmond, and San Pablo . . . . .	\$7.00 per \$1,000.00
Vallejo . . . . .	\$3.30 per \$1,000.00
  - d) There is a \$10.00 MONUMENT PRESERVATION FEE for each conveyance in Contra Costa County if your legal is a portion of a lot, Parcel or Record of Survey Map or metes and bounds. In Solano County if your legal is a portion of a lot, Record of Survey, metes and bounds or a Subdivision Map filed prior to 1936 the fee also applies.
2. PRIOR TO CLOSE of escrow, contact Julie Sweetland at (925) 356-7022 to follow up on any residential indemnities required in your preliminary reports.

## *The following is for Title Only orders only.*

1. Title Only releases must be called in to Cat Banovitz (925) 356-7153 no later than 4:00 p.m. and pulled no later than 4:30 p.m., on the working day prior to recording. Recording packages must be received by Cat at 1355 Willow Way, Suite 101, Concord, CA 94520 no later than 1:00 p.m. on the working day prior to recording. Send packages via Blue Bag #289-01. To open a new order, also call Cat. Title questions should be directed to Patty Howard at (925) 356-7057.
2. Be sure to include a marked-up copy of the preliminary report and complete policy write-up instructions with your recording package. We cannot process closing packages without these items.
3. Please contact Patty immediately if you find that the spouse of a buyer is not coming into title and will be executing an Interspousal Grant Deed. Do this even if you have already provided the spouse's name as a buyer. We will need to obtain the vesting spouse's consent in the buyer's instructions to include any liens against the non-title spouse in the Owner's Policy.

Thank you for your assistance in working within the guidelines listed above. Please feel free to call if you have any questions.

### NOTICE I

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

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

### NOTICE II

As of January 1, 1991, if the transaction which is the subject of this report will be a sale, you, as a party to the transaction, may have certain tax reporting and withholding obligations pursuant to the state law referred to below:

In accordance with Sections 18662 and 18668 of the Revenue and Taxation Code, a buyer may be required to withhold an amount equal to three and 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).

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), 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 and 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 and should not act on any statements made or omitted by the escrow or closing officer.

#### THE SELLER MAY REQUEST A WAIVER BY CONTACTING:

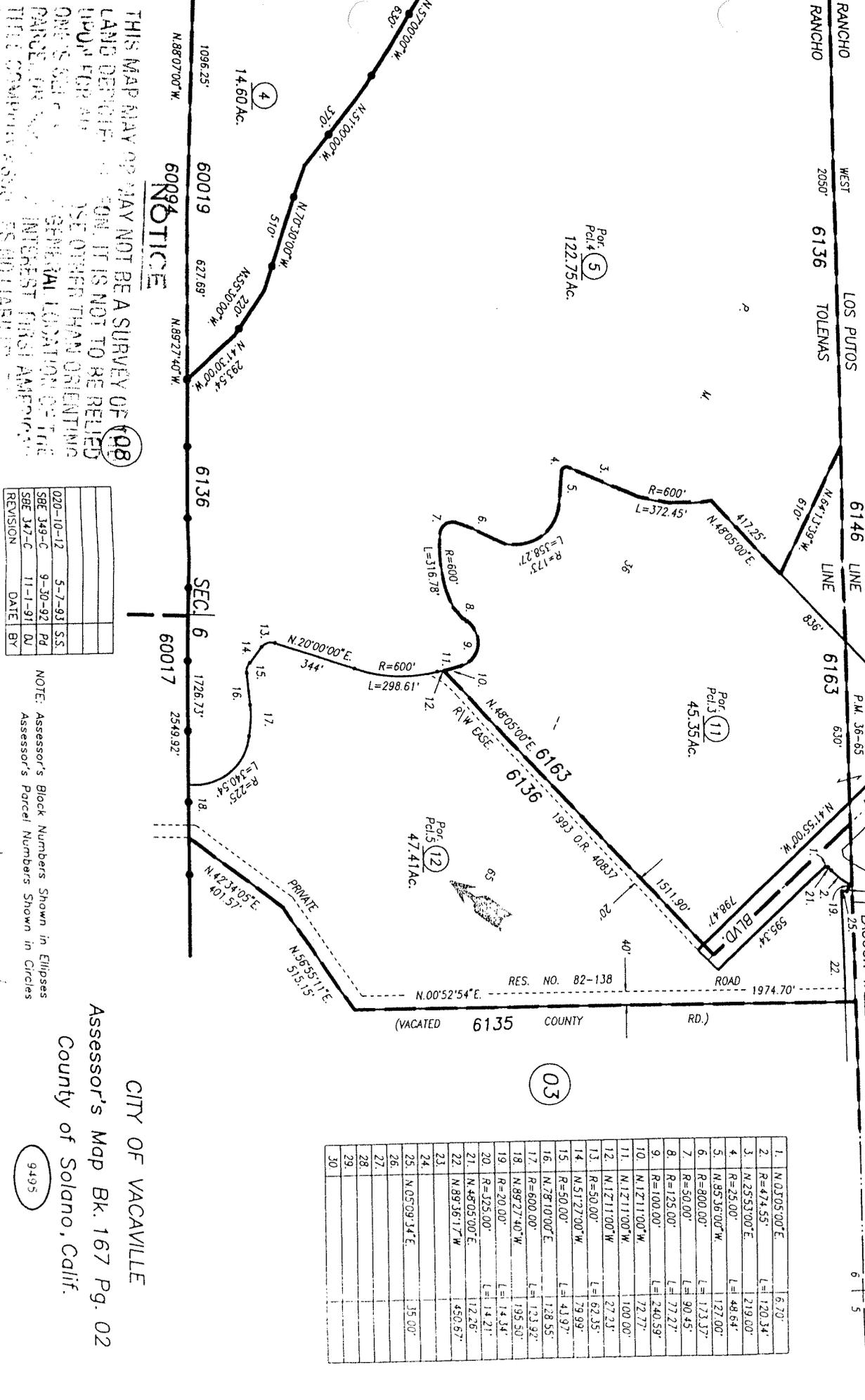
Franchise Tax Board  
Withhold at Source Unit  
P.O. Box 651  
Sacramento, CA 95812-0651  
(916) 845-4900

POR. LOT 37, RANCHO TOLENAS  
 POR. SEC. 6, T. 5N., R. 1W., M. D. B. & M. EXT.

Tax Area Code  
 6136  
 6146  
 6163  
 60019

167-02

U.S. SURVEY  
 STA. 45 RANCHO LOS PUTOS



1.	N.05°05'00"E	6.70'
2.	R=474.55'	L=120.34'
3.	N.25°53'00"E	L=219.60'
4.	R=25.00'	L=48.64'
5.	N.85°35'00"W	L=127.00'
6.	R=800.00'	L=173.37'
7.	R=50.00'	L=90.45'
8.	R=125.00'	L=77.27'
9.	R=100.00'	L=240.59'
10.	N.127°11'00"W	L=72.77'
11.	N.127°11'00"W	L=100.00'
12.	N.127°11'00"W	L=27.23'
13.	R=50.00'	L=62.35'
14.	N.51°27'00"W	L=79.99'
15.	R=50.00'	L=43.97'
16.	N.28°10'00"E	L=128.55'
17.	R=600.00'	L=123.92'
18.	N.89°27'40"W	L=195.50'
19.	R=20.00'	L=14.34'
20.	R=325.00'	L=14.21'
21.	N.45°05'00"E	L=12.26'
22.	N.89°36'17"W	L=450.67'
23.		
24.		
25.	N.05°09'34"E	L=35.00'
26.		
27.		
28.		
29.		
30.		

THIS MAP MAY OR MAY NOT BE A SURVEY OF 108  
 LAND DEFERRED FOR A FUTURE DATE. IT IS NOT TO BE RELIED  
 UPON FOR ANY OTHER PURPOSE THAN ORIENTING  
 ONE'S SELF TO THE GENERAL LOCATION OF THE  
 PARCEL OR PARCELS SHOWN HEREON. NO CLAIM OF  
 INTEREST IN ANY PARCEL OR PARCELS SHOWN  
 HEREON IS MADE BY THE CITY OF VACAVILLE.

020-10-12	5-7-93	SS
SBE 349-C	9-30-92	Pd
SBE 347-C	11-1-91	Bd
REVISION	DATE	BY

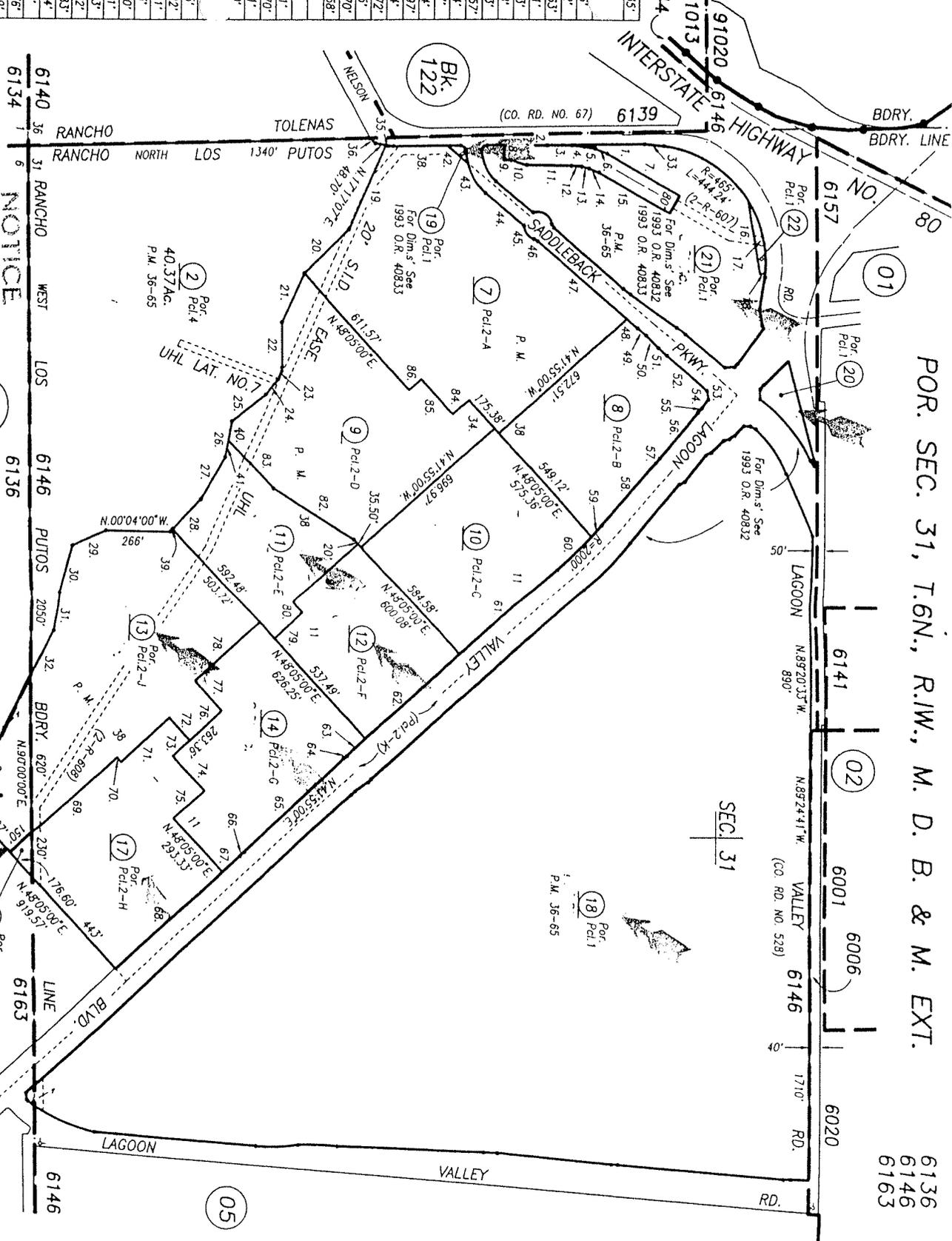
NOTE: Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

CITY OF VACAVILLE  
 Assessor's Map Bk. 167 Pg. 02  
 County of Solano, Calif.

