

**EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
MEETING OF APRIL 17, 2012**

AGENDA TITLE: EXCESS PROCEEDS FROM SALE OF TAX DEFAULTED PROPERTY DATED NOVEMBER 05, 2010

DEPARTMENT: AUDITOR-CONTROLLER	DEPT SIGNOFF:	CAO USE ONLY
CONTACT: SALLY ZUTTER/JOY SHAW		
DATE: 03/21/2012 PHONE: 621-5470		

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

On November 05, 2010, a Sale of Tax Defaulted Property was conducted by the Treasurer-Tax Collector's office. Parties of interest, as defined by Revenue & Taxation (R&T) Code §4675, were notified that the property identified as APN 038-101-17-100 was sold for \$20,492.02 more than the amount required to satisfy delinquent taxes & costs of the sale. Valid claim(s) have been filed for the excess proceeds due to the sale of the property. The Auditor-Controller's office has reviewed the claim(s) and supporting documents and is of the opinion that the claimant(s) are entitled to the proceeds pursuant to R&T Code §4675. The Auditor-Controller recommends that the Board of Supervisors authorize the Auditor-Controller to notify all valid claimants of the Board's action(s) and disburse excess proceeds as determined by the Board.

<u>Claimant(s)</u>	<u>Type</u>	<u>Recommended Distribution</u>
Julie Shular	Assignee of Person with Title of Record	\$20,492.02
Unclaimed	R&T Code §4674	-0-

CAO RECOMMENDATIONS:

Financial impact? () Yes () No	Funding Source: () Gen Fund () Other
	Other: _____

<p>BUDGET SUMMARY:</p> <p>Total Est. Cost _____</p> <p>Funding</p> <p>Budgeted _____</p> <p>New Funding _____</p> <p>Savings _____</p> <p>Other _____</p> <p>Total Funding _____</p> <p>Change in Net County Cost _____</p>	<p>CAO Office Use Only:</p> <p>45's Vote Required. () Yes () No</p> <p>Change in Policy () Yes () No</p> <p>New Personnel () Yes () No</p> <p>CONCURRENCES:</p> <p>Risk Management _____</p> <p>County Counsel _____</p> <p>Other _____</p>
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Explain

BOARD ACTIONS:

<p>Vote: Unanimous _____ Or _____</p> <p>Ayes: _____</p> <p>Noes: _____</p> <p>Abstentions: _____</p> <p>Absent: _____</p>	<p>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.</p> <p>Date: _____</p> <p>Attest: Suzanne Allen de Sanchez, Board of Supervisors Clerk</p> <p>By: _____</p>
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County of El Dorado

OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE
PLACERVILLE, CALIFORNIA 95667
Phone: (530) 621-5487 Fax: (530) 295-2535

JOE HARN, CPA
Auditor-Controller

BOB TOSCANO
Assistant Auditor-Controller

March 21, 2012

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Honorable Board Members:

Title:

Excess Proceeds from the Sale of Tax Defaulted Property dated November 05, 2010

Recommendation:

The Auditor-Controller recommends that the Board of Supervisors authorize the Auditor-Controller to disburse excess proceeds for APN 038-101-17-100 pursuant to the attached information.

Reason for Recommendation:

The recommendation is based on §4675 of the Revenue and Taxation Code.

Fiscal Impact:

No net impact.

Action To Be Taken Following Approval:

The Auditor-Controller will disburse funds as directed.

Yours very truly,

A handwritten signature in black ink, appearing to read "Joe Harn", written over a faint, larger version of the same signature.

