



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

Property Address: N/A VACANT LAND ,  
SANTA ROSA, Sonoma County, CA

APN: 010-063-027  
Date: 02/23/2007  
Report Number: 53798

## Statutory Natural Hazard Disclosure Statement

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

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

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

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

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

Yes  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. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Transferor (Seller)	_____	Date _____
Signature of Transferor (Seller)	_____	Date _____
Signature of Agent	_____	Date _____
Signature of Agent	_____	Date _____

Check only one of the following:

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

Transferor(s) and their agent(s) acknowledge that they have exercised good faith in the selection of a third-party report provider as required in Civil Code Section 1103.7, and that the representations made in this Natural Hazard Disclosure Statement are based upon information provided by the independent third-party disclosure provider as a substituted disclosure pursuant to Civil Code Section 1103.4. Neither transferor(s) nor their agent(s) (1) has independently verified the information contained in this statement and report or (2) is personally aware of any errors or inaccuracies in the information contained on the statement. This statement was prepared by the provider below:

Third-Party Disclosure Provider(s)  Date  02/23/2007  Rept. No. 53798  
Scott Roeklein, Sr. Vice President  
First American Natural Hazard Disclosures

Transferee represents that he or she has read and understands this document. I (We) also have read and understand the added local hazard, airport, 1915 Bond Act, Mello-Roos, military ordnance, commercial zoning, BCDC disclosure, energy efficiency disclosure, Megan's Law disclosures, as well as the mold, radon, meth lab, and endangered species advisories and the map cover page contained in this report. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the transferor's or agent's disclosure obligations in this transaction.

Signature of Transferee(s)	_____	Date _____
Signature of Transferee(s)	_____	Date _____

Additional Signatures Required – See Section 4, TAX DISCLOSURE REPORT and



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## Summary Declaration of Liability Provisions

First American Natural Hazard Disclosures ("FANHD"), a subsidiary of The First American Corporation, hereby declares that Recipients of a natural hazard disclosure report issued by a Member Company ("Report") pursuant to California Civil Code §1103 *et seq.* for a 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

- FANHD, Inc.
- California Property Disclosure
- LGS reports
- FANHD Property Disclosure Reports

### Protections

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

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

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

**By:** First American      Scott Roecklein, Sr. Vice President      **Date:** 02/23/2007





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## The FANHD Report™

Map Cover Page  
Statutory Form  
Confirmation of Coverage

## **SUMMARY AND INDEX OF DISCLOSURES AND ADVISORIES**

*For a complete explanation of the disclosures summarized below, refer to the sections and pages indicated.*

### SECTION 1

#### State Level Statutory Zone Disclosures

		<u>Determination</u>	
Flood	A SPECIAL FLOOD HAZARD AREA	C	See Section 1 Page 1
	AN AREA OF POTENTIAL FLOODING	IN	See Section 1 Page 1
Fire	A VERY HIGH FIRE HAZARD SEVERITY ZONE	NOT IN	See Section 1 Page 1
	A WILDLAND FIRE AREA (SRA)	NOT IN	See Section 1 Page 2
Seismic	AN EARTHQUAKE FAULT ZONE	NOT WITHIN	See Section 1 Page 2
	A SEISMIC HAZARD LANDSLIDE ZONE	MAP NOT AVAILABLE	See Section 1 Page 2
	A SEISMIC HAZARD LIQUEFACTION ZONE	MAP NOT AVAILABLE	See Section 1 Page 2

\* N/A = The map is not yet released by the State.

### SECTION 2

#### County Level Zone Disclosures

FAULT	NOT WITHIN	See Section 2 Page 1
LANDSLIDE	NOT IN	See Section 2 Page 1
SEISMIC SHAKING	UNCONSOLIDATED	See Section 2 Page 1
TSUNAMI	NOT IN	See Section 2 Page 1
SLOPE	ZONE A	See Section 2 Page 1

#### City Level Zone Disclosures

FAULT	WITHIN	See Section 2 Page 3
LANDSLIDE	IN	See Section 2 Page 3
GROUND SHAKING	VIOLENT	See Section 2 Page 3

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SLOPE INSTABILITY ZONE

IN

See Section 2 Page 3

## SECTION 3

### OTHER DISCLOSURES, ADVISORIES AND TERMS AND SERVICES

#### FalseOther Zone Disclosures

	<u>Determination</u>	
<b>Military Ordnance</b> FORMER MILITARY ORDNANCE SITE DISCLOSURE	NOT WITHIN	See Section 3 Page 1
<b>Airports</b> AIRPORT NOISE DISCLOSURE	NOT WITHIN	See Section 3 Page 2
AIRPORT INFLUENCE AREA	NOT IN	See Section 3 Page 2
San Francisco Bay Conservation and Development Commission Disclosure	NOT IN	See Section 3 Page 4

#### Advisories

Methamphetamine Contaminated Property Disclosure Advisory	See Section 3 Page 7
Mold Advisory	See Section 3 Page 7
Radon Advisory	See Section 3 Page 8
Endangered Species Advisory	See Section 3 Page 9

#### Services Section

See Section 3 Page 10

## SECTION 4

### CALIFORNIA PROPERTY TAX DISCLOSURE REPORT

*<<Requires Additional Signature on Section 4, Page 1>>*

#### Summary of Current Property Tax Charges

**Notice of Special Tax and Assessment**  
*Pursuant to Section 1102.6b of the California Civil Code*

**Mandatory Notice of Supplemental Property tax Bill(s)**  
*Pursuant to Section 1102.6c of the California Civil Code*

SEE TAX REPORT  
TABLE OF CONTENTS

Accelerated Foreclosure Notice

Senior Citizen Exemptions Explanation

Property Tax Estimator

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**Supplemental Tax Bill Estimator**

**Description of Current Property Tax Charges**



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## SECTION 1

### FANHD STATUTORY MAP READING DETERMINATIONS AND DISCUSSIONS SUMMARY

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

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#### ◦ ◦ ◦ SPECIAL FLOOD HAZARD AREA ◦ ◦ ◦

##### Determination

**IN a FEMA-designated Flood Zone C. If the property is located in or partially in any Zone A or V, lenders are federally required to have homeowners purchase and maintain flood insurance.**

##### Discussion

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

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

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

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#### ◦ ◦ ◦ AREA OF POTENTIAL FLOODING (DAM FAILURE) ◦ ◦ ◦

##### Determination

**IN an area of potential dam inundation.**

##### Discussion

These areas are subject to potential flooding in the event of a sudden and total failure of a dam and injury could occur as a result. Most areas are defined assuming an instantaneous dam failure with a full reservoir. However, dams rarely fail instantaneously and reservoirs are not always filled to capacity. Not all dams in the state have inundation zones mapped. There may be exceptional conditions where such a map was not required by the OES; therefore, the zones are not delineated.

**PUBLIC RECORD:** Official dam inundation maps adopted by The State of California Office of Emergency Services ("OES") pursuant to California Government Code §8589.5

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

##### Determination

**Not in a very high fire hazard severity zone.**

##### Discussion

VHFHSZs are defined by the California Department of Forestry and Fire Protection (CDF) and local fire authorities in "Local Responsibility Areas" where fire suppression is the responsibility of a local fire department. In these zones properties may have a higher risk for fire damage and are required to have a "Class A" roof for new construction or replacement of existing roofs. In addition, the property must be maintained in a fire-resistant condition through adequate vegetation clearance around and above the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices within 30 to 100 feet of a structure or up to the property line, or at a greater distance if required by state law, or local ordinance, rule, or regulation. Contact your fire department for a complete list of requirements and exceptions.

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



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## ◦ ◦ ◦ WILDLAND FIRE AREA (STATE RESPONSIBILITY AREA) ◦ ◦ ◦

### Determination

**Not in a state responsibility area.**

### Discussion

A wild land area where the CDF's fire protection services are responsible for suppressing fires is called a "State Responsibility Area" (SRA). These are generally rural areas where a significant wild land fire potential exists. Unless the county has assumed the fire suppression responsibility or has an agreement with a local fire agency, property owners in an SRA are responsible for organizing structural fire protection services. Such information is not available on maps; therefore, it can't be provided here. For very isolated properties with no local fire services or seasonal fire services, there may be significant fire risk. Property owners in an SRA are required to maintain adequate vegetation clearance around and above the structure, spark screens on chimneys and stovepipes, and other basic fire-safety practices. Contact your fire department for a complete list of requirements and exceptions.

