

**Appendix F –  
Phase 1 Environmental Site Assessment – Ranch View Terrace  
Part 1**





**Construction Testing & Engineering, Inc.**

Inspection | Testing | Geotechnical | Environmental & Construction Engineering | Civil Engineering | Surveying

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT  
RANCH VIEW TERRACE  
UNDEVELOPED PROPERTY AT PROPOSED NINE LOT SUBDIVISION  
ENCINITAS, CALIFORNIA 92024

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## 1.0 EXECUTIVE SUMMARY

This Phase 1 Environmental Site Assessment (Phase 1 ESA) was prepared by Construction Testing and Engineering, Incorporated (CTE) for Olivenhain Hills, LLC (Attention: Mr. Udi Melamed) regarding the property at the proposed nine lot subdivision on Ranch View Terrace in Encinitas, California (hereby known as the subject site). The subject site currently exists as an undeveloped property contiguous in all directions to other residential housing developments. It is located on the southwest corner of Ranch View Terrace and Rancho Santa Fe Road.

This Phase 1 ESA report is in general conformance with ASTM E 1527-13, and included reconnaissance level observations of the site and nearby area, regulatory document review, and review of reasonably accessible historic documents, including Environmental Data Resources, Inc. (EDR) records.

History of the site extends back to 1893 with the earliest accessed historical topographic map that does not map structures within the subject site, but does show structures and roads developed contiguous east of the subject site. The first accessed aerial photograph of the subject site in 1939 shows mixed site use to include undeveloped native land on the western portion and clearing for apparent agricultural purposes on the eastern portion. Agriculture as a site use predominantly disappears by 1979, and the subject site remained undeveloped until present day. The subject site currently exists undeveloped with dense vegetation of both native and introduced species and contains varying gradients of elevation changes throughout. A records review of the subject site and

the neighboring properties did not indicate spills or releases that could adversely affect the subject site.

Site observations indicate the site is undeveloped and supports native and imported plant growth. Locally vegetation is very dense and overgrown. Remnant trails and weathered debris indicate the present of past unsheltered inhabitation. Hazardous materials and petroleum products were not noted during the site observations.

Data gaps have occurred due to dense vegetation that disallowed observation of the entire property, lack of a key site manager, and indistinct property boundaries. However, these data gaps are not anticipated to affect the findings of this Phase 1 ESA, based upon the findings of the implemented scope as presented.

The findings of this Phase 1 Environmental Site Assessment did not indicate the presence of a Recognized Environmental Condition on the subject site. This Executive Summary is not inclusive of all the data and findings of this Phase 1 ESA. As such, the following report should be reviewed in its entirety to evaluate site environmental conditions.

## 2.0 INTRODUCTION

### 2.1 Purpose

Construction Testing and Engineering, Incorporated (“CTE”) has prepared this Phase 1 Environmental Site Assessment report for the site at the proposed nine lot subdivision in Encinitas,

California (APN 265-331-4900). The subject site is currently undeveloped surrounded by detached single unit residential housing developments. Attached Figure 1 Site Index Map shows the general location of the subject site.

This Phase 1 ESA was authorized on January 30, 2019 by Udi Melamed as a representative for Olivenhain Hills, LLC, through CTE proposal E-0589 dated January 30, 2019. The purpose of this Phase 1 ESA is to provide an assessment of obvious environmental conditions on the site or adjoining properties that could impact the subject property within the scope of ASTM E 1527-13. It is understood that Olivenhain Hills, LLC is utilizing this Phase 1 ESA as a part of a requirement by the City of Encinitas for a Tentative Map Application process. Currently, there is proposed development of the subject site to include nine residential housing lots.

Information collected and referenced by this report is included in the attached Appendices that are organized as follows:

- Appendix A User Provided Information
- Appendix B Environmental Data Resources (EDR) Records Report
- Appendix C Sanborn Maps
- Appendix D Historical City Directories
- Appendix E Historical Aerial Photographs
- Appendix F Historical Topographic Maps
- Appendix G Site Reconnaissance Photographs
- Appendix H Resumes

## 2.2 Scope of Services

The scope of services for the Phase 1 ESA generally follows the ASTM scope of work for Phase 1 Environmental Site Assessments (ASTM E 1527-13). The scope of services included:



- Site Reconnaissance, through observations of the site and adjacent properties from public vantages of adjacent and nearby properties. Photographs were taken of the site and adjacent properties.
- Document Review, accomplished by review of regulatory agency files and lists summaries completed in general conformance with the guidelines of ASTM E 1527-13 as provided by EDR, a commercial vendor.
- Site History, by access to reasonably accessible historical documents as presented in ASTM E 1527-13 in order to evaluate past uses of the site and selected adjacent or nearby properties. Reviewed historic information includes Sanborn fire insurance maps, aerial photographs, topographic maps, city reverse telephone directories, and reference to consultant and regulatory agency documents as applicable.
- Reporting, the accumulated data and resulting conclusions are presented in this report.

### 2.3 Significant Assumptions

The Phase 1 ESA was conducted in general accordance with ASTM E 1527-13. No other warranties, expressed or implied, are made by Construction Testing and Engineering, Inc. (CTE). CTE's evaluations, analyses, and opinions should not be taken as representations regarding subsurface conditions at the subject property. Subsurface conditions may differ from the conditions implied by superficial observations.

This report was prepared in general accordance with the standard of practice for reputable environmental consultants in the site area at this time. It makes no other representations or

qualifications. CTE should be notified of variations in the data or findings presented in this report. CTE may re-evaluate this report depending upon changed conditions, or further supplied information.

Documentation provided by Environmental Data Resources Inc. (EDR), third parties, sub-consultants, and public domain, as referred to in this report, are assumed to be complete and correct, and have been used and referenced with the understanding that CTE is under no responsibility or liability for their accuracy. CTE's conclusions are based upon such information and documentation, and CTE's observations of site conditions, as they existed on the date of site observations. Site conditions may change significantly over a short period of time and additional data may become available, as a result data reported and conclusions drawn in this report are limited to current conditions, and may not be relied upon at a significantly later date (generally considered as 180 days) and/or following property use changes, whichever occurs first. An update report may be prepared after 180 days, but after one year a new Phase 1 ESA is to be prepared according to ASTM E 1527-13 guidance.

#### 2.4 Limitations and Exceptions

Reasonable efforts have been made during this assessment to uncover *Recognized Environmental Conditions* (RECs). "Reasonable efforts" are limited to information gathered from visual observations of unobstructed areas, recorded database information held in public record, and available information gathered from interviews and selected historic documents, and may not identify all environmental conditions pertinent to the site.

Limitations and exceptions for this site include the following:

- This assessment is not an environmental compliance audit or report. Some observations and discussion in this report may address regulated conditions, operations, or activities; however, compliance with those conditions, operations, or activities is outside the scope of this report. This report does not constitute a legal opinion or legal advice, which should be obtained from independent legal counsel, if considered necessary.
- This report does not address non-scope ASTM considerations. Additional non-scope ASTM considerations, including, but not limited to, asbestos containing materials (ACMs), radon, lead-based paint (LBP), lead in drinking water, wetlands, protected environments and habitat, industrial hygiene, indoor air quality, mold, regulatory permitting requirements, and high voltage power lines are not addressed in this report.
- CTE does not have authority to render decisions on the part of a regulatory authority. Accordingly findings, opinions and this document in its entirety should not be considered a regulatory opinion or finding.
- The Phase 1 ESA portion of this report is of scope limited to ASTM E 1527-13 guidance. It does not include soil sampling and laboratory analyses.
- This report should not be considered to represent a legal opinion respective to the findings and conclusions presented herein.

### 2.5 Special Terms and Conditions

No special terms or conditions exist between CTE and Olivenhain Hills, LLC. CTE does not have a financial interest in this site, other than preparation of this report and preparation of a Geotechnical Investigative Report performed under contract with Olivenhain Hills, LLC. The Geotechnical Investigative Report is contracted under CTE proposal G-4333, dated March 20, 2018.

