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ENDORSED  
FILED  
ALAMEDA COUNTY

DEC 10 2004

CLERK OF THE SUPERIOR COURT

By CYNTHIA S. ROGUE

SUPERIOR COURT OF THE STATE OF CALIFORNIA Deputy

ALAMEDA COUNTY - UNLIMITED JURISDICTION

8 ARLEEN FREEMAN,

No. RG 04183175

9 Plaintiff

FIRST AMENDED COMPLAINT FOR  
RESTITUTION AND INJUNCTION  
UNDER UNFAIR COMPETITION LAW  
[BUS & PROF. 17200, RE UNLAWFUL,  
UNFAIR, FRAUDULENT PRACTICES]

10 vs.

11 LGS REPORTS, INC.  
12 JCP GEOLOGISTS, INC.  
13 NATURAL HAZARDS DISCLOSURE, LLC  
14 FIDELITY NATIONAL FLOOD SERVICES, INC.,  
15 DBA DISCLOSURESOURCE  
16 PROPERTY DATA SERVICES, INC.  
17 BE DISCLOSURE!  
18 CALIFORNIA PROPERTY DISCLOSURE, LLC  
19 DISCLOSURE SAVE  
20 GEO LOGIX  
21 GEO TECH  
22 HAZ CHEK BY ABW CORP  
23 FIRST CONSULTING SERVICES, LLC  
24 PROFESSIONAL HAZARD DISCLOSURE  
25 PROPERTY SPECS, INC.  
26 TERRACHECK,  
27 BUYERS REAL ESTATE SERVICES, LLC,  
28 WHITE CONSULTING,  
NATIONWIDE (REALTYCHEK),  
SAFEREALSTATE, AND  
DOES 1-200

Amount demanded exceeds \$10,000

**BY FAX**

Defendants

1. Plaintiff Arleen Freeman is an individual licensed by the State of California as a real estate broker. She brings this action on behalf of the general public in California.

- 1 -

FIRST AMENDED COMPLAINT FOR RESTITUTION, INJUNCTION UNDER UNFAIR COMPETITION LAW

1           2. The following defendants are corporate entities (corporations or LLCs as the case  
2 may be) with fictitious business names, if any, indicated in parentheses: LGS Reports, Inc., JCP  
3 Geologists, Inc., Natural Hazards Disclosure, LLC, Fidelity National Flood Services, Inc. (dba  
4 DisclosureSource), Property Data Services, Inc., Be Disclosure!, California Property Disclosure,  
5 LLC, Disclosure Save, Geo Logix, Geo Tech, Haz Chek by ABW Corp, Hirst Consulting  
6 Services, LLC, Professional Hazard Disclosure, Property Specs, Inc., TerraCheck, Buyers Real  
7 Estate Services, LLC, White Consulting, Nationwide (RealtyChek), SAFErealestate.

8           3. Plaintiff does not know the true names or capacities of defendants sued herein as  
9 Does 1-200, but will insert the names when ascertained.

10           4. This action is brought in this county because (1) hundreds to thousands of contracts  
11 to purchase subject hazard reports were entered into in this county, and were performed in this  
12 county, and (2) scores to hundreds of wrongful and fraudulent acts by defendants occurred in  
13 this county. The fraudulent, unfair, and unlawful practices that injured the public occurred in  
14 many counties in California, including this county. The victims of these practices in Alameda  
15 County did not get what they paid for in natural hazard reports, and such victims were deprived  
16 of the information they needed to make informed decisions on whether to buy their property  
17 and to make decisions on how to guard their homes and their families against wildfires.

18           5. Because all of Defendants' reports are improperly researched with respect to VHFHS  
19 zones, and on other hazards as well, none of Defendants' reports have value, even where they  
20 accidentally made the "correct" determination for a particular hazard. Plaintiff and other  
21 victims of Defendants' fraudulent operations thought they were paying for thoroughly  
22 researched and accurate hazard reports, not guesses.