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

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## ◦ ◦ ◦ EARTHQUAKE FAULT ZONE ◦ ◦ ◦

### Determination

**Not in an earthquake fault zone designated pursuant to the Alquist-Priolo Act.**

### Discussion

Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Earthquake Fault Zone Act of 1972. Property in an Earthquake Fault Zone does not necessarily have a fault trace existing on the site. Earthquake Fault Zones are areas or bands delineated on both sides of known active earthquake faults. In some places, the zones are more than one-quarter of a mile wide. The potential for "fault rupture" damage (ground cracking along the fault trace) is relatively high only if a structure is located directly on a fault trace. If a structure is not on a fault trace, shaking will be the primary effect of an earthquake. During a major earthquake, shaking will be strong in the vicinity of the fault and may be strong at some distance from the fault depending on soil and bedrock conditions. It is generally accepted that properly constructed wood-frame houses are resistant to shaking damage.

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

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## ◦ ◦ ◦ SEISMIC HAZARD MAPPING ACT ZONE ◦ ◦ ◦

### Determination

**Map Not Available Map Not Available**

### Discussion

Seismic Hazard Zone maps delineate areas subject to earthquake hazards. The hazards currently addressed are liquefaction and earthquake induced landslides.

**Liquefaction Hazard Zones** are areas where there is a potential for, or an historic occurrence of liquefaction. Liquefaction is a rare soil phenomenon that can occur when loose, water saturated, fine-grained sands, and silty sands that lie within 50 feet of the ground surface, are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly.

**Earthquake-Induced Landslide Hazard Zones** are areas where there has been a recent landslide, or where the local slope, geological, geotechnical, and ground moisture conditions indicate a potential for landslides as a result of earthquake shaking.

**PUBLIC RECORD:** Official earthquake fault zone or special study zone maps approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §269



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## SECTION 2

### COUNTY AND CITY NATURAL HAZARD DISCLOSURE STATEMENT

The following natural hazard disclosures are provided to give local-level Seismic Safety information for the subject property. This information may be used by the local jurisdiction relative to making decisions regarding new development or additional construction. The agencies and jurisdictions who develop the official maps do not necessarily define or delineate hazards in the same way. A site can be *in* a hazard zone from one source and *not in* a hazard zone from another source.

#### Sonoma County Geologic and Seismic Zone Determination

Based on the officially adopted county-level Seismic Safety Element natural hazard maps, the subject property is: **This property is not in a tsunami runup area that may be inundated, not in an area of definite or possible landsliding where failure and downslope movement of rock and soil has occurred, or may have occurred, not within one-eighth of one mile of one or more fault trace(s) depicted in the public record, in ZONE A for County Slope, in UNCONSOLIDATED for County Seismic Shakin.**

**NOTE:** If the site is in a locally mapped hazard zone or if information of concern exists in another source, the property may require a geologic study prior to any new or additional construction. The disclosures above are material facts and should prudently be disclosed to buyers in addition to the Statutory Natural Hazard Disclosures. Additional sources of information which are not officially adopted, may be available at the local jurisdiction that are not reported here.

### SONOMA COUNTY GEOLOGIC ZONES DISCUSSION

The County of Sonoma, separately from the State and Federal governments, has officially produced or adopted maps to delineate potential geologic and seismic hazards that are recognized at the local level. Those hazard maps are incorporated into the Seismic Safety Element of the General Plan, adopted by the County Board of Supervisors in 1991. The local-level disclosure in this report was based on the following official County map(s): "Seismic and Geological Hazards Map", "Flood Hazard Map", and "Slope Stability Categories Map" prepared by Sedway/Cooke (incorporated by reference into the General Plan).

The hazard zones delineated on the above map source, in addition to the statutorily-required State and Federal hazard maps, are typically considered by the County when approving land use and development permit applications under County jurisdiction. Additional maps exist in the General Plan and other maps, including updated versions of the above-referenced map(s), may exist in the files of specific County departments. Those additional map sources were not consulted for this disclosure because parcel-level details cannot be resolved at the scale and quality of the available official map, or the map is inappropriate for application to this report, or the map has not yet been officially adopted and incorporated into the County's Safety Element. As mapping technology advances, this company later may determine that some additional map sources become usable for parcel-level disclosure. The mapped County hazard zones represent evaluations of generalized hazard information. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. If a site-specific evaluation is desired, this company recommends that a geotechnical consultant be retained to study the site and issue a report.

The official County-level information addresses the potential geologic and seismic hazards itemized below:

#### FAULT

Sonoma County has adopted mapped faults in addition to those mapped by the state. County-designated faults have been divided into three categories: "active" faults, "potentially active" faults and "possibly active" faults. Any development within one-eighth of a mile of these faults will require geologic reports that must conform to the criteria of the Alquist-Priolo Earthquake Fault Zone Act. Mapped fault traces have been buffered by one-eighth of one mile (660 feet) on all sides. If any portion of a Property is located within this buffer area, "WITHIN" shall be reported.

#### LANDSLIDE

Landslides areas were mapped by air-photo interpretation techniques. Properties in these areas are subject to some risk of damage due to slope failure. Site studies are necessary before judgments are made about the slope stability of the property.

Special Report 120 defines various Relative Slope Zones which are summarized below, this Report defines slope stability zones using a variety of geologic, hydrologic and slope gradient information; however, by necessity, these zones are generalized and simplified. Relative Slope Stability Zones represent the average stability conditions for each area. The zone designation may not reflect all the potential slope stability hazards present at a specific site. If site-specific information regarding slope stability is desired, this company recommends that a geotechnical



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consultant be retained to study the site. Refer to Special Report 120, prepared by the California Division of Mines and Geology in cooperation with the Sonoma County Planning Department, for additional information. *Please note that "Zones of numerous small landslides," represented by a dotted pattern, are generalized with indistinct boundaries that are not conducive to a property-specific determination; therefore, this category of landslide is not disclosed in this report. Most of these Zones are situated within Zone C Slope Stability Areas in the northern half of the county.*

## **SLOPE STABILITY**

**Zone C** - Areas of relatively unstable rock and soil on slopes with gradients greater than 15% that contain abundant landslides.

**Zone B** - Areas of relatively stable rock and soil on slopes with greater than 15% that contain few landslides.

**Zone Bf** - Areas of locally level ground occurring within hilly terrain. Slope gradients are generally less than 15%. Properties in this zone may be underlain by unstable or potentially unstable rock materials.

**Zone A** - Areas of greatest relative stability under non-earthquake conditions. Slope gradients are dominantly less than 15%. However, earthquake generated ground shaking may induce liquefaction and/or landsliding even on slopes with very low inclinations.

*The Public Record states that geologic conditions in areas labeled B, Bf, C, and Landslide mandate that engineering geology reports must be required prior to tentative tract approval. Furthermore, these categories are interpretive and apply generally to large areas. Within each area conditions may range in detail through all four stability categories. Therefore, an A area may locally contain unmapped landslides, and a landslide area may contain stable slopes of slight inclination.*

## **SOILS**

**Younger bay mud** - These deposits are among the most unstable in Sonoma Country. Liquefaction should be expected where clay-free granular materials are present. See Liquefaction explanation below.

**Unconsolidated alluvium and terrace deposits** - Potential shaking hazard to structures in this zone is related to the thickness of underlying alluvium (sediments deposited by running water). Liquefaction potential is dependent on whether clay-free granular materials (sandy soils) exist and whether the groundwater is shallower than 50 feet. Localized areas with high liquefaction potential exist in the Russian River flood plain and alluvial areas where the water table is not more than 10 feet below the surface.

**Semi-consolidated and consolidated rocks** - Shaking hazard to structures and liquefaction potential are generally minimal in this zone. However, there may be local deposits of slope wash, colluvium (sediments deposited by downhill movement), and alluvium (sediments deposited by water) which are subject to deformation during significant seismic shaking. Seismically induced landslides may be present in areas where slope gradients exceed 15%.

## **TSUNAMI**

Tsunamis (called "tidal waves") are large ocean waves generated by significant offshore earth- quakes, this hazard exists along the Pacific coast and areas along San Pablo Bay, this zone may experience a tsunami once every two hundred years, on average.



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## City of SANTA ROSA Geologic and Seismic Zone Determination

Based on the officially adopted city-level Seismic Safety Element natural hazard maps, the subject property is:

**This property is IN a city-designated area of relatively unstable rock on slopes greater than 15 percent, IN a city-designated landslide complex where there has been a previous failure, IN approximate limits of an area of violent groundshaking during an earthquake on the Rodgers Creek Fault, within an active fault zone or within one-eighth of one mile of a potentially active fault trace as identified by the city,.**

## **CITY OF SANTA ROSA GEOLOGIC ZONES DISCUSSION**

The City of Santa Rosa, separately from the County, State and Federal governments, has officially produced or adopted maps to delineate active faults and potential ground shaking and landslides that are recognized at the local level. Those hazard maps are incorporated into the Noise and Safety Element Element of the General Plan, adopted by the Santa Rosa City Council in 2002. The local-level disclosure in this report was based on the following official local map(s): "Geologic and Seismic Hazards" prepared by Dyett & Bhatia (incorporated by reference into the General Plan).