### 2.6 User Reliance

This report is prepared for Olivenhain Hills, LLC; no other parties may rely on this report without express written permission of CTE and Olivenhain Hills, LLC. This report is not for use or benefit of

another person or entity without advance written consent of CTE and Olivenhain Hills, LLC. This report is prepared using currently accepted standard of care for conducting such assessments in this area at this time.

The findings and opinions presented herein are relative to the dates of the site work and should not be relied upon to represent future dates. This report may be utilized for 180 days from the date of purchase or the date of the currently intended transaction. Additionally, this report may not be utilized should the property or adjacent sites use change.

### 3.0 SITE DESCRIPTION AND CONDITIONS

#### 3.1 Location and Description

The subject site is set in a mostly residential area of Encinitas, California. Location of the site is shown on attached Figure 1. A larger rectangular portion of the subject site extends 800 feet on its major axis (perpendicular to Ranch Santa Fe Road) and 400 feet on its minor axis (Parallel to Ranch Santa Fe Road). A smaller narrow rectangular strip extends the subject site further east from its northeast corner to contact the subject site with Rancho Santa Fe Road. This narrow strip has approximate dimensions of 500 feet by 50 feet. The total area of the subject site is approximately 8.45 acres. At this time, addresses were not found that are associated with the subject site. The boundaries of the site respective to adjacent development were not clearly delineated in provided documents. Furthermore, boundary fences or markers do not appear to have been established on or adjacent to the site. As such a data gap respective to property limits has occurred.

The subject site currently exists as an undeveloped property with dense vegetation comprising of both native and introduced species covering the majority of the site area. There is an approximate 40 to 50 foot high hill in the southeast section of the subject site that is covered by a tall grove of Eucalyptus trees. The subject site generally inclines in elevation from east to west. Elevations range from approximately 155 feet above mean sea level in the southeast corner up to approximately 280 feet in the northwest corner of the subject site. Elevation changes steepen in most western section of the subject site. Naturally cut drainage conveyances, some up to five feet in depth, were observed throughout the site flowing generally in a southeast direction.

Residential housing developments are contiguous to the subject site in all directions excepting a church that is contiguous to the northeast portion of the subject site. Ranch Santa Fe Road traverses in a north-south direction east of the subject site. Interstate 5 is the closest highway to the subject site and it is located greater than two miles southwest of the subject site.

#### 4.0 USER PROVIDED INFORMATION

##### 4.1 Questionnaire

An Owner and User Questionnaire were completed by Mr. Udi Melamet, as representative for Olivenhain Hills, LLC. Mr. Melamet indicated in the questionnaire that the current owner of the property since 1976 was Stuart Family Trust. He also indicated that the property was being purchased under fair market value and that the Phase 1 ESA was being performed as part of a requirement by the City of Encinitas for the Tentative Map Application process. He indicated the current use of the property was vacant and he was unaware of environmental clean up liens,

environmental engineering controls, land use limitations, or other potential adverse environmental conditions on the subject site.

The User Questionnaire and Owner Questionnaire are attached as Appendix A, and should be reviewed for additional information.

#### 4.2 Preliminary Title Report

A Preliminary Title Report (PTR) prepared by First American Title Company for the property subject to this Phase 1 ESA in Encinitas, California was supplied to CTE by Olivenhain Hills, LLC, representative, Udi Melamet. The order number was DIV-5297330 (04), dated April 26, 2018. The PTR did not indicate environmental liens are present at the subject site. The PTR is attached in Appendix A for further review as necessary.

### 5.0 RECORDS REVIEW

#### 5.1 Regulatory Data Base Review

CTE reviewed federal, state, and local environmental databases for information regarding documented and suspected releases of regulated materials at the subject property and vicinity based upon reference to an environmental database search performed by EDR, an environmental database search firm. EDR's search was performed for the standard ASTM E 1527-13 recommended distances from the center of the site. The standard ASTM search was performed for the site at 33.04379 degrees north latitude and -117.23833 degrees west longitude. CTE has summarized the findings of the EDR report in the following, and a copy of the EDR report is included in Appendix B.

### 5.2 Subject Site Listings

The subject site was not listed on the reviewed databases dealing with hazardous material/waste generation, storage, and disposal. The subject site was also not listed on databases dealing with releases or hazardous waste cleanups in the past. The EDR report databases were cross checked with Geotracker, a publicly available online resource for properties under environmental review. The site was not listed on the Geotracker database.

### 5.3 Vicinity Property Listings

Properties in the nearby vicinity of the subject site were listed on databases searched in the EDR report. Most of these databases track properties or businesses that handle regulated hazardous materials/waste or have records as a cleanup site in the past or present. Nearby properties that are at or above the subject site elevation may be evaluated due to the potential surface and subsurface water run-on to the subject site. A review of properties listed on Geotracker, a public available listing of properties under regulatory review due to environmental issues, was also performed.

Properties in the vicinity of the subject site were not discovered that could have an impact on the subject site. A property noted as the Encinitas Landfill (Maxson Street Landfill) is located less than half of a mile south of the subject site. This landfill has been closed since 1977 and was noted as having accepted non-hazardous waste material.

The vicinity property listings are provided in the radius report included in Appendix B, and may be reviewed for further information as desired.

#### 5.4 Geologic Conditions

Based on the regional geologic map prepared by Kennedy and Tan (2007), the subject site is underlain by two separate formational contacts. One contact is located near the western perimeter of the subject site and includes Quaternary Very Old Paralic Deposits, Undivided Unit 10 from middle to early Pleistocene to the west northwest and Tertiary Torrey Sandstone from the middle Eocene to the east. A second contact is located near the eastern perimeter of the subject site and includes the Tertiary Torrey Sandstone to the west and Tertiary Del Mar Formation from the middle Eocene to the east.

A Geotechnical Investigation performed by CTE on April 20, 2018 encountered Quaternary Young Alluvium in areas of least gradient throughout the site extending to a maximum encountered depth of 9.3 feet below ground surface. Tertiary Torrey Sandstone and Tertiary Del Mar Formation were encountered in a manner that agrees with the Kennedy and Tan (2007) regional geologic map.

#### 5.5 Surface Water

The property does not appear to be graded in most areas, but is generally inclined down to the southeast. The approximate 40 to 50 foot hill located in the southeast portion of the subject site is expected to divert the flow somewhat but discharge is still expected to occur mostly in the southeast corner of the subject site. The gradients of subject site vary greatly, but are generally gentle (<5%) in the northeast corner, steeper (5-15%) throughout the mid-portion of the subject site, and steepest (>15%) on the western portion of the subject site and on the hill in the southeast portion. Surface water run-off from the subject site occurs as both sheet flow and concentrated flow as is evident



from the conveyances that were observed naturally occurring throughout the subject site. Additionally, run-on to the subject site is expected to occur from properties throughout the northwest and west vicinity of the subject site. Storm water run-off from the site is disposed of offsite by either discharge to a controlled MS4 conveyance system southeast of the subject site prior to discharge into a natural water body and/or discharge into the nearest water body, which is Escondido Creek to the east.

### 5.6 Groundwater

Groundwater wells (monitoring or private) were not apparent on the subject site. Groundwater may be within 50 feet below ground surface on the subject site considering Escondido Creek is approximately a half of a mile east of the subject site. Groundwater is expected to be shallower in the lower elevation portions of the subject site. Groundwater data from nearby wells was not discovered in documents reviewed as part of this Phase 1 ESA. The Geotechnical Investigation performed by CTE on April 20, 2018 explored to a maximum depth of 9.3 feet below ground surface and groundwater was not encountered.

