



## FANHD Commercial Property Disclosure Reports

### For SAN DIEGO COUNTY

**Property Address:** 2160 BALBOA AV ,  
DEL MAR, SAN DIEGO COUNTY, CA  
("Property")

**APN:** 299-072-10-00  
**Report Date:** 09/17/2010  
**Report Number:** 826001

### AERIAL PHOTO COVER PAGE



*This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.*

**NOTE TO READER:** *High-resolution aerial photographs are obtained through periodic surveys by low-altitude aircraft. Surveys are repeated at intervals of several years, and their coverage is limited to populated areas. On rare occasions, the air photo on this page will display a black area, or vacant land where buildings now exist. In these cases, the photo happens to be at the edge of the survey coverage area, or it shows land that has been developed since the time of the latest aerial survey. We apologize for these rare instances, which are beyond our control.*

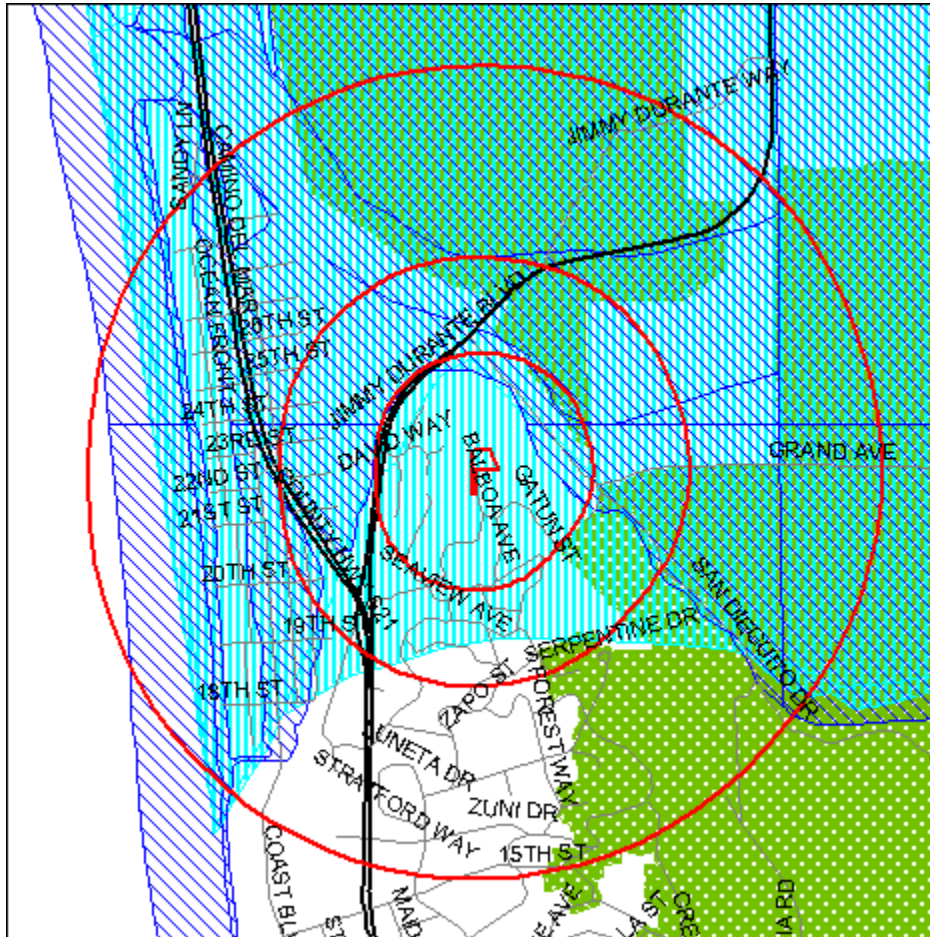
# First American | MAP COVER PAGE

## Natural Hazard Disclosure Report



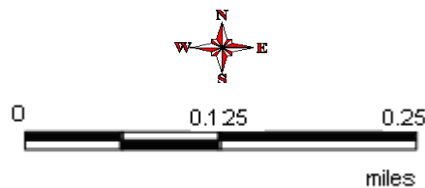
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Subject Property

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



*This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.*

**This COMMERCIAL PROPERTY DISCLOSURE REPORT contains the Commercial Natural Hazard Disclosure Report, the Commercial Tax Report and the Commercial Environmental Report.**

**THIS REPORT PROVIDES THE STATUTORY DISCLOSURES MANDATED BY CALIFORNIA LAWS SPECIFIED HEREIN AND DELIVERY OF THIS REPORT AND THE EXECUTED STATUTORY FORM IS SUFFICIENT TO MEET THE SAFE HARBOR FOR THE SELLER AND SELLER'S AGENT. THIS REPORT ALSO CONTAINS OTHER IMPORTANT DISCLOSURES AND INFORMATION. SELLER AND SELLER'S AGENT MAY HAVE ADDITIONAL RESPONSIBILITIES FOR CERTAIN DISCLOSURES WITHIN THEIR ACTUAL KNOWLEDGE.**



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## The Natural Hazard Disclosure Report For SAN DIEGO COUNTY

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### Natural Hazard Disclosure Statement

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

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

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

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

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

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

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

Yes \_\_\_\_\_ No  X

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

Yes \_\_\_\_\_ No  X

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

Yes \_\_\_\_\_ No  X

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

Yes (Landslide Zone) \_\_\_ Yes (Liquefaction Zone) \_\_\_\_\_

No \_\_\_ Map not yet released by state  X

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

Signature of Transferor (Seller) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Transferor (Seller) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Check only one of the following:

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

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

Third-Party Disclosure Provider(s)

Date 09/17/2010

Rept. No. 826001

Greg Rufe, Chief Operating Officer  
First American Real Estate Disclosures, LLC

Transferee represents that he/she has read and understands this document. I (We) also have read and understand the added local hazard, airport, military ordnance, BCDC disclosure, as well as the mold, radon, meth lab, and endangered species advisories and the map cover page contained in this Report. The representations made in this Natural Hazard Disclosure Statement do not constitute all of the transferor's or agent's disclosure obligations in this transaction.

Signature of Transferee(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Transferee(s) \_\_\_\_\_ Date \_\_\_\_\_

**ADDITIONAL SIGNATURE REQUIRED: SEE "ACKNOWLEDGEMENT OF RECEIPT"- NEXT PAGE**



# ACKNOWLEDGEMENT OF RECEIPT

**Property Address:** 2160 BALBOA AV ,  
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**I hereby acknowledge the receipt of the following Disclosures and Advisories:**

**Natural Hazard Report Disclosures and Advisories**  
**(Signature Required on the NHDS Form – See preceding page)**

- |   |                                   |
|---|-----------------------------------|
| ✓ State Level Natural Hazard Disclosures (NHDS Form)                        | ✓ Mold Advisory                   |
| ✓ Local City and County Level Natural Hazard Disclosures (where applicable) | ✓ Radon Advisory                  |
| ✓ Military Ordnance Disclosure  | ✓ Endangered Species Act Advisory |
| ✓ Airport Influence Area / Airport Noise Disclosure                         | ✓ Abandoned Mines Advisory        |
| ✓ Methamphetamine Contaminated Property Disclosure Advisory                 | ✓ Oil & Gas Well Advisory         |
|   | ✓ Tsunami Map Advisory            |

**California Property Tax Report Disclosures and Advisories**

- ✓ Notice of Special Tax and Assessment (Mello-Roos and 1915 Bond Act)
- ✓ Notice of Supplemental Property Tax Bill
- ✓ Private Transfer Fee Disclosure Advisory

	<b>Date</b>		<b>Date</b>
<b>Transferor (Seller)</b>		<b>Transferor (Seller)</b>	
	<b>Date</b>		<b>Date</b>
<b>Transferee (Buyer)</b>		<b>Transferee (Buyer)</b>	
	<b>Date</b>		<b>Date</b>
<b>Agent</b>		<b>Agent</b>	





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### Summary Declaration of Liability Provisions

First American Natural Hazard Disclosures ("FANHD" or "The Company"), a division of First American Natural Hazard Disclosures LLC and a member of The First American Family of Companies, hereby declares that Recipients of a natural hazard disclosure report issued by a Member Company ("Report") pursuant to those California laws, underlying statutes, and Public Records cited on the NHDS and herein for a transaction are provided the following assurances and protections.

#### **Recipients**

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

#### **Member Companies**

- First American Natural Hazard Disclosures, LLC.
- JCP-LGS Disclosures.com

#### **Protections**

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

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

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

**By:** First American Real Estate Disclosures, LLC      Greg Rufe, Chief Operating Officer      **Date:** 09/17/2010

**THIS IS A PUBLIC RECORD REPORT ONLY:** This Report only provides information concerning the Property derived from the Public Records identified in this Report. While FANHD has made good faith efforts to report from the Public Records as accurately as possible, the quality, accuracy, and currency of the information contained in these Public Records can vary greatly. For more information regarding a specific disclosure and the related Public Record, please read Sections 1 through 3, inclusive, of this Report.

**NOT AN INSPECTION REPORT:** This Report is not the same thing as a physical inspection report nor a full environmental or geological assessment report. FANHD has not physically inspected the Property. This Report only summarizes the information from the specified Public Records.

**LIABILITY PROTECTIONS:** Upon consummation of the sale of the Property to Buyer ("Sale Date"), the Parties involved in that sale are protected against loss caused by any error in this Report as specified in the section below entitled "Methods and Limitations."

**NOT AN INSURANCE POLICY:** This Report is a binding contract but is not an insurance policy. The price charged for the Report does not cover the costs that would be necessary to provide all of the protections of an insurance policy



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## NATURAL HAZARD DISCLOSURE REPORT TABLE OF CONTENTS

This Report includes the sections as identified in this Table of Contents and is not complete if any one of these components is missing. Additional information may also be included in the form of addendums which are provided as an accommodation and are not an official part of this Report.

<b>Sections</b>		<b>PAGE</b>
<b>SIGNATURE SECTION</b>		
Statutory Form	The statutory disclosures applicable to the Property as required by specified California statutes cited in the NHDS (the "Law")..... <b>SIGNATURE REQUIRED</b>	1
Acknowledgement of Receipt	A document summarizing all of the disclosures and advisories contained in the Report ..... <b>SIGNATURE REQUIRED</b>	2
Summary Declaration of Liability Provisions	Explains the liability protection offered in relying on this report.....	3
Table of Contents	Summary of report contents. (This page.).....	4
<b>SUMMARY OF DISCLOSURES SECTION</b>		
Summary of Natural Hazard Disclosure Determinations	A summary of the Statutory (State level) natural hazard disclosures and additional "Local" natural hazard disclosures officially adopted by the County and/or City wherein the Property is located. Not all Counties or Cities have officially adopted maps of sufficient scale to make determinations specific to the Property.....	5
Summary of Additional Property Specific Disclosures & Advisories	A summary of some of the additional disclosures that could affect the value of the property that the State of California along with the California Association of Realtors have required.....	6 - 7
<b>DISCLOSURE EXPLANATION SECTION</b>		
Explanation of Mandatory State Level Disclosures	State Level Disclosures are defined and explained, and official Public Records used for the determinations as well as the reporting standards are identified.....	8 - 10
Explanation of County and City Disclosures (if applicable)	"Local" County and City Level Disclosures are defined and explained, and official Public Records used for the determinations as well as the reporting standards are identified. Any and all disclosures made in this section are based on the local jurisdictions' <b>officially adopted, publicly available hazard maps that are of useable scale in order to make parcel specific determinations</b> .....	11 - 13
Explanation of Additional Property Specific Disclosures	The State of California along with the California Association of Realtors have required that various property specific disclosures be made that could affect the value of the property. Some of these disclosures are made in this section. ....	14 - 16
Advisories & Notices	Important advisories and notices dealing with potential general concerns related to real property ownership in California but not specific to the Property. These advisories are not mandated.....	17 - 21
Methods and Limitations ( <b>IMPORTANT</b> )	A summary explanation of the methods used to make the disclosure determinations and limitations on liability.....	22 - 24



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### SUMMARY OF NATURAL HAZARD DISCLOSURES

\*Map N/A: Map not available, and/or not officially adopted by the jurisdiction, and/or not of sufficient scale from which to make parcel specific determinations.

#### STATE LEVEL DETERMINATIONS

IN	NOT IN	MAP N/A*	Hazards	The Property is:	Refer to page:
	✓		Flood	NOT IN a Special Flood Hazard Area. The Property is IN a FEMA-designated Flood Zone X.	8
✓			Dam	IN an area of potential dam inundation.	8
	✓		Very High Fire Hazard Severity	NOT IN a very high fire hazard severity zone.	9
	✓		Wildland Fire Area	NOT IN a state responsibility area.	9
	✓		Fault	NOT IN an earthquake fault zone designated pursuant to the Alquist-Priolo Act.	10
		✓	Landslide	Map Not Available	10
		✓	Liquefaction	Map Not Available	10

#### COUNTY LEVEL DETERMINATIONS

IN	NOT IN	MAP N/A*	Hazards	The Property is:	Refer to page:
	✓		Fault	NOT IN a county-designated fault zone or within one-eighth of one mile of mapped fault trace	12
	✓		Landslide	NOT IN one-quarter of one mile of a county-designated landslide deposit	12

#### CITY LEVEL DETERMINATIONS

The jurisdiction in which the Property is located is either in an unincorporated area or does not have officially adopted mapped information available at this time from which a geologic determination can be made.



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### SUMMARY OF ADDITIONAL PROPERTY SPECIFIC DISCLOSURES

IN	NOT IN	MAP N/A	Hazards	The Property is:	Refer to page:
✓			Former Military Ordnance	WITHIN one mile of a formerly used ordinance site.: Navy Dirigible Base	14
	✓		Airport Influence Area	NOT IN an airport influence area.	15
	✓		Airport Noise Area for 65 Decibel	NOT IN a delineated 65 dB CNEL or greater aviation noise zone.	16





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### SUMMARY OF ADVISORIES

#### ADVISORIES

Advisory	Advisory Notation	Refer to page:
Methamphetamine Contamination	Provides an advisory that a disclosure may be required pursuant to the "Methamphetamine Contaminated Property Cleanup Act of 2005".	17
Mold	Provides an advisory that all prospective purchasers of residential and commercial property should thoroughly inspect the subject property for mold and sources for additional information on the origins of and the damage caused by mold.	17
Radon	Provides an advisory on the risk associated with Radon gas concentrations.	18
Endangered Species	Provides an advisory on resources to educate the public on locales of endangered or threatened species.	19
Abandoned Mines	Provides an advisory on resources to educate the public on the hazards posed by, and some of the general locales of, abandoned mines.	20
Oil and Gas Wells	Provides an advisory on the potential existence of oil and gas wells and sources for additional general and/or specific information.	20
Tsunami Map Advisory	Provides an advisory about maximum tsunami inundation maps issued for jurisdictional emergency planning.	21



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## STATUTORY NATURAL HAZARD DISCLOSURE EXPLANATIONS

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

### SPECIAL FLOOD HAZARD AREA

**DISCUSSION:** Property in a Special Flood Hazard Area (any type of Zone "A" or "V" as designated by the Federal Emergency Management Agency ("FEMA")) is subject to flooding in a "100-year rainstorm." Federally connected lenders are required to have homeowners maintain flood insurance in these zones. A 100-year flood occurs on average once every 100 years, but may not occur in 1,000 years or may occur in successive years. According to FEMA, a home located within a SFHA has a 26% chance of suffering flood damage during the term of a 30-year mortgage. Other types of flooding, such as dam failure, are not considered in developing these zones. In some cases, the insurance requirement may be waived or modified by obtaining a Letter of Map Revision ("LOMR") or Letter of Map Amendment ("LOMA") from the FEMA. This might be possible where flooding is shallow and fill was placed on the site, appropriate flood control measures were taken, or only the lot and no part of the structure is in the zone. Flood insurance for properties in Zones B, C, D, X, X500, X500\_Levee, and N is available but is not required. Contact FEMA directly for more information.

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

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

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

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

**Zones X:** An area of minimal flood risk. These are areas outside the "500" year flood-risk level.

**Zone X500:** An area of moderate flood risk. These are areas between the "100" and "500" year flood-risk levels.

**Zone X500\_LEVEE:** An area of moderate flood risk that is protected from "100-year flood" by levee and that is subject to revision to high risk (Zone A) if levee is decertified by FEMA.

**Zone N:** Area Not Included, no flood zone designation has been assigned or not participating in the National Flood Insurance Program.

**Note:** If the Property is subject to a Letter of Map Amendment ("LOMA") or a Letter of Map Revision ("LOMR") issued by FEMA, a copy of the LOMA or LOMR must be attached to the Natural Hazard Disclosure Statement ("NHDS") or appropriate disclosure statement. The Company is not always able to determine if the Property is subject to a LOMA or a LOMR. Even if such information is available to the Company, the Company is unable to attach a copy of the LOMA or LOMR to the NHDS. If Seller is aware that the Property is subject to a LOMR or a LOMA, the Seller shall attach a copy to the NHDS and notify the Company.

For more information about flood zones, visit:

[http://www.floodsmart.gov/floodsmart/pages/flooding\\_flood\\_risks/defining\\_flood\\_risks.jsp](http://www.floodsmart.gov/floodsmart/pages/flooding_flood_risks/defining_flood_risks.jsp)

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

### AREA OF POTENTIAL FLOODING (DAM FAILURE)

**DISCUSSION:** Local governmental agencies, utilities, and owners of certain dams are required to prepare and submit inundation maps for review and approval by the California Office of Emergency Services ("OES"). A property within an Area of Potential Flooding Caused by Dam Failure is subject to potential flooding in the event of a sudden and total dam failure with a full reservoir. Such a failure could result in property damage and/or personal injury. However, dams rarely fail instantaneously and reservoirs are not always filled to capacity. Please note that not all dams (such as federally controlled dams) located within the state have been included within these dam inundation zones. Also these maps do not identify areas of potential flooding resulting from storms or other causes.

**PUBLIC RECORD:** Official dam inundation maps or digital data thereof made publicly available by the State of California Office of Emergency Services ("OES") pursuant to California Government Code §8589.5.