The hazard zones delineated on the above map source, in addition to the statutorily-required State and Federal hazard maps, are typically considered by the City when approving land use and development permit applications under City jurisdiction. Additional maps exist in the General Plan and other maps, including updated versions of the above-referenced map(s), may exist in the files of specific municipal departments. Those additional map sources were not consulted for this disclosure because parcel-level details cannot be resolved at the scale and quality of the available official map, or the map is inappropriate for application to this report, or the map has not yet been officially adopted and incorporated into the City's Safety Element. As mapping technology advances, this company later may determine that some additional map sources become usable for parcel-level disclosure. The mapped City hazard zones may have been compiled from multiple sources of differing quality and, in some instances, have been generalized and simplified. No special field studies were conducted to verify the information for this subject property. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. If a site-specific evaluation is desired, this company recommends that a geotechnical consultant be retained to study the site and issue a report. The risk of exposure can be reduced through appropriate land-use planning, development engineering, and building construction practices.

**City vs. County Information:** County and city-level information sources are developed independently of each other and do not necessarily define or delineate hazards in the same way. A site can be *in* a geologic hazard zone according to the city and *not in* the corresponding zone according to the county and vice versa. Cities and counties may use other information in addition to their General Plan sources to determine if hazards exist at a site or which sites may require geologic studies prior to new or additional construction. Such information could be a material fact to be disclosed in addition to General Plan information. Such potential sources are not reviewed in this report. To investigate other sources of natural hazard information that may be available and used at the local level, contact the Engineering, Planning or Building Departments in the subject City and County.

The official City-level information addresses the potential natural hazards itemized below:

### **FAULT**

Generally, earthquake faults are divided into three categories:

**Active faults (Alquist-Priolo Earthquake Fault Zone)** – represent faults that have shown evidence of displacement during the most recent epoch of geologic time, the Holocene. The Holocene epoch generally considered to have begun about 11,000 years ago. If a property is located in an Earthquake Fault Zone, it does not necessarily mean that a fault trace exists on the property or within a few hundred feet of the property. Earthquake Fault Zones are areas or bands on both sides of known or suspected active earthquake faults. In some places, the zones are more than one-quarter of a mile wide and the potential for fault rupture (ground cracking along the fault trace) damage to a structure is relatively high only if the building is located directly on a fault trace. If a structure is not built across a fault trace, then 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 local soil and bedrock conditions.

**Potentially active faults** - faults which displace geologic formations of Pleistocene age but show no evidence of movement in the Holocene period. Pleistocene time is the period between about two million years ago and 11,000 years ago.

**Inactive faults** - faults which show no evidence of movement during the past two million years and show no potential for movement in the future.

Mapped faults not already identified within the Alquist-Priolo Zone as depicted on the map shall be buffered by one-eighth of one mile on all sides. If any portion of a Property is within the resulting zone, "WITHIN" shall be reported.

### **LANDSLIDE & SLOPE STABILITY**



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A landslide is a mass of rock, soil, and debris displaced down slope by sliding, flowing or falling. Steep slopes and down slope creep of surface materials characterize areas most susceptible to landsliding. The landslide hazard is increased with steep slopes located close to the Rodgers Creek Fault Zone. Combined with considerations of geology, soils, vegetation and drainage, the city of Santa Rosa has mapped areas of relatively unstable rock on **slopes greater than 15%**, and areas of **previously known landslides or landslide complexes**.

## **GROUND SHAKING**

Santa Rosa could be affected by strong ground shaking caused by a major earthquake. Ground shaking can be described in terms of peak acceleration, peak velocity, and displacement of the ground. Areas that are underlain by bedrock tend to experience less ground shaking than those underlain by unconsolidated sediments such as artificial fill. Santa Rosa could experience a major earthquake along the Rodgers Creek Fault or an earthquake on any one of the active or potentially active faults in the greater San Francisco Bay Area. The city of Santa Rosa has mapped areas of **violent** and **very violent** ground-shaking potential.

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



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

**Property Address:** N/A VACANT LAND ,  
SANTA ROSA, Sonoma County, CA

**APN:** 010-063-027  
**Date:** 02/23/2007  
**Report Number:** 53798

## SECTION 3

### FORMER MILITARY ORDNANCE SITE DISCLOSURE

#### Determination

The subject property is **NOT WITHIN** one mile of a Formerly Used Defense (FUD) site containing military ordnance.

#### **Discussion**

FUD sites can include sites with common industrial waste (such as fuels), ordnance or other warfare materiel, unsafe structures to be demolished, or debris for removal. NOTE: most FUDS sites do not contain unexploded ordnance. California Civil Code 1102 requires disclosure of those sites containing unexploded ordnance. "Military ordnance" is any kind of munition, explosive device/material or chemical agent used in military weapons. Unexploded ordnance are munitions that did not detonate. Only those FUD sites that the US 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 Base Realignment and Closure (BRAC) Act. Active military sites are NOT included on the FUDS list.



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

**Property Address:** N/A VACANT LAND ,  
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## AIRPORT INFLUENCE AREA DISCLOSURE

### Determination

Based on certain mapped Airport Influence Areas determined by a County Airport Land Use Commission, the following determination can be made:

**The property is NOT IN an officially-designated Airport Influence Area (AIA) and is NOT WITHIN two (2) statute miles of an airport for which no AIA has been officially designated.**

### Discussion

**Certain airports are not disclosed in this report.** FANHD has made a good faith effort to identify the airports covered under Section 1102.6a. Sources consulted include official land use maps and/or digital data made available by a governing ALUC or other designated government body. Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. Not disclosed in this report are public use airports that are not in the "California Airports List", airports that are physically located outside California, heliports and seaplane bases that do not have regularly scheduled commercial service, and private airports or military air facilities unless specifically identified in the "California Airports List". **If the seller has actual knowledge of an airport in the vicinity of the subject property that is not disclosed in this report, and that is material to the transaction, the seller should disclose this actual knowledge in writing to the buyer.**

FANHD uses official land use maps and/or digital data made available by governing ALUC or other designated government body. Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. The inclusion of military and private airports varies by County, and heliports and seaplane bases are not included, therefore, airports in these categories may or may not be included in this disclosure.

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

## AIRPORT NOISE DISCLOSURE

### Determination

Based on certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150, the following determination has been made:

**The property IS NOT within a delineated 65 dB CNEL or greater aviation noise zone.**

### Discussion

The seller(s) of 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. (California Civil Code, Section 1102.17).

**Not all airports have produced noise exposure maps. A property may be near or at some distance from an airport and not be within a delineated noise exposure area, but still experience aviation noise. Unless 65dB CNEL contour maps are published, helipads and military sites are not included in this section of the report.**

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



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

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Federal funding may be available to help airports implement noise reduction programs. Such programs vary and might 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.



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

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**Date:** 02/23/2007

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## **SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION DISCLOSURE (Applicable Only in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties)**

### **Determination**

Based on certain mapped coastal zones determined by the San Francisco Bay Conservation and Development Commission (BCDC), the following determination can be made:

**The property is NOT IN the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined in Section 66620 of the Government Code.**

**NOTE:** The official BCDC jurisdictional maps issued by the BCDC are electronic documents generally of low resolution and poor quality. As defined by the BCDC, its jurisdiction spans a complexity of ever-changing geographic and topographic environments including: (1) tidal areas of San Francisco Bay; (2) a 100-foot-wide shoreline band that extends inland from the upper edge of the BCDC's San Francisco Bay jurisdiction; (3) certain named waterways that empty into San Francisco Bay; (4) salt ponds adjacent to the Bay; and (5) certain managed wetlands as well as the Suisun Marsh. The BCDC-issued maps are not adequate for determining confidently the proximity of the BCDC-defined jurisdictional boundaries to nearby parcels. Therefore, all parties in the transaction are advised that there is some uncertainty inherent in the "NOT IN" determination made above.

### **Discussion**

As of July 1, 2005, Civil Code Section 1103.4 mandates disclosure to buyers of certain real estate if that property is located within the jurisdictional boundaries of the BCDC. Notice is required to prevent unknowing violations of the law by new owners who were unaware that certain activities on the real property are subject to the BCDC's permit requirements.

The BCDC has issued maps for some parts of its jurisdiction, including the San Francisco Bay Plan maps (California Code of Regulations, Title 14, Section 10121) and the Suisun Marsh Plan maps (Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974). Official maps have not been issued for other parts of the BCDC jurisdiction (McAteer-Petris Act areas) because the Bay is a highly dynamic environment and the shoreline changes over time (in part because the sea level also changes over time). In those areas where official BCDC maps are not available or along the edges of the BCDC's mapped jurisdiction, to meet the disclosure requirements, this report will indicate that the property "could be within" the BCDC's jurisdiction and that a location-specific jurisdictional determination should be made by consulting the BCDC. This determination of "could be within" the BCDC's jurisdiction was recommended by the BCDC in that certain Memo entitled "Guidance on Determining Commission Jurisdiction Pursuant to Senate Bill 1568" issued in February 2005 and posted on the BCDC website.