### 5.7 Historical Use Information on the Subject Property and Adjoining Properties

The following historical sources were utilized to prepare this Phase 1 ESA:

- Sanborn Fire Insurance Maps, attached in Appendix D
- Historical telephone directories, attached in Appendix E
- Historical aerial photographs, attached in Appendix F
- Historical topographic maps, attached in Appendix G

#### 5.7.1 Sanborn Fire Insurance Maps

Historical Sanborn Fire Insurance Maps were not found to provide coverage of the subject site as per EDR's research of their records. The Sanborn Fire Insurance Maps search is provided in Appendix C.

#### 5.7.2 Reverse Telephone Directories

The accessed EDR Reverse Telephone Directories did not list occupants of the subject site throughout the multiple years that were searched. A review of addresses in the vicinity of the subject site was also performed. Addresses in the vicinity of the subject site were searched but were not identified with uses that could affect the subject site. The reverse telephone directories are provided in Appendix D, and should be referenced for additional details as desired.

#### 5.7.3 Historical Aerial Photographs

Historical aerial photographs dating back to 1939 were accessed by EDR. Following is a brief summary of the reviewed aerial photographs. The aerial photographs are provided in Appendix E, and should be referenced for additional details.

<b>TABLE 5.7.3 SUMMARY NOTES AERIAL PHOTOGRAPHS</b>	
Aerial Photograph Dates	Observations
1939, 1946, 1953, 1964	Subject site appears as mixed use. Western portion of the subject site appears as undeveloped native land. Eastern portion of the subject site appears as cleared for apparent agricultural purposes. Rancho Santa Fe Road observed east of the subject site. Undeveloped native land apparent in most areas north and south of the subject site while agriculture is present in most areas east and west of the subject site. Minimal developments in the vicinity are present by the 1964 photograph.
1966, 1970	Subject site appears mostly as it did previously. Vicinity properties become increasingly developed with apparent residential uses. There are now contiguous properties to the north and south of the subject site. Ranch View Terrace is now present as well.
1979, 1985, 1989, 1990, 1994, 1996, 2005, 2009, 2012, 2016	Agricultural use on the subject site is no longer apparent. The subject site appears mostly as it does presently. The narrow strip of land on the east end of the subject site may have been used as a portion of vicinity properties. Increased developments of residential houses and roadways in the vicinity throughout the years until appearing mostly as they do presently by the 2005 photograph.

#### 5.7.4 Historical Topographic Maps

Historical topographic maps dating back to 1893 were accessed by EDR. Following is a brief summary of the reviewed topographic maps. The historical topographic maps are provided in Appendix F, and should be reference for additional details.

<b>TABLE 5.7.4 SUMMARY NOTES TOPOGRAPHIC MAPS</b>	
Topographic Map Dates	Observations
1893, 1901	Developments or roads are not mapped on the subject site. Multiple blocks of roads and some structures are mapped east of the subject site followed by a blue line creek. Minimal amount of roadways mapped west of the subject site. Based on contours, steeper terrain is apparent on the west end of the subject site and the gradient decreases towards the east end of the subject site.
1948, 1949, 1968	A blue line pond is apparent in the middle of the subject site. This pond is not confirmed from Historical Aerial Photographs. Street configuration of Rancho Santa Fe Road, 7 <sup>th</sup> Street, and Ranch View Terrace are observed as they appear today by 1968. Elevation gradient is similar to that of previous topographic maps. 200' contour traverses through mid-section of the subject site in a north-south direction.
1983, 1996, 2012	Pond no longer apparent on the subject site. Streets and developments in the vicinity increase throughout the years. Contours around the subject site remain consistent.

## 6.0 SITE RECONNAISSANCE

The site reconnaissance was conducted on February 11, 2019 by Gregory Rzonca and Brandon Alderson, as representatives of CTE. Observations were taken of the site and nearby properties. Selected pictures taken during the site reconnaissance are attached as Appendix G.

### 6.1 Methodology and Limiting Conditions

The site reconnaissance consisted of walking the subject property and observing a representative amount of rooms within the buildings on the subject site. Additionally, the adjacent and nearby properties were observed from public vantages. The site location is shown on Figure 1 that also depicts the subject site limits.

### 6.2 Site Observations

The subject site was observed to be an undeveloped property that contained dense vegetation throughout. The northeast corner of the subject site was observed as a graded area covered with ice plants. A hill in the southeastern portion of the subject site contained a tall Eucalyptus tree grove. Other areas consisted primarily of a mixed native/introduced shrubs and bushes. Aside from the hill in the southeast portion, the subject site primarily sloped to the southeast increasing in gradient to the west. Areas of concentrated flow were observed traversing southeast through the middle of the subject site as apparent from eroded naturally made channels.

Small single person wide trails were observed in some areas of the subject site although many of them were overgrown with vegetation indicating use some time ago. Additionally, an area was observed with abandoned items indicative of possible site use for overnight stay. Neighboring

properties were observed contiguous on all sides of the subject site. Some of these properties were seen without bordering fences/walls to the subject site. Neighboring properties to the north and west were observed as above subject site elevation and could be sources of run-on to the subject site. Indications of hazardous substances or petroleum products were not observed from these properties. However, a data gap has occurred as not all of areas of the subject site could be observed due to the dense vegetative growth and steep terrain.

Selected pictures from the site reconnaissance are included in Appendix G.

6.2.1 Summary of Observations

The following table provides a summary of observed conditions. For conditions marked as “Observed or Noted” and/or “Significant Concern”, a summary of the observations are provided following the table.

TABLE 6.2.1 SUMMARY OF SUBJECT SITE OBSERVATIONS			
CONDITIONS	NOT OBSERVED OR NOTED	OBSERVED OR NOTED	SIGNIFICANT CONCERN
Hazardous Substances/Petroleum Products	X		
Waste Generation/Storage/Disposal	X		
ASTs	X		
USTs	X		
PCB Containing Equipment	X		
Chemical/Petroleum Odors	X		
Pools of Liquid	X		
Floor Drains/Sumps/Wells	X		

TABLE 6.2.1 SUMMARY OF SUBJECT SITE OBSERVATIONS			
Drums	X		
Stains or Corrosion	X		
Unidentified Substance Containers	X		
Stained Soil or Pavement	X		
Stressed Vegetation	X		
Pits, Ponds or Lagoons	X		
Wastewater Discharges/Disposal Systems	X		
Septic Systems/Cesspools	X		
Non-Hazardous Solid Waste Disposal Areas	X		
Drinking Water Systems	X		
Wells (private/monitoring)	X		
Other	X		

6.3 Vicinity Observations

The site reconnaissance was performed to evaluate potential environmental impacts to the subject property from adjacent and nearby properties. CTE’s site observations are summarized in the following Table 6.3.

TABLE 6.3 SUMMARY OF VICINITY OBSERVATIONS	
Direction From Site	Observations
North	Ranch View Terrace and residential housing complexes as well as a church to the northeast.
East	Rancho Santa Fe Road followed by 7 <sup>th</sup> Street and other residential housing complexes.
South	Residential housing complexes.
West	Steep hill inclining to the west followed by other residential housing complexes.

## 7.0 INTERVIEWS

As an undeveloped property, a key site manager was not identified for the subject site. As such interviews were not conducted as part of this Phase 1 ESA. This data gap is not unusual for unused properties such as the subject site, and is not expected to adversely affect the findings of this Phase 1 ESA.

## 8.0 FINDINGS AND OPINIONS

CTE has performed a Phase 1 Environmental Site Assessment in general conformance with the scope and limitations of ASTM E 1527-13 for the property addressed as APN 265-331-4900. The approximate property location is depicted on attached Figure 1. Exceptions and deviations to this practice are described in Section 2.4 and Section 10.0. Following are CTE's findings and opinions regarding potential environmental concerns at the subject site:

- 1) Run-on to the subject site is expected from neighboring properties to the west and northwest of the subject site. The properties in these areas are developed as residential and observations of hazardous substances or petroleum products were not noted from these areas that could be observed. Additionally, these properties were not observed on the databases searched as having contained hazardous substances or petroleum products in the past or present. Accordingly the run-on from these sites is not expected to pose a Recognized Environmental Condition on the subject site.
- 2) Identification of a nearby landfill was made within half of a mile south of the subject site. The landfill has been closed since 1977 and is at an elevation lower than the subject site. Groundwater is also not expected to flow in a direction from the landfill to the subject site.