23           6. California is one of many states to require sellers of real estate to advise buyers  
24 whether certain natural hazards affect the property. Since most sellers do not happen to know  
25 what natural hazards affect their property, Civil Code §1103 and Gov. Code §51183.5 require  
26 sellers to prepare natural hazard reports and deliver them to the buyers before close of escrow.

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1           7. As originally enacted, §1103 required disclosure of whether the property was within: a  
2 flooding zone, including through dam failure; a fire risk zone; an earthquake fault zone; a  
3 seismic landslide hazard zone; and a seismic liquefaction hazard zone.

4           8. A specialized industry of about twenty firms sprang up to supply the reports. Some  
5 were local firms while others were national firms providing reports in all states that required  
6 them.

7           9. In 1991, one of the worst fires in California history raced through the Oakland hills.  
8 Fanned by hot, dry winds, the fire raged through five years of drought-dried brush surrounding  
9 thousands of dwellings. The firestorm killed 25 people and burned down 2,449 single-family  
10 homes and 437 apartment and condos, with economic losses exceeding \$1.5 billion.

11           10. That fire occurred entirely on city-owned land outside the responsibility of the State  
12 of California. Additionally, it was entirely preventable: fire-suppression measures would have  
13 either prevented the fire in its entirety, or reduced it to a nuisance-level fire that could have been  
14 quickly contained and controlled.

15           11. The Oakland fire impelled the legislature to later amend 1103.2 to require natural  
16 hazard reports to state whether or not subject properties were within *local* zones with high fire  
17 hazard severity:

18           A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or  
19           51179 of the Government Code. The owner of this property is subject to the  
20           maintenance requirements of Section 51182 of the Government Code.

21           At the same time, effective 1992, the legislature enacted §§51175 – 51189 of the Government  
22           Code requiring localities in Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange,  
23           Riverside, San Bernardino, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano,  
24           Sonoma, and Ventura Counties to create local maps of very high fire hazard severity zones by  
25           Jan. 1, 1995, and requiring owners to clear brush from around structures in those zones. All  
26           other counties were required to create such maps by Jan. 1, 1996. The coordinated plan tied  
27           into the existing natural hazard disclosures, thus: before close of escrow buyers were advised if  
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1 their homes were located inside local very high fire hazard severity zones, and if they were, they  
2 were advised they had a duty to clear brush in a perimeter around the structures.

3 12. Local agencies in about half the counties in California created very high fire hazard  
4 severity zone ("VHFHSZ") maps. Defendants, have not, in the past four years, utilized the  
5 local VHFHSZ data.<sup>1</sup> Instead, defendants rely on state maps superseded by local maps.  
6 Whenever a seller in a local VHFHS Zone purchases a report, each defendant fails to properly  
7 determine whether the seller's property is in such a zone. As a result, thousands of buyers of  
8 such properties are falsely told their prospective properties are not located in local VHFHS  
9 Zones, and such buyers are not afforded the opportunity to make an informed decision whether  
10 to buy the property. Buyers are also not alerted that they are purchasing high risk property, and  
11 that if they complete the transaction, they will be under higher duties to clear a perimeter around  
12 the buildings on the property, and in the absence of such clearing their homes and lives will be  
13 at greater peril from wildfires. Plaintiff obtained natural hazard disclosure reports on a property  
14 located in a local VHFHS Zone, 25101 Summerhill Lane, Newhall, CA 91381. Defendants  
15 falsely and fraudulently reported that the property was not in a VHFHS Zone when, in fact, the  
16 property is located in such a zone. Samples of three such reports are attached at pages 12-20  
17 from three defendants: LGS Reports (pages 12-14), Fidelity (dba Disclosure Source, at pages 15  
18 - 17), and Natural Hazards Disclosure, LLC (pages 18-20).