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

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## METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE ADVISORY

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

## MOLD ADVISORY

The Buyer is hereby advised that naturally occurring molds may exist both inside and outside of any 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 subject property for mold. Be sure to inspect the property inside and out for sources of excess moisture, current water leaks and evidence of past water damage.

For molds to grow and reproduce, they need only a food source - any organic material, such as leaves, wood, paper, or dirt and moisture. Because molds grow by digesting the organic material, they gradually destroy whatever they grow on. Mold growth on surfaces can often be seen in the form of discoloration, frequently green, gray, brown, or black but also white and other colors.

As part of a buyer's physical inspection of the condition of a property, the buyer may consider engaging an appropriate and qualified professional to inspect and test for the presence of harmful molds and to advise the buyer of any potential risk and options available. This advisory is not a disclosure of whether harmful mold conditions exist at a property or not. First American Natural Hazard Disclosures has not performed testing or inspections of any kind. Any use of this form is acknowledgement and acceptance that FANHD does not disclose, warrant or indemnify mold conditions at a property in any way and is not responsible in any way for mold conditions that may exist. Information is available from the California Department of Health Services Indoor Air Quality Section fact sheet entitled, "Mold in My Home: What Do I Do?" The fact sheet is available at [www.cal-iaq.org](http://www.cal-iaq.org) or by calling (510)540-2476.

The Toxic Mold Protection Act of 2001 requires that information be developed regarding the potential issues surrounding naturally occurring molds within a home. Information was written by environmental authorities for inclusion in the *Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants* booklet developed by the California Environmental Protection Agency and the Department of Health Services. It is found in Chapter VI of that booklet, and includes references to sources for additional information.

**For local assistance, contact your County or City Department of Health, Housing, or Environmental Health.**



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

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## RADON ADVISORY

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 building owners 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 buildings--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*.



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

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SANTA ROSA, Sonoma County, CA

**APN:** 010-063-027  
**Date:** 02/23/2007  
**Report Number:** 53798

## Endangered Species Act Advisory

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 rule, California statute, Department of Real Estate regulation, or other law requires a seller or seller's agent to disclose threatened or endangered species or critical habitats, or 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 the need to investigate the existence of threatened or endangered species, or designated critical habitats, on or in the vicinity of the parcel, 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/CFWO\\_Species\\_List.htm](http://www.fws.gov/carlsbad/CFWO_Species_List.htm)



# First American Natural Hazard Disclosures The Commercial Natural Hazard Disclosure Report FOR Sonoma COUNTY

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## •• FANHD Services Section ••

Any use of this report is an acknowledgement of and an agreement to abide by the terms stated in this section. For the Natural Hazard Disclosures, First American (FANHD) examines only the following maps: (a) NFIP Flood Insurance Rate Maps, (b) California Office of Emergency Services Dam Failure Inundation maps, (c) Real Estate: disclosure (CDF) fire maps, (d) Seismic Hazards Mapping Act maps, (e) geologic and seismic hazard maps adopted by the county as part of its General Plan's Safety Element, (f) geologic and seismic hazard maps adopted by the city as a part of its General Plan's Safety Element, (g) LOMR's or LOMA's (made available to us), for location of the above property as identified by the seller or seller's agent. FANHD relies on these official sources for the information in this report and does not produce, maintain or verify the information. Our services include, where appropriate, use of the assessors rolls, cadastral-type maps, photographic enlargements of maps and various cartographic techniques to locate the site on the appropriate map. The determination is made as accurately as reasonably possible using these said 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.

Decisions by jurisdictions relative to required studies, reports, etc. may be made using the same information sources used in the disclosures in this report, as well as information in their files and/or local ordinances and procedures. The disclosure information in this report is not a substitute for a geologic or engineering study, nor can it be construed that a city or county will not require such studies. No visual examination of the subject site was performed nor was a study of any jurisdiction's files or other sources made to determine the existence of any hazard which may exist on the site. This report is for the purpose of certain map-based real estate transaction disclosures only and is not a substitute for the broker/agent property inspection.

Military ordnance disclosures were provided using Department of Defense data sources that FANHD neither produces nor maintains. FANHD cannot accept liability for the accuracy of the information derived from these public data sources. No on-site inspection was performed.

FANHD performs services for the real estate agent/broker and current owner. This report is for residential property only and is for the exclusive use of the contractual parties, their broker/agent(s), and the current owner's sale for which it is issued. Due to changes in tax districts, disclosure maps, laws and contractual parties, this report cannot be relied upon for other properties nor for future transactions of the subject property. All parties should be aware that the information is subject to change. FANHD is not responsible for advising parties of any changes that may occur after the date of this report. As a courtesy, FANHD will update this report at no cost during the single transaction process for which this report was issued, if requested. FANHD shall not be liable to anyone who may claim any right through his/her relationship with the agent, except when acts or omissions are due to willful misconduct or negligence by FANHD.

Reproduction of this report is permitted only for the purpose of fulfilling the seller's disclosure duty to the buyer in the transaction of the real property at the subject address noted herein. Any other reproduction, facsimile, or republication of this report is expressly prohibited and is a violation of the copyrights, trademarks and service marks of the First American, and will be prosecuted to the fullest extent of the law. **The Company shall assume no liability unless and until the fee for this (these) report(s) is paid in full.**

**This FANHD Report includes a statutory Natural Hazard Disclosure Statement as legislated in California Civil Code 1103. The delivery of this report is sufficient compliance for the legal exemption that states neither the seller nor any listing or selling agent will be liable for any error in this information as long as ordinary care is exercised in transmitting it and they have no personal knowledge of errors (California Civil Code 1103.4).**

**This report is not an insurance policy and is not a substitute for the buyer obtaining Property & Casualty Insurance Policies which will provide coverage against losses incurred as a result of earthquakes, fires, flooding, environmental hazards, or any other kinds of risks associated with the property. If any party to this transaction has concerns relative to the stability or condition of the property or if "red flags" are observed during any party's inspection, an appropriate consultant should be retained to study the site and render an opinion.**



**First American  
Natural Hazard Disclosures**

**First American Natural Hazard Disclosures**

200 Commerce  
Irvine, CA 92602

Ph: (800) 527-0027

Fax: (800) 854-9625

# STATUTORY PROPERTY TAX REPORT

## Special Assessment and Special Tax Disclosure

<p>Parcel Number: <b>010-063-027-000</b></p> <p>Property Address: <b>N/a Vacant Land , Santa Rosa, Ca 95401</b></p> <p>County: <b>Sonoma</b></p> <p>Report Date: <b>2/23/2007</b></p>	<p>The information contained in this report is intended for the exclusive benefit and use of the recipient(s). No person other than the recipient(s) should rely upon, refer to, or use this report, or any information contained within this report, for any purpose. The recipient(s) should carefully read the explanation of services, and the conditions and stipulations contained in this report. No recipient may rely on this report unless full payment for it is made.</p>
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***This report satisfies the Seller's obligation to disclose Mello-Roos taxes and 1915 Act assessments affecting this property pursuant to Civil Code Section 1102.6b, and is compliant with all provisions of Senate Bill 1122 and Assembly Bill 337.***

### CONTENTS

***The following report contents meet or exceed the legal disclosure standards defined in California Civil Code Section 1102.6b:***

- *Buyer's Acknowledgement Summary (Signature Required)*
- *Special Assessment Summary*
- *Seller's Secured Tax Bill Summary*
- *Statutory Notice of Special Tax/Assessment*
- *Other Special Assessments*
- *Accelerated Foreclosure Summary*
- *Available Senior Exemptions*
- *Notice of Supplemental Property Tax Bill*
- *Property Tax Estimator and Supplemental Tax Bill Estimator*
- *General Information about Your Property Tax Bill*

## Buyer's Acknowledgement Summary

**The information contained in this report is subject to the terms and conditions contained herein.**

I (we) acknowledge that I (we) have received and read a copy of this notice. If this property is listed as subject to a Mello-Roos community facilities district special tax or a 1915 Bond Act assessment, I (we) understand that I (we) may terminate the contract to purchase or deposit receipt after receiving this notice from the owner or agent selling the property. If this property is listed as subject to a Mello-Roos community facilities district special tax or a 1915 Bond Act assessment, the contract may be terminated within three days if the notice was received in person or within five days after it was deposited in the mail by giving written notice of termination to the owner or agent selling the property.

Buyer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Buyer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Special Assessment Summary

This is a notification to you prior to your purchasing this property.