Joe Harn
Auditor-Controller

enclosures
JH/js



County of El Dorado
OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE
PLACERVILLE, CALIFORNIA 95667
(530) 621-5487

JOE HARN, CPA
Auditor-Controller

BOB TOSCANO
Assistant Auditor-Controller

March 20, 2012

Julie Shular
c/o The Law Offices of Eileen T McGruder
Attn: Van Royce Vibber
9990 Houston Road
Malibu, CA 90265-2137

Re: Notice of Public Hearing for Excess Proceeds Claim from the Sale of Tax Defaulted Property of
November 05, 2010
APN: 038-101-17-100 Default No.: 083160 Excess Proc. Available: \$20,492.02

Please be advised that the Auditor-Controller will present to the Board of Supervisors only valid original claims for excess proceeds meeting the requirements of Revenue and Taxation (R&T) Code §4675 or other applicable authority. The Auditor-Controller will present all valid claims with a recommendation for distribution to a duly noticed Board of Supervisor's public hearing.

The Auditor-Controller will notify all claimants submitting valid claims of the scheduled public hearing at least 20 calendar days in advance. The notice will include the recommended distribution and copies of any other valid claims for the same property. Parties with valid claims are not required to attend the public hearing; however, you may do so if you wish. Any person(s) interested may attend the public hearing.

Following the determination of distribution for valid claims at the public hearing, the Auditor-Controller will notify valid claimants of the action taken by the Board of Supervisors. Pursuant to R&T Code §4675(b), any action or proceeding to review the decision of the Board of Supervisors must be commenced within 90 calendar days after the date of the Board of Supervisors decision. County warrants will be issued no sooner than 90 days after the date of the decision of the Board of Supervisors.

Please contact Sally Zutter, Accounting Division Manager, or Joy Shaw at the address above or at 530/621-5470 with any questions.

NOTICE OF HEARING

The El Dorado County Board of Supervisors will hold a public hearing on **April 17, 2012, beginning at 9:00 o'clock a.m.**, regarding the determination of distribution of the excess proceeds for **APN 038-101-17-100** from the Sale of Tax Defaulted Property dated **November 05, 2010**. The hearing will be held at the Board of Supervisors chambers located in Building A, 330 Fair Lane, Placerville, California, 95667. All claims, proof, supporting documents, and relevant information, submitted by valid claimants meeting the requirements of R&T Code §4675, will be forwarded to the Board of Supervisors office prior to the public hearing.

Claimant(s) Names and Addresses:

Julie Shular
c/o The Law Offices of Eileen T McGruder
Attn: Van Royce Vibber
9990 Houston Road
Malibu, CA 90265-2137

<u>Claimant</u>	<u>Type</u>	<u>\$ Claimed</u>	<u>Recommendation</u>
Julie Shular	Assignee of Person with Title of Record	20,492.02	20,492.02
Unclaimed	R&T Code §4674	-0-	-0-

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY

To: El Dorado County Treasurer and Tax Collector

Assessor's Parcel No: 038-101-17-100
Item Number: 14
Date of Sale: 11/5/2010
Deadline Date: 1/7/2012

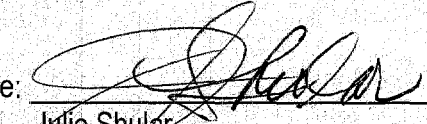
The undersigned claimant, Julie Shular, claims \$20,492.02 or 100% of the claimant's share of the actual amount of excess proceeds from the sale of the property referenced above.

Julie Shular, claims its status as a party of interest pursuant to Section 4675 of the California Revenue and Taxation Code based upon the attached documentation:

Please refer to Claim Summary and attached Documents

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

✓ Executed this 5th day of Jan, 2012 at Los Angeles, California.

✓ Signature: 
Julie Shular
c/o The Law Offices of Eileen T. McGruder
Attn: Van Royce Vibber
9990 Houston Road
Malibu, CA 90265-2137
Phone: (310) 589-0300

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA

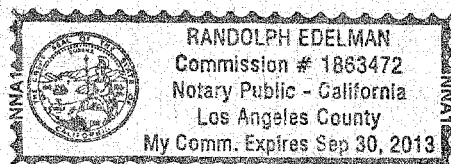
COUNTY OF LOS ANGELES

On JAN 05 2012 before me, RANDOLPH EDELMAN, NOTARY PUBLIC personally appeared JULIE SHULAR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