POR. SEC. 31, T.6N., R.1W., M. D. B. & M. EXT.

6136  
6146  
6163

120-04



1	N.00°33'47"W	391.32'
2	N.00°13'47"W	49.52'
3	N.00°21'15"E	149.52'
4	N.04°41'15"E	47.44'
5	N.14°27'45"E	50.92'
6	N.24°48'15"E	50.46'
7	N.29°45'15"E	310.43'
8	N.89°12'45"W	55.45'
9	N.00°47'15"E	33.34'
10	N.27°46'15"E	60.21'
11	N.00°21'15"E	195.69'
12	N.04°41'15"E	39.09'
13	N.14°27'45"E	29.34'
14	N.24°48'15"E	39.12'
15	N.29°45'15"E	322.03'
16	N.43°32'03"E	265.44'
17	R=465'	268.24'
18	N.06°37'57"W	20.98'
19	N.67°27'54"W	319.9'
20	N.43°54'00"W	39.1'
21	N.59°13'00"W	21.1'
22	N.89°38'00"W	180.1'
23	N.27°46'00"W	50.0'
24	N.54°38'00"W	48.1'
25	N.37°15'00"W	1.30'
26	N.27°56'00"W	4.4'
27	N.59°06'00"W	19.2'
28	N.46°06'00"W	152.43'
29	N.24°50'00"W	44.6'
30	N.73°35'00"W	200.0'
31	N.82°28'00"W	158.1'
32	N.64°13'29"W	152.1'
33	N.65°12'29"E	64.00'
34	N.48°05'00"E	143.13'
35	N.00°13'47"W	11.52'
36	N.58°49'07"E	24.22'
37	N.00°13'47"W	11.52'
38	N.00°13'47"W	24.12'
39	N.46°06'00"W	9.51'
40	N.27°56'00"W	68.64'
41	N.77°56'00"W	78.06'

NOTICE

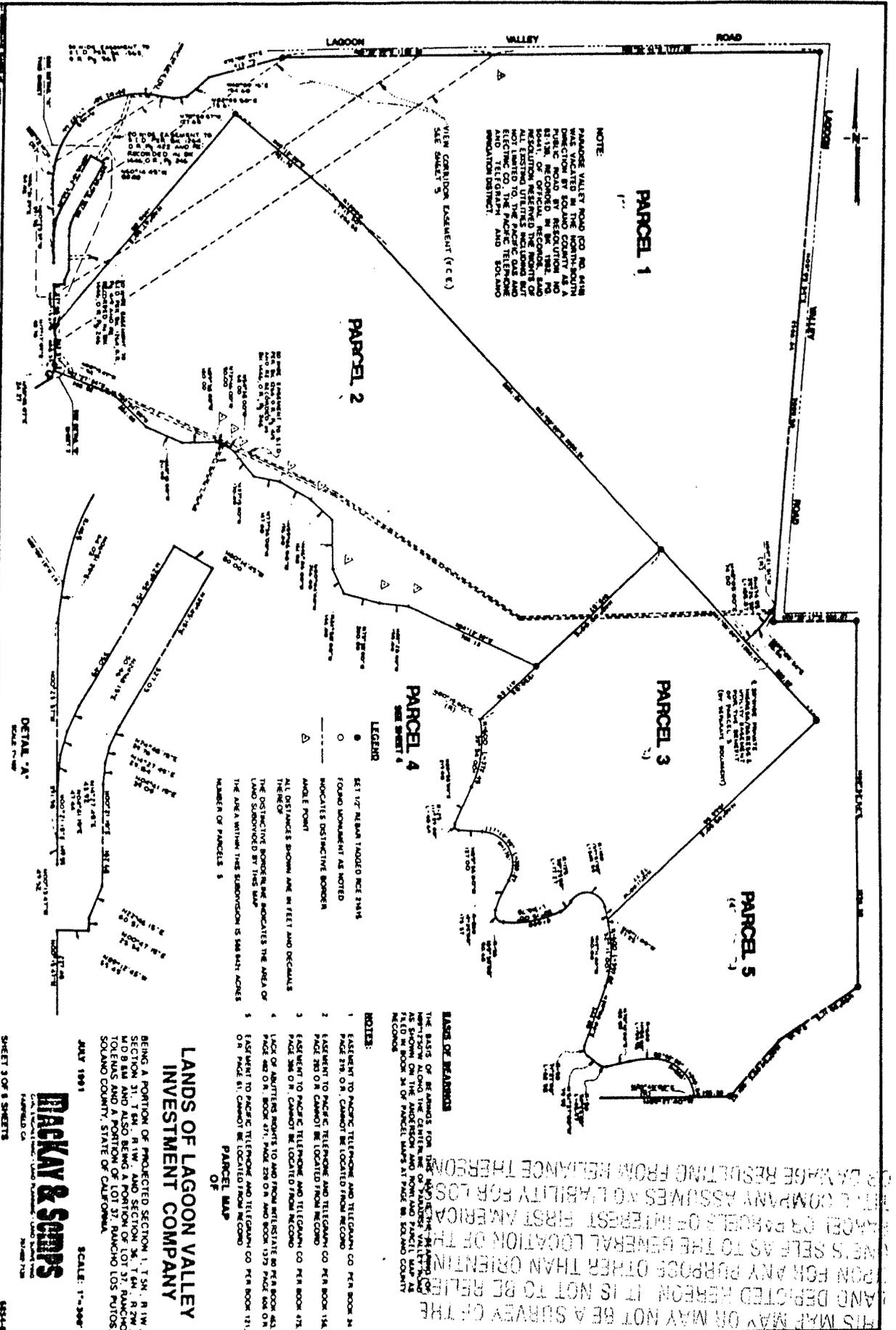
HIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. IT IS NOT TO BE RELIED UPON FOR ANY PURPOSE OTHER THAN ORIENTING ONE'S SELAS TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS OF INTEREST. FIRST AMERICAN TITLE COMPANY ASSUMES NO LIABILITY FOR LOSS OR DAMAGE RESULTING FROM DEPENDANCE THEREON.

040-18-32	5-7-93	S.S.
040-7-17	5-7-93	S.S.
08E 347-C	9-30-92	P.D.
08E 347-C	11-1-91	D.V.
REVISION	DATE	BY

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 128 Pg. 04  
County of Solano, Calif.

9495



**NOTE:**  
 PARADISE VALLEY ROAD CO. NO. 4418  
 WAS LOCATED IN THE 1981-82  
 PUBLIC ROAD BY RESOLUTION NO.  
 81-176. RECORD NO. 81-176 AND  
 RESOLUTION REFERRED THE RIGHTS OF  
 ALL EXISTING UTILITIES INCLUDING BUT  
 NOT LIMITED TO, THE PACIFIC GAS AND  
 ELECTRIC COMPANY, THE SOUTHERN  
 CALIFORNIA GAS COMPANY AND  
 TELEGRAPH AND CABLE  
 TELEVISION DISTRICT.

**LEGEND**

- SET 1/2" REBAR TAGGED NCE 2145
- FOUND MONUMENT AS NOTED
- INDICATES DISTINCTIVE BORDERS
- △ ANGLE POINT
- △ ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF
- △ THE DISTINCTIVE BORDER LINE INDICATES THE AREA OF LAND SUBDIVIDED BY THIS MAP
- △ THE AREA WITHIN THIS SUBDIVISION IS 584.541 ACRES NUMBER OF PARCELS 5

**NOTES:**

- 1 EASTMENT TO PACIFIC TELEPHONE AND TELEGRAPH CO PER BOOK 24 PAGE 278.0 N. CANNOT BE LOCATED FROM RECORD
- 2 EASTMENT TO PACIFIC TELEPHONE AND TELEGRAPH CO PER BOOK 154 PAGE 281.0 N. CANNOT BE LOCATED FROM RECORD
- 3 EASTMENT TO PACIFIC TELEPHONE AND TELEGRAPH CO PER BOOK 475 PAGE 286.0 N. CANNOT BE LOCATED FROM RECORD
- 4 PLACE OF ANTIPIERS REPORT TO AND FROM WILSON STATE 80 PER BOOK 43 PAGE 40.0 N. BOOK 471, PAGE 229.0 N. AND BOOK 127 PAGE 50.0 N.
- 5 EASTMENT TO PACIFIC TELEPHONE AND TELEGRAPH CO PER BOOK 121 PAGE 11.0 N. CANNOT BE LOCATED FROM RECORD

**BASIS OF REVISIONS**

THE BASIS OF REVISIONS FOR THIS MAP IS THE ORIGINAL SURVEY AND THE CENTER LINE OF PARADISE VALLEY ROAD AS SHOWN ON THE FIELD RECORDS OF PARCELS 1, 2, 3, 4 AND 5.

**LANDS OF LAGOON VALLEY INVESTMENT COMPANY**

**PARCEL MAP**

SCALE: 1" = 300'

MAY 1991

BEING A PORTION OF PROJECTED SECTION 1, T. 38. N. 1. W. SECTION 16, T. 38. N. 1. W. AND SECTION 36, T. 38. N. 1. W. R. 1. W. AND ALSO BEING A PORTION OF LOT 37, RANCHO TOLEANS AND A PORTION OF LOT 37, RANCHO LOS PUTOS, SOLANO COUNTY, STATE OF CALIFORNIA.

**PACKAY & SCIMPS**

REGISTERED PROFESSIONAL LAND SURVEYORS

1000 17th St. N. Berkeley, CA 94710

36 PM 67

SHEET 3 OF 3 SHEETS

45344

Sheet 3 of 3

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE  
 AND DEPICTED HEREON. IT IS NOT TO BE RELIED  
 UPON FOR ANY PURPOSE OTHER THAN ORIENTING  
 ONE'S SELF AS TO THE GENERAL LOCATION OF THE  
 PARCELS OF INTEREST. FIRST AMERICA  
 TITLE COMPANY ASSUMES NO LIABILITY FOR LOSS  
 OF PARCELS OR DAMAGE RESULTING FROM NEGLIGENCE THEREON.