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Parcel Number: 010-063-027-000  
Property Address: N/a Vacant Land , Santa Rosa, Ca 95401  
County: Sonoma  
Report Date: 2/23/2007

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The above referenced property is affected by general property taxes (called ad valorem taxes), which are based on the net assessed value of your property. The ad valorem tax is charged to every taxable property in the state and is set at 1% of the net value of property each year. This basic tax rate may be increased slightly over 1% by voter approved bond issues for your school district, city or other regional project.

In addition, the above referenced property lies within the following special tax and/or special assessment districts. These assessments and taxes will be taxed in addition to ad valorem taxes each year:

STATUS	DESCRIPTION OF TAX CATEGORY -
NO	One or more Mello-Roos Community Facilities Districts
NO	One or more 1915 Bond Act Assessment Districts
YES	Other special financing districts
YES	Other direct assessments

The following disclosure is made by the Transferor pursuant to Government Code §53341.5 and Civil Code §1102.6b. The representations made in this disclosure report are based on information provided by an independent third party report provided as a substituted disclosure pursuant to California Civil Code §1103.4. Neither the Transferor nor the Transferor's agent(s) has 1) independently verified the information contained in this report, or 2) is personally aware of any errors or inaccuracies in the information contained in this form.

## Report Terms and Conditions

This report for the property named herein is a product of Alliant Tax Research, Inc. (hereafter, "Alliant") and is distributed by First American NHD. The terms and conditions listed below represent the terms and conditions under which this product is sold: The purpose of this report is to provide a determination of whether the current secured property tax bill for this parcel contains a Mello-Roos special tax or a 1915 Act Bond Assessment District charge, and to assist the Seller in fulfilling his or her duty to comply with California Civil Code §1102.6b. This report is not a substitute for a title report or title insurance and may not be relied upon as such. Items not yet levied on the tax bill, items not appearing on the current tax bill, and items removed from the current tax bill for any reason may not be reflected on this report. Estimates of future charges, if provided, are only estimates and may not be inclusive. This report is for the exclusive benefit of the specific Buyer and specific Seller for which this report was prepared and there shall be no third party beneficiaries. This report may not be used in any subsequent transaction affecting the subject property. This report is applicable to residential property only with four dwelling units or less. This report may not be relied upon for commercial or industrial property or for multi-family properties of more than 4 dwelling units.

While this report contains data gathered from what Alliant believes to be reliable sources, the amount of the levy and end year may be subject to change in the future. The Maximum Tax amount provided is an estimate, calculated based on available County assessor data or third party data. Calculations may vary from those calculated by the issuer, due to several factors including differences in interpretation of the Special Tax Formula, availability of data, and change or correction of classification from year to year. Items not included on the current year tax bill but shown on this report represent an estimate and are not intended to be comprehensive. Other taxes and assessments may exist that are not yet levied on the tax bill or not levied during the tax year on the report. This report was compiled using information obtained from the County on a given date and may not reflect changes made later by the County or the local government agencies levying charges against this property. This information is subject to change and Alliant does not have a duty to update the report for any tax bill, legislative or related changes that may occur in the future. This report was prepared based upon records provided by various governmental agencies and third parties. Alliant has assumed that these agency records are accurate and complete, but Alliant has not conducted any independent verification of their accuracy or completeness. Alliant shall not be responsible for any inaccuracies or omissions in the public records of the various governmental agencies or for information provided by third parties.

# Seller's Secured Tax Bill Summary

Parcel Number: 010-063-027-000  
Property Address: N/a Vacant Land , Santa Rosa, Ca 95401  
County: Sonoma  
Assessor's Phone #: (707) 565-1888; Tax Collector's Phone #: (707) 565-2281  
Report Date: 2/23/2007

The following listing is a summary of the current year secured property tax bill. It is provided for informational purposes only. Ad valorem taxes are calculated annually based on the assessed value of the land and improvements. When a property is sold, the assessed values will be reset to the sale price. Ad valorem taxes can therefore change dramatically if the sales price differs from the current assessed value of the property.

**Please Note:** All information on this page is based on 2006/07 data only. Ad valorem taxes are historical and are subject to change when a home sells. No warranties are made regarding this information. The information on this page is not provided as a disclosure by seller or his/her agents.

## Ad Valorem Taxes (Note: Historical only, based on the seller's tax bill)

The following include both the basic levy authorized by Proposition 13, plus any additional voter approved general obligation debt. The amount you pay will be based on the purchase price of your home less any exemptions, times the estimated tax rate.

Agency	Levy Description	Contact Phone	2006/07 Levy
<b>Sonoma County</b>	Ad Valorem Tax *Amount will be based on the assessed value of the subject property.* Total ad valorem levy (basic 1% on net value plus applicable voter approved overrides)	(707) 565-2631	\$ 0.00
Total Ad Valorem Taxes:			\$ 0.00

## Special Assessments

The following include all special assessments and special taxes included on the tax bill.

Agency	Direct Assessment Description	Contact Phone	2006/07 Levy
<b>Marin-Sonoma Vector Control Dist</b>	Mosquito and Vector Abatement Fee *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$11/year*	(800) 273-5167	\$ 0.00
<b>City of Santa Rosa</b>	Central Parking Service Facilities District No. 89-1	(707) 543-3133	\$ 0.00
<b>City of Santa Rosa</b>	Storm Water Assessment *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$159/year*	(707) 543-3133	\$ 0.00
<b>Sonoma County Water Agency</b>	Flood Control Benefit Assessment (Zone 1A) *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$65/year*	(707) 521-1819	\$ 0.00
Total Special Assessments:			\$ 0.00
<b>Total 2006/07 Tax Bill:</b>			<b>\$ 0.00</b>

Please refer to the Notice of Special Tax and Assessment for statutory disclosure information on the following page.

# Statutory Notice of Special Tax/Assessment

<b>To the prospective purchaser of the real property known as:</b>	Assessor's Parcel Number: 010-063-027-000
	Address/Legal Description: N/a Vacant Land , Santa Rosa, Ca 95401
	Report Date: 2/23/2007

**This is a notification to you prior to your purchasing this property.**

## **Mello-Roos Community Facilities Districts:**

This property is subject to a special tax, which is in addition to the regular property taxes and any other charges and benefit assessments on the parcel. The special tax may not be imposed on all parcels within the city or county where the property is located. If you fail to pay this tax when due each year, the property may be foreclosed upon and sold. The tax is used to provide public facilities or services that are likely to particularly benefit the property.

There is a maximum tax that may be levied against this parcel each year to pay for public facilities. This amount may be subject to increase each year based on the special tax escalator listed below (if applicable). The annual tax charged in any given year may not exceed the maximum tax amount. However, the maximum tax may increase if the property use changes, or if the home or structure size is enlarged. The special tax will be levied each year until all of the authorized facilities are built and all special tax bonds are repaid. If additional bonds are issued, the estimated end date of the special tax may be extended.

The authorized facilities which are being paid for by the special taxes and the money received from the sale of the bonds are summarized below. These facilities may not yet have all been constructed or acquired and some may never be constructed or acquired.

**This parcel IS NOT subject to any Mello-Roos Community Facilities District special taxes.**

**You should take this tax and the benefits from the public facilities and services for which it pays into account in deciding whether to buy this property.** You may obtain a copy of the resolution of formation which authorized creation of the community facilities district, and which specifies more precisely how the special tax is apportioned and how the proceeds of the tax will be used, 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.

## **1915 Act Bond Assessment Districts:**

This property is within the assessment district(s) named below. Each assessment district has issued bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to property within that assessment district. The bonds will be repaid from annual assessment installments on property within the assessment district.

This property is subject to annual assessment installments of the assessment district that will appear on your property tax bills, but which are in addition to the regular property taxes and any other charges and levies that will be listed on the property tax bill. If you fail to pay assessment installments when due each year, the property may be foreclosed upon and sold. The annual assessment installment against this property as shown on the most recent tax bill for the 2006/07 tax year is listed in the table below. Assessment installments will be collected each year until the assessment bonds are repaid.

The public facilities that are being paid for by the money received from the sale of bonds that are being repaid by the assessments are included in the table below. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired.

**This parcel IS NOT subject to any 1915 Act Bond special assessments.**

**You should take this assessment and the benefits from the public facilities for which it pays into account in deciding whether to buy this property.** You may obtain a copy of the resolution confirming assessments that specifies more precisely how the assessments are apportioned among properties in the assessment district 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.

# Other Special Assessments

This section provides detail on other assessments (aside from the Mello-Roos and 1915 Act charges identified on the prior pages) that will affect the property.

## Other Special Assessment Liens/Financing:

In some instances, local government agencies may use alternate means of financing projects, including state loans, agency loans, 1911 Act assessment district bonds, other types of improvement bonds, and other methods to pay the cost of a capital project. Also, there may be other fixed schedule items on the tax bill that must be paid over a number of years. In some cases, these amounts may be prepaid. Also, for internally financed projects, the loan may need to be paid off prior to transfer of property.