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

**DISCUSSION:** VHFHSZs can be defined by the California Department of Forestry and Fire Protection ("CDF") as well as local fire authorities within "Local Responsibility Areas" where fire suppression is the responsibility of a local fire department. Properties located within VHFHS Zones may have a higher risk for fire damage and, therefore, may be subject to (i) additional construction requirements such as a "Class A" roof for new construction or replacement of existing roofs; and (ii) additional maintenance responsibilities such as adequate vegetation clearance near the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices. Contact the local fire department for a complete list of requirements and exceptions.

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

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### WILDLAND FIRE AREA (STATE RESPONSIBILITY AREA)

**DISCUSSION:** The State Board of Forestry classifies all lands within the State of California based on various factors such as ground cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks. Fire prevention and suppression in all areas which are not within a Wildland - State Responsibility Area ("WSRA") is primarily the responsibility of the local or federal agencies, as applicable.

For property located within a WSRA, please note that (1) there may be substantial forest fire risks and hazards; (2) except for property located within a county which has assumed responsibility for prevention and suppression of all fires, it is NOT the state's responsibility to provide fire protection services to any building or structure located within a WSRA unless the Department has entered into a cooperative agreement with a local agency; and (3) the property owner may be is subject to (i) additional construction requirements such as a "Class A" roof for new construction or replacement of existing roofs; and (ii) additional maintenance responsibilities such as adequate vegetation clearance near the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices.

The existence of local agreements for fire service is not available in the Public Record and, therefore, is not included in this disclosure. For very isolated properties with no local fire services or only seasonal fire services there may be significant fire risk. If the Property is located within a WSRA, please contact the local fire department for more detailed information.

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



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## EARTHQUAKE FAULT ZONE

**DISCUSSION:** Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Earthquake Fault Zone Act of 1972. Property in an Earthquake Fault Zone ("EF Zone") does not necessarily have a fault trace existing on the site. EF Zones are areas or bands delineated on both sides of known active earthquake faults. EF Zones vary in width but average one-quarter (1/4) mile in width with the "typical" zone boundaries set back approximately 660 feet on either side of the fault trace. The potential for "fault rupture" damage (ground cracking along the fault trace) is relatively high only if a structure is located directly on a fault trace. If a structure is not on a fault trace, shaking will be the primary effect of an earthquake. During a major earthquake, shaking will be strong in the vicinity of the fault and may be strong at some distance from the fault depending on soil and bedrock conditions. It is generally accepted that properly constructed wood-frame houses are resistant to shaking damage.

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

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## SEISMIC HAZARD MAPPING ACT ZONE

**DISCUSSION:** Official Seismic Hazard Zone ("SH Zone") maps delineate Areas of Potential Liquefaction and Areas of Earthquake-Induced Landsliding. A property that lies partially or entirely within a designated SH Zone may be subject to requirements for site-specific geologic studies and mitigation before any new or additional construction may take place.

**Earthquake-Induced Landslide Hazard Zones** are areas where the potential for earthquake-induced landslides is relatively high. Areas most susceptible to these landslides are steep slopes in poorly cemented or highly fractured rocks, areas underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits. The CGS cautions these maps do not capture *all* potential earthquake-induced landslide hazards and that earthquake-induced ground failures are not addressed by these maps. Furthermore, no effort has been made to map potential run-out areas of triggered landslides. It is possible that such run-out areas may extend beyond the zone boundaries. An earthquake capable of causing liquefaction or triggering a landslide may not uniformly affect all areas within a SH Zone.

**Liquefaction Hazard Zones** are areas where there is a potential for, or an historic occurrence of liquefaction. Liquefaction is a soil phenomenon that can occur when loose, water saturated granular sediment within 40 feet of the ground surface, are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly. The Public Record is intended to identify areas with a relatively high potential for liquefaction but not to predict the amount or direction of liquefaction-related ground displacement, nor the amount of damage caused by liquefaction. The many factors that control ground failure resulting from liquefaction must be evaluated on a site specific basis.

**PUBLIC RECORD:** Official seismic hazard maps or digital data thereof approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2696.

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**STATUTORY NATURAL HAZARD DISCLOSURE REPORTING STANDARD:** "IN" shall be reported if any portion of the Property is located within any of the above zones as delineated in the Public Record. "NOT IN" shall be reported if no portion of the Property is located within any of the above zones as delineated in the Public Record.

"Map Not Available" shall be reported in areas not yet evaluated by the governing agency according to the Public Record. Please note that "Map Not Available" will be applicable to most portions of the state Official Seismic Hazard Zone ("SH Zone") maps delineate Areas of Potential Liquefaction and Areas of Earthquake-Induced Landsliding.

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## LOCAL COUNTY-LEVEL AND CITY-LEVEL NATURAL HAZARD DISCLOSURE EXPLANATIONS

### PUBLIC RECORDS AND LOCAL REPORTING STANDARDS

**HAZARD MAPS IN THE LOCAL GENERAL PLAN:** In addition to those federal and state maps associated with disclosures specified under the Law, counties and cities have additional maps which depict various geologic and seismic hazards that local agencies consider when approving land use and development permit applications. These may include maps contained in the Safety Element and/or Seismic Safety Element of a General Plan that has been officially adopted by a city of county.

Unless otherwise specified, only those officially adopted Safety Element or Seismic Safety Element maps (or digital data thereof) which are publicly available, are of a scale, resolution, and quality that readily enable parcel-specific hazard determinations, and are consistent in character with those statutory federal or state disclosures will be considered for eligible for use as the basis for county- or city-level disclosures set forth in this Report. Please also note:

- If an officially adopted Safety Element or Seismic Safety Element map relies on data which is redundant of that used for state-level disclosures, this Report will indicate so and advise Report recipients to refer to the state-level hazard discussion section for more information.
- If an officially adopted Safety Element or Seismic Safety Element cites underlying maps created by another agency, those maps may be regarded as incorporated by reference and may be used as the basis for parcel-specific determinations if those maps meet the criteria set forth in this section.
- Because county- and city-level maps are developed independently and do not necessarily define or delineate a given hazard the same way, the boundaries for the "same" hazard may be different.

If one or more maps contained in the Safety Element and/or Seismic Safety Element of an officially adopted General Plan are used as the basis for local disclosure, those maps will appear under the "Public Record(s) Searched" for that county or city.

### REPORTING STANDARDS

A good faith effort has been made to disclose all hazard features on pertinent Safety Element and Seismic Safety Element maps with well-defined boundaries; however, those hazards with boundaries that are not delineated will be deemed not suitable for parcel-specific hazard determinations. Some map features, such as lines drawn to represent the location of a fault trace, may be buffered to create a zone to facilitate disclosure. Those map features which can not be readily distinguished from those representing hazards may be included to prevent an omission of a hazard feature. If the width of a hazard zone boundary is in question, "IN" will be reported if that boundary impacts any portion of a property. Further explanations concerning specific map features peculiar to a given county or city will appear under the "Reporting Standards" for that jurisdiction.

### PUBLIC RECORDS VS. ON-SITE EVALUATIONS

Mapped hazard zones represent evaluations of generalized hazard information. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. A site-specific evaluation conducted by a geotechnical consultant or other qualified professional may provide more detailed and definitive information about the Property and any conditions which may or do affect it.

### PROPERTY USE AND PERMITTING

No maps beyond those identified as "Public Record(s)" have been consulted for the purpose of these local disclosures. These disclosures are intended solely to make Report recipient(s) aware of the presence of mapped hazards. For this reason – and because local authorities may use on these or additional maps or data differently to determine property-specific land use and permitting approvals - Report recipients are advised to contact the appropriate local agency, usually Community Development, Planning, and/or Building, prior to the transaction to ascertain if these or any other conditions or related regulations may impact the Property use or improvement.





# FANHD Commercial Property Disclosure Reports The Natural Hazard Disclosure Report For SAN DIEGO COUNTY

**Property Address:** 2160 BALBOA AV ,  
DEL MAR, SAN DIEGO COUNTY, CA  
("Property")

**APN:** 299-072-10-00  
**Report Date:** 09/17/2010  
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## SAN DIEGO COUNTY GEOLOGIC ZONES DISCUSSION

**PUBLIC RECORD(S) SEARCHED:** The following Public Records, prepared as an informational appendix to the Seismic Safety Element of the San Diego County General Plan adopted by the County Board of Supervisors in 1975 and amended in 1991, are utilized for those county-level disclosures below: "County of San Diego Landslide" and "County of San Diego Faults and Epicenters."

### **FAULT**

In addition to those County-designated Special Studies Zones (which are based on those Earthquake Fault Zones delineated by the California Geological Survey as described in the Earthquake Fault Zone section of this Report), the Public Record identifies three classes of faults: Concealed, Located, and Inferred. To facilitate reporting, each of these mapped fault traces has been buffered by one-eighth of one mile on all sides. If a property is located within either a County Special Studies Zone or within one-eighth of one mile of a Concealed, Located, or Inferred Fault, it does not necessarily mean that a fault trace is located on the Property. It does mean that there is a greater risk of fault rupture compared to areas outside the zone, because there is a potential for a fault trace to exist there. With respect to Special Studies Zones, please note that the current Public Record predates the official revised Point Loma Earthquake Fault Zone map issued by the California Geological Survey. As a result, some of the new fault zones as remapped by the California Geological Survey do not appear in this Public Record.

**Reporting Standards:** If any portion of the Property is within either a County Special Studies Zone or within one-eighth of one mile (660 feet) of a Concealed, Located, or Inferred Fault as designated in the Public Record, "WITHIN" shall be reported.

### **LANDSLIDE**

Areas of known landsliding have been identified by the county. Since each landslide zone covers a relatively large area (about 40 acres), only a few properties located in this zone may actually be affected by landsliding. In addition, relatively level areas where the risk of landslide-caused damage is very low or remote may exist within this zone. Furthermore, the age of the Public Record does not mean that it is either inaccurate or not suitable for use. As an example, the widely reported Fall 2007 Soledad Mountain Road landslide event in La Jolla was in an area in which a landslide deposit was mapped.

**Reporting Standards:** All landslides, regardless of size, are identified by a symbol of the same size and dimension. Because this symbol does not effectively represent the true size or potential impact of slide activity associated with the landslide, each symbol has been buffered on all sides by one-quarter mile in radius for reporting purposes. If any portion of the Property is situated on one or more depicted landslide area(s) or within the quarter mile buffer area, then "IN" shall be reported.



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## CITY-LEVEL GEOLOGIC AND SEISMIC ZONES DISCUSSION

This Report reviews the officially adopted geologic hazard maps in the Safety Element that each city in California is required to include in its General Plan. The city the subject property is located in has either not officially adopted hazard zonation maps in its General Plan at an appropriate scale to delineate where hazards may exist on a single parcel basis or will not make such maps available outside city offices. However, all Parties should be California is "earthquake country." Faults that may exist in this city or in neighboring regions could cause earthquake shaking or other fault related-phenomena on the Property. Other geologic hazards such as, but not limited to liquefaction (a type of soil settling that can occur when loose, water-saturated sediments are shaken significantly in an earthquake) may occur in certain valley floor areas and landslides are a possibility in any hillside area. Such potential natural hazards may exist and be delineated on other sources used by the city in its Planning, Engineering, or Building Departments. Such potential sources are not reviewed in this report.

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



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## ADDITIONAL PROPERTY SPECIFIC DISCLOSURES

### FORMER MILITARY ORDNANCE SITE DISCLOSURE

**DISCUSSION:** Former Military Ordnance (FUD) sites can include sites with common industrial waste (such as fuels), ordnance or other warfare materiel, unsafe structures to be demolished, or debris for removal. California Civil Code §1102.15 requires disclosure of those sites containing unexploded ordnance. "Military ordnance" is any kind of munitions, explosive device/material or chemical agent used in military weapons. Unexploded ordnance are munitions that did not detonate. NOTE: most FUD sites do not contain unexploded ordnance. Only those FUD sites that the U.S. Army Corps of Engineers (USACE) has identified to contain Military Ordnance or have mitigation projects planned for them are disclosed in this report. Additional sites may be added as military installations are released under the Federal Base Realignment and Closure (BRAC) Act. Active military sites are NOT included on the FUD site list.

**PUBLIC RECORD:** Data contained in Inventory Project Reports, Archives Search Reports, and related materials produced for, and made publicly available in conjunction with, the Defense Environmental Restoration Program for Formerly Used Defense Sites by the U.S. Army Corps of Engineers. Sites for which no map has been made publicly available shall not be disclosed.

**REPORTING STANDARD:** If one or more facility identified in the Public Record is situated within a one (1) mile radius of the Property, "WITHIN" shall be reported. The name of that facility or facilities shall also be reported.



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## AIRPORT INFLUENCE AREA DISCLOSURE

### **DISCUSSION:**

**Certain airports are not disclosed in this report.** FANHD has made a good faith effort to identify the airports covered under California Business and Professions Code, Section 11010. Sources consulted include official land use maps and/or digital data made available by a governing Airport Land Use Commission (ALUC) or other designated government body. Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. Not disclosed in this report are public use airports that are not in the "California Airports List", airports that are physically located outside California, heliports and seaplane bases that do not have regularly scheduled commercial service, and private airports or military air facilities unless specifically identified in the "California Airports List". **If the seller has actual knowledge of an airport in the vicinity of the subject property that is not disclosed in this report, and that is material to the transaction, the seller should disclose this actual knowledge in writing to the buyer.**

Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. The inclusion of military and private airports varies by County, and heliports and seaplane bases are not included, therefore, airports in these categories may or may not be included in this disclosure.

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

**PUBLIC RECORD:** Based on officially adopted land use maps and/or digital data made publicly available by the governing ALUC or other designated government body. If the ALUC or other designated government body has not made publicly available a current officially adopted airport influence area map, then California law states that "a written disclosure of an airport within two (2) statute miles shall be deemed to satisfy any city or county requirements for the disclosure of airports in connection with transfers of real property."

**REPORTING STANDARD:** "IN" shall be reported along with the facility name(s) and the "Notice of Airport in Vicinity" if any portion of the Property is situated within either (a) an Airport Influence Area as designated on officially adopted maps or digital data or (b) a two (2) mile radius of a qualifying facility for which an official Airport Influence Area map or digital data has not been made publicly available by the ALUC or other designated governing body. "NOT IN" shall be reported if no portion of the Property is within either area.



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### AIRPORT NOISE DISCLOSURE

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

Under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150, certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps have been produced for some airports. ***Not all airports have produced noise exposure maps. A property may be near or at some distance from an airport and not be within a delineated noise exposure area, but still experience aviation noise. Unless 65dB CNEL contour maps are published, helipads and military sites are not included in this section of the Report.***

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

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

**PUBLIC RECORD:** Certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150.

**REPORTING STANDARD:** "IN" shall be reported if any portion of the Property is situated within a 65 decibel Community Noise Equivalent Level contour identified in the Public Record. "NOT IN" shall be reported if no portion of the Property is situated within a 65 decibel Community Noise Equivalent Level contour identified in the Public Record.





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## ADVISORIES

### METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE ADVISORY

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

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### MOLD ADVISORY

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

As part of a buyer's physical inspection of the condition of a property, the buyer should consider engaging an appropriate and qualified professional to inspect and test for the presence of harmful molds and to advise the buyer of any potential risk and options available. This advisory is not a disclosure of whether harmful mold conditions exist at a property or not. No testing or inspections of any kind have been performed by The Company. Any use of this form is acknowledgement and acceptance that The Company does not disclose, warrant or indemnify mold conditions at a property in any way and is not responsible in any way for mold conditions that may exist. Information is available from the California Department of Health Services Indoor Air Quality Section fact sheet entitled, "Mold in My Home: What Do I Do?" The fact sheet is available at [www.cal-iaq.org](http://www.cal-iaq.org) or by calling (510) 540-2476.

The Toxic Mold Protection Act of 2001 requires that information be developed regarding the potential issues surrounding naturally occurring molds within a home. Information was written by environmental authorities for inclusion in the *Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants* booklet developed by the California Environmental Protection Agency and the Department of Health Services. It is found in Chapter VI of that booklet, and includes references to sources for additional information. This booklet is available online at: <http://www.dhs.ca.gov/childlead/pdfs/ResEnviroHaz2005.pdf>

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



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### RADON ADVISORY

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

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

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

**NOTE:** FANHD does not use the EPA's 1993 map for advisory purposes because that map shows "short-term" radon exposure averaged by county. It was based on "screening measurements" that were intentionally designed to sample the worst-case conditions for indoor air in US homes--using spot checks (sampling for just a few days), in the poorest air quality (with sealed doors and windows), at the worst time of the year (winter), in the worst part of the house (the basement, if one was available). These short-term, winter, basement measurements are both biased and variable compared to long-term radon concentrations (averaged over a year) in the living area of a house. Long-term concentrations are a more accurate way to judge the long-term health risk from radon. For the above reasons, the EPA expressly disclaims the use of its 1993 map for determining whether any house should be tested for radon, and authorizes no other use of its map for property-specific purposes. For additional information about EPA guidelines and radon testing, see "Chapter VII--Radon", in the California Department of Real Estate's *Residential Environmental Hazards: A Guide for Homeowners, Homebuyers, Landlords and Tenants* -- available online at <http://www.dhs.ca.gov/childlead/pdfs/ResEnviroHaz2005.pdf>



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### ENDANGERED SPECIES ACT ADVISORY

**DISCUSSION:** The Federal Endangered Species Act of 1973 ("ESA"), as amended, requires that plant and animal species identified and classified ("listed") by the Federal government as "threatened" or "endangered" be protected under U.S. law. Areas of habitat considered essential to the conservation of a listed species may be designated as "critical habitat" and may require special management considerations or protection. All threatened and endangered species -- even if critical habitat is not designated for them -- are equally afforded the full range of protections available under the ESA.

In California alone, over 300 species of plants and animals have been designated under the ESA as threatened or endangered, and over 80 species have critical habitats designated for them. Most California counties are host to a dozen or more protected species and, in many cases, 10 or more species have designated critical habitats within a county.

**ADVISORY:** An awareness of threatened and endangered species and/or critical habitats is not reasonably expected to be within the actual knowledge of a seller.