19 13. An example of a local VHFHSZ map is shown at pages 8-11. The map is taken  
20 from the General Plan of the city of Berkeley, CA. The map is posted at [HTTP://](http://ci.berkeley.ca.us)  
21 [ci.berkeley.ca.us](http://ci.berkeley.ca.us), and found by following these links: Planning, Land Use Planning, Adopted  
22 Plans, General Plan, Berkeley General Plan (2003), General Plan (PDF), Disaster Preparedness  
23 & Safety, and turning to Figure 14. As indicated in that General Plan, approx. 750 residences lie  
24 in that very high fire hazard severity zone, and buyers are defrauded and deceived when they  
25

26 \_\_\_\_\_  
27 <sup>1</sup> Defendants also routinely fail to address locally mapped hazards, e.g. landslide, liquefaction, dam inundation and  
28 other hazard maps as required by statutory and common law.

1 purchase homes in that zone and falsely told by defendants that the subject property is *not* in  
2 such a zone.

3 14. Fire prevention measures work to reduce or eliminate the damage caused by  
4 wildfires. When so protected, wildfires sweep around homes. Thus, the failure to advise of the  
5 risk of wildfires and the need for state-mandated fire protection measures injures buyers and the  
6 general public.

7 15. The business practice of defendants is to falsely advise in their natural hazard reports  
8 that properties are *never* located in local very high fire hazard severity zones. Such business  
9 practices are unlawful, unfair, and fraudulent. Such business practices tend to injure many  
10 categories of persons in California and tend to injure competition in the market for natural  
11 hazard reports.

12 16. Unlawful The practice of reporting that properties are not in local VHFHS Zones,  
13 when in fact they are, violates Civil Code §1103 and Gov. Code §51183.5. The mechanics of  
14 §1103 are as follows. §1103(a) provides that the article applies generally to the transfer of title to  
15 residential real property of one to four units. §1103 (c) provides that a natural hazard disclosure  
16 statement is required to be given to a buyer whenever a property is located in one of six zones:  
17 (1) federal flood zone, (2) state flood zone, (3) local very high fire hazard severity zone, (4)  
18 earthquake fault zone, (5) seismic liquefaction zone, or (6) forest fire zone. §1103.2 provides the  
19 required content of the disclosure statement. That section provides mandatory yes or no check  
20 fields for the disclosure statement author to state whether the property is located in a VHFHS  
21 Zone. Section 1103.8 states that providing a natural hazard disclosure statement does not  
22 relieve sellers or their agents of their duties to make disclosures as required by all other sources  
23 of law.

24 17. When a property is located in a VHFHS Zone, as disclosed in local agency maps,  
25 §1103(c)(3) requires the seller and his/her agent to deliver a compliant VHFHSZ disclosure. If  
26 the hazard report has intentionally withheld correct VHFHSZ information, the disclosures  
27 required by the statute have not been delivered and the seller and listing agent are in violation of  
28

1 the statute. Thus, the violation by defendants jeopardizes the seller and the realty agents  
2 involved in the transaction, and exposes them to potential litigation.

3 18. Unfair There is no utility in defendants' conduct. Rather, defendants' conduct is an  
4 outright disregard of the law. There are grave harms to multiple classes of the public that flow  
5 from defendants' conduct. Thousands of buyers of homes in VHFHS Zones are erroneously  
6 advised they are not in such zones and they need not clear the perimeter around buildings,  
7 placing their lives and property at unreasonable risk of harm. In October 2003 the worst fires in  
8 California's history swept through Southern California, devastating sections of San Diego, San  
9 Bernardino, Alameda, Riverside, and Ventura Counties. The fires killed 23 people, burned over  
10 750,000 acres of land and caused over \$2 billion of insured losses. Plaintiff believes that many  
11 persons suffering personal injuries or property loss in those fires received natural hazard reports  
12 by defendants containing false information regarding very high fire hazard severity zones.  
13 Buyers of noncompliant VHFHSZ reports do not receive what they paid for.