Issuer and District	Purpose of District	Start Year	End Year	Contact Phone	2006/07 Levy
<b>City of Santa Rosa</b> Central Parking Service Facilities District No. 89-1	Off-street parking facilities in downtown area *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$3,624/year*	1980	2015	Pam Santori (707) 543-3133	\$ 0.00

## Other Direct Assessments:

In addition to the items listed in the previous sections, as of the 2006/07 tax year, your property is subject to the following additional Direct Assessments that do not impose special accelerated foreclosure liens on your property.

Agency	Direct Assessment Description	2006/07 Levy	Contact Phone
Marin-Sonoma Vector Control Dist	Mosquito and Vector Abatement Fee *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$11/year*	\$ 0.00	Maria Garcia-Ardave (800) 273-5167
City of Santa Rosa	Storm Water Assessment *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$159/year*	\$ 0.00	Pam Santori (707) 543-3133
Sonoma County Water Agency	Flood Control Benefit Assessment (Zone 1A) *No Current Tax Bill - Charge on nearby parcel - may impact this parcel in the future, may be paid off, or may be exempt. Nearby parcel amount: \$65/year*	\$ 0.00	Manuel Olvera (707) 521-1819

These direct assessments and charges will appear annually on your property tax bill. In most cases, these are subject to public notice and hearing requirements (as controlled by Proposition 218) and any increases or additions must be approved by a vote of the registered landowners (or registered voters, depending upon the specific legislation). While they do not impose an accelerated foreclosure lien, they do result in an increased annual tax rate. For additional information on a particular special assessment, please call the phone number listed above.

# Accelerated Foreclosure Summary<sup>SM</sup>

**Important:** If any items are listed below, your property has accelerated foreclosure liens attached to it. These have priority over other property taxes, and are part of the security for a municipal bond issue (or else are part of a Mello-Roos community facilities district). The issuers of these bonds are often contractually required to monitor and collect delinquent assessments quickly. There is no five year waiting period. If you fail to pay your property tax bills when due each year, the property may be foreclosed upon and sold. **Therefore, it is important to pay your property tax bill on time. If you cannot, you should contact your lender to discuss alternate arrangements.**

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## Mello-Roos Community Facilities Districts:

Agency/District	2006/07 Tax Year Information
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No Mello-Roos Community Facilities Districts

## 1915 Act Bond Assessment Districts:

Agency/District	2006/07 Tax Year Information
-----------------	------------------------------

No 1915 Act Bond Districts.

## Other Districts That Include (or May Include) Accelerated Foreclosure:

Agency/District	2006/07 Tax Year Information
-----------------	------------------------------

<b>City of Santa Rosa</b>	The amount charged for the 2006/07 tax year was \$ <b>0.00</b> .
Central Parking Service Facilities District No. 89-1	This assessment will be charged until <b>2015</b> .

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**Note:** Many properties in California have Mello-Roos or other bonded assessments. As a result, these properties usually have newer amenities and other benefits that may enhance property value. However, if any items are listed on this page, as a buyer it is important to pay your tax bill on time, or arrange to have your property taxes impounded, to avoid penalties or the threat of accelerated foreclosure.

# Available Senior Citizen Exemptions<sup>SM</sup>

Assessments with an available exemption:

Agency	Direct Assessment Description	2006/07 Levy	Contact Phone
--------	-------------------------------	--------------	---------------

No Senior Exemptions Available on the 2006/07 Tax Bill.

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## Notice of Supplemental Property Tax Bill

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Pursuant to Civil Code §1102.6c, Seller or his or her agent is providing this “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.”

### Explanation of Supplemental Assessments

As stated in the official “Notice” above, State law requires the Assessor to reappraise property upon change in ownership or completion of new construction. The resulting supplemental assessment reflects the difference between the new value and the old value. The Auditor-Controller calculates the supplemental property tax, and prorates it, based upon the number of months remaining in the fiscal year in which the event occurred. The fiscal year runs from July 1 through June 30.

A change in ownership or new construction completion which occurs between January 1 and May 31 results in **two** supplemental assessments and **two** supplemental tax bills. The first supplemental bill is for the remainder of the fiscal year in which the event occurred. The second supplemental bill is for the subsequent fiscal year.

Notices of Assessed Value Change are normally mailed to property owners before supplemental tax bills are issued. Remember that supplemental tax bills are **in addition to** the regular annual tax bills. Supplemental bills go directly to the property owner, and not to an impound account - where one might exist.

On following of this report, a **SUPPLEMENTAL TAX BILL(S) ESTIMATOR** is provided for the buyer to **estimate** the amount of the supplemental tax bill(s). It does **NOT** include the amount of the regular secured Property Tax Bill. It is only an estimate for the buyer’s planning purposes.

# Tax Estimators

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## Property Tax Estimator

The subject property did not receive a 2006/07 tax bill, so information is not available to provide a tax estimator table. All information provided is based on the parent parcel which received the tax bill for the 2006/07 tax year.

## Supplemental Tax Bill Estimator

The subject property did not receive a 2006/07 tax bill, so information is not available to provide a supplemental tax estimator table. All information provided is based on the parent parcel which received the tax bill for the 2006/07 tax year.

# General Information about Your Property Tax Bill

California's secured property tax bills consist of two types of charges: 1) ad valorem taxes and 2) special assessments. These are explained briefly below.

## 1) Ad Valorem Taxes

Ad valorem taxes are based on the value of property. The basic ad valorem tax is the statewide tax authorized by California law. This general tax is 1% of the assessed value of the property each year. This tax is shared by the state, schools, cities and counties. In addition, voters can approve local additional ad valorem overrides that put the ad valorem tax rate over 1%. These overrides normally involve general obligation bond debt. These general obligation bonds do not place a special lien on any one property but simply increase the ad valorem tax rate slightly over 1%.

## 2) Special Assessments

Anything that is not an ad valorem tax is called a "special assessment" or a "direct assessment." These charges are local in nature and are used to fund local improvements or public services that provide some type of general or direct benefit to the property. Special assessments are not tax rates and by law cannot be based on the value of property. Instead, each special assessment district has some type of benefit formula that is used to calculate the amount of the assessment on each parcel. Special assessments can be levied using a variety of laws, including the Mello-Roos Community Facilities Act of 1982; various assessment district bond acts such as the 1915 Act or 1911 Act; or through a variety of non-bonded charges such as the 1972 Act Landscape and Lighting Act, the 1982 Benefit Assessment Act, user fees, service charges and other methods. Some commonly used types of special assessments are:

- a) **Mello-Roos Community Facilities Districts.** This is a type of special assessment financing frequently used to fund infrastructure, schools and many types of public services such as police, fire, landscaping, etc. A Mello-Roos district may or may not involve a bond sale. Mello-Roos districts place a senior lien on the property that has a provision for accelerated foreclosure action by the levying agency if property taxes are not paid on time. Because of this, California law now requires disclosure of Mello-Roos taxes in real estate transactions.
- b) **1915 Bond Act Assessment Districts.** This is another type of special assessment financing method frequently used to fund infrastructure and other public improvements in California. The 1915 Act is a bond act only, meaning another assessment district formation act must be used to form the boundaries of the district before 1915 Act bonds may be sold. These formation districts are usually one of these: the 1913 Act, the 1911 Act or the 1972 Act. Issuance of 1915 Act bonds places a senior lien on the property that has a provision for accelerated foreclosure action by the bond issuer if property taxes are not paid on time. Because of this, California law now requires disclosure of assessments securing 1915 Act bonds in real estate transactions.
- c) **Other Bonded Districts.** In addition to Mello-Roos and the 1915 Act, there are other types of land-secured bonds that may impact California property. These include improvement bonds issued under the 1911 Act or other improvement bonds issued under county or charter city laws. Some of these do include the power of accelerated foreclosure; the Alliant tax report will include such items on the "Summary of Items Subject to Accelerated Foreclosure" page.
- d) **Maintenance Districts.** In most newer communities in California, the cost of maintaining common areas, landscaping, street lighting, storm drains and parks is often handled through Landscape and Lighting Maintenance Assessment Districts. These may be formed under the 1972 Landscaping and Lighting Act or other legislation; these are approved annually through a public hearing process. They may have a cost-of-living increase or other formula but must be renewed every year. These districts are often referred to as "cost recovery districts" since they provide a means for government to provide a specific service and have the cost recovered through assessing those properties that benefit from the services.
- e) **User Fees and Service Charges.** Many municipalities charge user fees for services to the property such as water and sewer. Instead of billing the property owner directly for monthly or quarterly fees, the service charge is collected annually on the property tax bill.
- f) **Standby or Availability Charges.** Local agencies that provide water and sewer services are also authorized to levy Standby or Availability Charges. These annual assessments are charged to help fund the future availability of services to the area or the expansion of services to meet future growth.
- g) **County Service Areas, Community Services Districts and Permanent Road Divisions.** In unincorporated areas of a county, the county may provide services to specific areas through the formation of a County Service Areas ("CSA") or a Community Services District. Then, a specific community may receive enhanced services such as road maintenance, landscaping, street lighting and park maintenance, and repay the county (or itself, if a Community Services District) through special service charges or assessments. Permanent Road Divisions are a similar type of entity formed by a county to provide road improvement and maintenance in unincorporated areas.
- h) **Benefit Assessments and Parcel Taxes.** School Districts and other local agencies commonly levy voter-approved annual special parcel taxes or benefit assessments. These are annual charges that pay for specific service. Commonly used benefit assessments and parcel taxes are those to pay for schools, fire protection, flood control and storm water maintenance or police services.
- i) **Penalties.** Local agencies have the ability to place delinquent account charges for property related services or civil penalties directly on the tax bill. These may include delinquent utility bills, fees for parcel cleanup and weed abatement and fees for civil penalties.