No federal or state law or regulation requires a seller or seller's agent to disclose threatened or endangered species or critical habitats, or to otherwise investigate their possible existence on real property. Therefore, Buyer is advised that, prior to purchasing a vacant land parcel or other real property, Buyer should consider investigating the existence of threatened or endangered species, or designated critical habitats, on or in the vicinity of the Property which could affect the use of the Property or the success of any proposed (re)development.

**FOR MORE INFORMATION:** Complete and current information about the threatened and endangered species in California that are Federally listed in each county -- including all critical habitats designated there -- is available on the website of the U.S. Fish & Wildlife Service, the Federal authority which has enforcement responsibility for the ESA.

**For Northern California visit:**

[http://www.fws.gov/sacramento/es/spp\\_lists/auto\\_list\\_form.cfm](http://www.fws.gov/sacramento/es/spp_lists/auto_list_form.cfm)

**For Southern California visit:**

[http://www.fws.gov/carlsbad/TEspecies/CFWO\\_Species\\_List.htm](http://www.fws.gov/carlsbad/TEspecies/CFWO_Species_List.htm)



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## ABANDONED MINES ADVISORY

**DISCUSSION:** According to the California Department of Conservation, Office of Mine Reclamation, since the Gold Rush of 1849, tens of thousands of mines have been dug in California. Many were abandoned when they became unproductive or unprofitable. The result is that California's landscape contains many thousands of abandoned mines, which can pose health, safety, or environmental hazards on and around the mine property. Mines can present serious physical safety hazards, such as open shafts or adits (mine tunnel), and they may create the potential to contaminate surface water, groundwater, or air quality. Some abandoned mines are such massive problems as to earn a spot on the Federal Superfund environmental hazard list.

No California law requires the disclosure of abandoned mines in a real estate transaction, unless the existence of an abandoned mine is within the actual knowledge of the Seller and is deemed to be a fact material to the transaction.

The Office of Mine Reclamation (OMR) and the U.S. Geological Survey maintain a database of abandoned mines -- however, it is known to be incomplete and based on maps that are often decades out of date. Many mines are not mapped because they are on private land. The OMR warns that **the State's abandoned mines database "should NOT be relied upon for...the obligations of sellers of real property and their disclosure obligations under California law."** (See reference below.)

**This Report does not contain an abandoned mines disclosure from any government database or map or any other source.**

Parties concerned about the possible existence or impact of abandoned mines in the vicinity of the Property are advised to retain a State-licensed geotechnical consultant to study the site and issue a report. Other sources of information include, but are not limited to, the State Office of Mine Reclamation at (916) 323-9198 (website: <http://www.conservation.ca.gov/OMR>), and the Engineering, Planning or Building Departments in the subject City and County.

**FOR MORE INFORMATION:** For more information visit the State Office of Mine Reclamation's website at: [http://www.conservation.ca.gov/omr/abandoned\\_mine\\_lands/Pages/index.aspx](http://www.conservation.ca.gov/omr/abandoned_mine_lands/Pages/index.aspx)

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## OIL & GAS WELL ADVISORY

California is currently ranked fourth in the nation among oil producing states. Surface oil production is concentrated mainly in the Los Angeles Basin and Kern County, and in districts elsewhere in the state. In recent decades, real estate development has rapidly encroached into areas where oil production has occurred. Because the state's oil production has been in decline since the 1980's, thousands of oil and gas wells have been shut down or abandoned, and many of those wells are in areas where residential neighborhoods now exist.

According to the California Department of Conservation ("DOC"), to date, about 187,000 oil, gas, and geothermal wells have been drilled in California and around 88,000 are still in use. The remaining wells (1) are used intermittently ("shut-in" wells), (2) have been sealed ("capped") under the supervision of the DOC's Division of Oil, Gas and Geothermal Resources, or (3) have been abandoned and have no known responsible operator -- these are called "orphan" wells. The state has a special fund that pays the cost of safely capping orphan wells, however, that program is limited in its scope and progress.

**Buyer should be aware that the DOC database lists oil and gas wells in SAN DIEGO County, and those may include orphan wells. Health and safety hazards may be associated with oil and gas wells, whether orphan, capped or active, including, but not limited to, soil and groundwater contamination, oil and methane seeps, fire hazards, air quality problems, and physical safety hazards to humans and animals.**

### For More Information

For general information, visit the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources at <http://www.consrv.ca.gov/dog/>



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## TSUNAMI MAP ADVISORY

**DISCUSSION:** The California Emergency Management Agency (CalEMA), the University of Southern California Tsunami Research Center (USC), and the California Geological Survey (CGS) have prepared maps that depict areas of maximum tsunami inundation for all populated areas at risk to tsunamis in California (20 coastal counties). The maps were publicly released in December 2009 with the stated purpose that the maps are to assist cities and counties in identifying their tsunami hazard and developing their coastal evacuation routes and emergency response plans only.

These maps specifically contain the following disclaimer:

**Map Disclaimer:** This tsunami inundation map was prepared to assist cities and counties in identifying their tsunami hazard. It is intended for local jurisdictional, coastal evacuation planning uses only. This map, and the information presented herein, ***is not a legal document and does not meet disclosure requirements for real estate transactions nor for any other regulatory purpose.*** The California Emergency Management Agency (CalEMA), the University of Southern California (USC), and the California Geological Survey (CGS) make no representation or warranties regarding the accuracy of this inundation map nor the data from which the map was derived. Neither the State of California nor USC shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map.

A tsunami is a series of ocean waves or surges most commonly caused by an earthquake beneath the sea floor. These maps show the maximum tsunami inundation line for each area expected from tsunamis generated by undersea earthquakes and landslides in the Pacific Ocean. Because tsunamis are rare events in the historical record, the maps provide no information about the probability of any tsunami affecting any area within a specific period of time.

Although these maps may not be used as a legal basis for real estate disclosure or any other regulatory purpose, the CGS has, however, provided diagrams of the maps online which the public can view. To see a maximum tsunami inundation map for a specific coastal community, or for additional information about the construction and/or intended use of the tsunami inundation maps, visit the websites below:

State of California Emergency Management Agency, Earthquake and Tsunami Program:  
<http://myhazards.calema.ca.gov/>

University of Southern California –Tsunami Research Center:  
<http://www.usc.edu/dept/tsunamis/2005/index.php>

State of California Geological Survey Tsunami Information:  
[http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/index.htm](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/index.htm)

National Oceanic and Atmospheric Agency Center for Tsunami Research (MOST model):  
<http://nctr.pmel.noaa.gov/time/background/models.html>





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## METHODS AND LIMITATIONS

This section will summarize (a) the methods used in creating this Report, (b) the limitations with respect to the determination and the Public Record, and (c) the responsibilities and liabilities of FANHD under this Report. Please read this section to fully understand the limitations of this Report and FANHD's responsibilities.

### **A. LIMITATIONS ON PUBLIC RECORD INFORMATION AND THIS REPORT**

FANHD has accurately reported the information in the Public Records with respect to the Property as of the Report Date. With respect to the Public Records, it is important to understand that:

- The Public Records may not be accurate, current, fully detailed, or complete.
- A parcel of real property may be affected by hazards that have not been identified in the Public Records.
- There may be other governmental Public Records with relevant information which are not included in this Report.
- FANHD does not make any representations as to:
  - The significance or extent of any hazard disclosed.
  - Any related health or risk of the hazard to humans or animals or how they may affect the Property.
  - The drinking water sources for the Property.
  - Any information regarding the Property after the Report Date.

### **B. REPORTING STANDARDS**

The Reporting Standards utilized by FANHD in making each determination are specified in the Disclosure Explanations (Sections 1 through 3, inclusive) of this Report. If the Property is near the state border, hazards which may be in the adjoining state or nation are not disclosed in this Report. Where appropriate, FANHD may use the assessor's rolls, cadastral-type maps, photographic enlargements of maps and various cartographic techniques to locate the site on the appropriate map. The respective determination is made as accurately as reasonably possible using these maps. For purposes of defining property lines, the assessor's parcel number and parcel maps are used. Any errors in the assessor's rolls may affect the determination procedures. If the Public Record is not of sufficient accuracy or scale that a reasonable person can determine if the Property is within a delineated hazard area or zone, "IN" or "YES" will be reported for the corresponding disclosure.

### **C. NOT AN INSPECTION REPORT**

FANHD does not perform a physical examination or any testing of the Property. This Report only provides information electronically derived from the specific Public Record identified for each disclosure in the Disclosure Explanation (Sections 1 through 3, inclusive) of this Report. This Report should not be considered a substitute for an on-site environmental and/or geological or engineering assessment. If additional information is desired, the Parties are encouraged to investigate other sources and to consult an environmental expert, a geologist, an engineer or other expert.

### **D. CHANGES TO PUBLIC RECORD AFTER REPORT DATE**

The Parties are advised that the Public Records may change after the Report Date and FANHD is not responsible for advising the Parties of any changes to the determinations that may occur after the Report Date. As a courtesy, FANHD will update this Report at no cost during the transaction process for which this Report was issued, if requested.



## FANHD Commercial Property Disclosure Reports The Natural Hazard Disclosure Report For SAN DIEGO COUNTY

**Property Address:** 2160 BALBOA AV ,  
DEL MAR, SAN DIEGO COUNTY, CA  
("Property")

**APN:** 299-072-10-00  
**Report Date:** 09/17/2010  
**Report Number:** 826001

### **E. ONLY THE PARTIES MAY RELY ON THIS REPORT**

This Report is valid, the Parties may rely on the Report, and a contract is formed with FANHD, **only** upon receipt by FANHD of payment of the full price of the Report. This Report may be relied upon only by the Parties to the transaction for which it has been purchased. This Report cannot be relied upon (a) by any persons other than the Seller, the Buyer and their Agents, (b) for any other real property, or (c) for any future transactions involving the Property. The price paid for the Report does not include any amounts for protection of such other parties.

### **F. ERRORS AND OMISSIONS INSURANCE**

FANHD maintains errors and omissions insurance. As of the Report Date, FANHD has \$20M aggregate in errors and omissions insurance.

### **G. LIMITATIONS ON FANHD'S LIABILITY**

FANHD is not responsible for:

- Any inaccuracies or incompleteness of the information in the Public Records.
- Inaccurate address information provided for the Property.
- Any other information not contained in the specified Public Records as of the Report Date.
- Any information which would be disclosed by a physical inspection of the Property.
- Any information known by one of the Parties.
- The health or risk to humans or animals that may be associated with any of the disclosed hazards.
- The costs of investigating or remediating any of the disclosed hazards.

***This Report is not an insurance policy*** and does not provide the same protections as an insurance policy. The price of this Report has been established with the understandings of the responsibilities of FANHD as set forth in this Section. The premium for an insurance policy would be significantly greater than the cost of this Report. The Parties acknowledge that claims for damages beyond actual losses can significantly increase the costs of Reports and make prompt resolution of claims more difficult. In order to induce FANHD to provide this Report for the price charged, and to help streamline the process of resolving any disputes between the Parties and FANHD, the Buyer, Seller and Agents agree that if there is a material error or omission in this Report:

- **The Party who suffers damages as a result of such error or omission shall be entitled at most to recover from FANHD the actual proved damages measured by the difference in the fair market value of the Property as of the Report Date, caused by the error or omission but not in excess of One Million Dollars (\$1,000,000) cumulatively, whichever is less, shall be paid under this Report. The Party making such claim must notify FANHD promptly of such claim, take no action which will adversely affect FANHD's liability or defenses to such claim and the Party must fully cooperate with FANHD in the defense of such claim. The Party shall cooperate with providing reasonable evidence of the claim as requested by FANHD.**
- **FANHD shall not be liable for indirect, consequential, personal injury, physical damage or punitive damages (including, but not limited to, emotional distress or pain and suffering).**
- **FANHD will defend the Parties regarding a claim made in accordance with the foregoing provisions. FANHD shall have the right to choose the legal counsel and control the defense of such claim as it reasonably determines.**
- **FANHD shall be subrogated to all rights of the claiming Party against anyone including, but not limited to, another Party who had actual knowledge of a matter and failed to disclose it to the other Parties in writing prior to the Sale Date.**



# FANHD Commercial Property Disclosure Reports The Natural Hazard Disclosure Report For SAN DIEGO COUNTY

**Property Address:** 2160 BALBOA AV ,  
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## **H. SELLER AND SELLER'S AGENT'S RESPONSIBILITY OF FULL DISCLOSURE**

Sellers of real property and their agents should always fully disclose all material facts regarding the real property which they are selling. Regardless of the information in this Report, if Seller or Seller's Agent has any actual knowledge of hazards potentially affecting the Property, that information should be promptly disclosed in writing to the Buyer and the Buyer's Agent.

## **I. OTHER AGREEMENTS**

This Report sets forth the complete, integrated agreement between FANHD and the Parties. Evidence of prior or contemporaneous statements, representations, promises or agreements shall not be admissible to vary the terms of this written agreement. This agreement may not be changed or amended except by a written document signed by an authorized representative of FANHD and the Parties. In the event that any dispute arises between FANHD and any Parties arising out of or relating to this Report or its subject matter, or any act or omission of FANHD, the prevailing party shall be entitled to recover his, her or its reasonable costs, including attorneys' fees, from the losing party.



# California Property Tax Disclosure Report™

**Property Address:** 2160 BALBOA AV ,  
DEL MAR, SAN DIEGO COUNTY, CA

**APN:** 299-072-10-00  
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## California Property Tax Disclosure Report™

The parties for whom this Report was prepared are the owner of the Commercial Property on the Report Date ("Seller"), the buyer of the Commercial Property under contract of sale as of the Report Date ("Buyer") and their respective licensed real estate agents ("Agents"). Seller, Buyer and the Agents are sometimes referred to herein as "Party" or "Parties."

### PART 1. INTRODUCTION AND SUMMARY:

This Report discloses the results of an electronic search of specified government lists ("Databases") containing real property tax information concerning the Commercial Property. To understand the information provided, please read this entire Report.

#### The Commercial Property:

- A. IS  IS NOT  Subject to one or more Mello-Roos Community Facilities Districts.
- B. IS  IS NOT  Subject to one or more 1915 Bond Act Assessment Districts.
- C. IS  IS NOT  Subject to other direct assessments.

For more detailed information as to the foregoing determinations, please review Part 2 and Part 3.

**THIS IS A DATABASE REPORT ONLY:** This Report only provides information from the Databases identified in this Report. While FANHD has made good faith efforts to report from the Databases as accurately as possible, the quality, accuracy, and currency of the information contained in these Databases can vary greatly. For more information regarding a specific Database, please read Part 2 of this Report.

**LIABILITY PROTECTIONS:** Upon consummation of the sale of the Commercial Property to Buyer ("Sale Date"), the Parties involved in that sale are protected against loss caused by an error in this Report as specified in Part 8 entitled "Methods and Limitations." The Parties understand that this is a report product and not an insurance policy.

### BUYER'S ACKNOWLEDGEMENT

**Buyer(s) acknowledge(s) receipt of this California Property Tax Disclosure Report™ as well as the Notice of Special Tax and Assessment contained herein by his/her/their signature(s) on the Acknowledgement of Receipt form that is a part of this report package.**



# California Property Tax Disclosure Report <sup>TM</sup>

**Property Address:** 2160 BALBOA AV ,  
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## PART 2. CURRENT TAX BILL SUMMARY

The following is a summary of information contained in the 2009-2010 year secured property tax bill. It is provided for informational purposes only. Ad valorem tax assessments are calculated annually based on the assessed value of the land and improvements. Upon transfer of ownership, the assessed value will be reset to the sale price which can result in a substantial change in the taxes assessed. Please see Parts 5 and 6 of this Report for more information regarding ad valorem taxes and supplemental taxes.

Total Assessed Value:	\$0
1 <sup>st</sup> Installment Due 11/01/2009	\$ 36.14
2 <sup>nd</sup> Installment Due 03/01/2010	\$ 36.15
Total Annual Tax Liability	\$ 72.29

### GENERAL AD VALOREM TAXES

ASSESSMENT TYPE	AMOUNT	CONTACT PHONE
GENERAL AD VALOREM (EXEMPT-2009/2010)	\$ 0.01	619-531-5844

### OTHER DIRECT ASSESSMENTS

ASSESSMENT TYPE	DESCRIPTION	AMOUNT	CONTACT PHONE
FIXED ASSESSMENT	CSA 135 800MHZ ZONE B - DEL MAR	\$ 15.74	(858) 694-3663
FIXED ASSESSMENT	CSA 17 EMERGENCY AMBULANCE SERVICE	\$ 26.12	(619) 285-6429
FIXED ASSESSMENT	CWA WATER AVAILABILITY	\$ 10.00	(858) 522-6900
FIXED ASSESSMENT	MOSQUITO SURVEILLANCE	\$ 3.00	(800) 273-5167
FIXED ASSESSMENT	MWD-WATER STANDBY CHARGE	\$ 11.50	(800) 807-6864
FIXED ASSESSMENT	VECTOR DISEASE CONTROL	\$ 5.92	(800) 273-5167

### MELLO-ROOS ASSESSMENTS

This property is **not subject to** Mello-Roos Community Facilities Districts

### 1915 BOND ACT ASSESSMENTS





## California Property Tax Disclosure Report <sup>TM</sup>

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This property is **not subject to** 1915 Bond Assessment Districts



# California Property Tax Disclosure Report <sup>TM</sup>

**Property Address:** 2160 BALBOA AV ,  
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## PART 3. NOTICE OF SPECIAL TAX/ASSESSMENT

### TO THE PROSPECTIVE PURCHASER OF THE COMMERCIAL PROPERTY KNOWN AS:

Parcel Number: 299-072-10-00  
Property Address: 2160 BALBOA AV , DEL MAR, SAN DIEGO COUNTY, CA  
  
Report Date: 09/17/2010

### THIS IS A NOTIFICATION TO BUYER PRIOR TO PURCHASING THE COMMERCIAL PROPERTY.

#### A. Mello-Roos Community Facilities Districts:

If the Commercial Property is within the Mello-Roos community facilities district listed below, it is subject to a special tax that will appear on the property tax bill. This special tax is in addition to the ad valorem property taxes and any other charges and benefit assessments that will be itemized on the property tax bill and the proceeds of this tax or assessment are used to provide public facilities or services that are likely to particularly benefit the real property. This special tax may not be imposed on all parcels within the city or county where the property is located.