 (seal)
Signature of Notary Public



ATTACHMENT TO CLAIM FOR EXCESS PROCEEDS

El Dorado County Tax Collector
Property Tax Division - Attn: C.L. Raffety, C.P.A.
360 Fair Lane
Placerville CA 95667

Assessor's Parcel Number: 038-101-17-100
Last Assessee(s): Alice E. Thomas, Carole Canon
Sale Date: 11/5/2010
Deadline Date: 1/7/2012

DOCUMENTATION:

1. Claim Form signed by Julie Shular
2. Agreement of Sale of Real Estate: See highlighted section on second page stating "In the event of a failure to comply with the terms hereof by the party of the second part [Myron W. Thomas and Carole M. Thomas, now known as Carole M. Canon], the party of the first part [Orville E. Thomas and Alice E. Thomas] shall be released from all obligation in law or equity to convey said property and shall be entitled to the immediate possession thereof..."
3. Spousal Property Order for The Estate of Orville E. Thomas showing 100% to Alice E. Thomas:
 - a. Attachment 4a Orville E. Thomas' one half interest passes to surviving spouse, Alice E. Thomas.; and
 - b. Attachment 6a confirming Alice E. Thomas' pre-existing one half interest.
4. The Alice E. Thomas Trust: See highlighted section for powers of Trustee (page 15, paragraph 9.22)
5. Death Certificate of Alice E. Thomas, Trustor
6. Nomination of Successor Trustee
7. Appointment of Successor Trustee, Consent to Serve as Trustee, and Acceptance and Acknowledgement of Terms of Trust by John D. Squire, Successor Trustee.
8. Notice of Resignation of Elizabeth Crockett.
9. Resignation of Trustee Elizabeth Crockett, Successor Trustee effective upon acceptance of duties as Successor Trustee by John D. Squire.
10. Assignment of Excess Proceeds signed by John D. Squire, Successor Trustee of the Alice E. Thomas Trust.
11. Photo ID of Assignor

Upon review of the supporting documentation and approval of the claim for excess proceeds, please issue a check in the amount of \$20,492.02+/-, or 100% of the claimant's share of the excess proceeds, made payable to Julie Shular and mailed c/o The Law Offices of Eileen T. McGruder, 9990 Houston Road, Malibu, California 90265.

Any questions regarding this matter can be addressed to Van Royce Vibber, Administrative Associate,
The Law Offices of Eileen T. McGruder, at (310) 589-0300, or by e-mail to vanvibber@mcgruderlawoffices.com.

ASSIGNMENT OF RIGHTS TO CLAIM EXCESS PROCEEDS FROM THE SALE OF TAX DEFAULTED PROPERTY

The undersigned Assignor(s) and party(ies) of interest, John D. Squire, for valuable consideration, hereby assigns to Assignee, Julie Shular, all rights, title, and interest to collect the excess proceeds that the Assignor(s) is entitled to claim. These excess proceeds are the result of property(ies) which sold on 11/5/2010 at the El Dorado County, California, public auction of tax defaulted property, described as follows:

- El Dorado County Assessor's Parcel Number(s): 038-101-17-100
- Assignor(s) understands the amount of the excess proceeds eligible for distribution is \$20,100.00+/-.

ASSIGNOR(S) DECLARATION: Assignor(s) hereby declares the following to be true and correct with respect to this assignment of rights to claim excess proceeds to Julie Shular.

Assignee has advised Assignor(s) of the right to file a claim for excess proceeds on their own behalf. The parties have disclosed to each other all facts that each is aware of regarding the value of the rights being assigned as required by California Revenue and Taxation Code Section 4675.

As a party of interest, Assignor(s) has the authority pursuant to Section 4675 of the California Revenue and Taxation Code to assign the interest specified above.

This assignment is binding on all successors in interest, heirs, and assigns. It cancels all powers of attorney granted to collect these excess proceeds and it rescinds prior claims Assignor(s) may have submitted for these excess proceeds.