061302sh

APPLICANT:

McCuen Properties  
3604 Fair Oaks Blvd., Ste. 200  
Sacramento, CA 95864  
Attn: Jay Stewart

YOUR CONTACT

PERSON IS : Molly Baier  
CONTACT AT : (707) 423-9000  
FAX NO. : (707) 425-1094

Escrow Order No. : S605645  
Title Order No. : S605645 UPDATE II  
Title Officer : Perry Lindgaard/pl  
Customer Reference : None  
Property Address :

COPIES TO: **Triad**  
**Farella Braun & Martel**

Subject to a minimum charge required by Section 12404 of the Insurance Code. The form of policy of title insurance contemplated by this report is:

**AN AMERICAN LAND TITLE ASSOCIATION STANDARD COVERAGE OWNER'S POLICY - 1992 WITH REGIONAL EXCEPTIONS (Amended 10-17-92).**

NOTE: A SPECIFIC REQUEST SHOULD BE MADE IF ANOTHER FORM OR ADDITIONAL COVERAGE IS DESIRED.

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

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

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

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

This report (and any supplements or amendments thereto) 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.

6/4/2003

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

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

**LAGOON VALLEY INVESTMENT COMPANY, a California limited partnership, as to Parcels One and Two;  
LAGOON VALLEY ASSOCIATES, a California limited partnership, as to Parcels Three and Four**

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

**A fee as to Parcels One and Three; an easement as to Parcels Two and Four**

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS CONTAINED IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. PROPERTY TAXES, including any assessments collected with taxes, for the fiscal year 2002-2003, a lien not yet due or payable.
2. TAXES for the fiscal year 2001-2002
  - 1st Installment : \$32,166.90 delinquent, \$3,216.69 penalty
  - 2nd Installment : \$32,166.90 delinquent, \$3,216.69 penalty, plus \$10.00 cost
  - Land : \$589.076
  - Improvements : None
  - Personal Property : None
  - Exemption : None
  - A. P. No. : 128-040-070
  - Code Area : 6146
3. TAXES for the fiscal year 2001-2002
  - 1st Installment : \$15,019.10 delinquent, \$1,501.91 penalty
  - 2nd Installment : \$15,019.10 delinquent, \$1,501.91 penalty, plus \$10.00 cost
  - Land : \$275,622
  - Improvements : None
  - Personal Property : None
  - Exemption : None
  - A. P. No. : 128-040-080
  - Code Area : 6146
4. TAXES for the fiscal year 2001-2002
  - 1st Installment : \$22,097.58 delinquent, \$2,209.75 penalty
  - 2nd Installment : \$22,097.58 delinquent, \$2,209.75 penalty, plus \$10.00 cost
  - Land : \$404,246.00
  - Improvements : None
  - Personal Property : None
  - Exemption : None
  - A. P. No. : 128-040-090
  - Code Area : 6146
5. TAXES for the fiscal year 2001-2002
  - 1st Installment : \$17,471.40 delinquent, \$1,747.14 penalty
  - 2nd Installment : \$17,471.40 delinquent, \$1,747.14 penalty, plus \$10.00 cost
  - Land : \$319,938.00
  - Improvements : None
  - Personal Property : None

Exemption : None  
A. P. No. : 128-040-100  
Code Area : 6146

6. TAXES for the fiscal year 2001-2002

1st Installment : \$3,964.73 delinquent, \$396.47 penalty  
2nd Installment : \$3,964.73 delinquent, \$396.47 penalty, plus \$10.00 cost  
Land : \$134,959.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 167-020-100  
Code Area : 6146

7. TAXES for the fiscal year 2001-2002

1st Installment : \$78,572.31 delinquent, \$7,857.23 penalty  
2nd Installment : \$78,572.31 delinquent, \$7,857.23 penalty, plus \$10.00 cost  
Land : \$2,370,013.00  
Improvements : None  
Personal Property : None  
Exemption : None  
A. P. No. : 167-020-110  
Code Area : 6163

8. THE LIEN of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

9. TAX DEFAULT for non-payment of property taxes

Fiscal Year : 2001-2002, and subsequent delinquencies  
Sale No. : 1997000525  
Amount to redeem : \$317,728.77 during the month of April, 2002  
Amount to redeem : \$320,869.45 during the month of May, 2002

Said matter affects A.P.No. 128-040-070.

TAX DEFAULT for non-payment of property taxes

Fiscal Year : 2001-2002 and subsequent delinquencies  
Sale No. : 1997000524  
Amount to redeem : \$148,407.25 during the month of April, 2002  
Amount to redeem : \$149,873.85 during the month of May, 2002

Said matter affects A.P.No. 128-040-080.

TAX DEFAULT for non-payment of property taxes

Fiscal Year : 2001-2002, and subsequent delinquencies  
Sale No. : 1997000523  
Amount to redeem : \$218,275.48 during the month of April, 2002  
Amount to redeem : \$220,432.82 during the month of May, 2002

Said matter affects A.P.No. 128-040-090.

TAX DEFAULT for non-payment of property taxes

Fiscal Year : 2001-2002 and subsequent delinquencies  
Sale No. : 1997000522  
Amount to redeem : \$172,601.89 during the month of April, 2002  
Amount to redeem : \$174,307.73 during the month of May, 2002

Said matter affects A.P.No. 128-040-100.

TAX DEFAULT for non-payment of property taxes

Fiscal Year : 2001-2002 and subsequent delinquencies  
Sale No. : 94-000160  
Amount to redeem : \$75,558.18 during the month of April, 2002  
Amount to redeem : \$76,203.46 during the month of May, 2002

Said matter affects A.P.No. 167-020-100.

TAX DEFAULT for non-payment of property taxes

Fiscal Year : 2001-2002 and subsequent delinquencies  
Sale No. : 94-000566  
Amount to redeem : \$1,474,766.57 during the month of April, 2002  
Amount to redeem : \$1,487,405.62 during the month of May, 2002

Said matter affects A.P.No. 167-020-110.

10. Assessments for Bond Project No. 8631 (Lower Lagoon Valley Assessment) Series 1991-C collected and payable with the city and county taxes.
11. Notice of intent to remove delinquent special taxes from tax roll for Assessment District Lower Lagoon Valley Assessment District, Series 1991-C, recorded January 6, 2000 as Series No. 2000-953 of Official Records.

For information with regard to the delinquent special tax installment(s) covered by this notice, you should contact: NBS Government Finance Group.

NOTICE OF Intent to Remove Delinquent Assessment Installments from the Tax Roll, City of Vacaville, Lower Lagoon Valley Assessment District, Series 1991-C

Recorded : January 5, 2000, Series No. 2000-953, Official Records

Affects : The land and other property.

12. ASSESSMENT of Bond Project No. 8631, in the current balance of \$475,797.64, plus interest.  
A.P.No. : 128-040-070

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the current balance of \$222,019.79, plus interest.  
A.P.No. : 128-040-080

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the current balance of \$326,861.87, plus interest.  
A.P.No. : 128-040-090

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the current balance of \$258,369.45, plus interest.  
A.P.No. : 128-040-100

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the current balance of \$51,859.69, plus interest.

A.P.No. : 167-020-100

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

ASSESSMENT of Bond Project No. 8631, in the current balance of \$1,056,404.95, plus interest.

A.P.No. : 167-020-110

The property is also subject to the Terms, Conditions and Provisions of the Notice of Assessment for the above referenced District.

13. EASEMENT for the purposes stated herein and incidents thereto  
Purpose : UHL pipe lines, spill lateral and lateral extension  
Granted to : Solano Irrigation District  
Recorded : April 15, 1964, Book 1264, Page 419, Official Records  
Affects : A portion of said land

And re-recorded March 27, 1967, Book 1446, Page 246, Official Records, to correct Line 11 in Parcel 1.

14. AGREEMENT on the terms and conditions contained therein,  
For : Waiver and release for hazardous materials  
Between : Peter A. McCuen, Trustee, et al  
And : Lagoon Valley Investment Company, a California limited partnership  
Recorded : July 24, 1990, Series No. 90-57547, Official Records.

15. VIEW Corridor Easement (V.C.E.) as shown on the Parcel Map filed September 23, 1991, Book 36 of Parcel Maps, Page 65.

16. AGREEMENT on the terms and conditions contained therein,  
For : Development  
Between : The City of Vacaville  
And : Lagoon Valley Investment Company, et al  
Recorded : December 12, 1991, Series No. 91-92573, Official Records.

MODIFICATION thereof recorded March 1, 1993, Series No. 93-17751 and Series No. 93-17752, Official Records.

MODIFICATION thereof recorded May 7, 1993, Series No. 93-40823, Official Records.

DEVELOPMENT Agreement Assignment and Document Clarifications, recorded May 7, 1993, Series No. 93-40846, Official Records.

17. AGREEMENT on the terms and conditions contained therein,  
For : Lower Lagoon Valley Benefit District No. 1992-1  
Between : Hines Nurseries, Inc., a California corporation, et al  
And : City of Vacaville, a municipal corporation  
Recorded : October 14, 1992, Series No. 92-94283, Official Records.

18. ANY RIGHTS, interests, or claims which may exist or arise by reason of the following facts shown on a Survey Plat entitled "ALTA/ACSM Land Title Survey," dated December 3, 1992, prepared by MacKay & Soms, Job No. 6854-0:

- A. The fact that power poles with guys and a meter box are located on the westerly and southwesterly portion of said land.
- B. The fact that S.I.D. water valves and 8" steel stand pipe are located outside of their easement on the southwesterly portion of said land.
- C. Any item that an update II

19. THE EFFECT of the "Notes" as shown on the Parcel Map of said land hereinafter referred to.

NOTES:

- 1. "This Map has been approved and recorded prior to completion of design, construction, or financing of necessary public improvements to serve the parcels created hereby. Further, this Map has been processed and approved without benefit of a concurrent application for Design Review, Planned Unit Development, or Building Permit. Development of any parcel of this Map including, but not limited to, application for Design Review, Planned Unit Development, Building Permit, or Certificate of Occupancy, is subject to and shall be reviewed in accordance with the lower Lagoon Valley Policy Plan, lower Lagoon Valley Design Guidelines, lower Lagoon Valley Development Agreement, as last amended, and the conditions imposed upon this Final Parcel Map by CLD-121-91. None of the above cited applications shall be approved unless adequate public improvements to serve the development are provided. The exact nature and design of these improvements shall be determined by the City Engineer. Said improvements shall be constructed in accordance with plans approved by the City Engineer, and shall be guaranteed by security in a form approved by the City Engineer. These documents and the conditions contained therein are intended to supersede any contrary provisions of Government Code Section 65961 and the Subdivision Map Act including, but not limited to, Government Code Sections 66462 and 66462.5."
- 2. "The City will have the right to review specific driveway locations, approve and require easements providing for internal circulation, utilities and drainage for each individual parcel at the time of Design Review for buildings on Parcels 2-"A" thru 2-"1"."
- 3. "Access easements shown on this Map may need to be moved in the future, and the access easements shown do not represent approved driveway locations."