The current tax levy, maximum tax levy, the maximum tax escalator, and the authorized facilities and/or services which are being paid for by the special taxes are indicated below. THE BUYER SHOULD TAKE THIS TAX AND THE BENEFITS FROM THE PUBLIC FACILITIES AND SERVICES FOR WHICH IT PAYS INTO ACCOUNT IN DECIDING WHETHER TO BUY THE COMMERCIAL PROPERTY.

**Note:** If “yes” is marked under Accelerated Foreclosure, please see Part 4 for more detailed information.

#### Mello-Roos Assessment Districts Applicable to the Commercial Property

This property is **not subject to** Mello-Roos Community Facilities Districts

#### B. 1915 Bond Act Assessment Districts:

If the Commercial Property is within a 1915 Bond assessment district listed below, this assessment district has issued bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to all real property within the assessment district. The bonds will be repaid from annual assessment installments against the property within the assessment district.

Annual assessment installments of such an assessment district will appear on the real property tax bills and are in addition to the ad valorem property taxes and any other charges and levies that will be itemized on the property tax bill. If the assessment installments are not paid when due each year, the Commercial Property may be foreclosed upon and sold.

The annual assessment installment against the Commercial Property and the public facilities that are being financed by the proceeds from the sale of bonds that are being repaid by the assessments are indicated below.



## California Property Tax Disclosure Report <sup>TM</sup>

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THE BUYER SHOULD TAKE ANY ASSESSMENT(S) AND THE BENEFITS FROM THE PUBLIC FACILITIES FOR WHICH IT PAYS INTO ACCOUNT IN DECIDING WHETHER TO BUY THE COMMERCIAL PROPERTY.

This property is **not subject to** 1915 Bond Assessment Districts

A COPY OF THE RESOLUTION CONFIRMING ASSESSMENTS THAT SPECIFIES MORE PRECISELY HOW THE ASSESSMENTS ARE APPORTIONED AMONG PROPERTIES IN THE ASSESSMENT DISTRICT CAN BE OBTAINED BY CALLING THE CONTACT NAME AND NUMBER LISTED ABOVE. THERE MAY BE A CHARGE FOR THIS DOCUMENT NOT TO EXCEED THE ESTIMATED REASONABLE COST OF PROVIDING THE DOCUMENT

### **C. Approved Assessment Districts Which Have Been Formed and Authorized But Are Not Yet Funded**

Please be advised that certain assessment districts may have been formed and authorized but have not yet been funded. Accordingly no assessment lien will appear in the County Assessor records. However, the information regarding such districts may appear on your preliminary report issued by a title company. If the assessment district has not been formed or funded, the improvements have also not been constructed. If the district is subsequently formed, the assessments may then appear on the property tax bill.



# California Property Tax Disclosure Report <sup>TM</sup>

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## PART 4. ACCELERATED FORECLOSURE INFORMATION

Certain assessment or bond issues may contain accelerated foreclosure liens which have priority over other real property taxes and are a legal right included as part of the security for the obligation. The issuers of such bonds are often contractually required to monitor and collect delinquent assessments quickly. Accordingly these assessments are not subject to the five (5) year waiting period applicable to ad valorem real property taxes. If the real property is subject to such an assessment and the taxes are not paid promptly, the real property may be foreclosed upon and sold at public auction on an expedited basis. **Therefore, it is extremely important that the real property tax bill be paid on time to prevent the accelerated foreclosure.**

If the Commercial Property is subject to an assessment or bond issue with an accelerated foreclosure lien, the detailed information is disclosed below.

### A. Mello-Roos Community Facility Districts

This property **is not subject** to a Mello Roos Community Facility District Tax containing an accelerated foreclosure provision.

### B. 1915 Bond Act Assessment Districts

This property **is not subject** to a 1915 Bond Act Assessment District Tax containing an accelerated foreclosure provision.



# California Property Tax Disclosure Report <sup>TM</sup>

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## PART 5. AD VALOREM TAX INFORMATION

### A. TAX BILL INFORMATION AS OF REPORT DATE

As of the Report Date, the following is a summary of the current year secured real property tax bill applicable to the Commercial Property and is provided ***for informational purposes only***. Ad valorem taxes are calculated annually based on the assessed value of the land and improvements. When a parcel of real property is sold, the assessed values are reset to the sales price. Ad valorem taxes *can increase dramatically if the sales price differs from the current assessed value of the real property!* Also certain exemptions and exclusions may be available to the existing owner which may not be available to Buyer.

**Ad Valorem Taxes** (Historical information only based on Seller's current tax bill)

AGENCY	DESCRIPTION	CONTACT NAME	CONTACT PHONE	AMOUNT
SAN DIEGO COUNTY	GENERAL AD VALOREM (EXEMPT-2009/2010)	SAN DIEGO COUNTY TREASURER	619-531-5844	\$ 0.01

Buyer is advised that the foregoing information is of general interest only and will not be applicable to the Buyer. Upon acquisition of the Commercial Property, Buyer may be subject to increased ad valorem taxes based on the sales price of the Commercial Property. Please see the subsection B below to calculate the estimated ad valorem taxes applicable after the sale.



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## B. CALCULATING AD VALOREM TAXES AFTER SALE (ESTIMATE ONLY)

### PROPERTY TAX ESTIMATOR

The following calculation method is provided to assist Buyer in *estimating* the approximate amount of the ad valorem taxes that the Commercial Property will be for the 2009-2010 (tax year) based on the assessed valuation being equal to the sales price. The amount derived is only an estimate and is not a substitute for a tax bill from the County, nor does it anticipate new property tax charges, fees or other changes in the property tax rates for the new tax year. Please see subsection D below for general information about Ad Valorem Taxes.

1	Estimated Sales Price .....	•	1	\$ _____
2	Estimated Ad Valorem Tax Rate .....	•	2	<b><u>0.01011</u></b>
3	Multiply line 1 by line 2. This is your Estimated Ad Valorem Tax.....	•	3	\$ _____
4	Mello Roos, 1915 Bonds, and/or Other Direct Assessments .....	•	4	<b><u>\$72.28</u></b>
5	Add lines 3 and 4. Total Estimated Annual Tax Amount After Sale .....	•	5	\$ _____

The information in this subparagraph B is an estimate only. The purpose of this “ESTIMATOR” is to assist Buyer in planning for ad valorem taxes which will be applicable after the Sale Date. This “ESTIMATOR” requires the Buyer’s projection of the purchase price of the Commercial Property. Please note that potential exemptions and exclusions are not reflected in this estimate. FANHD is not responsible or liable for any losses, liabilities or damages resulting from use of this Property Tax Estimator.

## C. AD VALOREM TAX EXEMPTIONS, EXCLUSIONS & RELIEF

California law provides certain exemptions or exclusions from reassessments. In order to determine if Buyer may qualify for any exemptions or exclusions or to obtain a comprehensive list of available exemptions and exclusions, please contact the County Tax Assessors Office (619-531-5844) or visit the County website at [www.sdtreastax.com](http://www.sdtreastax.com) . Additional information is also available on the website for the California Board of Equalization at [www.boe.ca.gov](http://www.boe.ca.gov)

### Reassessment Due to Decline in Value

Real estate markets are cyclical. In a less competitive market there are more sellers than buyers, and real estate prices can drop, sometimes precipitously. When a property is sold, in most cases its assessed value for tax purposes is set equal to the sale price. A drop in market value can mean the original assessment, and your property tax bill, is too high.

The County Tax Assessors Office is required to lower the assessment of any real property if it is higher than the current market value as of January 1 of each year. Each case is reviewed individually upon request by the property owner for the current year or the upcoming year. The annual deadline for filing an appeal – the “assessment appeal filing date” – for SAN DIEGO County is November 30. For more information or to obtain a property tax reassessment request form, contact the Tax Assessors Office or visit the County website; or contact First American Commercial Real Estate Services, our in-house commercial tax assessment professionals, for details and/or assistance with your filing, at (800) 359-3908.

## D. GENERAL INFORMATION REGARDING AD VALOREM TAXES





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County assessors must value property in accordance with the California Constitution and the California Revenue & Taxation Code and related laws and regulations.

Full cash value, also known as "market value" or "fair market value," means the amount of cash or its equivalent which property would bring if exposed for sale in the open market.

A property's "base year value," for real property assessed under Proposition 13, is the property's full cash value as of the date of the latest change in ownership or completion of new construction.

An "adjusted base year value" (sometimes also referred to as the "factored base year value") is the property's base year value adjusted by an annual inflation factor, not to exceed two percent (2%) per year.

Taxable value is the value upon which the base property taxes are calculated. For most real property, this is the adjusted base year value or the property's current market value, whichever is lower.

The assessment roll is the official list of all assessable property in the county.

The lien date is the "moment" of valuation for all property. Annually, the taxable status and value of property is determined as of 12:01 a.m. on January 1. The fiscal tax year runs from July 1 to June 30.

Proposition 13 limits the general property tax rate to one percent (1%) of the assessed value, plus an amount for the debt service on any bonds approved by popular vote. The tax rate will vary depending upon where the property is located.

For more information regarding your tax bill we invite you to visit our website at:  
[http://www.fanhd.com/Portals/0/fanhd/pdf/FANHD\\_Tax\\_Disclosure\\_Addendum.pdf](http://www.fanhd.com/Portals/0/fanhd/pdf/FANHD_Tax_Disclosure_Addendum.pdf)

## PART 6. SUPPLEMENTAL TAX INFORMATION

### A. SUPPLEMENTAL TAX DISCLOSURE

The following notice is mandated by California Civil Code Section 1102.6c:

#### NOTICE OF YOUR 'SUPPLEMENTAL' PROPERTY TAX BILL

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

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

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



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## B. CALCULATING SUPPLEMENTAL TAXES AFTER SALE (ESTIMATE ONLY)

### SUPPLEMENTAL TAX ESTIMATOR

The following schedule is provided to **estimate** the potential amount of the **supplemental taxes** on a given property and does **NOT** include the amount of the regular annual ad valorem property tax. The following calculation provides an estimate of the supplemental property taxes that can be expected during the first year of ownership, and should be used for planning purposes only.

- 1 Estimated Sales Price..... • 1 \$ \_\_\_\_\_
- 2 Estimated Current Assessed Value ..... • 2 \$ 0
- 3 Subtract line 2 from line 1.  
Estimated Supplemental Assessed Value ..... • 3 \$ \_\_\_\_\_
- 4 Multiply line 3 by 0.01011. (The Estimated Ad Valorem Tax Rate  
for the Commercial Property)  
Estimated Full-Year **Supplemental** Tax Obligation ..... • 4 \$ \_\_\_\_\_

**If the Sale Date for the Commercial Property falls during the months of January through May, Buyer will receive TWO supplemental tax bills: (a) one for the current partial tax year; and (b) one for the next full tax year. The supplemental taxes can be estimated by completing lines 5 through 8 below:**

- 5 Enter the Month-of-Sale Factor from **TABLE 1** below..... • 5 \_\_\_\_\_
- 6 Multiply line 4 by line 5.  
Estimated Supplemental Tax Bill # 1 ..... • 6 \$ \_\_\_\_\_
- 7 Enter the amount on line 4.  
Estimated Supplemental Tax Bill # 2 ..... • 7 \$ \_\_\_\_\_
- 8 Add lines 6 and 7. Total estimated Supplemental Tax Bill..... • 8 \$ \_\_\_\_\_

**If the Sale Date for the Commercial Property falls during the months of June through December, Buyer will receive ONE supplemental tax bill. The supplemental tax can be estimated by completing lines 9 and 10 below:**

- 9 Enter the Month-of-Sale Factor from **TABLE 2** below..... • 9 \_\_\_\_\_
- 10 Multiply line 4 by line 9.  
Total Estimated Supplemental Tax Bill ..... • 10 \$ \_\_\_\_\_

**TABLE 1. Month-of-Sale Factor**

<b>Jan</b>	0.4170
<b>Feb</b>	0.3333
<b>Mar</b>	0.2500
<b>Apr</b>	0.1667
<b>May</b>	0.0866

**TABLE 2. Month-of-Sale Factor**

<b>Jun</b>	1.0000
<b>Jul</b>	0.9167
<b>Aug</b>	0.8333
<b>Sep</b>	0.7500
<b>Oct</b>	0.6670
<b>Nov</b>	0.5830
<b>Dec</b>	0.5000

The information in this subparagraph B is an estimate only. The purpose of this "ESTIMATOR" is to assist Buyer in planning for the supplemental taxes. The estimated supplemental tax is not a substitute for the supplemental bill and may not be relied upon as such. This "ESTIMATOR" requires the Buyer's projection of the purchase price of the Commercial Property as well as month in which the transaction will be consummated. Please note that potential exemptions and exclusions are not reflected in these estimations. FANHD is not responsible or liable for any losses, liabilities or damages resulting from use of this Supplemental Tax Estimator.



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## C. GENERAL INFORMATION REGARDING SUPPLEMENTAL TAXES

California law mandates the county assessor to reappraise real property upon a change in ownership or completion of new construction. The assessor's office issues a supplemental assessment which reflects the difference between the prior assessed value and the new assessment. This value is prorated based on the number of months remaining in the fiscal tax year which ends June 30.

Notices of the supplemental assessment are mailed out to the property owners prior to the issuance of the supplemental tax bill or refund if the value is reduced. The taxes or refund based on the supplemental assessment are in addition to the regular annual tax bill.

The supplemental tax will be due from the current owner in addition to the regular tax assessment. Accordingly for the first year of ownership, Buyer should plan for this additional payment.

## PART 7. DOCUMENTARY TRANSFER TAX ADVISORY: Governmental Assessments Paid at the Close of Escrow

**Documentary Transfer Tax Defined.** Under California Revenue and Taxation Code Sections 11911-11929, counties and cities are authorized to impose a tax on the transfer of real property located within their jurisdiction. The tax is commonly known by various names, including the Documentary Transfer Tax, or Real Property Transfer Tax, or Real Estate Transfer Tax (hereinafter, the "Transfer Tax").

**How Much?** The "one-time" payment is made at the close of escrow and routinely documented on the HUD-1 Settlement Statement. The amount of the Transfer Tax is typically based on the value or sales price of the real estate that is transferred. The county rate is one dollar and ten cents (\$1.10) for each one thousand dollars (\$1,000) of value. The rate for non-charter ("general law") cities is one-half of the county rate and is credited against the county tax due. Charter cities may impose a Transfer Tax at a rate higher than the county rate.

For any city or county in California, the Transfer Tax rate ("Tax Rate Table") is available at no charge from many sources, most conveniently on the website of the **California Local Government Finance Almanac** (sponsored by the California League of Cities):

<http://www.californiacityfinance.com/PropTransfTaxRates.pdf>

To estimate the Transfer Taxes for the Property, multiply the Property's estimated sales price (in thousands of dollars) by the amount shown in the Tax Rate Table for the city and county in which the Property is located.

**Who Pays?** The law states that, "the Transfer Tax must be paid by the person who makes, signs or issues any document subject to the tax, or for whose use or benefit the document is made, signed or issued." In practice, this means that the payment of the Transfer Tax is customarily made by the Seller or the Buyer, or shared by both, depending on the jurisdiction in which the transferred Property is located.

## PART 8. METHODS AND LIMITATIONS -- PLEASE READ!

This Part will summarize (a) the methods used in creating this Report, (b) the limitations with respect to the data provided, and (c) the responsibilities and liabilities of FANHD under this Report. Please read this entire Part 8 carefully to understand the limitations of this Report and FANHD's responsibilities.



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## **A. LIMITATIONS ON TAX INFORMATION**

FANHD has accurately reported the information in the Databases as of the dates of each Database as specified in Part 2 ("Database Dates"). With respect to the Databases, it is important to understand that:

- The Databases may not be accurate, current, fully detailed, or complete.
- A parcel of real property may be subject to an assessment district that has been approved but not created as of the Report Date.
- Changes may have occurred in the Databases since the Database Date specified above.
- There may be other governmental databases with relevant information which are not included in this Report.
- Personal property taxes are not included in this Report.
- Supplemental taxes can be assessed based on improvements to the real property after they have been completed and the assessor becomes aware of same. Supplemental taxes are **not** included in the Databases.
- Assessment districts which have been created but not funded are not included.

## **B. FANHD DOES NOT CONSTANTLY CHECK DATABASES FOR CHANGES**

Each Database used in this Report is updated by the applicable governmental agency at various intervals as determined by that agency having responsibility for the database ("Responsible Agency") and may be made at any time and without notice. FANHD maintains an update schedule and makes reasonable efforts to use updated information but it cannot feasibly do so on a constant basis, and the complexities of obtaining and adapting the data into a usable format for preparing this Report necessitates some delay once the updated information is obtained. For these reasons, FANHD reports information as of the date when the Database was last updated by FANHD which specific date is specified as the "Database Date" for each Database in Part 2.

## **C. LIMITATIONS IN THIS REPORT**

FANHD does not make any representations as to:

- The accuracy, validity or completeness of the Databases.
- Any information in a Database after the Database Date for that Database.
- Any information regarding the Commercial Property after the Report Date.

This Report only provides information electronically derived from the Databases in accordance with the Methods and Limitations.

## **D. ONLY THE PARTIES MAY RELY ON THIS REPORT**

This Report is valid, the Parties may rely on the Report, and a contract is formed with FANHD, **only** upon receipt by FANHD of payment of the full price of the Report.

This Report may be relied upon only by the Parties to the transaction for which it has been purchased. This Report cannot be relied upon (a) by any persons other than Seller, Buyer and their Agents, (b) for any other real property, or (c) for any future transactions involving the Commercial Property. The price paid for the Report does not include any amounts for protection of such other parties.

## **D. LIMITATIONS ON FANHD'S LIABILITY**

Given the limited nature of this Report, and the fact that FANHD is reporting, not assuming liability, FANHD is not responsible for:

- Any inaccuracies or incompleteness of the information in the Databases.
- Inaccurate address information provided for the Commercial Property.