# First American Natural Hazard Disclosure The **COMMERCIAL** Environmental Report™ FOR Sonoma COUNTY

## Commercial EnviroCheck Report™ – Government Records Search

**Property Address:** N/A VACANT LAND ,  
SANTA ROSA, Sonoma County, CA

**APN:** 010-063-027  
**Date:** 02/23/2007  
**Report Number:** 53798

### Subject Property Determination

An exact match of the subject property's address as listed above was **NOT** found on the lists of sites searched for this report. Refer to the lists beginning on page 3 for site addresses that may be similar to the subject property. There may be errors or omissions in the site addresses provided by State and Federal agencies that will not result in a match.

### Environmental Risk Screening Summary

DATABASE SEARCHED (See "Description of Databases Searched" below)	Contaminated	0 to 1/8 mile	1/8 to 1/2 mile	1/2 to 1 mile
State List of Underground Storage Tanks (UST)		0	O/S	O/S
State List of Aboveground Storage Tanks (AST)		0	O/S	O/S
State List of Leaking Underground Storage Tanks (LUST)	YES	0	32	O/S
State List of Solid Waste Landfill Facilities (SWIS)	MAYBE	0	0	O/S
State List of Spills, Leaks, Investigation & Cleanup (SLIC)	YES	0	6	O/S
State List of Historical Underground Storage Tanks (Hist-UST)		0	O/S	O/S
State Hazardous Waste Information Summary (HWIS)	YES	0	O/S	O/S
State Site Mitigation And Brownfields Reuse Program Database (SMBRPD)	MAYBE	0	0	O/S
SMBRPD Site With Deed Restriction Or Other Controls (CONTROLS)	MAYBE	0	0	O/S
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	O/S
CERCLIS Sites That Have Been Archived (NFRAP Or CERCLIS-Archived)		0	0	O/S
Potential Generator of hazardous materials Sites (RCRA GEN)		0	O/S	O/S
Treatment, Storage & Disposal Sites for Hazardous Materials (RCRA TSD)		0	0	O/S
Corrective Action Sites, sites with known contamination (RCRA COR)	YES	0	0	0
Tribal UST And/Or Tribal LUST	MAYBE	0	0	O/S
Emergency Repsonse Notification System (ERNS, National Response Center)	MAYBE	0	O/S	O/S

**O/S** = Out of Required AAI Search Radius.

**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.

<b>AAI TOTALS</b>	<b>0</b>	<b>38</b>	<b>0</b>
<b>CONTAMINATED SITE TOTALS</b>	<b>0</b>	<b>38</b>	<b>0</b>
<b>TOTAL OF SITES FOUND</b>	<b>50</b>		

Determined by  
**First American**

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

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

Signature of Transferor (Seller) _____	Date _____
Signature of Transferor (Seller) _____	Date _____
Signature of Transferee (Buyer) _____	Date _____
Signature of Transferee (Buyer) _____	Date _____



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

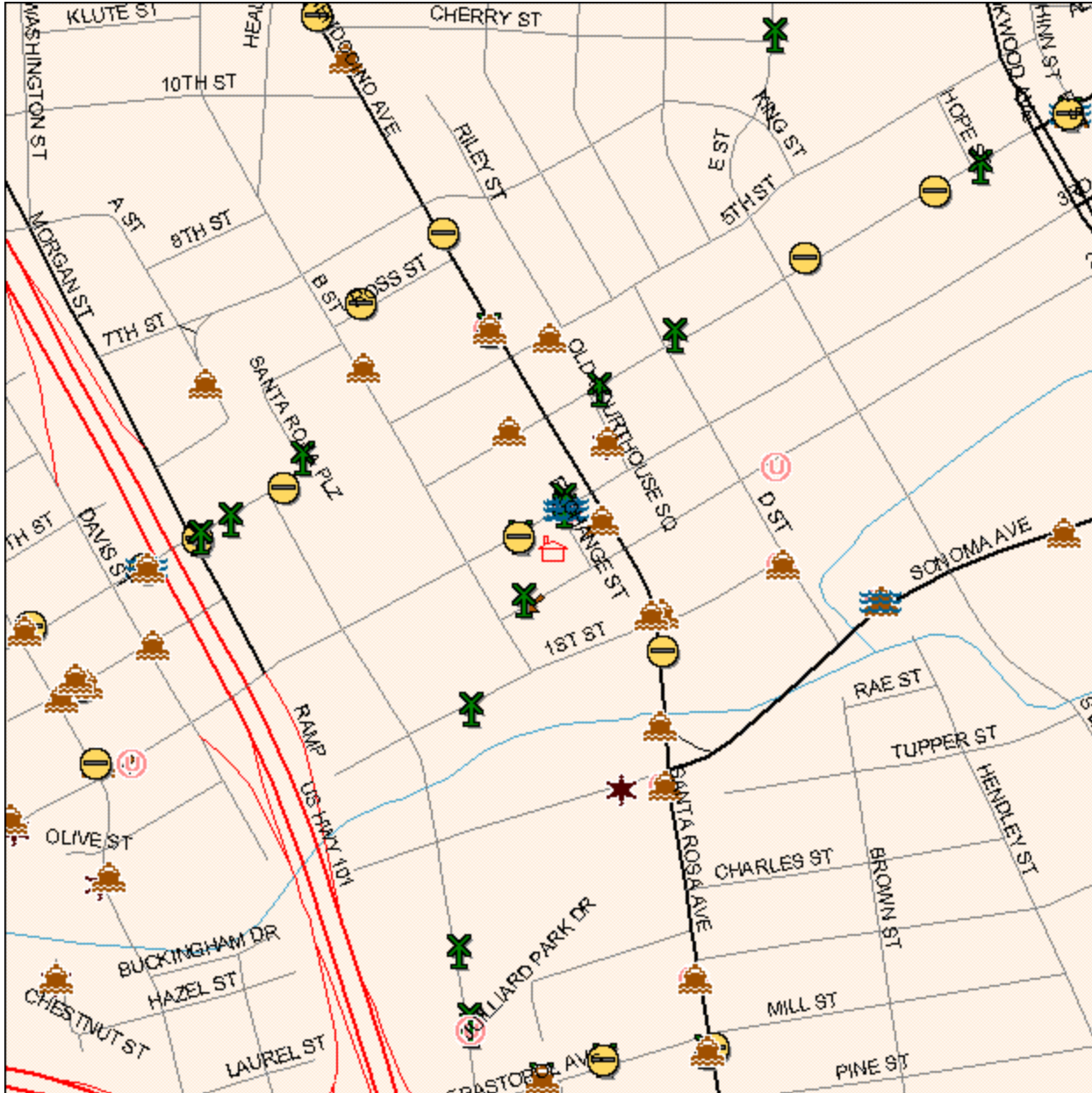
## Commercial EnviroCheck Report™ – Government Records Search

Property Address: N/A VACANT LAND ,  
SANTA ROSA, Sonoma County, CA

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

# First American Natural Hazard Disclosure The **COMMERCIAL** Environmental Report™ FOR Sonoma COUNTY

## Commercial EnviroCheck Report™ – *Government Records Search*

**Property Address:** N/A VACANT LAND ,  
SANTA ROSA, Sonoma County, CA

**APN:** 010-063-027  
**Date:** 02/23/2007  
**Report Number:** 53798

### 🏠 Subject Property

	(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, with known contamination		(SWIS) Solid Waste Landfill Facilities
	(NFRAP) CERCLIS-Archived		(SLIC) Spills, Leaks, Investig. & Cleanup
	Tribal LUST		(SMBRPD) Site Mitigation And Brownfields Reuse Program
	Tribal UST		(CONTROLS) Deed Restriction Or Other Controls
	(ERNS) Emergency Response Notification System		(Hist-UST) Historical Underground Storage Tanks
	(HWIS) Hazardous Waste Information Summary		



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

## Commercial EnviroCheck Report™ – Government Records Search

**Property Address:** N/A VACANT LAND ,  
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**APN:** 010-063-027  
**Date:** 02/23/2007  
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### Sources of Known and Potential Contamination 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). Information on AST sites can be obtained by contacting the State's Aboveground Petroleum Storage unit at (916) 341-5671. 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 RCRCOR 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.