Indications of contamination from the landfill were not made from the database documents searched. Due to a distance of greater than 1,000 feet from the subject site, soil vapors typically associated with landfills are not anticipated to reach the site. As such, this landfill is not expected to pose a Recognized Environmental Condition on the subject site.

- 3) Debris typically associated with past unsheltered housing was observed in an area on the subject site. Current habitation by such was not noted. Hazardous substances or petroleum products were not observed in this area. Possible past unsheltered use of the subject site is not expected to pose a Recognized Environmental Condition on the subject site.
- 4) From aerial photographs, the east portion of the subject site was apparently utilized for agricultural purposes in the past during a time frame when organochlorine pesticides (OCPs) such as DDT and DDE were utilized. OCPs take a considerable time to degrade under natural conditions. As such, there is a possibility for the presence of organochlorine pesticides (OCPs) within topsoil on properties where such historic pesticide application has occurred. The State of California and USEPA have established human health criteria for concentrations of OCPs. However, the presence of these pesticides is considered exempt as a Recognized Environmental Condition (REC) per ASTM E 1527-13 guidelines, provided the pesticides were applied as typical of agricultural properties. Further indications of the presence or misuse of pesticides were not discovered by this Phase 1 ESA.



## 9.0 CONCLUSIONS

CTE has performed a Phase 1 Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-13 for the property at the proposed nine subdivision lot on Ranch View Terrace in Encinitas, California. Any exceptions to, or deviations from, this practice are described in Section 2.4 and Section 10.0 of this report.

The presence of environmental issues at the subject property was considered with respect to ASTM 1527-13 “Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process”. *ASTM E 1527-13* defines a *Recognized Environmental Condition (REC)* as “—the presence or likely presence of any hazardous substances or petroleum products in, on or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not *Recognized Environmental Conditions*.”

This assessment has revealed no evidence of *Recognized Environmental Conditions* in connection with the subject property.

## 10.0 DEVIATIONS

Areas of the subject site could not be observed due to dense vegetative growth throughout the subject site producing a data gap. The findings of this Phase 1 ESA indicate the data gap does not present an environmental issue to the subject site.

A key site manager was not available for an interview. However, the lack of such is not unusual for unused vacant land as the subject site. The lack of key site manager is not anticipated to impact the findings of this Phase 1 ESA.

The boundaries of the site respective to adjacent development were not clearly delineated in provided documents. Furthermore, boundary fences or markers do not appear to have been established on or adjacent to the site. As such a data gap respective to property limits has occurred. However, based upon observation of the site and adjacent properties this data gap is unlikely to affect the findings of this Phase 1 ESA.

#### 11.0 ADDITIONAL SERVICES

Additional services were not conducted by CTE related to this Phase 1 ESA.

#### 12.0 REFERENCES

ASTM (2013) "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process," Designation E 1527-13.

California State Water Resources Control Board website, "Geotracker," (<http://geotracker.waterboards.ca.gov/>).

Construction Testing & Engineering, Inc, "Limited Geotechnical Investigation and Update Report," April 20, 2018 (CTE Job #10-14212G).

Kennedy, M.P., and Tan S.S., (2008) "Geologic Map of the San Diego 30'X 60' Quadrangle, California," California Geological Survey, Regional Map No. 3.

#### 12.0 SIGNATURES AND QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

This report is prepared by appropriately credentialed professionals with experience in preparing environmental site assessments in exceedance of ASTM E 1527-13 requirements. This report is

prepared in accordance with the standard of practice utilized by reputable consultants practicing in this area at the time of this report. No other warranties are expressed or implied. This report is prepared for Olivenhain Hills, LLC. No other parties may rely on this report without express written permission of Construction Testing and Engineering, Inc. and Olivenhain Hills, LLC.

Respectfully submitted,

CONSTRUCTION TESTING & ENGINEERING, INC.



Dan T. Math, RCE #61013  
Principal Engineer

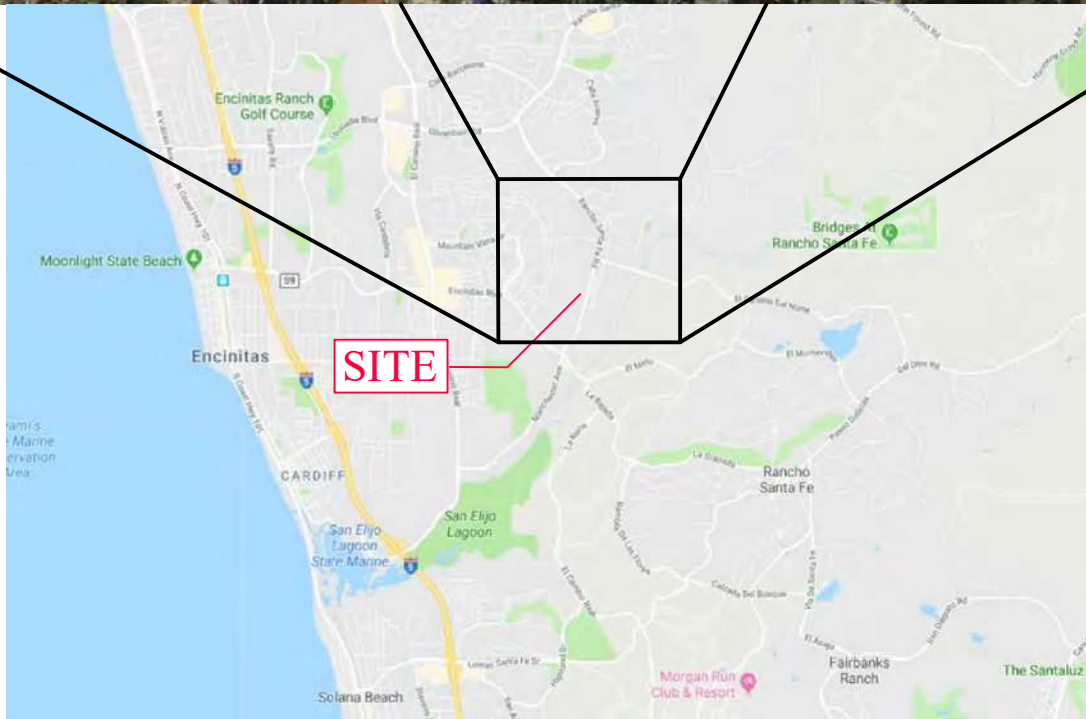
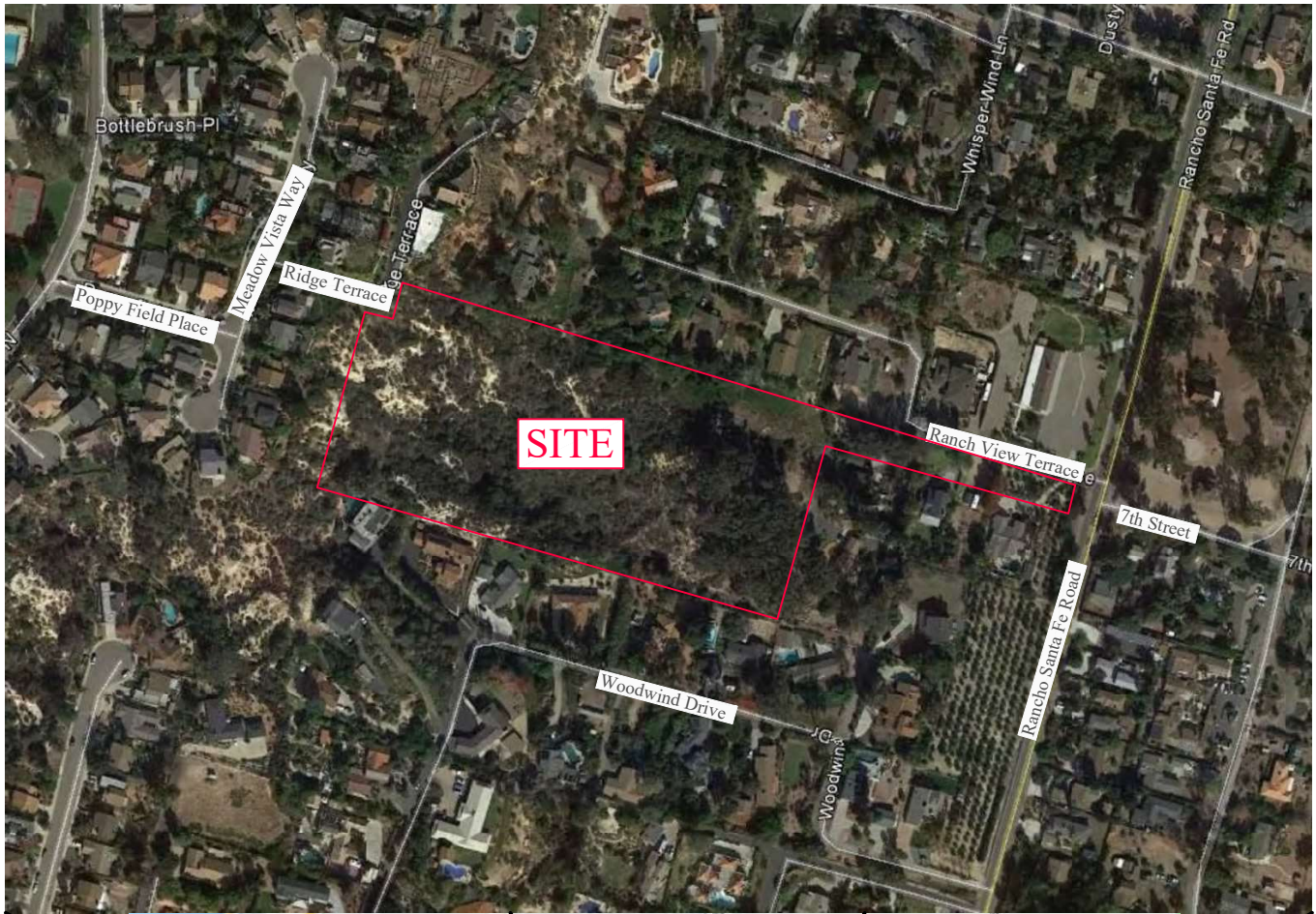