14 19. Fraudulent Members of the public buying hazard reports are likely to be deceived by  
15 the business practices of defendants, and most certainly many have been deceived. Defendants'  
16 reports authoritatively state that the subject properties are not in VHFHS Zones. There is no  
17 way for a member of the public to discover the truth, short of traveling to the appropriate local  
18 agency, obtaining the correct map, locating the subject property on the map, and correctly  
19 interpreting such location.

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WHEREFORE, plaintiff prays for judgment as follows:

1. Restitution ordered to buyers of natural hazard reports of the full price paid for such reports for the four years prior to suit for all natural hazard reports that falsely stated that subject properties were not in very high fire hazard severity zones when in fact they were in such zones.

2. An injunction prohibiting defendants from selling natural hazard reports so long as they do not have systems in place to accurately determine whether subject properties are in very high fire hazard severity zones.


3. An equitable decree requiring defendants to advise buyers of non-complying natural hazard reports in the four years prior to this action that if they have suffered damages in reliance on a non-complying natural hazard report that they are entitled to take steps to file claims for all damages flowing from such reliance.

4. Attorney's fees under Code of Civil Procedure §1021.5, and/or from the fund created pursuant to this statute, as determined by the Court.

5. Costs of suit.

6. Such further relief as the Court deems proper.

Dated DEC 10, 2004

  
\_\_\_\_\_  
Barry & Associates, by David Barry,  
Attorneys for Plaintiff Arleen Freeman

Hazardous Buildings - Buildings constructed before building codes were in effect, and buildings built to earlier building codes, are the most likely to suffer serious damage. As illustrated by the 1994 Northridge earthquake, even newer buildings are vulnerable where poor construction, workmanship, and/or maintenance are present. The Association of Bay Area Governments estimates that 13,372 units in Berkeley will be uninhabitable after a major earthquake, resulting in a total shelter population of 8,530. Commercial buildings, utilities, and public roads will be destroyed or disabled. Local businesses will be disrupted and potentially permanently altered. Many businesses may not be able to recover financially from the physical damage and the loss of sales revenue during the recovery period.

In a disaster, the most vulnerable buildings include: unreinforced masonry (URM), concrete frames, tilt-up buildings built before the mid-1970s, and buildings with soft stories. Additionally, buildings with termite damage, dry rot, poor construction quality or other structural conditions can further exacerbate seismic vulnerability, even if the structure was properly designed.

In 1986, Senate Bill 547 required cities to create an inventory of URMs and to develop a mitigation program. In 1989 the city compiled an inventory of URM buildings. Then in 1991, the City adopted an ordinance mandating that URM buildings built before 1956 (except for residential buildings with fewer than five units) be posted immediately with a warning and seismically retrofitted to certain "performance standards" by deadlines based on the risk category assigned each building. The six risk categories are based upon use and occupancy load. Buildings with the highest occupancy such as theaters, or structures housing essential services, are assigned to the highest risk categories and had the shortest deadlines for retrofit. Smaller buildings and buildings with lesser hazards, such as brick parapets, are assigned to the lower categories. A total of 727 properties containing potentially hazardous URM buildings were originally placed on the list. Of those, 230 properties remain on the URM list with deadlines for all except category VI having now passed. Starting in FY 2001, the City has targeted bringing the remaining buildings into compliance, with the higher-use buildings as a priority.

Buildings with "soft" stories (open or irregular structural designs that lack lateral strength), structures made from non-ductile concrete, and buildings improperly anchored to their foundations are highly susceptible to damage. Residential uses are threatened particularly by soft story conditions because of parking below multi-unit buildings and by homes built on cripple walls and those not anchored to their foundations. Non-ductile concrete buildings are common in Berkeley's commercial and industrial areas.