# California Property Tax Disclosure Report <sup>TM</sup>

**Property Address:** 2160 BALBOA AV ,  
DEL MAR, SAN DIEGO COUNTY, CA

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- Any other information not contained in the specified Databases.
- Any information known by one of the Parties.
- Any changes to the information in the Databases after the Database Date.

**This Report is not an insurance policy** and does not provide the same protections as an insurance policy. It does not obligate FANHD to defend any Party against any claims, and FANHD shall not have any duty to defend against any claims pursuant to California Civil Code § 2778 or otherwise. The price of this Report has not been based upon any responsibility for defense costs, nor for assumption of all tax liability. The premium for an insurance product would be significantly greater than the cost of this Report. The Parties acknowledge that claims for damages beyond actual losses can significantly increase the costs of Reports and make prompt resolution of claims more difficult. In order to induce FANHD to provide this Report for the price charged, and to help streamline the process of resolving any disputes between the Parties and FANHD, Buyer, Seller and Agents agree that if there is a material error or omission in this Report:

- **The Party who suffers damages as a result of such error or omission shall be entitled at most to recover from FANHD the actual proved damages measured by the difference in the fair market value of the Commercial Property as of the Report Date, caused by the error or omission but not in excess of the present value of the total tax amount under-reported which would payable for the first tax year of new ownership.**
- **FANHD shall not be liable for indirect, consequential, or punitive damages (including, but not limited to, emotional distress or pain and suffering).**

FANHD shall not be liable to a Party for any matters known to that Party or its Agent (including errors in this Report) and not disclosed in writing to both the other Parties and FANHD prior to the date the Commercial Property is sold by Seller to Buyer.

## **E. SELLER AND SELLER'S AGENT'S RESPONSIBILITY OF FULL DISCLOSURE**

Sellers of real property and their Agents should always fully disclose all material facts regarding the real property which they are selling. Regardless of the information in this Report, if Seller or Seller's Agent has any actual knowledge of tax information potentially affecting the Commercial Property, that information should be promptly disclosed in writing to the Buyer and the Buyer's Agent.

## **F. OTHER AGREEMENTS**

This Report sets forth the complete, integrated agreement between FANHD and the Parties. Evidence of prior or contemporaneous statements, representations, promises or agreements shall not be admissible to vary the terms of this written agreement. This agreement may not be changed or amended except by a written document signed by an authorized representative of FANHD and the Parties. In the event that any dispute arises between FANHD and any Parties arising out of or relating to this Report or its subject matter, or any act or omission of FANHD, the prevailing party shall be entitled to recover his, her or its reasonable costs, including attorneys' fees, from the losing party.

If any provision of this Report, or its application to any circumstance, is held to be invalid, unenforceable, or void, the remainder of this Report shall remain in full force and effect and enforced to the fullest extent possible.

**END OF REPORT**



# FANHD Commercial Property Disclosure Reports

## The Environmental Report™ For SAN DIEGO COUNTY

### Commercial EnviroCheck Report™ – Government Records Search

Property Address: 2160 BALBOA AV ,  
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#### Is Subject Property Listed as a Contaminated Site?

YES

The exact property address as listed above was NOT found in any of the databases searched for this report. Please note that there may be errors or omissions in the addresses contained in the Local, State and Federal databases provided to us that will prevent an exact match in this search. Refer to the lists beginning on page 4 for site addresses that may be similar to the subject property address. If the Local, State or Federal database(s) provided to us do not include sufficient address information to precisely locate the site on a map, the address may be listed in the section titled "Sites Missing Key Location Information".

NO

#### Summary of Environmental Site Search

DATABASE SEARCHED (See "Description of Databases Searched" below)	Are Any Contaminated Sites in Database?	0 to 1/8 mile	1/8 to 1/2 mile	1/2 to 1 mile
State List of Underground Storage Tanks (UST)		0	N/A	N/A
State List of Aboveground Storage Tanks (AST)		0	N/A	N/A
State List of Leaking Underground Storage Tanks (LUST)	YES	0	3	N/A
State List of Solid Waste Landfill Facilities (SWIS)	MAYBE	0	0	N/A
State List of Spills, Leaks, Investigation & Cleanup (SLIC)	YES	0	2	N/A
State List of Historical Underground Storage Tanks (Hist-UST)		0	N/A	N/A
State Hazardous Waste Information Summary (HWIS)	YES	0	N/A	N/A
State EnviroStor Cleanup Sites Database (ENVIROSTOR)	MAYBE	0	2	N/A
EnviroStor Site With Deed Restriction Or Other Controls (CONTROLS)	MAYBE	0	0	N/A
Federal National Priorities List or "Superfund" sites (NPL)	YES	0	0	0
Federal Sites investigated for possible inclusion in the NPL (CERCLIS)	MAYBE	0	0	N/A
CERCLIS Sites That Have Been Archived (CERCLIS-Archived)		0	0	N/A
Potential Generator of hazardous materials Sites (RCRA GEN)		0	N/A	N/A
Treatment, Storage & Disposal Sites for Hazardous Materials (RCRA TSD)		0	0	N/A
Corrective Action Sites (RCRA COR)	YES	0	0	0
Tribal UST And/Or Tribal LUST	MAYBE	0	0	N/A
Emergency Response Notification System (ERNS, National Response Center)	MAYBE	0	N/A	N/A

N/A = Not Applicable Under Required AAI Search Standard.

MAYBE = Contamination is possible; for example, the database searched includes a mix of contaminated and non-contaminated sites that are not distinguished, or landfill sites where contamination is common although not certainly identified, or sites currently being investigated for contamination by the responsible agency.

AAI TOTALS	0	7	0
CONTAMINATED SITE TOTALS	0	5	0
TOTAL OF SITES FOUND	7		

Determined by  
**First American Real Estate Disclosures, LLC**

Greg Rufe, Chief Operating Officer  
First American Real Estate Disclosures, LLC

I have read this FANHD Commercial EnviroCheck Report™ prior to signing and have received a copy of this report.

Signature of Seller \_\_\_\_\_ Date \_\_\_\_\_ Signature of Seller \_\_\_\_\_ Date \_\_\_\_\_

Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_ Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_

### BUYER'S ACKNOWLEDGEMENT

Buyer(s) acknowledge(s) receipt of this Commercial Environmental Report™ by his/her/their signature(s) on the Acknowledgement of Receipt form that is a part of this report package.





# FANHD Commercial Property Disclosure Reports

## The Environmental Report™ For SAN DIEGO COUNTY

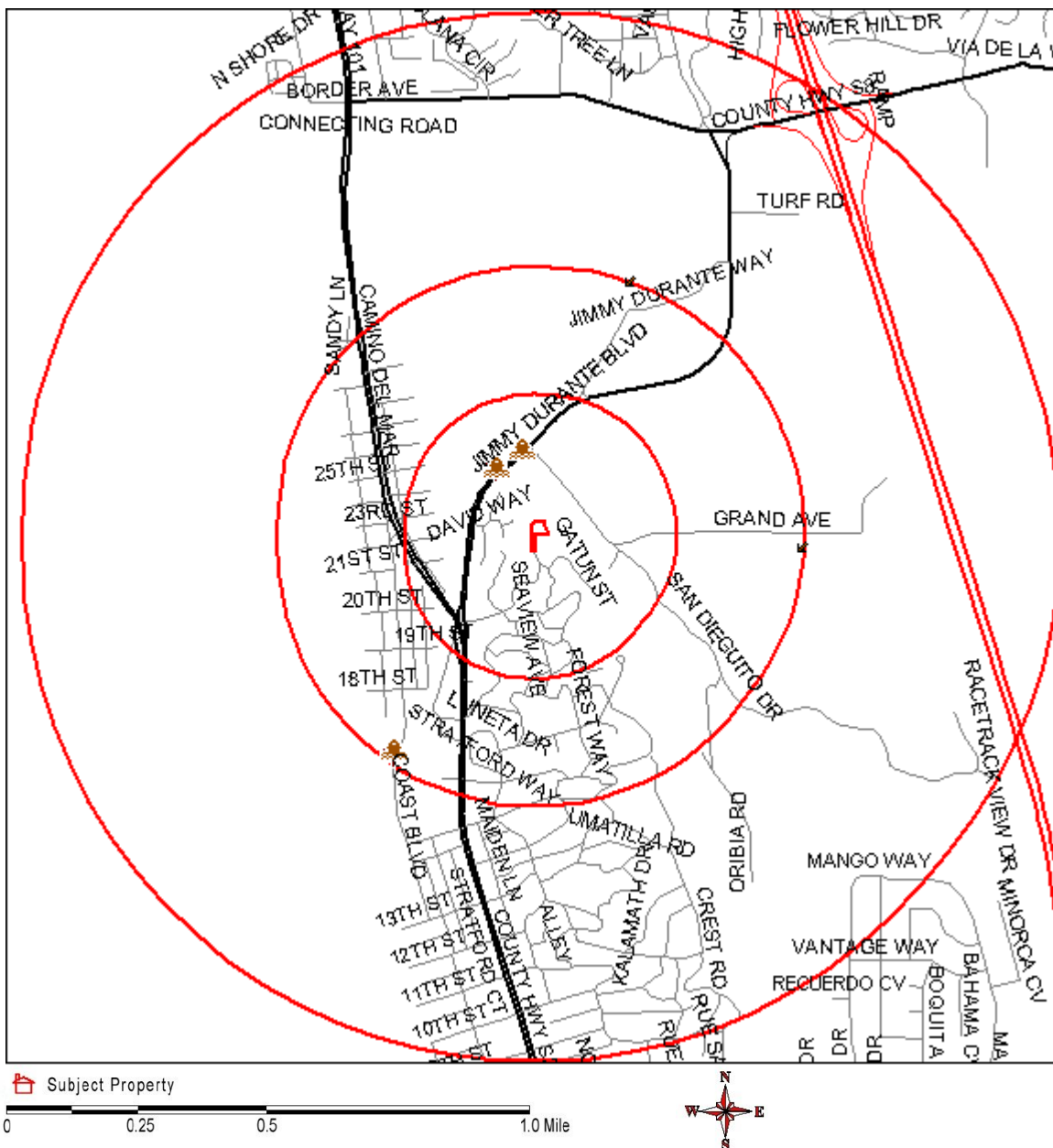
### Commercial EnviroCheck Report™ – Government Records Search

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SEE MAP LEGEND ON NEXT PAGE

NOTE: The map on the previous page may show more sites than are reported in the "Environmental Risk Screening Summary" table on Page 1. The map shows all sites found within the square coverage area. The table reports only those sites found within the circular AAI standard search distance for the database listed, which covers a smaller area. Outside of that standard search distance the table reports "NA" (not applicable). The AAI standard search distance differs between database categories, depending upon degree of potential hazard. See the section called "Description of Databases Searched" for the actual AAI standard search distance used for each database category.



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	(CERCLIS NPL) Federal National Priorities List or "Superfund" sites		(LUST) Leaking Underground Storage Tanks
	(CERCLIS) Fed. Sites investigated for poss. inclusion in the NPL		(UST) Underground Storage Tanks
	(RCRA TSD) Treatment, Storage & Disposal Sites for Haz. Materials		(RCRA GEN) Potential Generator of hazardous materials Sites
	(RCRA COR) Corrective Action Sites		(SWIS) Solid Waste Landfill Facilities
	(CERCLIS ARCHIVED) CERCLIS-Archived		(SLIC) Spills, Leaks, Investig. & Cleanup
	Tribal LUST		(ENVIROSTOR) State EnviroStor Cleanup Sites Database
	Tribal UST		(CONTROLS) Deed Restriction Or Other Controls
	(ERNS) Emergency Response Notification System		(Hist-UST) Historical Underground Storage Tanks
	(HWIS) Hazardous Waste Information Summary		



## FANHD Commercial Property Disclosure Reports

# The Environmental Report™ For SAN DIEGO COUNTY

### Commercial EnviroCheck Report™ – Government Records Search

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### Sites Found on the Databases Searched

UST sites are selected from the list maintained by the State Water Resources Control Board. Information regarding the contents of the tank, and any inspections or testing can be found on the web page [www.geotracker.swrcb.ca.gov](http://www.geotracker.swrcb.ca.gov). AST site information can be obtained from the responsible county or local government agency identified in the Unified Program directory available at [www.calepa.ca.gov/CUPA/Directory/default.aspx](http://www.calepa.ca.gov/CUPA/Directory/default.aspx). Sites that have been identified as having a leak may also appear on one or more of the other lists reported above. Sites listed on LUST or RCRACOR may not appear on the UST or AST lists if the tank has been removed and the case has been closed. Sites listed on the SWIS list may contain hazardous materials. Information is available at [www.ciwmb.ca.gov/swis](http://www.ciwmb.ca.gov/swis). NPL sites are listed by the U.S. EPA as contaminated sites that have received Federal funding to assist in cleanup. Information is available from the State at [www.dtsc.ca.gov](http://www.dtsc.ca.gov) or from [www.epa.gov](http://www.epa.gov) and by calling (916) 323-3399. The CERCLIS list includes sites the Federal EPA is investigating for possible inclusion on the NPL.

For information on the lists searched for this report see the "Description of Databases Searched" Section that follows.

**Open** = Site listed as undergoing clean-up, investigation, or referral to another agency; or as non-active, abandoned or absorbed but not closed or completed.

**Closed** = Site listed as clean-up completed, release secured, no further remedial action planned, case closed, or delisted.

**Active** (or **Inactive**) = Site facility listed as actively (or not actively) engaged in a type of activity regulated under RCRA.

**Deed** = Site listed as completed or closed with a deed restriction.

**N/A** = Not Applicable – site listed as uncontaminated, or as using or storing hazardous substances.

**N/P** = Not Provided – site status not supplied on agency list used.

Site Name	Address	Database	Status
AGRICULTURAL ASSOC - 22ND DIST	2260 JIMMY DURANTE BL DEL MAR, CA 920142216	CA_LUST	Closed
CITY OF DEL MAR	1658 COAST BL DEL MAR, CA 920142354	CA_LUST	Closed
JOHN C READ CONSTRUCTION CO	2126 JIMMY DURANTE BL DEL MAR, CA 920142215	CA_LUST	Closed
JOHN C READ CONSTRUCTION CO	2126 JIMMY DURANTE BL DEL MAR, CA 920142215	CA_SLIC	Closed
POWERHOUSE PARK	1638 COAST BL DEL MAR, CA 920142354	CA_SLIC	Closed
CAMP C.J. MILLER	Del Mar, CA	CA_ENVIROSTOR_CLE ANUP	Open
NAVY DIRIGIBLE	Del Mar, CA	CA_ENVIROSTOR_CLE ANUP	Open



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### Sites Missing Key Location Information

**Open** = Site listed as undergoing clean-up, investigation, or referral to another agency; or as non-active, abandoned or absorbed but not closed or completed.

**Closed** = Site listed as clean-up completed, release secured, no further remedial action planned, case closed, or delisted.

**Active (or Inactive)** = Site facility listed as actively (or not actively) engaged in a type of activity regulated under RCRA.

**Deed** = Site listed as completed or closed with a deed restriction.

**N/A** = Not Applicable – site listed as uncontaminated, or as using or storing hazardous substances.

**N/P** = Not Provided – site status not supplied on agency list used.

A limited number of listed sites contain address information that is inaccurate, incorrect, or is missing key information necessary to locate the site with confidence using the geocoding methods used in this report. These sites are reported in the generalized list below for your review based on their possible existence in proximity to the subject site. Sites in this section are not necessarily within a one mile search radius of the subject property and are not included on the map in this report. We are providing this list for general information only.