Gregory F. Rzonca, CEG #1191  
Senior Certified Engineering Geologist




BNA/GFR/DTM:nri

Distribution: Electronic to Olivenhain Hills, LLC (Attention Mr. Udi Melamed:  
udi@ermdevelopment.com)



— Approximate property boundary location



 <b>Construction Testing &amp; Engineering, Inc.</b> 1441 Montiel Rd Ste 115, Escondido, CA 92026 Ph (760) 746-4955			
<b>SITE INDEX MAP</b> RANCH VIEW TERRACE EIGHT LOT SUBDIVISION RANCH VIEW TERRACE ENCINITAS, CALIFORNIA		SCALE: NONE	DATE: 02/19
		CTE JOB NO.: 10-14212E	FIGURE: 1

APPENDIX A

USER PROVIDED INFORMATION



Updated



*First American Title*

## First American Title Company

7676 Hazard Center Drive, Ste 1100

San Diego, CA 92108

California Department of Insurance License No. 151

Julie Wood  
Great Pacific Escrow  
6105 Paseo Delicias, Suite 3  
Rancho Santa Fe, CA 92067  
Phone: (858)756-1704  
Fax: (858)224-1535

Customer Reference: 2253-JW

Order Number: DIV-5297330 (04)

Title Officer: Korey Mulvey  
Phone: (619)231-4670  
Fax No.: (877)648-8386  
E-Mail: titleunit4@firstam.com

Buyer: ERM Development-West Corp.  
Owner: Stuart  
Property: Ranch View Terrace 49  
Encinitas, CA 92024

### PRELIMINARY REPORT

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

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. 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 April 26, 2018 at 7:30 A.M.

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

ALTA/CLTA Homeowner's (EAGLE) Policy of Title Insurance (2010) and ALTA Ext Loan Policy 1056.06 (06-17-06) if the land described is an improved residential lot or condominium unit on which there is located a one-to-four family residence; or ALTA Standard Owner's Policy 2006 (WRE 06-17-06) and the ALTA Loan Policy 2006 (06-17-06) if the land described is an unimproved residential lot or condominium unit

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:

Keith E. Stuart, George W. Stuart, III And Andrea Stuart, As Successor Cotrustees Of The Stuart 1976 Family Trust, Dated 5/24/1976, As Amended And Restated 8/31/2009, subject to exception no. 21

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

Fee

The Land referred to herein is described as follows:

(See attached Legal Description)

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

1. General and special taxes and assessments for the fiscal year 2018-2019, a lien not yet due or payable.
2. Assessment liens, if applicable, collected with the general and special taxes, including but not limited to those disclosed by the reflection of the following on the tax roll:  
  
1915 Bond for ASMNT DIST 96-1.
3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. The effect of a map purporting to show the land and other property, filed October 18, 1958 as Record of Survey Map No. [4807](#) of Record of Surveys.
5. The effect of a map purporting to show the land and other property, filed May 20, 1964 as Record of Survey Map No. [6407](#) of Record of Surveys.



6. An easement for road and public utilities and incidental purposes in the document recorded May 21, 1971 as Instrument No. [105642](#) of Official Records.

7. An easement for road, sewer, water, gas, power, telephone lines and incidental purposes in the document recorded June 03, 1971 as Instrument No. [115765](#) of Official Records.

The location of the easement cannot be determined from record information.

8. An easement for road, sewer, water, gas, power, telephone lines and incidental purposes in the document recorded July 23, 1971 as Instrument No. [160231](#) of Official Records.

9. An easement for public utilities and incidental purposes in the document recorded August 03, 1971 as Instrument No. [170581](#) of Official Records.

10. An easement for road and public utilities and incidental purposes in the document recorded February 02, 1976 as Instrument No. [31576](#) of Official Records.

11. The effect of a map purporting to show the land and other property, filed September 23, 1976 as Parcel Map No. [5126](#) of Parcel Maps.

12. An easement for public utilities and incidental purposes in the document recorded December 14, 1976 as Instrument No. [418183](#) of Official Records.

13. The terms and provisions contained in the document entitled "Consent to Use Land" recorded March 30, 1992 as Instrument No. [92-179723](#) of Official Records.

14. The Terms, Provisions and Easement(s) contained in the document entitled "Notice of Intent to Preserve Easement" recorded March 30, 1992 as Instrument No. [92-179724](#) of Official Records.

The location of the easement cannot be determined from record information.

15. An easement for underground communication facilities and appurtenances, pipelines and appurtenances and incidental purposes in the document recorded March 28, 2001 as Instrument No. [01-182048](#) of Official Records.

16. An option in favor of OLIVENHAIN HILLS LLC, A CALIFORNIA LIMITED LIABILITY COMPANY as contained in or disclosed by a document recorded March 29, 2018 as INSTRUMENT NO. [18-126665](#) of Official Records.

17. Any facts, rights, interests, or claims that may exist or arise due to the following matters as disclosed by a survey location plat as provided to this company:

Encroachments of a wood deck, pool, brick patio, house, block wall, steps, wood patio, chain link fence, concrete pad and shed onto said land from the property located to the south.

18. Any defects, liens, encumbrances or other matters which name parties with the same or similar names as George W. Stuart (One Matter). The name search necessary to ascertain the existence of such matters has not been completed. In order to complete this preliminary report or commitment, we will require a statement of information.