Utilities - Water, gas, storm, and wastewater mains and pipes, electrical systems, and telecommunications are vulnerable to damage. Especially at risk are systems that have non-ductile pipes, or systems located in areas subject to ground failure. Overhead power lines may fall as a result of severe ground shaking, blocking streets for emergency access and evacuation, creating safety hazards, causing fires, and further complicating communication and emergency response.

Transportation - Public roads on vulnerable soils such as Interstate 880, which is constructed on landfill; streets in the hills built on historic landslide areas; as well as overpasses, bridges, and railway and port facilities are highly vulnerable to earthquake-induced ground shaking.

#### **Fire Hazards and Vulnerabilities**

The City of Berkeley faces an ongoing threat from urban and wildland fire. Susceptibility to fire is heightened due to Berkeley's dense development pattern, characterized by older structures including high rise buildings, multi-storied residential units, and a variety of warehouse, manufacturing, and commercial properties. Berkeley also faces a significant wildland fire danger along its hillsides where the wildland and residential areas interface. Wildland fires can result from both human activity and natural causes. Once ignited, these fires can be difficult to contain. The risk of fire is most common during the dry months of May through October, and can become extreme when the warm, dry Diablo winds blow out of the northeast. When the winds blow strongly, fires occurring in the densely vegetated hill areas are



extremely difficult to control. A wildfire can move with breathtaking speed, down from the ridge in 30 minutes, expanding to one square mile in one hour, and then consuming hundreds of residences in a day. In the Berkeley and Oakland Hills there have been 14 wildland fires since 1923, which collectively have burned 9,000 acres and destroyed more than 3,500 structures.

On September 17<sup>th</sup>, 1923, a fire started in Wildcat Canyon, just over the ridge from Berkeley. It was a warm day, with a strong northeast wind, which blew the flames up over the ridge into northeast Berkeley. Firefighters were able to do little to slow the fire as flying embers spread it rapidly from block to block. By the time the winds finally changed in the late afternoon, the fire had burned all the way to the northern edge of the University campus and as far west as Shattuck Avenue. Several thousand people were homeless, and 584 homes were destroyed. Had the winds not shifted, the fire could have burned to the Bay.