Assignor(s) declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

X Dated this 13 day of May 2011

X Signature: John D. Squire

John D. Squire, Successor Trustee of The Alice E. Thomas Trust
c/o The Law Offices of Eileen T. McBruder
Attn: Van Royce Vibber
9990 Houston Road
Malibu, CA 90265-2137
Phone: (310) 589-0300

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA

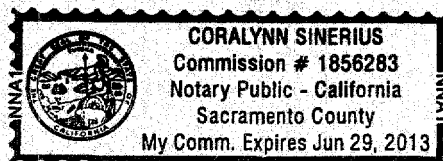
COUNTY OF SACRAMENTO

On MAY 13, 2011 before me, CORALYNN SINERIUS, NOTARY PUBLIC personally appeared JOHN D. SQUIRE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Coralynn Sinerius (seal)
Signature of Notary Public



Agreement for Sale of Real Estate

COPIES
FILED

This Agreement made the twentieth (20th) day of

May one thousand nine hundred and eighty (80)

BETWEEN Orville E. Thomas and Alice E. Thomas

the part... of the first part,

and Myron M. Thomas and Gerald M. Thomas

the part... of the second part,

Witnesseth: That the part... of the first part, in consideration of the covenants and agreements on the part of the part... of the second part hereinafter contained, agree..... to sell and convey unto the part... of the second part, and the part... of the second part agree..... to buy all that certain lot... piece..... or parcel..... of land situate in the Tamarack Park

County of El Dorado California

State of and bounded and particularly described as follows, to wit:

Structure and lot

035837

OFFICIAL RECORDS
EL DORADO COUNTY-CALIF.
RECORD REQUESTED BY:

Orville E. Thomas P.O. Box 28075
AUG 12 11 54 AM '86
900
7. pl
COUNTY CLERK
Sacramento, CA
95828

BOOK 2608 PAGE 742

for the sum of ~~Thirty-eight~~ (38,000.00) dollars,
lawful money of the United States, and the party of the second part, in consideration of the
premises, agree to pay to the party of the first part the said sum of ^(20,000.00) ~~Twenty-thousand~~
dollars, ~~at the times and in the manner following, to wit:~~ down, and the balance of
..... Eighteen thousand (18,000.00) dollars,
at the times and in the manner following, to wit:

\$18,000.00 to be paid at 8% interest until paid.
Payments to be \$150.56 per month beginning July 5, 1980.

Said property is not to be resold until balance due is
paid off unless sale is agreed to by both parties.

The party of the ~~second~~ part agree to pay all state,
county and municipal taxes or assessments of whatsoever nature which are or may become due on the
premises above described

In the event of a failure to comply with the terms hereof by the party of the second part,
the party of the first part shall be released from all obligation in law or equity to convey said
property and shall be entitled to the immediate possession thereof, and the party of the second part
shall forfeit all rights under this agreement, and all moneys theretofore paid hereunder shall be
considered as rent and compensation for the use and occupancy of said premises and be retained by
the party of the first part.

And the party of the first part, on receiving payment of the said purchase price, at the
times and in the manner above mentioned, agree to execute and deliver to the party of the
second part, or to ~~their heirs~~ assigns,
a good and sufficient deed conveying said property free and clear of all liens and encumbrances made,
done or suffered by the party of the first part.

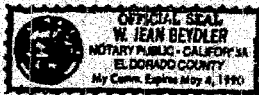
And it is understood that the stipulations aforesaid are to apply to and bind the heirs, executors, administrators, and assigns of the respective parties, but no assignment of this contract shall be valid without the written consent of the party... of the first part. Time is of the essence of this agreement.

STATE OF CALIFORNIA }
County of El Dorado } ss.

On this 12th day of August in the year 19 86, before me W. JEAN BEYDLER, Notary Public, personally appeared ORVILLE E. THOMAS and ALICE E. THOMAS

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is subscribed to this instrument, and acknowledged that he (she or they) executed it.

WITNESS my hand and official seal.