19. Water rights, claims or title to water, whether or not shown by the public records.

20. Rights of the public in and to that portion of the land lying within any Road, Street, Alley or Highway.

**Prior to the issuance of any policy of title insurance, the Company will require:**

21. With respect to the trust referred to in the vesting:
- a. A certification pursuant to Section 18100.5 of the California Probate Code in a form satisfactory to the Company.
  - b. Copies of those excerpts from the original trust documents and amendments thereto which designate the trustee and confer upon the trustee the power to act in the pending transaction.
  - c. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

**INFORMATIONAL NOTES**

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. General and special taxes and assessments for the fiscal year 2017-2018.

First Installment:	\$3,234.12, PAID
Penalty:	\$0.00
Second Installment:	\$3,234.12, PAID
Penalty:	\$0.00
Tax Rate Area:	19102
A. P. No.:	265-331-49-00
  
2. The property covered by this report is vacant land.
  
3. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None
  
4. We find no open deeds of trust. Escrow please confirm before closing.

NOTE to proposed insured lender only: No Private transfer fee covenant, as defined in Federal Housing Finance Agency Final Rule 12 CFR Part 1228, that was created and first appears in the Public Records on or after February 8, 2011, encumbers the Title except as follows: None

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 Encinitas, County of San Diego, State of California, described as follows:

THAT PORTION OF LOT 94 OF COLONY OLIVENHAIN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. [326](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND OF LOT 27 OF RANCHO LAS ENCINITAS, ACCORDING TO MAP THEREOF NO. [848](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH PORTIONS OF B AND C STREETS, SAN DIEGO AVENUE AND OF THE SOUTH HALF OF 7TH STREET AS SHOWN ON SAID MAPS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF LOT 30 OF SAID MAP NO. [326](#) DISTANT THEREON NORTH 15° 03' 50" EAST 361.69 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 30; THENCE NORTH 15° 03' 50" EAST ALONG SAID WESTERLY LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 30; THENCE SOUTH 73° 21' EAST ALONG THE NORTHERLY LINE OF SAID LOT 30 TO THE NORTHEASTERLY CORNER THEREOF; THENCE NORTH 15° 04' EAST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 30 A DISTANCE OF 40.00 FEET TO THE CENTER LINE OF SAID 7TH STREET; THENCE ALONG SAID CENTER LINE AND THE WESTERLY PROLONGATION THEREOF NORTH 73° 21' WEST TO THE CENTER LINE OF SAID SAN DIEGO AVENUE; THENCE SOUTH 15° 03' 50" WEST ALONG SAID CENTER LINE AND THE SOUTHERLY PROLONGATION THEREOF TO A POINT IN A LINE WHICH BEARS NORTH 73° 21' WEST PARALLEL WITH SAID WESTERLY PROLONGATION OF 7TH STREET FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 73° 21' EAST ALONG SAID PARALLEL LINE TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF LOT 30 OF SAID MAP [326](#) DISTANT THEREON NORTH 15° 03' 50" EAST 361.69 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 30; THENCE NORTH 15° 03' 50" EAST ALONG SAID WESTERLY LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 30' AND THE TRUE POINT OF BEGINNING; THENCE NORTH 73° 21' WEST ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 30, A DISTANCE OF 155 FEET; THENCE PARALLEL WITH SAID WESTERLY LINE SOUTH 15° 03' 50" WEST 142 FEET; THENCE SOUTH 73° 21' EAST 155 FEET TO SAID WESTERLY LINE; THENCE NORTH 15° 03' 50" EAST 142 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

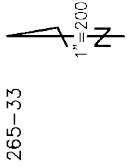
BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 30; THENCE SOUTH 15° 03' 50" WEST ALONG THE WESTERLY LINE OF SAID LOT A DISTANCE OF 142.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15° 03' 50" WEST 142.00 FEET; THENCE NORTH 73° 21' WEST ALONG A LINE PARALLEL WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 30 A DISTANCE OF 155 FEET; THENCE PARALLEL WITH SAID WESTERLY LINE NORTH 15° 03' 50" EAST 142 FEET; THENCE SOUTH 73° 21' EAST 155 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 30' THENCE SOUTH 15° 03' 30" WEST ALONG THE WESTERLY LINE OF SAID LOT 284.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15° 03' 50" WEST TO A POINT DISTANT THEREON

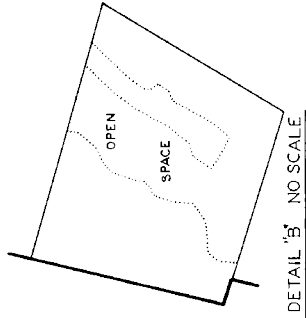
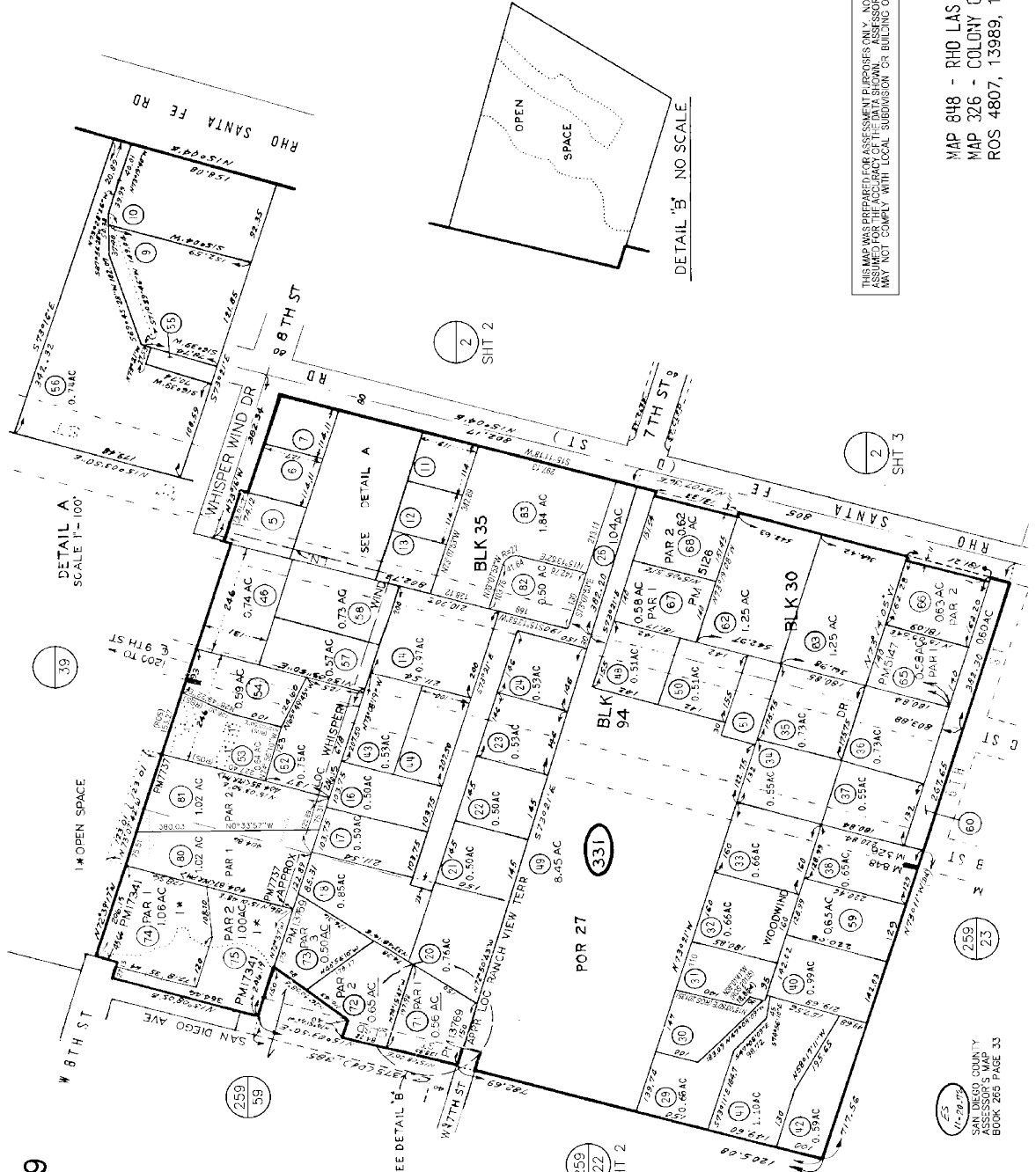
NORTH 15° 03' 50" EAST 361.69 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 30;  
THENCE NORTH 73° 21' WEST 185.00 FEET; THENCE PARALLEL WITH THE WESTERLY LINE OF  
SAID LOT 30 TO A LINE THAT BEARS NORTH 73° 21' WEST FROM THE TRUE POINT OF  
BEGINNING; THENCE SOUTH 73° 21' EAST 185.00 FEET TO THE TRUE POINT OF BEGINNING.