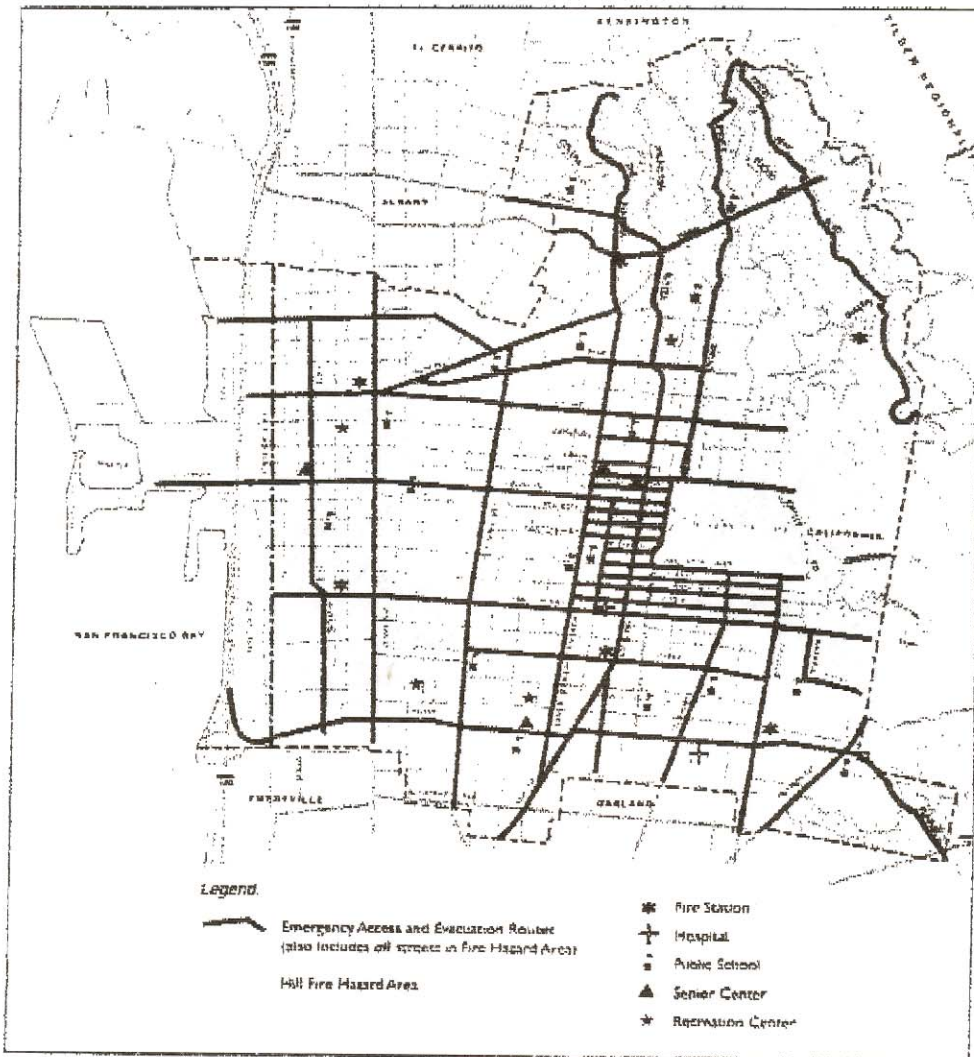


Figure 14. Hazardous Hill Area, Fire Station Locations and Evacuation Routes

Because of increased development and vegetation growth in the hills, the fire threat continually increases. Abundant dead brush and vegetation, and non-fire-resistant building materials, fueled the 1991 firestorm, which ignited in the Oakland Hills. The combination of fuel, drought, hot and dry weather, wind conditions, poor accessibility, and insufficient water pressure in some areas proved devastating. The fire destroyed 62 homes in Berkeley and more than 3,000 homes in Oakland, consuming one house every 11 seconds in the first three hours. Twenty-five people lost their lives in the fire.

In the aftermath of the 1991 Fire, the City established the Hill Hazardous Fire Area District. The purpose of the District was to expand inspection programs, reduce excess vegetation, and educate residents about the special needs for vegetation management and fire prevention for people living in the urban/wildland interface. Hazardous fire area inspections are conducted annually by fire companies, between May and September. Vegetation removal programs, including the chipper and debris box programs, continue with funding provided by a surcharge on the refuse bills for residents in the hill area. In 1997, the City Council-approved assessment district in the Berkeley hills area ended; however, the danger from a wildfire has not. The continued commitment of the residents to a fire-safe area is critical.

Figure 14 shows the location of the Hill Hazardous Fire Area and the Emergency Access and Evacuation Routes established in the General Plan Transportation Element. (Also see *Transportation Policy T-28*.) All streets in the Fire Hazard Area are considered to be evacuation routes, as are the public paths that make up Berkeley's pathway network system (see *Figure 6, Transportation Element*).

Efforts are currently underway to construct a new fire station for the hill areas east of the Hayward fault. The objective of the current efforts is to develop a facility that will be able to respond to major disasters in these neighborhoods.

The location of the residential hill areas adjacent to regional parklands poses two additional fire prevention challenges. First and foremost, these parklands are heavily wooded providing ample fuel for a major wildland fire that can easily move into the Berkeley neighborhoods. Second, these areas are managed by the East Bay Regional Park District and serviced by the California Department of Forestry (CDF). Therefore coordination between the City of Berkeley and the adjacent jurisdiction is essential. Major issues that must be addressed are: 1) the benefits and implications of establishing and maintaining a firebreak between the wildland areas and the residential areas of Berkeley, and 2) joint response plans to fires in the area.