W. Jean Beydler
W. JEAN BEYDLER
Notary Public in and for
said County and State

In Witness Whereof the parties hereto have executed these presents in duplicate the day and year first above written.

Signed and Delivered in the Presence of

Orville E. Thomas
Alice E. Thomas

This document is only a general form which may be proper for use in simple transactions and in no way act, or is intended to act, as a substitute for the advice of an attorney. The publisher does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction.

BOOK 2608 PAGE 744

END DOCUMENT

RECORDING REQUESTED BY
SCHEI, PENDERGAST & COLLINS

AND WHEN RECORDED MAIL TO

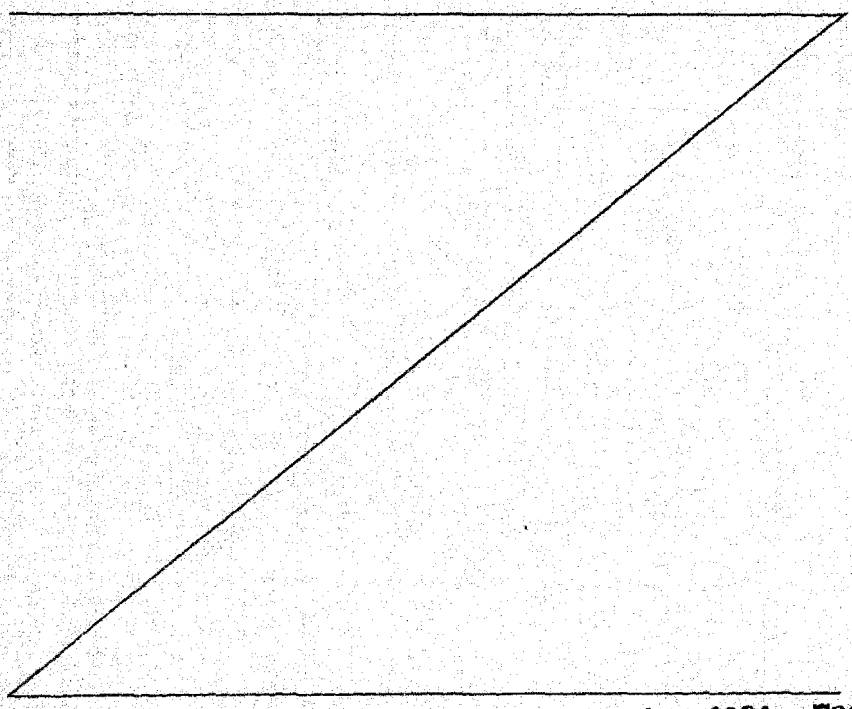
NAME Gene E. Pendergast, Jr.
ADDRESS 555 Capitol Mall, Suite 200
CITY & STATE Sacramento, California 95814

059211
OFFICIAL RECORDS
EL DORADO COUNTY CALIF
RECORD REQUESTED BY:
ATTORNEYS
94 OCT 18 AM 10:15
LORITA "JEAN" BELL
COUNTY RECORDER-CLERK

PCOS
FILED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPOUSAL PROPERTY ORDER



BOOK 4361 PAGE 700

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): SCHEI, PENDERGAST & COLLINS (916) 444-8146 GENE E. PENDERGAST, JR., State Bar No. 036672 555 Capitol Mall, Suite 200 Sacramento, California 95814		TELEPHONE NO.: (916) 444-8146	FOR COURT USE ONLY
ATTORNEY FOR (Name): ALICE E. THOMAS		<div style="border: 2px solid black; padding: 5px; text-align: center;"> ENDORSED OCT - 3 1994 By MARY LOFTIN, Deputy Clerk </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, California 95814 BRANCH NAME:			
ESTATE OF (NAME): ORVILLE E. THOMAS,		DECEDENT	
SPOUSAL PROPERTY ORDER		CASE NUMBER: 94PR1444	