20. THE FOLLOWING as contained in the Owners Statement as shown on the filed Parcel Map:

"The Fire Break/Access Road shall be constructed upon each parcel concurrently with the first development improvements of each parcel and shall be maintained by the owners of each parcel, their successors and heirs."

- 21. EASEMENT shown on filed Parcel Map (38 PM 11), and incidents thereto
  - Purpose : Drainage, landscaping and sidewalk
  - Affects : Portions of Parcels 2-"A", 2-"B" and 2-"C"
- 22. EASEMENT shown on filed Parcel Map (38 PM 11), and incidents thereto
  - Purpose : Public utilities
  - Affects : Portions of Parcels 2-"A", 2-"B", 2-"C" and 2-"D"
- 23. EASEMENT shown on filed Parcel Map (38 PM 11), and incidents thereto
  - Purpose : Storm drainage
  - Affects : Portions of Parcels 2-"A" and 2-"B"
- 24. EASEMENT shown on filed Parcel Map (38 PM 11), and incidents thereto
  - Purpose : Firebreak and access
  - Affects : Portions of Parcels 2-"A" and 2-"D"

25. EASEMENT shown on filed Parcel Map (38 PM 11), and incidents thereto  
 Purpose : Private access, utilities and drainage  
 Affects : Portions of Parcels 2-"A", 2-"B", 2-"C" and 2-"D"
26. EASEMENT shown on filed Parcel Map (38 PM 11), and incidents thereto  
 Purpose : Private access  
 Affects : Portions of Parcels 2-"A" and 2-"D"
27. EASEMENT for the purposes stated herein and incidents thereto  
 For : Avigation  
 Granted to : The City of Vacaville  
 Recorded : May 7, 1993, Series No. 93-40825, Official Records
28. EASEMENT for the purposes stated herein and incidents thereto  
 Purpose : Private access, utility and drainage  
 Reserved by : Lagoon Valley Investment Company, a California limited partnership  
 Recorded : May 7, 1993, Series No. 93-40840, Official Records  
 Affects : A portion of Parcels 2-"C" and 2-"D"
29. AGREEMENT on the terms and conditions contained therein,  
 For : Phase One Improvements  
 Between : Lagoon Valley Investment Company, a California limited partnership  
 And : Bank of America National Trust and Savings Association, et al  
 Recorded : May 7, 1993, Series No. 93-40841, Official Records.
30. AN AGREEMENT on the terms and conditions contained therein,  
 For : Assessment District Operation and Shortfall Contribution  
 Between : Lagoon Valley Investment Company, a California limited partnership  
 And : Bank of America National Trust and Savings Association, et al  
 Recorded : May 7, 1993, Series No. 93-40842, Official Records
31. LIMITATIONS, covenants, conditions, restrictions, reservations, exceptions, terms, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, marital status, ancestry, disability, handicap, familial status, or national origin, to the extent such covenants, conditions or restrictions violate 42 U.S.C. §3604(c) or California Government Code §12955, contained in the document recorded May 7, 1993, Series No. 93-40843, Official Records.
32. EASEMENT for the purposes stated herein and incidents thereto  
 Purpose : Drainage Improvements  
 Granted to : Lagoon Valley Investment Company, a California limited partnership  
 Recorded : May 7, 1993, Series No. 93-40844, Official Records  
 Affects : A portion of the premises
33. NOTICE OF Power to Sell Tax-Defaulted Property  
 Recorded : September 1, 1999, Series No. 99-75815, Official Records
- Said matter affects A.P.No. 167-020-100.
34. NOTICE OF Power to Sell Tax-Defaulted Property  
 Recorded : September 1, 1999, Series No. 99-75816, Official Records
- Said matter affects A.P.No. 167-020-110.
35. ACTION PENDING  
 Nature of Action : Foreclose the lien or liens of assessments securing the City of Vacaville  
 Case No. : 14627

Court : Superior Court of the State of California, County of Solano  
Plaintiff : City of Vacaville, a municipal corporation  
Defendant : Lagoon Valley Associates, a California limited partnership; and Does 1 through 20, inclusive  
Recorded : April 24, 2000, Series No. 2000-31826, Official Records  
Atty for Plaintiff : Benjamin P. Fay, SBN: 178856; Kevin K. Frank, SBN: 191564  
Address : Meyers, Nave, Riback, Silver & Wilson, Gateway Plaza, 777 Davis Street, Suite 300, San Leandro, California 94577  
Telephone : (510) 351-4300

Said matter affects Parcel Three.

A certified copy of a judgment or an abstract thereof, recorded June 12, 2001 as Series No. 2001-61777 of Official Records.

Court : Solano County Superior Court, Fairfield Branch  
Case No. : 14627  
Debtor : Lagoon Valley Investment Co. Attn: Mark Sussman/McCuen Prop.  
Creditor : City of Vacaville  
Amount : \$89,116.00, and any other amounts due thereunder.

Notice of Levy and Write of Sale and Judgment recorded June 14, 2001 as Series No. 2001-63241 of Official Records.

Court : Solano Superior Court  
Case No. : 14627  
Plaintiff : City of Vacaville  
Defendant : Lagoon Valley Investment Co.  
Amount Secured : \$91,958.91

Said matter affects A.P.No. 167-020-100

Notice of Levy and Write of Sale and Judgment recorded June 14, 2001 as Series No. 2001-63240 of Official Records.

Court : Solano Superior Court  
Case No. : 14627  
Plaintiff : City of Vacaville  
Defendant : Lagoon Valley Investment Co.  
Amount Secured : \$91,958.91

Said matter affects A.P.No. 167-020-110

36. ACTION PENDING

Nature of Action : To foreclose the lien or liens of assessments securing the City of Vacaville  
Case No. : 14629  
Court : Superior Court of the State of California, County of Solano  
Plaintiff : City of Vacaville, a municipal corporation  
Defendant : Lagoon Valley Investment Company, a California corporation and Does 1 through 20, inclusive  
Recorded : April 24, 2000, Series No. 2000-31827, Official Records  
Atty for Plaintiff : Benjamin P. Fay, SBN: 178856, Kevin K. Frank, SBN: 191564  
Address : Meyers, Nave, Riback, Silver & Wilson, Gateway Plaza, 777 Davis Street, Suite 300, San Leandro, California 94577  
Telephone : (510) 351-4300

Said matter affects Parcel One.

A certified copy of a judgment or an abstract thereof, recorded June 12, 2001 as Series No. 2001-61778 of

Official Records.

Court : Solano County Superior Court/Fairfield Branch  
Case No. : 14629  
Debtor : Lagoon Valley Investment Co. Attn: Marc Sussman/McCuen Prop.  
Creditor : City of Vacaville  
Amount : \$101,973.00, and any other amounts due thereunder.

Notice of Levy and a writ of sale and judgment recorded September 19, 2001 as Series No. 2001-107682 of Official Records.

Court : Fairfield Superior Court  
Case No. : 14629  
Plaintiff : City of Vacaville, a Municipal  
Defendant : Lagoon Valley Investment Co.  
Amount Secured : \$107,347.79

Said matter affects A.P.No. 128-040-070

Sheriff's Release of Levy on Real Estate Attachment Enforcement of Judgment recorded February 25, 2002 as Series No. 2002-24270 of Official Records.

Court : Solano County Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Co.  
Creditor : City of Vacaville  
Amount : \$(none shown), and any other amounts due thereunder, given in connection with document recorded September 19, 2001, Series No. 2001-107682, Official Records.

Notice of Levy and Writ of Sale and Judgment recorded September 19, 2001 as Series No. 2001-107683 of Official Records.

Court : Fairfield Superior Court  
Case No. : 14629  
Plaintiff : City of Vacaville, a Municipal  
Defendant : Lagoon Valley Investment Co.  
Amount Secured : \$107,347.79

Said matter affects A.P.No. 128-040-080

Sheriff's Release of Levy on Real Estate Attachment Enforcement of Judgment recorded February 25, 2002 as Series No. 2002-24273 of Official Records.

Court : Solano County Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Co.  
Creditor : City of Vacaville  
Amount : \$(none shown), and any other amounts due thereunder, given in connection with document recorded September 19, 2001, Series No. 2001-107683, Official Records.

Notice of Levy and Writ of Sale and Judgment recorded September 19, 2001 as Series No. 2001-107684 of Official Records.

Court : Fairfield Superior Court  
Case No. : 14629  
Plaintiff : City of Vacaville, a Municipal  
Defendant : Lagoon Valley Investment Co.  
Amount Secured : \$107,347.79

Said matter affects A.P.No. 128-040-090

Sheriff's Release of Levy on Real Estate Attachment Enforcement of Judgement recorded February 25, 2002 as Series No. 2002-24272 of Official Records.

Court : Solano County Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Co.  
Creditor : City of Vacaville  
Amount : \$(none shown), and any other amounts due thereunder, given in connection with document recorded September 19, 2001, Series No. 2001-107684, Official Records.

Notice of Levy and Writ of Sale and Judgment recorded September 19, 2001 as Series No. 2001-107685 of Official Records.

Court : Fairfield Superior Court  
Case No. : 14629  
Plaintiff : City of Vacaville, a Municipal  
Defendant : Lagoon Valley Investment Co.  
Amount Secured : \$107,347.79

Said matter affects A.P.No. 128-040-100

Sheriff's Release of Levy on Real Estate Attachment Endorsement of Judgment recorded February 25, 2002 as Series No. 2002-24271 of Official Records.

Court : Solano County Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Co.  
Creditor : City of Vacaville  
Amount : \$(none shown), and any other amounts due thereunder, given in connection with document recorded September 19, 2001, Series No. 2001-107685, Official Records.

37. A writ of Sale and Judgement recorded May 23, 2002, Series No. 2002-65328, Official Records.

Court : Fairfield Superior Court  
Case No. : 14627  
Debtor : Lagoon Valley Associates  
Creditor : City of Vacaville, a Municipal Corporation  
Amount : \$107,289.40, and any other amounts due thereunder.

Affects Parcels 3 and 4.

38. A writ of Sale and Judgement recorded May 23, 2002, Series No. 2002-65329, Official Records.

Court : Fairfield Superior Court  
Case No. : 14627  
Debtor : Lagoon Valley Associates  
Creditor : City of Vacaville, a Municipal Corporation  
Amount : \$107,319.40, and any other amounts due thereunder.

Affects Parcels 3 and 4.

39. A writ of Sale and Judgement recorded May 23, 2002, Series No. 2002-65451, Official Records.

Court : Fairfield Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Company, a California corporation  
Creditor : City of Vacaville, a Municipal Corporation  
Amount : \$123,845.77, and any other amounts due thereunder.

Affects Parcels 1 and 2.

40. A writ of Sale and Judgement recorded May 23, 2002, Series No. 2002-65452, Official Records.  
Court : Fairfield Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Company, a California corporation  
Creditor : City of Vacaville, a Municipal Corporation  
Amount : \$123,845.77, and any other amounts due thereunder.