Site Name	Address	Database	Status
AMPHIBIAN VEHICLE TEST BRANCH	AREA 21 BLDG 210536 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
APPLIED ENERGY INC AT MCRD AREA 14 FUEL STATION	NEV ILLE RD B566 SAN DIEGO, CA 92140 AREA 14 BLDG 140134 CAMP PENDLETON, CA 92055	CA_GEO_UST CA_GEO_UST	N/P N/P
AREA 21 FUEL STATION	AREA 21 BLDG 210587 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
BEQ	AREA 21 BLDG 21474 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
FORT ROSECRANS NATIONAL CEM	S CA BRILLO MEMORIALDR SAN DIEGO, CA 92106	CA_GEO_UST	N/P
GAS TURBINES AT MCRD	NEV ILLE RD 201A SAN DIEGO, CA 92140	CA_GEO_UST	N/P
MCAS MIRAMAR AUTO HOBBY	BLD G 6673 SAN DIEGO, CA 92145	CA_GEO_UST	N/P
MCAS MIRAMAR GOLF COURSE	BLD G 3426 SAN DIEGO, CA 92145	CA_GEO_UST	N/P
MCAS MIRAMAR NEX GAS STATION	BLD G 6214 SAN DIEGO, CA 92145	CA_GEO_UST	N/P
MCRD MCX GAS & SERVICE STATION	BLD G 514 SAN DIEGO, CA 92140	CA_GEO_UST	N/P
MWR GAS LANES	AREA 13 BLDG 1327 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
MWR GAS LANES	AREA 21 BLDG 210620 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
NEW AIR LAUNCH MISSILE BLDGM	BLD G 380 FALLBROOK, CA 92028	CA_GEO_UST	N/P
NWS FALLBROOK MISSILES	BLD G 366 FALLBROOK, CA 92028	CA_GEO_UST	N/P
OAK GROVE STAGE STATION	37642 HY 79 AGUANGA, CA 92302	CA_GEO_UST	N/P
PACIFIC BELL MTLGCA01/DD145	VIS TA POINT RD #208 MOUNT LAGUNA, CA 91948	CA_GEO_UST	N/P
SAN ONOFRE NUC GENERATINGSTA	5000 S PACIFIC COASTHY SAN ONOFRE, CA 92672	CA_GEO_UST	N/P
US MARINE CORP	AREA 11 BLDG 42 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
US MARINE CORP	AREA 21 BLDG 473 CAMP PENDLETON, CA 92055	CA_GEO_UST	N/P
USN-NADEP NI	BLD G 472 SAN DIEGO, CA 92135	CA_GEO_UST	N/P
USN-NADEP NI BLDG 334 UST	BLD G 334 SAN DIEGO, CA 92135	CA_GEO_UST	N/P
USN-NADEP NI/PAINT COMPLEX	BLD G 466 COMPLEX SAN DIEGO, CA 92135	CA_GEO_UST	N/P
USN-NAVSTA (NSC ANNEX)	BLD G 65 SAN DIEGO, CA 92136	CA_GEO_UST	N/P
USN-NAVSTA/AUTO HOBBY SHOP	BLD G 3234 SAN DIEGO, CA 92136	CA_GEO_UST	N/P



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USN-NAVSTA/BLDG 3362 UST	BLD G 3362 SAN DIEGO, CA 92136	CA_GEO_UST	N/P
USN-NAVSTA/MWR GOLF COURSEMNT	ADM IRAL BAKER FLD128 SAN DIEGO, CA 92136	CA_GEO_UST	N/P
USN-NAVSTA/NEX ANNEX	BLD G 3156-28TH ST SAN DIEGO, CA 92136	CA_GEO_UST	N/P
USN-NI/MILITARY GAS STATION	BLD G 588 SAN DIEGO, CA 92135	CA_GEO_UST	N/P
USN-SUBASE/WEAPONS AREA	BLD G 512 SAN DIEGO, CA 92106	CA_GEO_UST	N/P
QUALCOMM INC.	10185 MCKELLER COURT SAN DIEGO, CA 92121	CA_AST	N/P
BLU-IN CAFÉ, LLC	2189 HIGHWAY 78 OCOTILLO WELLS, CA 91911	CA_AST	N/P
CHULA VISTA PROCESSING	116 7TH & MAIN STREET CHULA VISTA, CA 91911	CA_AST	N/P
FLEET & INDUSTRIAL SUPPLY CENT	199 ROSECRANS ST. POINT LOMA, CA 92106	CA_AST	N/P
GENOMICS INSTITUTE FOR	10675 JOHN JAY HOPKINS DRIVE SAN DIEGO, CA 92121	CA_AST	N/P
FUCNTIONAL GENOMICS	530 ANDREASEN DR ESCONDIDO, CA 92029	CA_AST	N/P
HAWTHORNE RENT-IT SERVICE BR #3	24325 LOMITAS DRIVE LEMON GROVE, CA 93244	CA_AST	N/P
LEMON COVE	BOX 555151 CAMP PENDLETON, CA 92055	CA_AST	N/P
MCAS CAMP PENDLETON	CONROY CT. SAN DIEGO, CA	CA_AST	N/P
MIRAMAR TERMINAL	5745 MISSION CENTER RD. SAN DIEGO, CA 92108	CA_AST	N/P
MISSION VALLEY SITE	5244 CONVOY ST. SAN DIEGO, CA 92111	CA_AST	N/P
MM SAN DIEGO LLC(MBC FACILITY)	STEPHENSON PEAK MOUNT LAGUNA, CA	CA_AST	N/P
MT. LAGUNA ARSR	STAFF CIVIL ENGINEER OFFICE 80 CORONADO, CA 92155	CA_AST	N/P
NAVAL AMPHIBIOUS BASE	CODE BGA/2200 BOB WILSON DR. SAN DIEGO, CA 92134-5000	CA_AST	N/P
NAVAL HOSPITAL	SAN DIEGO, CA	CA_AST	N/P
NAVAL STATION	213 WARD RD. SAN DIEGO, CA 92136	CA_AST	N/P
NAVAL STATION CENTRAL STEAM PL	5330 OTAY VALLEY ROAD CHULA VISTA, CA 91911	CA_AST	N/P
OTAY QUARRY	6.5 MILES E OF HWY 15 PALA, CA 92059	CA_AST	N/P
PALA SITE	2300 HARVESON PL. ESCONDIDO, CA 92029	CA_AST	N/P
PALOMAR ENERGY CENTER	1000 SOUTH CITRACADO PARKWAY ESCONDIDO, CA 92029	CA_AST	N/P
PALOMAR ENERGY PROJECT	35899 CANFIELD RD. PALOMAR MTN., CA 92060-0200	CA_AST	N/P
PALOMAR OBSERVATORY	1902 GATCHELL RD SAN DIEGO, CA 1870 W. BERNARDO DR. SAN DIEGO, CA	CA_AST	N/P
POINT LOMA SEWER TP	480 ALTA RD. SAN DIEGO, CA 92179	CA_AST	N/P
PUMP STATION #77A	16310 HIGHWAY 67 RAMONA, CA 92028	CA_AST	N/P
R.J. DONOVAN CORRECTIONAL FAC.	2415 DAIRY MART RD SAN DIEGO, CA	CA_AST	N/P
RAMONA FFS	11480 N TORREY PINES RD SAN DIEGO, CA	CA_AST	N/P
SOUTHBAY SEWER TP	501 "C" ST. CHULA VISTA, CA 91910	CA_AST	N/P
TORREY PINES GOLF COURSE	12535 HWY 67 LAKESIDE, CA 92041	CA_AST	N/P
UNITED RENTALS	1111&1155 PIONEER WY. EL CAJON, CA 92022-0609	CA_AST	N/P
VIGILANTE QUARRY	8350 ALVARADO RD LA MESA, CA 91942	CA_LUST	Closed
WINDOWMASTER PRODUCTS	13754 E HY 8 EL CAJON, CA 920211935	CA_LUST	Closed
AARON BROTHERS	117 CLEVELAND ST OCEANSIDE, CA 920543021	CA_LUST	Closed
APOLLO SERVICE #2	13940 FATHER JUNIPERO SE SANTEE, CA 920713331	CA_LUST	Closed
ATCHISON TOPEKA & SANTA FE RR	None MCNEIL ST OCEANSIDE, CA 92054	CA_LUST	Closed
CAL TRANS	None DEL MAR RACE TRACK DEL MAR, CA 92014	CA_LUST	Closed
CAL TRANS	None DI GIORGIO RD BORREGO SPRINGS, CA 92004	CA_LUST	Closed



## FANHD Commercial Property Disclosure Reports

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E HAEGELE-APN#660-110-7	None OLD HY 80 && RAILROAD JACUMBA, CA 91934	CA_LUST	Closed
GROSSMONT UNION HIGH SCHOOL DI IMS RECYCLING	1100 MURRAY DR EL CAJON, CA 92020 6554 && 6556 EL CAJON BL SAN DIEGO, CA 921152707	CA_LUST CA_LUST	Closed Closed
MIKE ROACHS CHEVRON NAVAL MEDICAL CENTER SAN DIEGO	1303 E MAIN ST EL CAJON, CA 920216533 2200 BOB WILSON DR SAN DIEGO, CA 92134	CA_LUST CA_LUST	Closed Closed
PACIFIC BELL MTLGCA01/DD145	None VISTA POINT RD MOUNT LAGUNA, CA 91948	CA_LUST	Closed
PALOMAR OBSERVATORY	35899 CANFIELD RD PALOMAR MTN, CA 92060	CA_LUST	Closed
PETER DILLINGHAM PHIL & DANIELS PROPERTIES PUBLIC AUTO SERVICE RED BARN	None HY 94 POTRERO, CA 91963 None 05TH AV SAN DIEGO, CA 921034232 None PACIFIC HY SAN DIEGO, CA 92110 5965 HY 78 BORREGO SPRINGS, CA 920045614	CA_LUST CA_LUST CA_LUST CA_LUST	Closed Closed Closed Closed
ROHR INDUSTRIES INC SAN DIEGUITO WETLANDS RESTORATION	None H ST CHULA VISTA, CA 91910 0 SAN DIEGUITO RD (PALM DR NE) DEL MAR, CA 92014	CA_LUST CA_LUST	Closed Closed
SDCTY-WATER,LAKE HODGES SETON	12111 LAKE DR SAN DIEGO, CA 92029 None B ST SAN DIEGO, CA 921014603	CA_LUST CA_LUST	Closed Closed
SOUTHWEST MARINE T T T CONCRETE INC	None MAIN ST SAN DIEGO, CA 921133640 12494 HY 67 LAKESIDE, CA 920401133	CA_LUST CA_LUST	Closed Closed
UCSD THORNTON HOSPITAL	9300 CAMPUS POINT DR SAN DIEGO, CA 92093	CA_LUST	Closed
WARNER SPGS RADIO RELAY/CA4450	None CHIHUAHUA VALLEY RD WARNER SPRINGS, CA 92086	CA_LUST	Closed
WIN-TIME LTD PARTNERSHIP	None KEARNY MESA RD SAN DIEGO, CA 92126	CA_LUST	Closed
Campo Landfill Lake Henshaw Resort Pottery Canyon Burn Ash Site	Campo Indian Reservation Campo, CA 1/2 Mi N Of Resort Warner Springs, CA 2725 Torrey Pines Road La Jolla (In San Diego), CA	CA_SWIS CA_SWIS CA_SWIS	Open Closed Closed
SANCO Recycling Warner Springs Ranch	1044 Washington Avenue Escondido, CA S of Hwy 79, NW of Warner Springs Warner Springs, CA	CA_SWIS CA_SWIS	Open Closed
Whillock Contracting, Inc E/ CDI Debris 76 GAS STATION	18459 Bee canyon Road Ramona, CA 411 SANTA FE DR ENCINITAS, CA 92024- 513	CA_SWIS CA_SLIC	Open Open
BARNHART & DANTZLER PROPERTIES	CACTUS RD APN 646-100-46 && 646-190-22 SAN DIEGO, CA 92154	CA_SLIC	Closed
BRADLEY PARK PIPELINES 3 & 4 RELOCATION	None RANCHO SANTA FE RD && LINDA VISTA RD SAN MARCOS, CA 92069	CA_SLIC	Open
BROADWAY CLEANERS CLAIREMONT VILLAGE CLEANERS	23 MAPLES ST CHULA VISTA, CA 91911 3083 CLAIREMONT DR SAN DIEGO, CA 92117	CA_SLIC CA_SLIC	Open Open
COCA COLA BOTTLING TRUCK SPIL	None ,0.00,HWY I5 NORTH OF LA COSTA EXIT, CARLSBAD, CA 92011	CA_SLIC	Open
COUNTY'S PALA MESA MITIGATION BANK	None RICE CANYON RD FALLBROOK, CA 92088	CA_SLIC	Closed
DEL MAR THOROUGHbred CLUB	None DEL MAR RACE TRACK DEL MAR, CA 92014	CA_SLIC	Closed
EUREKA RANCH, FORMER SPEITH & WOHLFORD	0 VALLEY ESCONDIDO, CA 92027	CA_SLIC	Open
GENERAL ATOMIC AERONAUTIC SYSTEM	16761 VIA DEL CAMPO ENCINITAS, CA 92024	CA_SLIC	Closed
GRIT HILL DISPOSAL	STATE ROUTE HWY 52 && MAST BLVD SAN DIEGO, CA 92145	CA_SLIC	Closed
HORNO PUMP STATION	BASILONE ROAD CAMP PENDLETON, CA 92055	CA_SLIC	Open
JACK E CHILDRESS CONCRETE CONS	13685 HY 8 BUSINESS EL CAJON, CA 920211920	CA_SLIC	Closed





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JAMES ROBERTS, INC.	15450 HY 76 PAUMA VALLEY, CA 92061	CA_SLIC	Closed
JAMES ROBERTS, INC.	15450 HY 76 PAUMA VALLEY, CA 92061	CA_SLIC	Open
LENNAR-INTERGULF (PACIFIC) LLC	1405 PACIFIC HY SAN DIEGO, CA 921012412	CA_SLIC	Open
MCMILLIN OTAY RANCH - SE OF LOWER OTAY	None OTAY LAKES RD CHULA VISTA, CA 91911	CA_SLIC	Closed
METROPOLITAN TRANSIT PROPERTY	0 1ST && HARBOR DR SAN DIEGO, CA 92101	CA_SLIC	Closed
Naval Base Point Loma - Fleet Industrial Supply Center (FISC) / FISC-Miramar Fuel Pipeline-McCall Street Release	MCCALL STREET SAN DIEGO, CA 92106	CA_SLIC	Closed
NEW MILLENIUM-N OF LA MEDIA & LONE STAR	None LA MEDIA && LONE STAR CHULA VISTA, CA 91911	CA_SLIC	Closed
North County Transit District Railroad Bridge 259.	SANTA FE STREET OVER ROSE CREEK San Diego, CA 92117	CA_SLIC	Closed
PALOMAR MOUNTAIN RELEASE	0 STATE PARK RD/CANTFIELD RD VALLEY CENTER, CA 92061	CA_SLIC	Open
PARCEL 99, OTAY RANCH	None OTAY LAKES && UPPER RESERVOIR CHULA VISTA, CA 91911	CA_SLIC	Closed
ROHR INDUSTRIES INC	None H ST CHULA VISTA, CA 91910	CA_SLIC	Closed
ROHR INDUSTRIES INC	None H ST CHULA VISTA, CA 91910	CA_SLIC	Open
SEIBER RESIDENCE	5368 LA GLORIETTA RANCHO SANTA FE, CA 92067	CA_SLIC	Closed
SYCAMORE ESTATES	0 MAPLE GROVE LN SAN DIEGO, CA 92145	CA_SLIC	Closed
SYCAMORE ESTATES, SITE A	0 STONEBRIDGE PKY SAN DIEGO, CA 92145	CA_SLIC	Closed
U S RENTALS	None FRAZEE RD SAN DIEGO, CA 921084394	CA_SLIC	Closed
UNITED STATES NAVY - NAS NORTH ISLAND MERCURY SPILL	NORTH ISLAND SAN DIEGO, CA 92135	CA_SLIC	Closed
22ND DISTRICT AGRICULTURAL ASS	NONE DEL MAR FAIRGROUNDS DEL MAR, CA92014	CA_HIST_UST	N/P
CARL PLANK CO	NONE VIA DE VALLE ROAD DEL MAR, CA92014	CA_HIST_UST	N/P
CARMEL VALLEY SHELL	3060 CARMEL VALLEY RD DEL MAR, CA92014	CA_HIST_UST	N/P
DEL MAR THOROUGHbred CLUB	NONE PO BOX 700 DEL MAR, CA92014	CA_HIST_UST	N/P
HERENT MECERDICHIAN	NONE 3636 COAST HWY DEL MAR, CA92625	CA_HIST_UST	N/P
KNORR BEESWAX PRODUCTS INC	NONE VIA DE LA VALLE DEL MAR, CA92014	CA_HIST_UST	N/P
MOBIL OIL CORPORATION	7250 VIA DE LA VALLE DEL MAR, CA92014	CA_HIST_UST	N/P
SPRINGTIME GROWERS	3858 BLACKMOUNTAIN ROAD DEL MAR, CA92014	CA_HIST_UST	N/P
TEXACO	2205 VIA DEL LA VALLE (RFD1300 DEL MAR, CA92014	CA_HIST_UST	N/P
US BORDER PATROL	I-5 CHECKPOINT SAN DIEGO, CA 920140000	CA_HAZNET	N/P
NORTH ISLAND HAZARDOUS WASTE FACILITY COMPLEX NAS NORTH ISLAND	BLDG 788 NAS NORTH ISLAND SAN DIEGO, CA 921350000	CA_ENVIROSTOR_COR RACT	N/P
US MARINE CORPS-CAMP PENDLETON	BLDG #22165 CAMP PENDLETON, CA 920555008	CA_ENVIROSTOR_COR RACT	N/P
ANDERSON DRILLING CO. STORAGE LOT	ACROSS STREET FROM 12370 LAKESIDE AVENUE LAKESIDE, CA 92040	CA_ENVIROSTOR_CLE ANUP	Open
CAMP ELLIOT	Tierrasanta, CA	CA_ENVIROSTOR_CLE ANUP	Open
CANNON COURT	NORTHWEST CORNER OF CANNON RD && ROUTE 5 CARLSBAD, CA 92008	CA_ENVIROSTOR_CLE ANUP	Open
CARRIER LANDING STRIP	Sweetwater / National City, CA	CA_ENVIROSTOR_CLE ANUP	Open
CHEMPRON INC	NE 1/4 OF SW 1/4, SEC 22, T14S R3W SAN DIEGO, CA 92130	CA_ENVIROSTOR_CLE ANUP	Open