To fight fires effectively, adequate water pressure, supply, and delivery must be available. While water pressure is generally adequate throughout the city, fire-fighting capability can be hampered by supply and pressure limitations in particular water pressure zones. Moreover, an earthquake can easily sever water lines in the area. Several areas in the East Bay Hills can produce flame fronts that cannot be controlled with water from hydrants, fire truck hoses, or helicopter buckets, or with retardant drops from air tankers, until the winds die down in the late afternoon. Compounding this threat is the fact that evacuation can be difficult, slow, and dangerous due to winding and narrow roadways in the hills.

A secondary hazard is the potential for massive land sliding on fire-burned hillsides when heavy rains follow firestorms. Extreme heat from firestorms can create an impermeable soil layer beneath the surface. When heavy rains fall on denuded slopes, soil saturation occurs rapidly and the danger of landslides in susceptible areas is great, posing a risk to life, structures, and infrastructure.

In conclusion, areas of the city that are most vulnerable to fire hazards are:

Hillside Residential Areas Near and Adjacent to Wildland Areas - There are approximately 750 residences in vulnerable hillside areas in Berkeley.

Structures Built with Combustible Materials - The presence of wood siding, shake roofs, and other combustible materials heightens the vulnerability of residences and structures in the hills area.

Areas of Heavy or Unmanaged Vegetation - Dense vegetation increases the danger to people and structures from fire. The fuel load is particularly high in the Berkeley hills.

Circulation and Utilities - As demonstrated in the 1991 firestorm, narrow winding roads can become inaccessible and unusable for evacuation or for emergency equipment and personnel. Aboveground utility poles can exacerbate problems.

The Water Delivery System - In an emergency the age of the existing water supply system may cause the system to be unreliable.

### **Landslide Hazards and Vulnerabilities**

In Berkeley, the potential for landslide from seismic activity or heavy rain is high in the hill areas and along remnant stream banks in some parks and neighborhoods. Landslide-prone areas include several large residential areas below Grizzly Peak Boulevard, south of Marin Avenue and east of The Alameda.

Geologists estimate that 45 to 65 percent of the landslide-susceptible areas will experience large, coherent movement in a major earthquake. The range of movement depends upon whether slopes are wet or dry when ground shaking occurs. Movement could range from a few inches to 20 feet. Efforts to minimize landslide potential occur as part of the development review process and can involve grading, soil strengthening, structural engineering components, and landscape methods (all of which are subject to City inspection services). Most of the Berkeley hillside development, however, predates current best practices and codes and therefore remains vulnerable to the threat of landslides.

Landslides due to slope failure are most frequent in high rainfall periods. The probability is greater in steeply sloped areas, although landslides may occur on slopes of 15 percent or less. Slope steepness and nature of underlying soils are the most important factors affecting the landslide hazard. However, factors such as the surface and subsurface drainage patterns, improper grading, alteration of drainage patterns, and removal of vegetation can also increase landslide hazards.

Areas of the community that are vulnerable to landslide hazards include hundreds of homes, roads, sidewalks, underground utilities (water, wastewater, etc), and aboveground utilities (electricity, telecommunications) that are situated on historic landslide areas. Several collector streets that are critical for emergency access and evacuation are located in areas historically susceptible to landslides - including sections of Arlington, Marin, Spruce, Euclid, Shasta, La Loma, and Keith.

### **Flood Hazards and Vulnerabilities**

The flood potential in Berkeley is a relatively mild threat in comparison to seismic, landslide, and fire risks. Flooding events may occur as flash floods, local storm drain blockages, or tidally influenced events. Seismically induced reservoir failure and inundation is unlikely, but such an event should be considered. There exists some potential for wave damage along the Berkeley waterfront, but tsunami waves (triggered by earthquakes, underwater landslides, or volcanic eruptions) have historically resulted in little damage around San Francisco Bay. Figure 15 shows the approximate location of flood hazards in Berkeley.