1. Date of hearing: **October 3, 1994** Time: **9:30 a.m.** Dept: **17** Room:

THE COURT FINDS

2. All notices required by law have been given.
3. Decedent died on (date): **June 16, 1994**
- a. a resident of the California county named above.
- b. a nonresident of California and left an estate in the county named above.
- c. intestate testate

THE COURT FURTHER FINDS AND ORDERS

4. a. The property described in attachment 4a is property passing to the surviving spouse.
 (name): **ALICE E. THOMAS** and no administration of it is necessary.
- b. See attachment 4b for further order respecting transfer of the property to the surviving spouse.
5. To protect the interests of the creditors of (business name):
 an unincorporated trade or business, a list of all its known creditors and the amount owed each is on file.
- a. Within (specify) _____ days from this date, the surviving spouse shall file an undertaking in the amount of \$ _____ upon condition that the surviving spouse pay the known creditors of the business.
- b. See attachment 5b for further order protecting the interests of creditors of the business.
6. a. The property described in attachment 6a is property that belongs to the surviving spouse.
 (name): **ALICE E. THOMAS** under Probate Code sections 100 and 101, and the surviving spouse's ownership is hereby confirmed.
- b. See attachment 6b for further order respecting transfer of the property to the surviving spouse.
7. All property described in the Spousal Property Petition that is not determined to be property passing to the surviving spouse under Probate Code section 13500, or confirmed as belonging to the surviving spouse under Probate Code sections 100 and 101, shall be subject to administration in the estate described in attachment 7.
8. Other (specify):

Date **October 3, 1994**

.....
 JUDGE OF THE SUPERIOR COURT

9. Number of pages attached **4**

Signature follows last attachment
BOOK 4361 PAGE 701

Estate of ORVILLE E. THOMAS, deceased
Spousal Property Order
Attachment 4a

1. Decedent's one-half community property interest in that certain real property situate in the County of Sacramento, State of California, and more particularly described as follows:

The South 186 feet of the North 216 feet of the West 20 feet of the East 140 feet of the West 330 feet of the East 660 feet of the North 1402.5 feet of NE 1/4 Sec. 2, T. 7 N., R. 5 E., M.D.B.&M.

Assessor's Parcel Number: 065-0020-011-0000.

2. Decedent's one-half community property interest in that certain real property situate in the County of Sacramento, State of California, and more particularly described as follows:

All that portion of the Northeast quarter of Section 2, Township 7 North, Range 5 East, Mount Diablo Base and Meridian, lying and being in Sacramento County, California, described as follows:


Beginning at a point located South 89°11' West 590 feet and thence South 0°57' East 30 feet from the Northeast corner of said Section 2, and running thence from said point of beginning South 0°57' East 186 feet; thence North 89°11' East 120 feet; thence North 0°57' West 186 feet; thence South 89°11' West 120 feet to the point of beginning.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

Assessor's Parcel Number: 065-0020-010-0000.

3. Decedent's one-half community property interest in that certain real property situate in the County of El Dorado, State of California, and more particularly described as follows:

Lot 35, Tamarack Park, El Dorado County, California, and also described as beginning at a point in the Northeast quarter of Section 16, Township 11 North, Range 17 East, M.D.B.&M., located the following distances and courses from the quarter section corner common to Sections 9 and 16, to wit: S. 1°13' W. 1561.96 feet measured along the 1/4 section line; thence N. 72°23' E. 164.6 feet; thence N. 86°45' E. 117.32 feet; thence N. 65°56' E. 156.00 feet; thence N. 76°51.5' E. 51.17 feet; thence N. 87°47' E. 292.5 feet to said point of



beginning for the following description: thence from said point of beginning N. 87°47' E. 99.65 feet; thence S. 4°33' W. 160 feet; thence S. 86°45' W. 96 feet; thence N. 3°12' E. 160 feet to the place of beginning.

SUBJECT TO existing covenants, conditions, and restrictions of record.

ALSO SUBJECT TO that Agreement for Sale of Real Estate dated May 20, 1980, and recorded in Book 26087 at Page 742 of Official Records of El Dorado County.