Affects Parcels 1 and 2.

41. A writ of Sale and Judgement recorded May 23, 2002, Series No. 2002-65453, Official Records.  
Court : Fairfield Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Company, a California corporation  
Creditor : City of Vacaville, a Municipal Corporation  
Amount : \$123,845.77, and any other amounts due thereunder.

Affects Parcels 1 and 2.

42. A writ of Sale and Judgement recorded May 23, 2002, Series No. 2002-65454 Official Records.  
Court : Fairfield Superior Court  
Case No. : 14629  
Debtor : Lagoon Valley Investment Company, a California corporation  
Creditor : City of Vacaville, a Municipal Corporation  
Amount : \$125,845.77, and any other amounts due thereunder.

Affects Parcels 1 and 2.

43. THE REQUIREMENT that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the property.
44. THE TERMS AND PROVISIONS of any unrecorded leases, including, but not limited to, any options to purchase or rights of first refusal contained therein.
45. MATTERS WHICH may be disclosed by an inspection or by a survey of said land that is satisfactory to this Company, or by inquiry of the parties in possession thereof.

<b>INFORMATIONAL NOTES</b>
----------------------------

A. LENDER'S SPECIAL INFORMATION

According to the public records, there have been no deeds conveying the herein described property recorded within two years prior to the date thereof except as follows:

NONE

B. Basic rate applies.

C. Prior to the issuance of any policy of title insurance, the Company will require:

LP-1 on Lagoon Valley Investment Company, a California limited partnership, recorded July 24, 1990, Series No. 90-57544, Official Records.

General partner is Peter A. McCuen, Trustee under Trust Agreement of June 10, 1974, as amended, entitled "The Peter A. McCuen Trust" (or () See Copy Attached). If less than all general partners execute documents for closing, obtain Title Department's approval.

- D. LP-1 on Lagoon Valley Associates, recorded June 3, 1985, Book 1985, Page 59043, Official Records.

General partner is McCuen & Steele, Inc., a California corporation. If less than all general partners execute documents for closing, obtain Title Department's approval.

By an Amendment of Certificate of Limited Partnership recorded April 6, 1990, Series No. 90-25769, Official Records, Sacramento Investment Company II, Ltd., a California limited partnership has been substituted as General Partner.

- E. LP-1 on Sacramento Investment Company II, Ltd., recorded April 27, 1990, Series No. 90-31844, Official Records.

General partner is McCuen & Steele. If less than all general partners execute documents for closing, obtain Title Department's approval.

BY LP2 the name of the limited partnership has been changed to: Sacramento Investment Company II, LTD, a California limited partnership.

- F. THE REQUIREMENT THAT a copy of the partnership agreement for partnership together with any amendments thereto, be submitted to this Company; together with an affidavit from one of the general partners stating that it is a true copy, that said partnership is in full force and effect, and that there have been no further amendments to the Agreement.

- G. SHOULD IT BE determined that the limited partnership is conveying or mortgaging all or substantially all of the partnership's property, the requirement that satisfactory evidence be submitted indicating that the proper number of limited partners have consented to such conveying or mortgaging of the partnership's property.

- H. Requirement that satisfactory evidence of continued existence of Lagoon Valley Investment Company be furnished to this Company. As of March 22, 2002, Secretary of State of California is reporting status: Cancelled. Or in the alternative satisfactory evidence filed with Secretary of State showing Lagoon Valley Investment Company, LLC as successor in interest.

## LEGAL DESCRIPTION

REAL PROPERTY in the City of Vacaville, County of Solano, State of California, described as follows:

### PARCEL ONE:

Parcels 2-A, 2-B, 2-C and 2-D, as shown upon that certain Parcel Map (the "Parcel Map") entitled "Parcel Map of Parcel 2 of Lands of Lagoon Valley Investment Company", filed for record on May 7, 1993 in Book 38 of Parcel Maps at Page 11, in the Official Records of Solano County, California.

### EXCEPTING THEREFROM:

- 1) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with the easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Edward V. Shaffer, et ux, recorded June 25, 1943, in Book 279 of Official Records, at Page 572, Instrument No. 5433.
- 2) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with the easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands, Inc., to Lucia Copita, recorded June 25, 1943, in Book 279 of Official Records at Page 579, Instrument No. 5437.

### PARCEL TWO:

A non-exclusive twenty (20) foot wide private access, utility and drainage easement over and across the westerly twenty (20) feet of Parcels 2E and 2F shown upon the Parcel Map, as said easement is shown and depicted on the Parcel Map. Said easement shall be for the benefit of and appurtenant to Parcels 2A, 2B, 2C and 2D shown on the Parcel Map.

A.P.Nos.: 128-040-070 through 100

### PARCEL THREE:

Parcel 3, as shown on the Parcel Map of Lands of Lagoon Valley Investment Company, filed September 23, 1991 in Book 36 of Parcel Maps, Page 65, Solano County Records.

### EXCEPTING FROM PARCEL THREE:

- 1) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands Inc., to Edward V. Shaffer, et ux, recorded June 25, 1943, in Book 279 of Official Records, at Page 572, Instrument No. 5433.
- 2) All oil, gas and minerals now or at any time hereafter situated therein and thereunder together with easements and rights appurtenant thereto as saved, excepted and reserved in the Deed dated March 12, 1943, executed by Capital Company, formerly California Lands Inc., to Lucia Copita, recorded June 25, 1943, in Book 279 of Official Records at Page 579, Instrument No. 5437.
- 3) That portion granted to the City of Vacaville by Grant Deed dated May 7, 1993, Series 93-40834, Solano County Official Records, described as follows:

A portion of Parcel 3 as shown on that certain Parcel Map entitled "Lands of Lagoon Valley Investment Company" as filed in Book 36 of Parcel Maps, at Page 65, Solano County Records, and also as described in that certain

Deed as recorded in Book 1992, Official Records, Series No. 00058496, Solano County Records, and being more particularly described as follows:

Beginning at the most northerly corner of Parcel 3 as shown on said Parcel Map; thence southeasterly along the northeasterly boundary of said Parcel 3 South 41° 55' 00" East 1258.47 feet to the southeasterly boundary of said Parcel 3; thence southwesterly along said southeasterly boundary South 48° 05' 00" West 57.00 feet; thence leaving said southwesterly boundary North 41° 55' 00" West 1258.47 feet to the northwesterly boundary of said Parcel 3; thence northeasterly along said northwesterly boundary North 48° 05' 00" East 57.00 feet to the point of beginning.

PARCEL FOUR:

A Private Access Easement for ingress, egress and utilities across Parcels 1 and 5 for the benefit of Parcel 3 above as shown on said Parcel Map of Lands of Lagoon Valley Investment Company filed September 23, 1991 in Book 36 of Parcel Maps, Page 65, Solano County Records.

A.P.Nos.: 167-020-100 and 110

\*\*\*\*

## APPLICANT:

Triad Communities, L.P.  
 2801 Alaskan Way, Suite 107  
 Seattle WA 98121  
 Attn: Mr. Fred Grimm

## YOUR CONTACT

PERSON IS : Molly Baier  
 CONTACT AT : (707) 423-9000  
 FAX NO. : (707) 425-1094

Escrow Order No. : S605622  
 Title Order No. : S605622 UPDATE II  
 Title Officer : Patty Howard/ah/ah  
 Customer Reference : None  
 Property Address :

COPIES TO: Triad Communities/Vallejo

Subject to a minimum charge required by Section 12404 of the Insurance Code. The form of policy of title insurance contemplated by this report is:

**AN AMERICAN LAND TITLE ASSOCIATION STANDARD COVERAGE OWNER'S POLICY - 1992 WITH REGIONAL EXCEPTIONS (Amended 10-17-92).**

NOTE: A SPECIFIC REQUEST SHOULD BE MADE IF ANOTHER FORM OR ADDITIONAL COVERAGE IS DESIRED.

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

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

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments thereto) 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.



Title Operations Manager

Dated as of September 23, 2002 at 7:30 a.m.

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

**DOROTHY B. JAMERSON, Trustee of the Dorothy A. Watkins Irrevocable Trust dated March 5, 1989**

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

**A fee**

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS CONTAINED IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. General and special taxes and assessments for the fiscal year 2002-2003.  
First Installment : \$1,128.52 open  
Penalty : None  
Second Installment : \$1,128.52 open  
Penalty : None  
Tax Rate Area : 6133  
A. P. No. : 167-030-030
2. General and special taxes and assessments for the fiscal year 2002-2003.  
First Installment : \$00.00 Cancelled  
Penalty : None  
Second Installment : \$00.00 Cancelled  
Penalty : None  
Tax Rate Area : 6134  
A. P. No. : 167-030-040
3. General and special taxes and assessments for the fiscal year 2002-2003.  
First Installment : \$631.66 open  
Penalty : None  
Second Installment : \$631.66 open  
Penalty : None  
Tax Rate Area : 6137  
A. P. No. : 167-030-050
4. General and special taxes and assessments for the fiscal year 2002-2003.  
First Installment : \$492.23 open  
Penalty : None  
Second Installment : \$492.23 open  
Penalty : None  
Tax Rate Area : 6137  
A. P. No. : 167-030-060
5. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

6. Any easement for water course over that portion of premises lying within the small creek forming a portion of the boundaries of Parcels One and Three, and any changes in the boundary lines of premises that have occurred or may hereafter occur from natural causes and by imperceptible degrees.
7. Rights of the public over that portion of said land lying within Lagoon Valley Road as it now exists.
8. Oil and Gas Lease for the term and upon the terms and conditions contained therein  
Dated : April 29, 1977  
Lessor : Transamerica Development Company, a corporation  
Lessee : Bertram I. Nesbitt  
Term : Commencing on the 29th day of April, 1977, and continuing subject to termination as therein provided, for five years and thereafter as provided in said lease  
Recorded : September 26, 1977, Book 1977, Page 73166, Official Records.

No report is made herein as to the current ownership of or any matters affecting said leasehold.

Said matter affects Parcels One and Two.

9. Oil and Gas Lease for the term and upon the terms and conditions contained therein  
Dated : May 3, 1977  
Lessor : Fred A. Watkins and Dorothy A. Watkins, husband and wife  
Lessee : Bertram I. Nesbitt  
Term : 3 Years, with provisions for extension  
Recorded : September 26, 1977, Book 1977, Page 73185, Official Records.

No report is made herein as to the current ownership of or any matters affecting said leasehold.

Said matter affects Parcel One

10. The terms and provisions contained in the document entitled "Lower Lagoon Valley Benefit District No. 1992-1 Agreement" recorded October 14, 1992, Series No. 92-94283, Official Records.  
Between : Hines Nurseries, Inc., a California corporation, et al  
And : City of Vacaville, a municipal corporation

11. The effect of the following:

Quitclaim Deed  
From : Dorothy B. Jamerson, a single woman, as to an undivided 1/2 (one-half) interest  
To : Dorothy B. Jamerson, Trustee of the Dorothy B. Jamerson Declaration of Trust dated May 19, 1994  
Recorded : June 24, 1994, Series No. 94-61360, Official Records.