[APN](#): 265-331-49-00



265-33

CHANGES	
BLK	OLD NEWYR CUT
331	45 57-58 1/31 2992
332	44 PK 2 1/31 0002
331	39 59-60 1/4 1765
	1/3/59 SAME 75 5650
	1/3/59 7/15 76 2361
	27 61-64 76 3004
	44 65-66 76 5943
	54 67-68 76 5966
	61 69-70 77 4252
	2 69-70 77 2289
	2 69-70 77 2289
	19 71-73 80 1471
	5 74-75 81 4789
	5 76-78 81 5682
	7 79-81 85 4258
	71 82-83 87 5515
	68&70 76-79 88 1573
	76-79 80&81 88 1688
	53 82-83 87 5515
	53 84-85 89 5630
	25 82&83 88 1761



DETAIL A  
SCALE 1"=100'

DETAIL 'B' NO SCALE

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. AS SUCH, LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSORS' GARANTIES MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 848 - RHO LAS ENCINITAS  
 MAP 326 - COLONY OLIVENHAIN  
 ROS 4807, 13989, 16745, 18600, 20135, 20540

***NOTICE***

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



*First American Title*

First American Title Company  
7676 Hazard Center Drive, Ste 1100  
San Diego, CA 92108  
(619)238-1776



**WIRE INSTRUCTIONS**  
**for**  
**First American Title Company, Demand/Draft Sub-Escrow Deposits**  
**San Diego County, California**

PAYABLE TO: First American Title Company

BANK: **First American Trust, FSB**

ADDRESS: 5 First American Way, Santa Ana, CA 92707

ACCOUNT NO: 3008270000

ROUTING NUMBER: 122241255

PLEASE REFERENCE THE FOLLOWING:

PROPERTY: Ranch View Terrace 49, Encinitas, CA 92024

FILE NUMBER: DIV-5297330 (04)

PLEASE USE THE ABOVE INFORMATION WHEN WIRING FUNDS TO **First American Title Company. FUNDS MUST BE WIRED FROM A BANK WITHIN THE UNITED STATES.** PLEASE NOTIFY **Korey Mulvey AT (619)231-4670** OR **kmulvey@firstam.com** WHEN YOU HAVE TRANSMITTED YOUR WIRE.

IF YOUR FUNDS ARE BEING WIRED FROM A NON-U.S. BANK, ADDITIONAL CHARGES MAY APPLY. PLEASE CONTACT YOUR ESCROW OFFICER/CLOSER FOR INTERNATIONAL WIRING INSTRUCTIONS.

AN ACH TRANSFER CANNOT BE ACCEPTED FOR CLOSING, BECAUSE IT IS NOT THE SAME AS A WIRE AND REQUIRES ADDITIONAL TIME FOR CLEARANCE.

**FIRST AMERICAN TRUST CONTACT INFO:** Banking Services 1-877-600-9473

**ALL WIRES WILL BE RETURNED IF THE FILE NUMBER  
AND/OR PROPERTY REFERENCE ARE NOT INCLUDED**

With cyber crimes on the increase, it is important to be ever vigilant. If you receive an e-mail or any other communication that appears to be generated from a First American employee that contains new, revised or altered bank wire instructions, consider it suspect and call our office at a number you trust. Our bank wire instructions seldom change.

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

**CLTA STANDARD COVERAGE POLICY – 1990**

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 or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (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 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 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 claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

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 notices of such proceedings, whether or not shown by the records of such agency or by the public, records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, 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.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)**  
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 those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and
  - f. environmental protection.This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
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 limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded 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.e., 25, 26, 27 or 28.
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 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A. The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$10,000
Covered Risk 18:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 19:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 21:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$5,000

**2006 ALTA LOAN POLICY (06-17-06)**  
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 that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;

- (ii) the character, dimensions, or location of any improvement erected on the Land;
- (iii) the subdivision of land; or
- (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
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 (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that 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 an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that 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, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### EXCEPTIONS FROM COVERAGE

[Except as provided in Schedule B - Part II, [ t[or T]his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

#### [PART I

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that 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; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and 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.
6. Any lien or right to a lien for services, labor or material not shown by the public records.]

#### PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:]

### 2006 ALTA OWNER'S POLICY (06-17-06)

#### 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 that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or

- (iv) environmental protection;
- or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
  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 (however, this does not modify or limit the coverage provided under Covered Risk 9 or 10); or
    - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
  4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
    - (a) a fraudulent conveyance or fraudulent transfer, or
    - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
  5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### EXCEPTIONS FROM COVERAGE

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

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that 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; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and 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.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.
7. [Variable exceptions such as taxes, easements, CC&R's, etc. shown here.]

#### **ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (12-02-13)**

#### 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 that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
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 (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
  - (e) resulting in loss or damage that 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 an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that 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. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. 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 modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.



*First American Title*

#### **Privacy Information**

#### **We Are Committed to Safeguarding Customer Information**

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

#### **Applicability**

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

#### **Types of Information**

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

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

#### **Use of Information**

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

#### **Former Customers**

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

#### **Confidentiality and Security**

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

#### **Information Obtained Through Our Web Site**

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

#### **Business Relationships**

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

#### **Cookies**

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

[FirstAm.com](http://FirstAm.com) uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

#### **Fair Information Values**

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

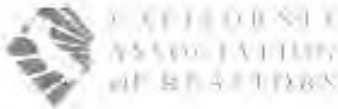
**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



# SELLER VACANT LAND QUESTIONNAIRE

(C.A.R. Form VLQ, 11/12)

I. Seller makes the following disclosures with regard to the real property described as 2 Vacant lots, Ranch View Terrace, APN 265-331-2600, Assessor's Parcel No 265-331-2600+4900 situated in Encinitas County of San Diego California ("Property")

II. The following are representations made by the Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker have not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desire legal advice, they should consult an attorney.

III. Note to Seller: PURPOSE: To tell the Buyer about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.  
• Answer based on actual knowledge and recollection at this time.  
• Something that you do not consider material or significant may be perceived differently by a Buyer.  
• Think about what you would want to know if you were buying the Property today.  
• Read the questions carefully and take your time.

IV. Note to Buyer: PURPOSE: To give you more information about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.  
• Something that may be material or significant to you, may not be perceived the same way by the Seller.  
• If something is important to you, be sure to put your concerns and questions in writing (C.A.R. Form BM1).  
• Sellers can only disclose what they actually know. Seller may not know about all material or significant items.  
• Seller's disclosures are not a substitute for your own investigations, personal judgments or common sense.

V. SELLER AWARENESS: For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." Provide explanations to answers in the space provided or attach additional comments and check section VI.

- BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS:** ARE YOU (SELLER) AWARE OF...
1. Surveys, markers, stakes, pins or maps showing the location of the Property.  Yes  No
  2. Any unrecorded easement, encroachment or other dispute, maintenance or use agreement affecting access to, or the boundaries of, the Property.  Yes  No
  3. Use of the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress, or other travel or drainage.  Yes  No
  4. Leases, rental agreements, service contracts, licenses, permits or related agreements regarding use of the Property by others.  Yes  No
  5. Use of any neighboring property by you.  Yes  No
  6. The absence or limitation of legal or physical access to the Property.  Yes  No

Explanation: WALKS LIKE NEIGHBORS AT APN # 265-331-29 WINWARD DR. ARE ENCRACHING WITH THEIR HOUSE & POOL

(3) RANCH VIEW TERRACE IS USED BY RESIDENCES TO ACCESS THEIR HOMES

- GEOLOGIC CONDITIONS AND ENVIRONMENTAL HAZARDS:** ARE YOU (SELLER) AWARE OF...
7. Fill (compacted or otherwise), soil instability, caves, mines, caverns, or slippage on the Property.  Yes  No
  8. Radon, methane or other gases, contaminated soil or water, hazardous waste, or waste disposal sites on the Property.  Yes  No
  9. Fuel, oil or chemical storage tanks above or underground.  Yes  No
  10. Past or present treatment or eradication of pests or odors.  Yes  No

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Buyer's Initials: DS UM

Seller's Initials: DS AS AS AS

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Forwared by \_\_\_\_\_ Date \_\_\_\_\_

VLQ REVISED 11/12 (PAGE 1 OF 4) SELLER VACANT LAND QUESTIONNAIRE (VLQ PAGE 1 OF 4)



Property Address: 2 Vacant lots, Ranch View Terrace, APN 265-331-2600 and 265-331-4900, Encinitas, Ca 92024 Date:

GOVERNMENTAL.

ARE YOU (SELLER) AWARE OF...

- 11. Agricultural use restrictions pursuant to the Williamson Act or other law  Yes  No
- 12. Whether the Property is in or adjacent to an area with Right to Farm rights  Yes  No
- 13. Presence of any endangered, threatened, "candidate" species, wetlands, historic artifacts or human remains on the Property  Yes  No
- 14. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property  Yes  No
- 15. Conditions or laws that may affect the ability to place and/or use a manufactured home on the Property  Yes  No
- 16. Special taxes pursuant to the Mallo-Ruos Community Facilities Act, Improvement Bond Act of 1915 or other law  Yes  No
- 17. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that apply to or could affect the Property  Yes  No
- 18. Existence or pendency of any rent control, occupancy restrictions or (b) requirements that apply to or could affect the Property  Yes  No
- 19. Existing or contemplated building or use moratorium that apply to or could affect the Property  Yes  No
- 20. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property  Yes  No
- 21. Proposed construction, reconfiguration, or closure of nearby government facilities or amenities such as schools, parks, roadways and traffic signals  Yes  No
- 22. Existing or proposed government requirements affecting the Property (i) that tall grass, brush or winter vegetation be cleared; (ii) that restrict tree (or other landscaping) planting, removal or cutting, or (iii) that flammable materials be removed  Yes  No

Explanation (13 & 14) - MOST LIKELY ENDANGERED & PROTECTED HABITATE (22) - WE RECEIVE A LETTER REQUIRING WEED ABATEMENT

WATER-RELATED ISSUES:

ARE YOU (SELLER) AWARE OF...

- 23. Standing water, flooding, pumps, underground water, or water-related soil settling or slippage on or affecting the Property  Yes  No
- 24. Rivers, streams, flood channels, underground springs, high water table, floods or tides on or affecting the Property  Yes  No

Explanation

UTILITIES AND SERVICES:

ARE YOU (SELLER) AWARE OF...

- 25. Whether any of the following utilities or services are available ON the Property  Yes  No  
 If yes, check which ones:  wells  sewer  septic  sanitation  leach lines  water  gas  
 electric  telephone  cable  other
- If no, are you aware of the distance such utilities or services are from the Property?  Yes  No

Explanation

LANDSCAPING, AGRICULTURE, STRUCTURES OR OTHER IMPROVEMENTS:

ARE YOU (SELLER) AWARE OF...

- 26. Diseases or infestations affecting trees, plants or vegetation on or near the Property  Yes  No
- 27. Diseases, infestation or other reason affecting the production of any agricultural trees or crops on the Property  Yes  No
- 28. Operational sprinklers or irrigation systems on the Property  Yes  No  
 If yes, are they  automatic or  manually operated
- 29. Any structures or improvements (such as pad, foundations, or shelter)  Yes  No

Explanation

NEIGHBORHOOD:

ARE YOU (SELLER) AWARE OF...

- 30. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: neighbors, livestock, wildlife, insects or pests, traffic, parking congestion, airplanes, trains, light rail, subway, trucks, freeways, buses, schools, parks, refuse storage or landfill processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, or wildlife  Yes  No

Explanation

Buyer's initials: <sup>DS</sup> UM

Seller's initials: <sup>DS</sup> MS <sup>DS</sup> AS

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Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_



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SELLER VACANT LAND QUESTIONNAIRE (VLQ PAGE 2 OF 4)

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BUT THROUGH FURTHER INVESTIGATING FIND WE CANT ABATE BECAUSE OF HABITATE + LAWS FORBIDDING SUCH

Property Address: 2 Vacant lots, Ranch View Terrace, APN 265-331-2600 and 265-331-4900, Encinitas, Ca 92024 Date: \_\_\_\_\_

**COMMON INTEREST CONDOMINIUMS AND DEVELOPMENTS:**

**ARE YOU (SELLER) AWARE OF...**

31. Any Homeowner or Property Owner Association (OA) governing the Property, or any pending or proposed dues increases, special assessments, rules changes, insurance, availability issues or threatened or pending litigation by or against the OA affecting the Property

Yes  No

Explanation: \_\_\_\_\_

**TITLE, OWNERSHIP AND LEGAL CLAIMS:**

**ARE YOU (SELLER) AWARE OF...**

32. Any other person or entity on title other than Seller(s) signing this form

Yes  No

33. Leases, options or claims affecting or relating to title or use of the Property

Yes  No

34. Any other person or entity other than Seller(s) signing this form with a legal claim to oil, mineral, gas or water rights

Yes  No

35. Past, present, pending or threatened lawsuits, mediations, arbitrations, tax liens, attachment liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, OA or neighborhood

Yes  No

Explanation: \_\_\_\_\_

**DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT:**

**ARE YOU (SELLER) AWARE OF...**

36. Financial relief or assistance, insurance or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to correct damage

Yes  No

Explanation: \_\_\_\_\_

**OTHER:**

**ARE YOU (SELLER) AWARE OF...**

37. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents, pertaining to the condition of the Property or easements, encroachments, boundary disputes or environmental conditions affecting the Property (If yes, provide any such documents in your possession to Buyer)

Yes  No

38. Department of Real Estate Public Report, or subdivision map

Yes  No

39. An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.)

Yes  No

40. The release of an illegal controlled substance on or beneath the Property

Yes  No

41. Whether the Property is located in or adjacent to an "industrial use" zone (In general, a zone or district allowing manufacturing, commercial or airport uses.)

Yes  No

42. Whether the Property is affected by a nuisance created by an "industrial use" zone

Yes  No

43. Whether the Property is located within 1 mile of a former federal or state ordnance location (In general, an area once used for military training purposes that may contain potentially explosive munitions.)

Yes  No

44. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision

Yes  No

45. Insurance claims affecting the Property within the past 5 years

Yes  No

46. Matters affecting title of the Property

Yes  No

47. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer.

Yes  No

Explanation: (37) SURVEY PROVIDED BY OWNERS OF PROPERTY

WHO MAYBE ENCRUCHING WITH THEIR HOUSE & POOL  
APN # 265-331-29 (WINDWARD DR)

VI.  (IF CHECKED) ADDITIONAL COMMENTS: The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Buyer's Initials: DS  
ZM

Seller's Initials: DS  
AS AS

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SELLER VACANT LAND QUESTIONNAIRE (VLQ PAGE 3 OF 4)

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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