Assessor's Parcel Number: 038-101-17-1-0.

4. Decedent's undivided one-fourth interest in that certain real property situate in the County of Kern, State of California, and more particularly described as follows:

Beginning at the one-quarter section corner between Sections 29 and 32, Township 29 South, Range 23 East, Mount Diablo Meridian, in the County of Kern, State of California, according to the official plat of said land approved by the Surveyor General March 19, 1856; thence South 16 chains to the true point of beginning; thence East 5 chains; thence North 2 chains; thence East 5 chains; thence South 6 chains; thence West 10 chains; thence North 4 chains to the true point of beginning.

EXCEPT the interest in the West 30 feet of the South 4 chains of the West 5 chains and the East 30 feet of said land reserved by Royalty Corporation Ltd., a corporation, in deed recorded April 11, 1932, in Book 443, Page 12, Official Records, which deed recites that said strip is "for use as rights of way and easements for public roads."

SUBJECT TO a community oil and gas lease now of record covering the property herein described and other property; and grantor herein hereby assigns to grantees herein such proportionate interest in and to said lease and all royalties from production on any property covered by said lease, including rents payable to them thereunder, which but for this deed, would hereafter accrue to the said grantor under the terms and conditions of said lease by reason of the inclusion in said lease of the property hereby conveyed.

Assessor's Parcel Numbers: 102-190-42-00-1 and 102-190-43-00-4.

Estate of ORVILLE E. THOMAS, deceased
Spousal Property Order
Attachment 6a

1. Surviving spouse's one-half community property interest in that certain real property situate in the County of Sacramento, State of California, and more particularly described as follows:

The South 186 feet of the North 216 feet of the West 20 feet of the East 140 feet of the West 330 feet of the East 660 feet of the North 1402.5 feet of NE 1/4 Sec. 2, T. 7 N., R. 5 E., M.D.B.&M.

Assessor's Parcel Number: 065-0020-011-0000.

2. Surviving spouse's one-half community property interest in that certain real property situate in the County of Sacramento, State of California, and more particularly described as follows:

All that portion of the Northeast quarter of Section 2, Township 7 North, Range 5 East, Mount Diablo Base and Meridian, lying and being in Sacramento County, California, described as follows:

Beginning at a point located South 89°11' West 590 feet and thence South 0°57' East 30 feet from the Northeast corner of said Section 2, and running thence from said point of beginning South 0°57' East 186 feet; thence North 89°11' East 120 feet; thence North 0°57' West 186 feet; thence South 89°11' West 120 feet to the point of beginning.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

Assessor's Parcel Number: 065-0020-010-0000.

3. Surviving spouse's one-half community property interest in that certain real property situate in the County of El Dorado, State of California, and more particularly described as follows:

Lot 35, Tamarack Park, El Dorado County, California, and also described as beginning at a point in the Northeast quarter of Section 16, Township 11 North, Range 17 East, M.D.B.&M., located the following distances and courses from the quarter section corner common to Sections 9 and 16, to wit: S. 1°13' W. 1561.96 feet measured along the 1/4 section line; thence N. 72°23' E. 164.6 feet; thence N. 86°45' E. 117.32 feet; thence N. 65°56' E. 156.00 feet; thence

N. 76°51.5' E. 51.17 feet; thence N. 87°47' E. 292.5 feet to said point of beginning for the following description: thence from said point of beginning N. 87°47' E. 99.65 feet; thence S. 4°33' W. 160 feet; thence S. 86°45' W. 96 feet; thence N. 3°12' E. 160 feet to the place of beginning.

SUBJECT TO existing covenants, conditions, and restrictions of record.

ALSO SUBJECT TO that Agreement for Sale of Real Estate dated May 20, 1980, and recorded in Book 26087 at Page 742 of Official Records of El Dorado County.

Assessor's Parcel Number: 038-101-17-1-0.

DATED: October 3, 1994.



KENNETH L. HAKE

JUDGE OF THE SUPERIOR COURT