Decree of Final Distribution and Order Settling First and Final Account and Allowance of Statutory Fees - Estate of Fred A. Watkins, Jr., Sonoma County Superior Court Action Number 066091, recorded March 4, 1996, Series No. 96-14092, Official Records, wherein said lands were distributed to Dorothy B. Jamerson.

Quitclaim Deed

From : Dorothy B. Jamerson, an unmarried woman  
To : Dorothy B. Jamerson, Trustee of the Dorothy B. Jamerson Declaration  
of Trust dated 5/19/94  
Recorded : March 4, 1996, Series No. 96-14093, Official Records.

Requirement that the Watkins Family Revocable Trust dated April 20, 1987 be submitted for review to verify the authority of the Successor Trustee to convey the herein described property.

The requirement that the death of Fred A. Watkins (Sr.) and Dorothy A. Watkins be established of record.

12. NOTE: The 20 foot roadway easement described in Book 201, Page 525, Official Records, and in Book 1482, Page 672 has merged of record with the ownership of the fee title and no longer exists of record, if it is the desire of the vestee herein to recreate said easement, it should be re-granted.
13. The effect of a document entitled "Grant Deed", recorded December 2, 2001 as Instrument No. 2001-150582 of Official Records. Successor Trustee has not been established of record.
14. The terms and conditions of the Trust under which the vestees herein hold title, and the requirement that the written Trust Agreement be submitted for examination, along with a statement that the Trust has not been revoked or otherwise terminated.
15. The requirement that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the land.

The Company's Owner's Affidavit must be completed and submitted prior to close in order to satisfy this requirement.

16. Rights of parties in possession.
17. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.
18. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

**INFORMATIONAL NOTES**

19. According to the public records, there has been no conveyance of the land within a period of six months prior to the date of this report, except as follows:

NONE

**LEGAL DESCRIPTION**

REAL PROPERTY in the City of Vacaville, County of Solano, State of California, described as follows:

**PARCEL ONE:**

Beginning at a point on the South line of County Road No. 528 at the northeasterly corner of a 35 acre tract of land conveyed by David H. Swim to Madge W. Jackson by Deed dated November 28, 1917, and recorded in Book 231 of Deeds, Page 175, Records of Solano County; thence along the boundary of said 35 acre tract South 1152.0 feet along a new wire fence to the middle of a small creek, thence following the approximate center line of said Creek, North 71° 37' West 484.39 feet and South 75° 57' West, 102.36 feet to a white stake found on the southerly boundary of said Madge W. Jackson Tract, thence leaving said boundary, South 16° 12' East, 1224.55 feet on the westerly side of an improvised fence to a 3/4" pipe projecting 18 inches out of the ground, thence East through an orchard 626.96 feet to a redwood stake set flush with the ground, thence North 0° 45' East 2197.92 feet to a redwood stake set on the South line of County Road No. 528, thence following the South line of said Road, West 437.78 feet to the point of beginning, being in the North half of Section 5, Township 5 North, Range 1 West, M.D.B.&M., in the Armijo or Tolenas Rancho, Solano County, State of California.

EXCEPTING an undivided 1/2 interest in all oil, gas and other hydrocarbons and minerals, etc., as reserved and excepted in the Deed from Bank of America National Trust and Savings Association, a national banking association, to Washington K. Davis, et al, dated August 26, 1941 and recorded September 27, 1941, in Book 247 of Official Records, Page 17.

A.P.No.: 167-030-050

**PARCEL TWO:**

Beginning at a point on the South line of County Road No. 528, at a point 437.78 feet East of the northeasterly corner of a 35 acre parcel of land conveyed by David H. Swim to Madge W. Jackson by Deed dated November 28, 1917, and recorded in Book 231 of Deeds, Page 175, Records of Solano County; thence South 0° 45' West 2197.92 feet to a redwood stake, thence West 626.96 feet to a 3/4" iron pipe set on the easterly boundary of the parcel of land conveyed to James Olen Duren by Bank of America National Trust and Savings Association, by Deed dated July 27, 1939 and recorded in Book 201 of Official Records of Solano County, Page 525, thence South 16° 12' East, 372.25 feet to a 1" iron pipe on the South boundary of that certain 115 acre tract described by Deed from Ernest Crowley, Commissioner to Bank of America National Trust and Savings Association and recorded in Book 148, Solano County Records, Page 336, said South boundary also being the South boundary of the original "Swim" Ranch, thence following an old fence North 89° 22' East 246.73 feet, thence South 9° 27' West 153.00 feet, thence North 88° 22' East 101.00 feet; thence North 67° 31' East 388.3 feet and South 89° 52' East 371.80 feet to a point on the East line of the Tolenas Rancho, thence North 0° 45' East 2211.7 feet to the southeast corner of that certain 3.72 acre parcel described as Parcel No. 2 in the Decree of Final

Distribution in the matter of the Estate of M.A. Radcliff, deceased, recorded November 2, 1931, in Book 81 of Official Records of Solano County, Page 106, thence leaving said East line and running North 89° 30' West 235.6 feet; thence North 70° 30' West 118.14 feet, thence North 43° 15' West, 82.50 feet; thence North 23° 30' West 264.00 feet to a point on the South line of County Road No. 528, thence following the South line of said Road, West 22.42 feet to the point of beginning, being in the North half of Section 5, Township 5 North, Range 1 West, M.D.B.&M., a part of the Tolenas Rancho in Solano County, State of California.

EXCEPTING THEREFROM:

That portion thereof (being extreme southerly portion) not included with the 115 acre tract described in Deed from Ernest Crowley, Commissioner, to Bank of America National Trust and Savings Association, recorded October 23, 1935, in Book 1148 of Official Records, Page 336, as Recorder's Instrument No. 4376;

ALSO EXCEPTING THEREFROM:

The undivided one-half interest in all oil, gas and other hydrocarbons and minerals, together with the rights incidental thereto, as reserved and excepted in the Deed from Bank of America National Trust and Savings Association to Washington K. Davis, et al, dated August 26, 1941 and recorded September 27, 1941, in Book 247 of Official Records, Page 17, as Recorder's Instrument No. 9160.

ALSO EXCEPTING THEREFROM:

An undivided 1/2 interest in all oil, gas and other hydrocarbons and minerals, together with the rights incidental thereto, as reserved and excepted in the Deed from Washington K. Davis, et ux, to Nobel W. Jackson, et al, dated February 8, 1946 and recorded February 20, 1946, in Book 339 of Official Records, Page 74, as Recorder's Instrument No. 2627.

A.P.No.: 167-030-060

PARCEL THREE:

All that certain real property, being a portion of the "David K. Swim Ranch", in the Tolenas or Armijo Rancho, more particularly described as follows, to-wit: Commencing at a point on the South line of County Road #528, in the middle of a small water course or gully which point is 40 feet South of the North boundary of Township 5 North, Range 1 West, M.D.B.&M., and is 78.98 chains East of the West boundary of said Township, and 12.94 chains East of the West boundary of the Swim Ranch; thence up the middle of said gully, S. 0° 10' E. 6.91 chains; S. 67° 15' E. 5.11 chains; S. 38° 10' E. 5.25 chains; S. 50° 29' E. 2.35 chains; S. 68° 30' E. 45 links; S. 71° 20' E. 2.08 chains; S. 89° 30' E. 8 chains; S. 72° E. 6.04 chains; thence leave gully, N. 17.30 chains to the South line of said Road #528, thence along same, West 25.94 chains to the place of beginning.

EXCEPTING THEREFROM:

The undivided one-half interest in all oil, gas, casinghead gas, asphaltum, minerals and other hydrocarbon substances which were reserved to Robert K. Jackson and Everlyn G. Jackson, his wife, in Deed from said parties to Murray-Peel, Inc., a California corporation, dated February 3, 1965 and recorded February 10, 1965, in Book 1322 of Official Records, Page 14, as Recorder's Instrument No. 3775, Solano County Records.

A.P.No.: 167-030-030

PARCEL FOUR:

That portion of the southwest 1/4 of Projected Section 5, T. 5N., R. 1W., M.D.B.&M., and being in the Armijo or Tolenas Rancho described as follows:

Beginning at the point which is the northeast corner of the certain parcel conveyed by James Leithead to David K. Swim dated November 13, 1882 and recorded November 21, 1882, in Book 82 of Deeds, Page 160, Solano County Records, and said point being West 383 feet more or less from the northeast corner of said southwest 1/4 of Section 5 above mentioned, running thence West along the North line of said southwest 1/4 of Section 5, 448 feet; thence South 9° 27' West 153 feet, North 88° 22' East 101 feet; thence North 67° 31' East 388.3 feet more or less to the point of beginning.

EXCEPTING THEREFROM:

An undivided 1/2 interest in all oil, gas and other hydrocarbons and minerals in or upon said lands, together with all rights of way, easements, and rights necessary for the exploration and production of said oil, gas and other hydrocarbons and minerals, as reserved and excepted in the Deed from Washington K. Davis, et ux, to Nobel W. Jackson, et al, dated February 8, 1946, and recorded February 20, 1946, in Book 339 of Official Records, Page 74, as Recorder's Instrument No. 2627.

A.P.No.: 167-030-040

\*\*\*\*

### NOTICE I

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

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

### NOTICE II

As of January 1, 1991, if the transaction which is the subject of this report will be a sale, you, as a party to the transaction, may have certain tax reporting and withholding obligations pursuant to the state law referred to below:

In accordance with Sections 18662 and 18668 of the Revenue and Taxation Code, a buyer may be required to withhold an amount equal to three and 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).

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), 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 and 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 and should not act on any statements made or omitted by the escrow or closing officer.

THE SELLER MAY REQUEST A WAIVER BY CONTACTING:

Franchise Tax Board  
Withhold at Source Unit  
P.O. Box 651  
Sacramento, CA 95812-0651  
(916) 845-4900



UPDATE I



**First American Title**  
**2300 Boynton Avenue, Suite 101**  
**Fairfield, CA 94533**

Mr. Mike Kuntz  
Rutan & Tucker LLP  
P.O. Box 1950  
Costa Mesa, CA 92628-1950  
Phone:

Escrow Officer: Molly Baier (MB)  
Phone: (707) 423-9031  
Fax No.: (707) 425-4672  
E-Mail: mbaier@firstam.com

Title Officer: Mary Duarte (MD/lf/am)  
Phone: (925) 356-7078  
Fax No.: (925) 671-2499  
E-Mail: mduarte@firstam.com

Buyer: Triad Communities

Owner: Hine Nurseries

Property: 3920 Lagoon Valley Road  
Vacaville, California 95688

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

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

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

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

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

Dated as of May 02, 2003 at 7:30 A.M.

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

ALTA Owners Extended 1992

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

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

Hines Nurseries, Inc., a California Corporation

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

A fee as to Parcel(s) One, an easement as to Parcel(s) Two through Five.