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CITY WALK CONDOS	600-614 && 620 UNION STREET SAN DIEGO, CA 92101	CA_ENVIROSTOR_CLE ANUP	Open
CUYAMACA TRAINING AREA	Cuyamaca State Park, CA	CA_ENVIROSTOR_CLE ANUP	Open
DEL MAR HIGHLANDS CAR WASH	12889 && 12911 EL CAMINO REAL SAN DIEGO, CA 92130	CA_ENVIROSTOR_CLE ANUP	Open
EVANS DEDICATED SYSTEMS	HIGHWAY 78 && SAN MARCOS BLVD. SAN MARCOS, CA 92069	CA_ENVIROSTOR_CLE ANUP	Open
HANNALEI SCHOOL SITE	118/130 Hannalei Drive Vista, CA 92083	CA_ENVIROSTOR_CLE ANUP	Closed
JACKSON & BLANC FACILITY	2015 INDIA/602 GRAPE/1970 COLUMBIA ST. SAN DIEGO, CA 92101	CA_ENVIROSTOR_CLE ANUP	Open
LA JOLLA AWS STATION	San Diego, CA	CA_ENVIROSTOR_CLE ANUP	Open
LA JOLLA RAD STATION M-3	La Jolla, CA	CA_ENVIROSTOR_CLE ANUP	Open
LOTS 2 THRU 12 IN BLOCK 24 OF MIDDLETOWN	BLK BORDERED BY CEDAR,BEECH,STATE,UNION SAN DIEGO, CA 92101	CA_ENVIROSTOR_CLE ANUP	Open
MARYLAND DRIVE ELEM. SCHOOL (PRESSEY)	North Avenue/Maryland Drive Vista, CA 92056	CA_ENVIROSTOR_CLE ANUP	Closed
MELROSE/GOLD SCHOOL	Melrose Drive/Gold Drive Vista, CA 92084	CA_ENVIROSTOR_CLE ANUP	Closed
MISSION BAY LANDFILL	NORTHWEST OF INTERSTATE 5 && SEAWORLD DR SAN DIEGO, CA 92109	CA_ENVIROSTOR_CLE ANUP	Open
MISSION CHEMICAL CO. (2)	4990 NAPLES SAN DIEGO, CA 92110	CA_ENVIROSTOR_CLE ANUP	Open
Mt. Laguna Air Force Station	Mount Laguna Mount Laguna, CA 91948	CA_ENVIROSTOR_CLE ANUP	Open
NORTH ISLAND HAZARDOUS WASTE FACILITY COMPLEX NAS NORTH ISLAND	BLDG 788 NAS NORTH ISLAND SAN DIEGO, CA 921350000	CA_ENVIROSTOR_CLE ANUP	Open
NORTH ISLAND NAVAL AVIATION DEPOT	NAVAL AIR STATION, NORTH ISLAND SAN DIEGO, CA 92135	CA_ENVIROSTOR_CLE ANUP	Open
OTAY SANITARY LANDFILL	OTAY VALLEY ROAD CHULA VISTA, CA 92011	CA_ENVIROSTOR_CLE ANUP	Open
PROPOSED 5TH & K DEVELOPMENT	NORTH SIDE OF K STREET B/W 5TH && 6TH AVE SAN DIEGO, CA 92101	CA_ENVIROSTOR_CLE ANUP	Open
REICHHOLD CHEMICALS / SEQUENTIA	4654 DESOTO STREET SAN DIEGO, CA 92109	CA_ENVIROSTOR_CLE ANUP	Open
RIVIERA SCHOOL	Barsby Street/Riviera Drive Vista, CA 92084	CA_ENVIROSTOR_CLE ANUP	Open
SALVIATI	NW OF FOUR GEE && ARTESIAN ROADS SAN DIEGO, CA 92127	CA_ENVIROSTOR_CLE ANUP	Open
San Diego PWC	San Diego San Diego, CA 92101	CA_ENVIROSTOR_CLE ANUP	Open
San Diego SIMA	San Diego San Diego, CA 92101	CA_ENVIROSTOR_CLE ANUP	Open
SUNNY FRESH CLEANERS	7040 AVENIDA ENCINAS, B-112 CARLSBAD, CA 92009	CA_ENVIROSTOR_CLE ANUP	Open
SYCAMORE CYN/TIERRASAN	Tierrasanta, CA	CA_ENVIROSTOR_CLE ANUP	Open
AIR FORCE PLT 19	4297 PACIFIC COAST HWY SAN DIEGO, CA 92101	FED_CERCLIS_ARCHIVED	Open
ANDERSON DRILLING CO STORAGE LOT	ACROSS FROM 12370 LAKESIDE LAKESIDE, CA 92040	FED_CERCLIS_ARCHIVED	Open
APACHE SERV LDFL	4551 OTAY VLY RD NR OTAY RIV CHULA VISTA, CA 92011	FED_CERCLIS_ARCHIVED	Open
BORDER AREA DRUM SITE	OTAY MESA CROSSING && US/MEXICO BORDER SAN DIEGO VICINITY, CA 92073	FED_CERCLIS_ARCHIVED	Open
BROWN FIELD HAZARDOUS WASTE SITE	5675 OTAY VALLEY RD CHULA VISTA, CA 92011	FED_CERCLIS_ARCHIVED	Open
CAMPBELL INDUSTRIES	501 E HARBOUR DR SAN DIEGO, CA 92112	FED_CERCLIS_ARCHIVED	Open



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CARLSBAD	CARLSBAD CARLSBAD, CA 92008	ED FED_CERCLIS_ARCHIV	Open
CHEMPRON INC	NE1/4 OF SW1/4 SEC 22 T14S R3E SAN DIEGO, CA 92127	ED FED_CERCLIS_ARCHIV	Open
CORONADO CAYS BATTERY WASTE	NR CORONADO FIRE DEPT CORONADO, CA 92118	ED FED_CERCLIS_ARCHIV	Open
CORONADO DRY CLEANERS	1101 ORANGE AVE/1019 C AVENUE CORONADO, CA 92118	ED FED_CERCLIS_ARCHIV	Open
DALEY CORP	2400 MURPHY CYN RD SAN DIEGO, CA 92124	ED FED_CERCLIS_ARCHIV	Open
FALLBROOK ANNEX	NAVAL WEAPONS STA SEAL BCH FALLBROOK, CA 92028	ED FED_CERCLIS_ARCHIV	Open
GENERAL ATOMIC CO	10955 JOHN JAY HOPKINS DR SAN DIEGO, CA 92121	ED FED_CERCLIS_ARCHIV	Open
GIFFORD'S BARRELS	NE CORNER OF 26TH && COMMERCIAL ST SAN DIEGO, CA 92113	ED FED_CERCLIS_ARCHIV	Open
HAZARD R E INC	CABRILLO FWY && FRIARS RD SAN DIEGO, CA 92120	ED FED_CERCLIS_ARCHIV	Open
HESTON'S MARKET	908 DEL DIOA HWY ESCONDIDO, CA 92029	ED FED_CERCLIS_ARCHIV	Open
JOYCE, VINCENT D SITE	NEAR 6969 W LILAC RD BONSALE, CA 92003	ED FED_CERCLIS_ARCHIV	Open
MISSION BAY LDFL	BET SN DIEGO RIV && MISSION BAY SAN DIEGO, CA 92100	ED FED_CERCLIS_ARCHIV	Open
MISSION CHEMICAL CO	4990 NAPLES SAN DIEGO, CA 92110	ED FED_CERCLIS_ARCHIV	Open
NAVAL FACILITIES ENGINEERING COMM	WESTERN DIV SAN DIEGO, CA 92136	ED FED_CERCLIS_ARCHIV	Open
NELSON & SLOAN	7TH && MAIN OTAY, CA 92011	ED FED_CERCLIS_ARCHIV	Open
NOBLE MINE SITE	LAT 32 DEG,53',7"N;LONG 116 DEG,25',44"W PINE VALLEY, CA 92062	ED FED_CERCLIS_ARCHIV	Open
OLD WEST WOOD FINISHING	972 RANCH SUITE B SAN MARCOS, CA 92069	ED FED_CERCLIS_ARCHIV	Open
PALA INDIAN RESERVATION	HIGHWAY 76 NEAR LILAC ROAD PALA INDIAN RESERVATION, CA 92059	ED FED_CERCLIS_ARCHIV	Open
PARCEL 8	4705 OTAY VALLEY RD CHULA VISTA, CA 92011	ED FED_CERCLIS_ARCHIV	Open
POPOFF FOAM INC	346 E MYRTLE AVE SAN MARCOS, CA 92069	ED FED_CERCLIS_ARCHIV	Open
REICHHOLD CHEMICALS-SEQUENTIA INC	4654 DESOTO ST SAN DIEGO, CA 92109	ED FED_CERCLIS_ARCHIV	Open
ROHR IND INC	FOOT OF H ST CHULA VISTA, CA 92012	ED FED_CERCLIS_ARCHIV	Open
SAN DIEGO NAVAL HOSPITAL	SAN DIEGO NAVAL STATION SAN DIEGO, CA 92145	ED FED_CERCLIS_ARCHIV	Open
SOUTHWEST MARINE	2205 EAST BELT (FOOT OF SAMPSON) SAN DIEGO, CA 92113	ED FED_CERCLIS_ARCHIV	Open
A AND I AUTO SERVICE	7167 UNIVERSITY AVE SAN DIEGO, CA92104	FED_RCRA_GEN	Active
CHEVRON STATION 94038	3063 CARMEL VALLEY RD DEL MAR, CA92014	FED_RCRA_GEN	Active
CHILCOTE CORP	12570 1 SLAUGHTERHOUSE CYN LAKESIDE, CA92040	FED_RCRA_GEN	Active
DEL MAR THOROUGHbred CLUB	JIMMY DURANTE BLVD DEL MAR, CA92014	FED_RCRA_GEN	Active
HOMER HELLER FORD	1717 AUTO PARKWAY SOUTH ESCONDIDO, CA92029	FED_RCRA_GEN	Active
HUD MAC MARINE 32ND ST	32ND ST NAVAL STATION SAN DIEG NAV STA GRAVING DOCK HARBOR DR SAN DIEGO, CA92110	FED_RCRA_GEN	Active
MARINA REDEVELOPMENT AREA	144 W MARKET SECTOR A SAN DIEGO,	FED_RCRA_GEN	Active



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MARINA REDEVELOPMENT AREA	CA92101 144 W MARKET SECTOR B SAN DIEGO, CA92101	FED_RCRA_GEN	Active
MARINE CORPD RECRUIT DEPOT, SAN DIEGO CA	4600 BELLEAU AVE. BLDG. 224 SAN DIEGO, CA92140	FED_RCRA_GEN	Active
METROPOLITAN TRANSIT DEVELOPMENT BOARD	CALIFORNIA ST BTWN GRAPE ST AND HAWTHORNE ST SAN DIEGO, CA92101	FED_RCRA_GEN	Active
NAVAL AUXILIARY LANDING FIELD, SAN CLEMENTE ISLAND	55 NAUTICAL MILES SOUTH OF LONG BEACH SAN CLEMENTE, CA92186	FED_RCRA_GEN	Active
NAVAL WEAPONS STATION SB, DET. FALLBROOK	700 AMMUNITION ROAD BUILDING 1 FALLBROOK, CA92028	FED_RCRA_GEN	Active
OGDENS CLEANERS	3485 DEL MAR HTS DR DEL MAR, CA92014	FED_RCRA_GEN	Active
OUTLAYING LANDING FIELD, IB (NOLF)	REAM FIELD, 13TH STREET IMPERIAL STREET, CA93132	FED_RCRA_GEN	Active
P P G X INCORPORATED	11099 N TORREY PINES RD STE 100 AND 160 LA JOLLA, CA920371007	FED_RCRA_GEN	Active
PAYLESS NO 4180	3081 CLAIREMONT DR STE B SAN DIEGO, CA92117	FED_RCRA_GEN	Active
SCE-SAN DIEGUITO LAGOON	36.5942537, -108.4327676 DEL MAR, CA92014	FED_RCRA_GEN	Active
SDCTY POLICE PISTOL RANGE	4008 FEDERAL BLVD SAN DIEGO, CA92102	FED_RCRA_GEN	Active
SDCTY WUD PARADISE HILLS SP	BAIROKO DR AT HORNET DR SAN DIEGO, CA92139	FED_RCRA_GEN	Active
SDCTY WUD REDWOOD VILLAGE SP	6505 HUGHES ST SAN DIEGO, CA921055097	FED_RCRA_GEN	Active
SDCTY WUD SCRIPPS RANCH SP	SPRING CANYON RD NEAR RIESLING SAN DIEGO, CA92131	FED_RCRA_GEN	Active
SHELL SERVICE STATION	2205 VIA DE LA VALLE SAP #120907 DEL MAR, CA92014	FED_RCRA_GEN	Active
SOUTH SWELL SCREEN ARTS	8260 CAMINO SANTA FE UNIT D 2 SAN DIEGO, CA92121	FED_RCRA_GEN	Active
SPAWAR (AF PLANT 19)	4297 PACIFIC COAST HIGHWAY SAN DIEGO, CA92186	FED_RCRA_GEN	Active
TEXACO SERVICE STATION	3015 DEL MAR HEIGHTS RD DEL MAR, CA92131	FED_RCRA_GEN	Active
U S NAVY NAVAL TRAINING CENTER BRAC	NIMITZ AND ROSECRANS ST CORNER OF SAN DIEGO, CA92106	FED_RCRA_GEN	Active
USMC CAMP PENDLETON	BLDG 22165 CAMP PENDLETON CAMP PENDLETON, CA92055	FED_RCRA_GEN	Active
USNAVY IMPERIAL BEACH RADIO RECEIVI	1 SILVER STRAND BLVD IMPERIAL BEACH, CA91932	FED_RCRA_GEN	Active
USNAVY SUPERVISOR OF SHIPBUILDING	FOOT OF 8TH AND HARBOR DR SUSHIP OFC SAN DIEGO, CA92112	FED_RCRA_GEN	Active
USNAVY USNS DE STEIGUER	BERTH 5 10TH AVE TERMINAL SAN DIEGO, CA92101	FED_RCRA_GEN	Active
NAVAL AIR STATION NORTH ISLAND MIXED WASTE STORAGE FACILITY	NAS NORTH ISLAND BUILDING 74 SAN DIEGO/CORONADO, CA92135	FED_RCRA_TSD	Active
NAVAL AIR STATION, NORTH ISLAND	BLDG 1606 SAN DIEGO, CA92135	FED_RCRA_TSD	Active
NAVAL ST (32ND ST) NAVAL BASE SAN DIEGO	BLDG 3458, NAVAL STATION SAN DIEGO, CA92136	FED_RCRA_TSD	Active
SAFETY-KLEEN SYSTEMS, INC.	197 VERON WAY EL BAJON, CA92020	FED_RCRA_TSD	Active
SCE - SAN ONOFRE - PLANT	5000 PACIFIC COAST HIGHWAY SAN CLEMENTE, CA92672	FED_RCRA_TSD	Active
USMC CAMP PENDLETON	BLDG 22165 CAMP PENDLETON CAMP PENDLETON, CA92055	FED_RCRA_TSD	Active
NAVAL AIR STATION NORTH ISLAND MIXED WASTE STORAGE FACILITY	NAS NORTH ISLAND BUILDING 74 SAN DIEGO/CORONADO, CA92135	FED_RCRA_COR	Active
NAVAL AIR STATION, NORTH ISLAND	BLDG 1606 SAN DIEGO, CA92135	FED_RCRA_COR	Active
NAVAL ST (32ND ST) NAVAL BASE SAN DIEGO	BLDG 3458, NAVAL STATION SAN DIEGO, CA92136	FED_RCRA_COR	Active
OUTLAYING LANDING FIELD, IB (NOLF)	REAM FIELD, 13TH STREET IMPERIAL	FED_RCRA_COR	Active



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PALM ENTERPRISES TREATING	STREET, CA93132 NAVAL WEAPON STATION FALLBROOK, CA92028	FED_RCRA_COR	Inactive
SAFETY-KLEEN SYSTEMS, INC. SCE - SAN ONOFRE - PLANT	197 VERON WAY EL BAJON, CA92020	FED_RCRA_COR	Active
	5000 PACIFIC COAST HIGHWAY SAN CLEMENTE, CA92672	FED_RCRA_COR	Active
USMC CAMP PENDLETON	BLDG 22165 CAMP PENDLETON CAMP PENDLETON, CA92055	FED_RCRA_COR	Active
	, CA	FED_ERNS	Closed
	, CA	FED_ERNS	N/P
	3205 HWY 75 SAN DIEGO, CA 92155	FED_ERNS	N/P
	490 LOWES MARINA SAN DIEGO, CA	FED_ERNS	Open
	ALONG SIDE PIER 13 , CA	FED_ERNS	N/P
	BAE SHIP YARD SAN DIEGO, CA	FED_ERNS	Closed
	DAY MARKER NUMBER 5 , CA	FED_ERNS	Open
	FOOT OF SAMPSON STREET NORTH OF PIER 1 SAN DIEGO, CA 92113	FED_ERNS	Open
	INGRAM ST SAN DIEGO, CA	FED_ERNS	Closed
	PIER #6 SAN DIEGO, CA 96662	FED_ERNS	N/P
	PIER 6 SAN DIEGO, CA	FED_ERNS	Closed
	PIER TEN NAVAL STATION , CA	FED_ERNS	Closed
	SAN DIEGO NAVAL BASE CORONADO BAY SAN DIEGO, CA	FED_ERNS	N/P
	SAN DIEGO NAVAL BASE PIER 10 SAN DIEGO, CA	FED_ERNS	N/P
	SAN DIEGO, CA	FED_ERNS	Closed
SAN DIEGO, CA	FED_ERNS	N/P	
SAN DIEGO, CA	FED_ERNS	Open	
SPO AP 96663-1711 SAN DIEGO, CA 96669	FED_ERNS	N/P	
USN SAN DIEGO PIER 13 SAN DIEGO, CA	FED_ERNS	N/P	
USN SAN DIEGO PIER 8 BERTH 2 SAN DIEGO, CA	FED_ERNS	N/P	



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#### Description of Databases Searched

The FANHD Commercial EnviroCheck™ Report is based on an electronic search of certain federal and state level environmental-hazard record systems, or databases. These databases are searched for hazard sites within certain radius distances around the subject property. The databases searched, and the radius distances searched from the subject property, comply with the U.S. Environmental Protection Agency (EPA) "All Appropriate Inquiry" (AAI) standard for government records search (40 CFR Part 312.26) under the U.S. Small Business Liability Relief and Revitalization Act ("the Brownfields Law").

The government databases searched for this report are identified below, along with the abbreviation used in this report, and a brief explanation about the nature of the hazard sites included in those databases.

**DISCLAIMER: An EPA-compliant government records search is only one part of the "All Appropriate Inquiry" standard defined under the Brownfields Law. Compliance with all parts of the Brownfields Law is required for an "innocent landowner defense" against the future discovery of contamination on the property. This report, by itself, does NOT provide that liability protection. Please see the Terms and Conditions Section for additional information on the preparation and limitations of this screening-level report.**

#### Federal National Priorities List, or "Superfund" sites (CERCLIS NPL):

This is a list compiled by the Federal Environmental Protection Agency (EPA) of contaminated sites with the highest priority of cleanup. The federal EPA is required to force clean up of these sites under the authority of a law called the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which is commonly called "Superfund."