**Closed** = Clean-up completed

**N/A** = Not Applicable - currently uncontaminated site listed as using or storing hazardous substances

**Active** = Site undergoing clean-up or investigation

**N/P** = Not Provided on list used

Site Name	Address	Status	Database
<b>UST</b>			
PACIFIC BELL (TD-086) 516 THIRD STREET	N/A	UST	
AT&T 520 THIRD STREET	N/A	UST	
<b>LUFT</b>			
EXCHANGE BANK FOURTH STREET 545 FOURTH STREET	Active	LUSTIS	
EMPIRE BUILDING 37 COURTHOUSE SQUARE, OLD		Active	LUSTIS
CLARK'S AUTO PARTS 203 SANTA ROSA AVENUE	Active	LUSTIS	
FEDERAL BUILDING 777 SONOMA AVENUE	Active	LUSTIS	
GROTH MOTORS 505 SANTA ROSA AVENUE	Active	LUSTIS	
SRDPW GARAGE NO 9 97 D STREET	Active	LUSTIS	



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

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GREYHOUND BUS DEPOT (FORMER) 416 B STREET	Active	LUSTIS
DOWNEY PROPERTY 121 CHESTNUT STREET	Active	LUSTIS
PRESS DEMOCRAT 427 MENDOCINO AVENUE	Closed	LUSTIS
HOTEL LA ROSE 101 FIFTH STREET	Active	LUSTIS
BOYETT PETROLEUM 171 SANTA ROSA AVENUE	Active	LUSTIS
WHISTLE STOP ANTIQUES 130 FOURTH STREET	Closed	LUSTIS
TEXACO 421 SANTA ROSA AVENUE	Active	LUSTIS
NATIONAL BANK OF THE REDWOODS 21 SANTA ROSA AVENUE	Closed	LUSTIS
SHELL 200 FOURTH STREET	Active	LUSTIS
LINCOLN ART CENTER 709 DAVIS STREET	Closed	LUSTIS
MONTAGUE, EDWARD 100 FOURTH STREET	Active	LUSTIS
GRACE BROTHERS HOTEL 170 RAILROAD STREET	Active	LUSTIS
CREEKSIDE CONVALESCENT HOSPITAL 850 SONOMA AVENUE	Active	LUSTIS
LA TORTILLA FACTORY 463 SEBASTOPOL AVENUE	Closed	LUSTIS
GROTH MOTORS 505 SANTA ROSA AVENUE	Closed	LUSTIS
ZELLERS CLEANERS 208 WILSON STREET	Active	LUSTIS



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

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MEMORIAL HOSPITAL 437 A STREET	Closed	LUSTIS
BUEKERS, FRANCIS 700 WILSON STREET	Closed	LUSTIS
SRDPW SANTA ROSA AVENUE 90 SANTA ROSA AVENUE	Active	LUSTIS
KURLANDER, HERBERT 123 FOURTH STREET	Closed	LUSTIS
SEMMELMEYER, HERB 580 MENDOCINO AVENUE	Active	LUSTIS
OCCHIPINTI'S 210 FIFTH STREET	Active	LUSTIS
SANTA ROSA PROPOSED THEATER 85 SANTA ROSA AVENUE	Active	LUSTIS
FRANCHETTI, PETER 3 THIRD STREET	Closed	LUSTIS
FDIC 1000 SECOND STREET	Closed	LUSTIS
STAN ROY MUSIC 618 FIFTH STREET	Closed	LUSTIS

### RCRAGEN

PACIFIC BELL 525 THIRD ST	N/A	RCRAGEN
AT&T SNRSCA01 521 2ND ST	N/A	RCRAGEN
ONE HOUR PHOTO FINISH 620 FOURTH ST	N/A	RCRAGEN
PACIFIC BELL TELEPHONE 516 THIRD STREET	N/A	RCRAGEN



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

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PACIFIC BELL  
508-516-520 3RD STREET

N/A

RCRAGEN

### SLIC

TOWN AND COUNTRY AUTOMOTIVE  
615 OAK STREET

SLIC

EMPIRE CLEANERS  
526 SONOMA AVENUE

SLIC

EMPIRE BUILDING  
37 COURTHOUSE SQUARE, OLD

SLIC

COBB, RAY  
2 THIRD STREET

SLIC

GRACE BROTHERS STREAMSIDE AREA  
171 RAILROAD STREET

SLIC

DOWNEY PROPERTY  
121 CHESTNUT STREET

SLIC

SANTA ROSA TOLL  
520 THIRD ST

N/A

HIST\_UST



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

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### HWIS

CITY OF SANTA ROSA  
100 SANTA ROSA AVE

HWIS

PACIFIC BELL  
508-516-520 3RD ST

HWIS

CITY OF SANTA ROSA/CITY HALL  
100 SANTA ROSA AVE

HWIS

CITY OF SANTA ROSA  
100 SANTA ROSA AVE

HWIS



# First American Natural Hazard Disclosure The **COMMERCIAL** Environmental Report™ FOR Sonoma COUNTY

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**Property Address:** N/A VACANT LAND ,  
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### Sites Missing Key Location Information

**N/P** = Not Provided on list used.

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

**Active** = Site undergoing clean-up or investigation.

**Closed** = Clean-up completed.

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	Status	Database
SANTA ROSA PLAZA RCRAGEN	235 Santa Rosa Pz	N/A	
MOTO VENTURES INC MOTO PHOTO N/A	RCRAGEN	399 Santa Rosa Pz	
EXPRESSLY PORTRAITS INC RCRAGEN	125 Santa Rosa Pz	N/A	
KITS CAMERAS 1 HOUR NO 39 RCRAGEN	1053 Santa Rosa Pz	N/A	
GRACE PROPERTY	802/806 Donahue St	Active	LUSTIS
HOFFMAN, FRANK	37 Old Court House Sq	Active	LUSTIS



# First American Natural Hazard Disclosure The COMMERCIAL Environmental Report™ FOR Sonoma COUNTY

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Date: 02/23/2007

Report Number: 53798

### 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 (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: October 2006.

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: October 2006

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

#### CERCLIS Sites That Have Been Archived (NFRAP Or CERCLIS-Archived)

NFRAP means "No Further Response Action Planned". It is a status given by the EPA to sites that were once listed in the active CERCLIS database, but which have been removed from that database into an



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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

**Database last checked by FANHD:** October 2006

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

### **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:** October 2006

**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:** October 2006

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

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

Also known as the RCRA CORRACTS List, this is a list also maintained by the Federal EPA of RCRA sites at which contamination has been discovered and where some level of corrective clean-up activity has been 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:** October 2006

**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



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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:** October 2006

**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:** October 2006

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

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

This list identifies 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:** October 2006

**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. The database is called the Leaking Underground Storage Tank Information System (LUSTIS).

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

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** October 2006

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



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### **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

**Database last checked by FANHD:** October 2006

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

### **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. 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:** October 2006

**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:** October 2006

**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



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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:** October 2006

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

### State Site Mitigation And Brownfields Reuse Program Database (SMBRPD)

The California Department of Toxic Substances Control (DTSC) maintains an automated database (known as "CalSites") that contains information on properties in California where hazardous substances have been released, or where the potential for a release exists. For over a decade, CalSites assisted the public, the Legislature, Federal, State and local agencies, and DTSC staff, by providing a brief history of the investigation and cleanup of Brownfield properties. The listings provide a brief history of cleanup activities, contaminants of concern, and scheduled future cleanup activities. This database may or may not include all of the Federal CERCLIS sites, and typically includes additional sites under investigation. On January 31, 2006, DTSC launched its new Brownfields site database called "EnviroStor". EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

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

**Search Distance Used:** 0.5 mile

**Database last checked by FANHD:** October 2006

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

### SMBRPD 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:** October 2006

**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:



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

The list tracks aboveground petroleum storage tanks of 10,000 gallons or more, with exceptions for certain uses (e.g., agricultural). It is also 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.

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

**Search Distance Used:** 0.125 mile

**Database last checked by FANHD:** October 2006.

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



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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



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unless the property is on one of the lists used. This report is not a substitute for an on-site environmental assessment.

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 FANHD 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



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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.

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



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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.