The Land referred to herein is described as follows:

(See attached Legal Description)

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

1. General and special taxes and assessments for the fiscal year 2003-2004, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. An easement for pipe lines and incidental purposes in the document recorded September 3, 1907 as Book 170 of Deeds, Page 217 .

Affects : The exact location of said easement shall be determined by Grantee.

4. An easement for UHL pipelines and incidental purposes in the document recorded February 13, 1963 as Book 1185, Page 117 of Official Records.

Affects : A 20 foot strip of land lying in various widths on each side of the described centerline in the southerly and easterly portion of said land

5. An easement for 20 foot non-exclusive easement for future water lines and incidental purposes in the document recorded August 11, 1977 as Book 1977, Page 60172 of Official Records.

Affects : The exact location of said easement shall be determined by Grantee.

6. An easement for non-exclusive easement for ingress and egress, 20 foot width and incidental purposes in the document recorded August 11, 1977 as Book 1977, Page 60172 of Official Records.

Affects : The northerly portion of said land.

7. An easement shown or dedicated on the Map as referred to in the legal description  
For: Water line and incidental purposes.

8. An easement shown or dedicated on the Map as referred to in the legal description  
For: Public utilities and incidental purposes.

9. An easement for the right to construct, inspect, maintain, replace and use such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixture, and appurtenances, as Grantee deems necessary and incidental purposes in the document recorded May 6, 1983 as Book 1983, Page 32977 of Official Records.

Affects : Portion of said land.

10. An oil and gas lease executed by Hines Wholesale Nurseries, Inc., a Delaware corporation as lessor and Rainbow Oil Company, a partnership as lessee as lessee, recorded October 16, 1978 as Book 1978, Pge 86770 of Official Records.

Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records.

11. Recital contained in Grant of Easement recorded February 24, 1978 as Book 1978, Page 14035 of Official Records, in which the Grantor therein reserves the right to use Parcel Three therein for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted, provided that Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir thereon.

Said matter affects Parcel Three.

12. Recital contained in Grant of Easement recorded May 17, 1978 as Book 1978, Page 38358 of Official Records, in which Solano County and the City of Vacaville reserve the right to use Parcel Four for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted, provided that Solano County and City of Vacaville shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction or add to the ground level in said strip or grant any easement or easements on, under, or over said strip without the written consent of the Grantee.

Said matter affects Parcel Four.

13. Grant of Reciprocal Easements by and between Edwin H. Uhl and Hines Wholesale Nurseries, Inc., recorded February 24, 1978 as Book 1978, Page 14032 of Official Records.

14. A deed of trust to secure an original indebtedness of \$8,350,500.00 recorded July 2, 1990 as Instrument No. 90-51627 of Official Records.
- Dated: June 29, 1990  
Trustor: Hines Nurseries, Inc., a California corporation  
Trustee: Stewart Title Guaranty Company  
Beneficiary: Weyerhaeuser Company, a Washington corporation

According to the public records, the beneficial interest under the deed of trust was assigned to Minnesota Mutual Life Insurance Company, a Minnesota corporation by assignment recorded April 12, 1991 as Instrument No. 91-23536 of Official Records.

15. The terms and provisions contained in the document entitled "Intercreditor, Waiver and Consent Agreement (State of California) ("Intercreditor Agreement")" recorded September 20, 1991 as Instrument No. 91-68682 of Official Records.
16. The terms and provisions contained in the document entitled "Agreement to Create Lower Lagoon Valley Benefit District No. 1992-1" recorded October 14, 1992 as Instrument No. 92-94283 of Official Records.
17. The terms and provisions contained in the document entitled "Development Agreement" recorded September 16, 1991 as Instrument No. 91-67123 of Official Records. By and between the City of Vacaville and Hines Nurseries, Inc.
18. The terms and provisions contained in the document entitled "Ordinance No. 1451" recorded December 12, 1991 as Instrument No. 91-92573 of Official Records.

Document(s) declaring modifications thereof recorded March 1, 1993 as Instrument No. 93-17751 of Official Records.

Document(s) declaring modifications thereof recorded May 7, 1993 as Instrument No. 93-40823 of Official Records.

19. The terms and provisions contained in the document entitled "Agreement to Supply Raw Surface Water" recorded January 20, 1993 as Instrument No. 93-5616 of Official Records.
20. A financing statement recorded August 22, 1995 as Instrument No. 95-50372 of Official Records.
- Debtor: Hines Nurseries, Inc.  
Secured party: BT Commercial Corporation

Said matter affects this and other property.

An amendment to the financing statement was recorded July 8, 1998 as Instrument No. 98-52404 of Official Records.

An amendment to the financing statement was recorded July 8, 1998 as Instrument No. 98-52405 of Official Records.

An amendment to the financing statement was recorded August 8, 2000 as Instrument No. 2000-63561 of Official Records.

21. A deed of trust to secure an original indebtedness of \$ \_\_\_\_\_ recorded July 10, 1998 as Instrument No. 98-53162 of Official Records.  
Dated: June 26, 1998  
Trustor: Hines Nurseries, Inc.  
Trustee: Chicago Title Company  
Beneficiary: Bankers Trust Company

A document recorded May 2, 2000 as Instrument No. 2000-34625 of Official Records provides that the deed of trust or the obligation secured thereby has been modified.

22. A financing statement recorded August 17, 1998 as Instrument No. 98-63980 of Official Records.  
Debtor: Hines Nurseries, Inc.  
Secured party: Bankers Trust Company

23. A financing statement recorded May 2, 2000 as Instrument No. 2000-34626 of Official Records.  
Debtor: Hines Nurseries, Inc., a California corporation  
Secured party: Bankers Trust Company, as Agent

24. Rights of parties in possession.

25. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.

26. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

27. The requirement that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the land.

The Company's Owner's Affidavit must be completed and submitted prior to close in order to satisfy this requirement.

**INFORMATIONAL NOTES**

1. According to the public records, there has been no conveyance of the land within a period of six months prior to the date of this report, except as follows:

None

2. General and special taxes and assessments for the fiscal year 2002-2003.

First Installment: \$55,286.00, PAID  
Penalty: \$0.00  
Second Installment: \$55,286.00, PAID  
Penalty: \$0.00  
Tax Rate Area: 6146  
A. P. No.: 0128-050-070

3. Short term rate applies.

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

### LEGAL DESCRIPTION

Real property in the City of Vacaville, County of Solano, State of California, described as follows:

**PARCEL ONE:**

Parcel 1, as shown on that certain Parcel Map filed February 22, 1978, in Book 14 of Parcel Maps, Page 78, Solano County Records.

**EXCEPTING THEREFROM:**

An undivided 1/2 interest in all oil, gas and other hydrocarbons substances lying below five hundred (500) feet of the surface, reserved by Edwin H. Uhl in Deed recorded August 11, 1977, in Book 1977, Page 60172, Instrument No. 35292, Official Records, as clarified in Modification recorded February 24, 1978, in Book 1978, Page 14038, Instrument No. 8376, Official Records.

**PARCEL TWO:**

A non-exclusive perpetual easement for ingress and egress within a strip of land of the uniform width of 20 feet, the South line of said 20 foot strip of land being the North line of Parcel 1 herein before described and said strip shall extend from the northwest corner of said Parcel 1 (at the East line of County Road No. 528, Lagoon Valley Road) to a point that lies South 84° 36' 31" East, 400 feet from said East line of said Road, as created in Deed recorded August 11, 1977 in Book 1977, Page 60172, Instrument No. 35292, and Modification recorded February 24, 1978, in Book 1978, Page 14038, Instrument No. 8376, Official Records.

**PARCEL THREE:**

An easement for the conveyance, construction and maintenance of drainage and drainage facilities in Section 31 and 32, Township 6N, Range 1W, MDB&M, more particularly described as follows:

Beginning at the northeasterly corner of Parcel One, as shown on that Parcel Map as filed in Book 14 at Page 78 of Maps in the Official Records of Solano County; thence South 88° 52' 52" West, along the northerly boundary of said Parcel, a distance of 120.00 feet to a point; thence North 01° 07' 08" West, a distance of 20.00 feet to a point, said point being the true point of beginning; thence proceeding clockwise around said easement South 88° 52' 52" West, 321.46 feet; thence North 84° 36' 31" West, 501.21 feet; thence North 02° 24' 18" West, 20.19 feet; thence South 84° 36' 31" East, 337.81 feet; thence South 88° 52' 35" East, 240.00 feet; thence North 75° 52' 52" East, 138.00 feet; thence North 88° 52' 52" East, 110.00 feet; thence South 01° 07' 08" East, 60.00 feet to the true point of beginning; created in Instrument recorded February 24, 1978, Instrument No. 8375, Page 14035, Book 1978, Official Records.

**PARCEL FOUR:**

A 20 feet wide easement for the conveyance, construction and maintenance of drainage and drainage facilities in Section 31; Township 6N, Range 1W, MDB&M, more particularly described as follows:

Said easement lying wholly upon the lands of the City of Vacaville and North of the southern boundary of said lands; said boundary having a bearing of North 84° 36' 31" West and a length

of 936.13 feet as shown on the Parcel Map as filed in Book 14 at Page 78 of Maps of the Official Records of the County of Solano, the centerline of said easement more particularly described as follows:

Beginning at the southeast corner of Parcel 'F' as shown on said Map; thence proceeding North 2° 24' 18" West, 10.09 feet to a point; said point being the true point of beginning; thence North 84° 36' 31" West, 901.52 feet to a point; thence North 39° 36' 31" West, 29.82 feet to a point, thence North 89° 14' 34" West, 50.00 feet to a point; said point being 20.00 feet North of the northerly right of way of Lagoon Valley Road as shown thereon; thence continuing westerly parallel to the northerly right of way of Lagoon Valley Road, a distance of 350.00 feet, more or less, to a point, said point being designated a drainage crossing of Lagoon Valley Road by the Solano County Department of Public Works, crated in instrument recorded May 17, 1978, Instrument No. 22353, Page 30358, Book 1978, Official Records.

PARCEL FIVE:

A joint-use reciprocal nonexclusive perpetual easement for ingress and egress created in Grant of Reciprocal Easements recorded February 24, 1978, Instrument No. 8374, Book 1978, Page 14032, Official Records, over and across a strip of land of a uniform width of forty (40) feet, the centerline of which is described as follows:

Beginning at the northeasterly corner of Parcel 1, as shown on the Parcel Map as filed in Book 14 at Page 78 of Maps in the Official Records of Solano County; said point being the true point of beginning of said centerline; thence proceeding westerly along the northerly boundary of said Parcel 1, South 88° 52' 52" West, a distance of 442.61 feet; thence North 84° 36' 31" West, a distance of 1428.47 feet to the eastern right-of-way line of Lagoon Valley Road, said point being the true point of ending of said centerline; the limits of said easement continuing easterly and westerly sufficiently to incur a full 40-foot wide easement between Lagoon Valley Road and the property lying East of the true point of beginning.