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 1.0 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### Federal Sites Investigated for Possible Inclusion in the NPL (CERCLIS):

The Comprehensive Environmental Response, Compensation, and Liability Act Information System (CERCLIS) is a list of sites that the Federal EPA is investigating for possible inclusion on the NPL. After investigation is complete, the sites on this list will either be closed because no contamination was found, added to the NPL to be cleaned up, or sent to a local state overseeing agency for clean-up.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### CERCLIS Sites That Have Been Archived (CERCLIS-Archived):

Most sites in this database have been assigned the status "NFRAP" (which means "No Further Response Action Planned"). These sites, once listed in the active CERCLIS database, have been removed from that database into an archive list because they have been assessed by the EPA and determined not to require further remedial action under the Superfund Program.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.5 mile





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#### **Sites of Potential Generators of Hazardous Materials (RCRA GEN):**

Small scale and large scale generators (GEN) are included in this list, as required under the Resource Conservation and Recovery Act (RCRA). This list is maintained by the Federal EPA of facilities that generate hazardous substances. Depending on the quantity, they will be listed as small or large. Sites on this list are not necessarily contaminated, but they are tracked because they deal with hazardous substances on the site. RCRA is a federal law that governs how hazardous substances are produced, transported, stored, and disposed of.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### **Treatment, Storage and Disposal Sites for Hazardous Materials (RCRA TSD):**

TSD stands for Treatment, Storage and Disposal. This list of facilities is maintained by the Federal EPA, and includes sites that are licensed to treat, store, or dispose of hazardous substances. They are not necessarily contaminated.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### **Corrective Action Sites, sites with Known Contamination (RCRA COR):**

This subset of the RCRA database (also known as the RCRA CORRACTS List), maintained by US EPA, identifies sites "subject to corrective action" at which contamination has been discovered and where some level of corrective clean-up activity has been or may be undertaken. For example, a site may have been on the RCRA TSD or a RCRA GEN site list (see above), and was placed on the CORRACTS list once contamination was discovered and remediation was underway.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 1.0 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### **Tribal UST And/Or Tribal LUST:**

Federally recognized Native American tribes are sovereign entities subject to federal laws. Underground storage tanks (including leaking tanks, UST/LUST) located on tribal lands generally are not subject to state laws. As a result, unless a state acts as a tribe's agent pursuant to a formal agreement with a tribe, EPA and the tribe are responsible for implementing and enforcing the UST program on tribal lands. There are approximately 6,000 UST/LUST's on Native American lands in the U.S. The EPA works with tribal entities to identify and assess hazards to public health and the environment on tribal lands from UST's and LUST's, to bring all tanks on tribal lands into compliance so as to prevent future leaks and to cleanup existing leaks.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010



## FANHD Commercial Property Disclosure Reports

# The Environmental Report™ For SAN DIEGO COUNTY

### Commercial EnviroCheck Report™ – Government Records Search

Property Address: 2160 BALBOA AV ,  
DEL MAR, SAN DIEGO County, CA

APN: 299-072-10-00

Date: 09/17/2010

Report Number: 826001

**WANT MORE INFORMATION?** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### **Emergency Response Notification System (ERNS, National Response Center):**

The National Response Center (NRC) is the sole federal point of contact for reporting environmental hazard spills. The NRC operates 24 hours a day, 7 days a week, 365 days a year. The National Response System (NRS) is the government's mechanism for emergency response to discharges of oil and the release of chemicals into the navigable waters or environment of the United States and its territories. Initially, this system focused on oil spills and selected hazardous polluting substances discharged into the environment. It has since been expanded by other legislation to include hazardous substances and wastes released to all types of media. The ERNS database includes information about location, type, and severity of spills reported to the NRC.

**Source Agency:** U.S. Coast Guard.

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the National Response Center, (800) 424-8802.

#### **State List of Underground Storage Tanks (UST):**

Part of the larger GeoTracker database, this list identifies permitted tanks storing hazardous substances which are substantially or totally beneath the surface of the ground. The list is maintained by California's Water Resources Control Board. When a tank on this list is discovered to be leaking, it may also appear on the LUST or RCRA COR list (see above). Sites on the LUST or RCRA COR lists may not appear on the UST list if the tank has been removed and the case has been closed.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

#### **State List of Leaking Underground Storage Tanks (LUST):**

California's Water Resources Control Board, under its Underground Storage Tank Program, maintains a list of all underground storage tanks which have been reported as having released contaminants. Formerly identified as a standalone database called the Leaking Underground Storage Tank Information System (LUSTIS), these sites are now identified as "LUST Cleanup Sites" in the GeoTracker database.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

#### **Solid Waste Landfill Facilities (SWIS):**

The Solid Waste Information System is maintained by California's Integrated Waste Management Board. This system tracks known landfills. Sites on this list are often reported as "unlocatable" because the site address information on the state list is frequently insufficient for precise location (landfills are typically distant from population centers, in undeveloped or rural areas where there are no street names or address numbers).

**Source Agency:** California Integrated Waste Management Board.

**Search Distance Used:** 0.5 mile

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**WANT MORE INFORMATION?** Contact the CA State Integrated Waste Management Board, (916)341-6320.



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#### State List of Spills, Leaks, Investigation & Cleanup (SLIC):

The Spills, Leaks, Investigations & Cleanup (SLIC) Program, administered by the California Water Resources Control Board, is designed to protect and restore water quality from spills, leaks, and similar discharges. Sites identified by the SLIC program are now listed in the GeoTracker database as "Cleanup Program Sites". The program oversees soil and water investigations, corrective actions, and human health risk assessments at sites with current or historic unauthorized discharges, which have adversely affected or threaten to adversely affect waters of the state. The program covers all types of pollutants (such as solvents, petroleum fuels, heavy metals, pesticides, etc) and all environments (including surface water, groundwater, sediment, and soil). The outcome of the SLIC program process may range from a No Further Action (NFA) letter indicating cleanup is complete with no land-use restrictions, to the design and implementation of a remedial system. Sites in the SLIC program are generally small to medium-sized industrial sites with non-fuel contamination. Many of these sites are regulated under Site Cleanup Requirements, which are issued by the Regional Board. Site Cleanup Requirements generally mandate a time schedule for specific tasks that must be performed by the responsible party(ies) to investigate and cleanup the site. Statutory authority for the program is derived from the California Water Code, Division 7, Section 13304. Guidelines for site investigation and remediation are promulgated in State Board Resolution No. 92-49 entitled Policies and Procedures.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

#### State List of Historical Underground Storage Tanks (Hist-UST):

The California State Water Resources Control Board keeps the Hazardous Substances Storage Container Information on file. This is a database of historical underground storage tanks that was kept until the late 1980's, but has been discontinued and is no longer updated.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** November 2009

**WANT MORE INFORMATION?** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

#### State Hazardous Waste Information Summary (HWIS):

The Hazardous Waste Information Summary (also called the Hazardous Waste Summary Report, and formerly the Tanner Report), is a database that summarizes the chemical data contained in manifests submitted to the California Department of Toxic Substances Control (DTSC) by hazardous waste generators and facilities around the state. The volume of manifests submitted to the DTSC is typically 900,000 - 1,000,000 annually, representing approximately 450,000 - 500,000 shipments.

**Source Agency:** California Department of Toxic Substances Control.

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the CA Environmental Protection Agency, Department of Toxic Substances Control, (916)323-3400.

#### State EnviroStor Database (ENVIROSTOR, formerly SMBRPD):

The EnviroStor database, maintained by the California Department of Toxic Substances Control (DTSC), replaces the former Site Mitigation and Brownfields Reuse Program (SMBRP) database (CalSites). EnviroStor identifies sites that have known contamination or sites for which there may be reasons to investigate further as well as hazardous waste treatment, storage, disposal or transfer facilities (TSDTF). The EnviroStor data disclosed in this report includes those sites identified in the EnviroStor Cleanup Sites



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database as well as those listed in the EnviroStor Permitted and Corrective Action Facilities database download. Among the site types included in EnviroStor database are State Response Sites, generally high-priority and high potential risk confirmed release sites where DTSC is involved in remediation; Voluntary Cleanup Sites with either confirmed or unconfirmed releases where DTSC has been asked to oversee evaluation, investigation, and/or cleanup activities; and Evaluation sites with suspected but unconfirmed contamination. DTSC cautions that the EnviroStor database does not include ALL contaminated sites, permitted transportable treatment units, hazardous waste generators/transporters, or former methamphetamine (meth) labs. This database also does not include information on sites where DTSC has made a "No Action Required" determination, as these sites had assessments that revealed no evidence of recognized environmental conditions in connection with the property.

**Source Agency:** California Department of Toxic Substances Control.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the CA Environmental Protection Agency, Department of Toxic Substances Control, (916)323-3400.

#### **EnviroStor Site With Deed Restriction Or Other Controls (CONTROLS)**

California law requires that the Department of Toxic Substances Control (DTSC) notify the planning and building departments of all local governments of any recorded land use restriction ("Deed Restriction"). The DTSC maintains a database called "EnviroStor" that lists all deed restrictions, including street addresses or the equivalent description of location. According to DTSC, this database may not include all deed restrictions and other land use controls that exist at the current time.

**Source Agency:** California Department of Toxic Substances Control.

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** June 2010

**WANT MORE INFORMATION?** Contact the CA Environmental Protection Agency, Department of Toxic Substances Control, (916)323-3400.

#### **Sites Reported but Not Required for AAI Compliance**

As a courtesy to FANHD clients, the Commercial EnviroCheck™ Report also includes storage tank sites listed by state agencies that are not required by the AAI standard to be included in a government records search. These sites are listed in the following database:

#### **State List of Aboveground Storage Tanks (AST):**

This historic list tracks aboveground petroleum storage tanks of 10,000 gallons or more, with exceptions for certain uses (e.g., agricultural). It was maintained by the state's Water Resources Control Board. When an aboveground tank is discovered to be leaking, it may also appear on the RCRA COR list (see above). Sites on the RCRA COR list may not appear on the AST list if the tank has been removed and the case has been closed. NOTE: Effective January 1, 2008 the Certified Unified Program Agencies (CUPAs) at the local level are vested with the responsibility and authority to implement the Aboveground Petroleum Storage Act (APSA) which regulates ASTs.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** November 2009

**WANT MORE INFORMATION?** Contact the local responsible agency from the online directory at [www.calepa.ca.gov/CUPA/Directory/default.aspx](http://www.calepa.ca.gov/CUPA/Directory/default.aspx).



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### Terms and Conditions

REPORT- Any use of this report is considered an understanding of and agreement to abide by these Terms and Conditions. This FANHD Commercial EnviroCheck Report™ provides a radius-screening and summary tabulation of hazardous materials storage, contamination, and clean-up sites in the vicinity of a subject property as identified from certain government agency maintained lists. The FANHD Commercial EnviroCheck Report is produced in accordance with the U.S. Environmental Protection Agency (EPA) "All Appropriate Inquiry" (AAI) standard for government records search (40 CFR Part 312.26) under the U.S. Small Business Liability Relief and Revitalization Act ("the Brownfields Law"). A site inspection is not conducted for this report, nor is there a review of historical use data such as aerial photographs, Sanborn maps, local permits, or other records. Note that the level of information will vary between contaminated sites and certain information may not be available for all sites. Additional information may exist that is not included in the sources used to create this report. Research into other sources beyond those identified is beyond the scope of this report. Interested parties are directed to investigate other sources if additional information is desired.

The contaminated site lists used may contain errors or omissions made by the official agencies responsible for maintaining these lists. FANHD will not be liable for any such errors. The lists used in this report are updated at various intervals with some being updated on an irregular basis. Update schedules are determined by the agency responsible for maintaining the list and are subject to change without notice. For those lists maintained on a "continuous update as needed" type schedule, FANHD updates on a quarterly schedule. All parties should be aware that the lists are subject to change at any time. Therefore, the sites identified for a property can change as the lists do. FANHD is not responsible for advising parties of any changes that may occur after the date of this report. This report is for use for the single property in the single transaction process for which it was issued. Due to changing information, laws and contractual parties, this report cannot be relied upon for other properties or future transactions of the subject property. FANHD shall not be liable to anyone who may claim any right through his relationship with the agent except when acts or omissions are due to willful misconduct or negligence by FANHD.

This determination has been made using digital address geocoding and GIS mapping system, therefore, this electronic determination incorporates some degree of uncertainty. Locations are not field checked. The accuracy of geographic locations will reflect any errors in the address provided and FANHD will not be liable for such errors. Some sites from the lists could not be located by the methods used in preparing this report due to poor or inadequate address information. In these cases, the sites could not be included as being "within" or "not within" the search radius around the subject property. A list of such sites is included in this report.

FANHD does not make any representations as to the accuracy, validity or completeness of any of these lists nor to the significance or extent of the contamination on any of the sites identified on the lists. We do not make any representations as to the health hazards to humans or animals that may be associated with any of the substances that may exist at the sites disclosed in this report or how they may or may not affect the subject property. This report does not address the drinking water sources for the subject property.

FANHD did not perform a visual examination of the subject property or any of the sites identified in this report. This report does not address hazardous substances, if any, that may exist on the subject property unless the property is on one of the lists used. This report is not a substitute for an on-site environmental assessment.





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NOTE: This is a limited scope report designed for preliminary screening only. Additional contaminated sites may exist that are not listed on the sources used in this report. If any party to this transaction has any actual knowledge of contamination at the subject property, that information must be disclosed in addition to this report. We recommend that if any party to this transaction has concerns, they contact the agency noted for additional information and appropriate experts as necessary.

**INDEPENDENT CONTRACTOR** - In performance of the services, hereunder, it is agreed that FANHD is and shall be and remain at all times an independent contractor and neither FANHD nor any of its officers, employees, servants, agents or sub-contractors shall be or act as the employee, servant or agent of any other party hereto in its performance of any of the terms and conditions hereof.

**LIABILITY** - The Client or his assignee or successor in interest agrees to indemnify and hold harmless FANHD from and against any and all claims, demands, lawsuits or actions for damages, including legal fees to persons and/or property tangible, intangible or otherwise which may be brought against FANHD incidental to, arising out of or in connection with the work to be done, services to be performed or material to be furnished hereunder except for those claims caused solely and completely by the negligence of FANHD, its directors, officers, employees, agent or subcontractors.

In the event FANHD is proven negligent in any respect, the liability of FANHD, its agents, employees and subcontractors, for Client's claims of loss, injury, death or damage, including, without limitation, Client's claims for contribution and indemnification with respect to third party claims, shall not exceed: (1) The greater of the total sum of \$100,000 or twice the sum actually paid FANHD for services alleged to be misperformed, deficient or omitted; (2) The total sum of \$1,000,000 for injury, loss or damage caused by negligence, or other causes for which LGS has any legal liability, other than as described in item (1).

Client shall save, defend and hold FANHD harmless against any claims in excess of the limits set forth above.

**CONSEQUENTIAL DAMAGES** - In no event shall either FANHD or Client be liable for consequential damages, including without limitation loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such claim is based upon alleged breach of contract, willful misconduct, or negligent act or omission, whether professional or non-professional of either of them or their employees, agents or subcontractors.

**DISPUTES** - FANHD and the Client will make every effort to settle any dispute amicably. In the event an amicable resolution is not achieved, any and all differences and disputes of whatsoever nature arising out of this Agreement shall be put to arbitration in the City of Fremont, CA pursuant to the laws relating to arbitration there in force, before a board of three arbitrators. Arbitrators shall be selected one person by the Client, one by FANHD and the third by the two arbitrators previously selected. The decision of any two of the three on any point or points shall be final. Until such time as the arbitrators finally close the hearings, either party shall have the right by written notice served on the arbitrators and on an officer of the other party to specify disputes or differences under this Agreement for hearing and determination. The arbitration is to be conducted in accordance with such rules and procedures as may be selected by the arbitrators. The arbitrators may grant any relief other than punitive damages which they, or a majority of them, deem just and equitable and within the scope of the agreement of the parties, including, but not limited to, specific performance. Awards made pursuant to this clause may include costs including a reasonable allowance for attorney's fees and judgment may be entered upon any award made hereunder in any court having jurisdiction. Both parties hereby mutually waive any and all claims to punitive damages in any forum.



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Client shall be required to notify FANHD within thirty (30) days of the commencement of any arbitration between it and third parties which may concern FANHD' work in connection with this Agreement and shall afford FANHD an opportunity, at FANHD' sole option, to participate in the arbitration.

**CONTROVERSIES** - If upon completion of the services hereunder FANHD is requested to assist the Client in any dispute between the Client and its suppliers, the Client will pay FANHD any and all costs for the time FANHD spends on such disputes as additional compensation.

**PAYMENTS** - Upon default in payment for a period in excess of thirty (30) days from the date of the invoice, the Client shall be liable for a late charge of one and one-half (1-1/2) percent per month thereafter. In the event FANHD is required to take any action for the collection of fees hereunder, there shall be added to the invoice amount all costs and expenses of such action, including reasonable attorney's fees and FANHD may take judgment for the entire amount due.

**ASSIGNMENT** - In performance of this Agreement, FANHD may at its discretion designate one or more subcontractors to perform all or any part of its duties hereunder.

**ENTIRE AGREEMENT** - This Agreement entered into by and between FANHD and the Client, constitutes the entire Agreement between the parties. None of the Terms and Conditions contained herein may be added to, modified, superseded or otherwise altered except by written instrument signed by an authorized representative of FANHD and the Client.

**TIME BAR TO LEGAL ACTION** - Any statutes of limitation notwithstanding, Client expressly agrees that its right to bring or to assert against FANHD any and all claims, demands, or proceedings whether in arbitration or otherwise, shall be waived unless (a) notice is received by FANHD within thirty (30) days after the Client had notice of or should reasonably have been expected to have had notice of the basis for such claims; and (b) arbitration or legal proceedings, if any, based on such claims or demands of whatever nature are commenced within one (1) year of the date of such notice to FANHD.

**NON-WAIVER** - No waiver by either party of any breach of any of the terms of this Agreement shall be construed as a waiver of any subsequent breach, whether of the same or of any other term thereof. No delay or omission on the part of FANHD in exercising any right or remedy under this Agreement, shall impair that right or remedy or operate as or be taken to be a waiver of it, nor shall any single, partial or defective exercise by FANHD of any such right or remedy, preclude any other or further exercise under this Agreement, or that or any other right or remedy. The remedies provided in this Agreement are cumulative and are not exclusive of any remedies provided by law.

**SEVERANCE** - If at any time, any of the provisions of this Agreement, is or becomes illegal, invalid or unenforceable, in any respect under any law or regulation of any jurisdiction, neither the legality, validity and enforceability of the remaining provisions of this Agreement nor the legality, validity and enforceability of such provisions under the law of any other jurisdiction, shall be in any way affected or impaired, as a result.

**GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be governed by the Laws of the State of California.