(Less that portion of above-described property lying within Parcel One)

APN: 0128-050-070

**NOTICE I**

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

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

**NOTICE II**

As of January 1, 1991, if the transaction which is the subject of this report will be a sale, you as a party to the transaction, may have certain tax reporting and withholding obligations pursuant to the state law referred to below:

In accordance with Sections 18662 and 18668 of the Revenue and Taxation Code, a buyer may be required to withhold an amount equal to three and 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 greater of 10 percent of the amount required to be withheld or five hundred dollars (\$500).

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), 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 and 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 and should not act on any statements made or omitted by the escrow or closing officer.

The Seller May Request a Waiver by Contacting:  
Franchise Tax Board  
Withhold at Source Unit  
P.O. Box 651  
Sacramento, CA 95812-0651  
(916) 845-4900

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

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

**EXCEPTIONS FROM COVERAGE**

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

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

**EXCLUSIONS FROM COVERAGE**

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

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

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

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

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

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

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

**SCHEDULE B**

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

Part One

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

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

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

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

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

**SCHEDULE B**

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

Part One

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

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

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

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

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

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

**SCHEDULE B**

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

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

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

**EXCLUSIONS FROM COVERAGE**

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

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

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

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

**SCHEDULE B**

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

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

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

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

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

* land use	* land division
* improvements on the land	* environmental protection

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

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

### **11. EAGLE PROTECTION OWNER'S POLICY**

#### **CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998 ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 1998**

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

#### **EXCLUSIONS**

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

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

a. building	b. zoning
c. land use	d. improvements on the land
e. land division	f. environmental protection

This exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.  
This exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
  - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
  - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.
 This exclusion does not limit the coverage described in Covered Risk 11 or 18.

### **12. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992 WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE WITH EAGLE PROTECTION ADDED**

#### **EXCLUSIONS FROM COVERAGE**

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

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or area of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under insuring provisions 14, 15, 16 and 24 of this policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under insuring provisions 14, 15, 16 and 24 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (this paragraph (d) does not limit the coverage provided under insuring provisions 7, 8, 16, 17, 19, 20, 21, 23, 24 and 25); 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:
  - (a) usury, except as provided under insuring provision 10 of this policy; or
  - (b) any consumer credit protection or truth in lending law.
6. Taxes or assessments of any taxing or assessment authority which become a lien on the Land subsequent to Date of Policy.
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:
  - (a) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (b) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
  - (c) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (i) to timely record the instrument of transfer; or
    - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.
8. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided under insuring provision 7.
9. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting title, the existence of which are Known to the Insured at:
  - (a) The time of the advance; or
  - (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than **it would have** been before the modification.
 This exclusion does not limit the coverage provided under insuring provision 7.

#### SCHEDULE B

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

1. Environmental protection liens provided for by the following existing statutes, which liens will have priority over the lien of the Insured Mortgage when they arise: NONE.

#### 13. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992 WITH EAGLE PROTECTION ADDED WITH REGIONAL EXCEPTIONS

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

#### SCHEDULE B

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

Part One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Part Two:

1. Environmental protection liens provided for by the following existing statutes, which liens will have priority over the lien of the Insured Mortgage when they arise: NONE

## APPLICANT:

Triad Communities  
 1095 Hiddenbrooke Pkwy.  
 Vallejo, CA 94591  
 Attn: Curt Johansen

## YOUR CONTACT

PERSON IS : Molly Baier  
 CONTACT AT : (707) 423-9000  
 FAX NO. : (707) 425-1094

Escrow Order No. : S605643  
 Title Order No. : S605643 UPDATE I  
 Title Officer : Alex deSylvio/pc/ah  
 Customer Reference : None  
 Property Address :

COPIES TO: Triad Communities/Seattle, Wa.

Subject to a minimum charge required by Section 12404 of the Insurance Code. The form of policy of title insurance contemplated by this report is:

**AN AMERICAN LAND TITLE ASSOCIATION STANDARD COVERAGE OWNER'S POLICY - 1992 WITH REGIONAL EXCEPTIONS (Amended 10-17-92).**

NOTE: A SPECIFIC REQUEST SHOULD BE MADE IF ANOTHER FORM OR ADDITIONAL COVERAGE IS DESIRED.

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

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

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments thereto) 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.



Title Operations Manager

Dated as of September 23, 2002 at 7:30 a.m.

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

**ROBERT S. HARR and DONNA M. HARR, also known as ROBERT SHERMAN HARR and DONNA MAE HARR, Trustees of the Harr 1989 Family Trust UTA dated November 1, 1989**

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

**A fee**

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS CONTAINED IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. General and special taxes and assessments for the fiscal year 2002-2003.  
First Installment : \$842.19 open  
Penalty : None  
Second Installment : \$842.19 open  
Penalty : None  
Tax Rate Area : 6136  
A. P. No. : 167-030-020
2. General and special taxes and assessments for the fiscal year 2002-2003.  
First Installment : \$1,204.81 open  
Penalty : None  
Second Installment : \$1,204.81 open  
Penalty : None  
Tax Rate Area : 6136  
A. P. No. : 167-030-080
3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. Rights of the public over that portion of said land lying within Lagoon Valley Road as it now exists.
5. Any easement for water course over that portion of premises lying within the small creek forming the northerly boundary of Parcel Three and a portion of the easterly boundary of Parcel Two, and any changes in the boundary lines of premises that have occurred or may hereafter occur from natural causes and by imperceptible degrees.
6. An easement for wires, cables, other electrical conductors, etc. and appurtenances thereto, together with the right to ingress and egress and incidental purposes, recorded December 16, 1959, Book 1006, Page 480 of Official Records.  
In Favor of : The Pacific Telephone and Telegraph Company, a corporation  
Affects : A portion of Parcels One and Two. The exact location is not determined of record

Subject to terms and conditions contained therein.

7. The rights, if any, of the City and of Special Assessment Districts, and of Pacific Gas and Electric Company, and Pacific Telephone and Telegraph Company, pursuant to California Code to perfect a public easement in Paradise Valley Road, as the same was vacated by instrument, recorded August 5, 1982, Book 1982, Page 50441, Solano County Records.
8. The terms and provisions contained in the document entitled "Lower Lagoon Valley Benefit District No. 1992-1 Agreement" recorded October 14, 1992, Series No. 92-94283, Official Records.  
Between : Hines Nurseries, Inc., a California corporation, et al  
And : City of Vacaville, a municipal corporation
9. The terms and conditions of the Trust under which the vestees herein hold title, and the requirement that the written Trust Agreement be submitted for examination, along with a statement that the Trust has not been revoked or otherwise terminated.
10. The requirement that evidence be provided that there are no commitment statements in effect under the Environmental Responsibility Acceptance Act Civil Code Section 850 et seq. with respect to the property.

NOTE: Any conflict in the boundaries of the herein described property, as disclosed by the Deed whereby Olin Duren acquired title to Parcels One and Two. It appears that Parcel No. One described herein is also incorporated in Parcel Two described herein.

11. The terms and provisions of any unrecorded leases, including, but not limited to, any options to purchase or rights of first refusal contained therein.
12. Matters which may be disclosed by an inspection or by a survey of said land that is satisfactory to this Company, or by inquiry of the parties in possession thereof.
13. Water rights, claims or title to water.

<b>INFORMATIONAL NOTES</b>
----------------------------

A. LENDER'S SPECIAL INFORMATION

According to the public records, there have been no deeds conveying the herein described property recorded within two years prior to the date thereof except as follows:

NONE

B. LAST insured transaction over 5 years.

### LEGAL DESCRIPTION

REAL PROPERTY in the City of Vacaville, County of Solano, State of California, described as follows:

PARCEL ONE:

Beginning at a point on the South side of the northeast quarter (NE 1/4) of Section Six (6), Township 5 North, Range 1 West, M.D.M., which point is in the center of the County Road No. 418 at its junction with County Road No. 528; thence along center of said Road No. 528 North 42° East 6.00 chains and North 55-1/2° East 8.56 chains to the property line between the lands of the said Hartley and said Swim; thence along the said property line South 0-3/4° West 9.31 chains to the joint corner of said land; thence along said Hartley South line West 11.00 chains to the place of beginning, being a portion of the northeast quarter of Section 6, Township 5 North, Range 1 West, M.D.M.

A.P.No.: 167-030-080 (portion)

PARCEL TWO:

Beginning at an angle in County Road No. 528, which point of beginning is forty (40) feet South of the North boundary of Township 5 North, Range 1 West, M.D.M., and is 66.04 chains East of the West boundary of said Township and said point of beginning is also 40 feet South of the stake marked "Hartley" at the northwest corner of land formerly known as David K. Swim Ranch; thence along the South line of said Road No. 528 East 12.94 chains to the middle of a small water course or gully; thence up the middle of said gully and continuing in a straight line South 38.80 chains to the South boundary of said "Swim Ranch"; thence along said boundary North 89° 50' West 24.05 chains to the easterly line of County Road No. 528; thence along same North 42° East 5.69 chains, North 55° 30' East 8.31 chains, North 0° 45' East 29.77 chains to the place of beginning, also, that portion of Paradise Valley Road, now vacated by Resolution No. 82-138, recorded August 5, 1982, in Book 1982, Page 50441, Series No. 28881, lying 20 feet westerly and parallel to the above call and distance of "North 0° 45' East, 29.77 chains.

A.P.No.: 167-030-080

PARCEL THREE:

Beginning at the southwest corner of that certain 115 acre tract described in a Deed from Ernest Crowley, Commissioner, to Bank of America N.T. & S.A., and recorded in Book 148, Page 336 of Solano County Official Records; thence from said point of beginning along the boundary of said 115 acre tract North 31.89 chains to the center of a small creek; thence up the middle of said creek, being

Order No. S605643  
Customer Reference: None  
Page No. 5

the South boundary of the land of Madge S. Jackson, as described in a Deed in Book 146, Page 270 of Solano County Official Records, S. 67° 15' E, 5.11 chains S. 38° 10' E, 5.25 chains, S. 50° 20' E, 2.35 chains, S. 68° 30' E, 0.45 chains, S. 71° 20' E, 2.08 chains and S. 89° 30' E, 5.31 chains; thence leaving said boundary S. 16° 25' E, 23.42 chains to the South boundary of said 115 acre tract and thence West 24.35 chains to the point of beginning, and being in the northwest quarter section of Section 5, T.5 N, R1 W, MDM.

A.P.No.: 167-030-020

\*\*\*\*

### NOTICE I

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

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

### NOTICE II

As of January 1, 1991, if the transaction which is the subject of this report will be a sale, you, as a party to the transaction, may have certain tax reporting and withholding obligations pursuant to the state law referred to below:

In accordance with Sections 18662 and 18668 of the Revenue and Taxation Code, a buyer may be required to withhold an amount equal to three and 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).

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), 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 and 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 and should not act on any statements made or omitted by the escrow or closing officer.

THE SELLER MAY REQUEST A WAIVER BY CONTACTING:

Franchise Tax Board  
Withhold at Source Unit  
P.O. Box 651  
Sacramento, CA 95812-0651  
(916) 845-4900