Areas of the city vulnerable to flood hazards include:

Strawberry Creek - Flowing from the hills through the University campus, Strawberry Creek poses a flood hazard for the area immediately west of Oxford Street, as well as to parts of the campus. The North



800-814-5599 Fax 800-547-6566



Page: 1 of 11

Date: October 27, 2004

LGS Report No: 2435456

# RESIDENTIAL DISCLOSURE REPORT FOR LOS ANGELES COUNTY

Property: 25101 Summerhill Ln, Stevenson Ranch, CA 91381-2260

APN: 2826-086-007

Transferor: Klein Dennis R

## THIS PROPERTY IS REPORTED AS:

### Natural Hazards Disclosure

**Not Situated** in a special FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency;

**Not Situated** in a DAM OR RESERVOIR INUNDATION AREA designated by the State Office of Emergency Services;

**Not Situated** in a State of California VERY HIGH FIRE HAZARD SEVERITY ZONE; The owner of a property within a Very High Severity Zone is subject to the maintenance requirements of Section §51182 of the Government Code;

**Situated** in a State of California FIRE RESPONSIBILITY AREA. The owner of a property in a State Fire Responsibility Area is subject to the maintenance requirements of Section §4291 of the Public Resources Code;

**Not Situated** in a State of California Alquist-Priolo EARTHQUAKE FAULT ZONE;

**Mapped** by the State of California Division of Mines and Geology SEISMIC HAZARD MAPPING ACT program;

**Situated** in an Earthquake-Induced LANDSLIDE HAZARD ZONE on official maps of the Seismic Hazard Mapping Act;

**Not Situated** in a soil LIQUEFACTION HAZARD ZONE on official maps of the Seismic Hazard Mapping Act;

*Mark A. Barrett*

Prepared under the supervision of Mark A. Barrett, CEG 2088

### Military Ordnance Disclosure

**Not Situated** within one mile of a former federal or state ordnance location.

### Commercial/Industrial Disclosure

**Situated** within one mile of a zone or district allowing manufacturing, commercial or airport use. See Comm. Addendum on page 7.

### Airport Proximity Disclosure

**Not Situated** within five miles of a public airport.

### Airport Influence Area Disclosure

**Not Situated** in the vicinity of an airport, within what is known as an Airport Influence Area.

### Database Disclosure (Megan's Law)

**Notice** See Data Base Disclosure Addendum on page 8.

### Mold Disclosure

**Notice** See Mold Addendum on page 9.

### Local Disclosure

**Notice** See Local Geologic Hazards Addendum on page 10.

### Mello-Roos Disclosure

**Not Situated** in a MELLO-ROOS COMMUNITY FACILITIES DISTRICT that is currently being assessed, as reported by available records from the County Auditor-Controller, as of the date of tax year of this report.

### Special Assessment (1915 Bond) Addendum

**Not Situated** in a SPECIAL ASSESSMENT DISTRICT (1915 Bond) that is currently being assessed, as reported by available records from the County Auditor-Controller, as of the date of tax year of this report. See Special Assessment Addendum on page 11.

2435456, 2826-086-007, 4640-02, TR-45308 LOT 41, 1/3, 10/27/2004



800-814-5599 Fax 800-547-6566

### NATURAL HAZARD DISCLOSURE STATEMENT

Property: 25101 Summerhill Ln, Stevenson Ranch, CA 91381-2260

APN: 2826-086-007

Transferor: Klein Dennis R

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 and federal governments.

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): (Check the answer that applies.)

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

Yes \_\_\_\_\_ No  (a) Do not know (b) Information not available from local jurisdiction \_\_\_\_\_  
Only Check if BOTH (a) and (b) apply.

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

Yes \_\_\_\_\_ No  (a) Do not know (b) Information not available from local jurisdiction \_\_\_\_\_  
Only Check if BOTH (a) and (b) apply.

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 to Section 51182 of the Government Code.

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



WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS 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 pursuant to Section 4142 of the Public Resources Code.

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

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

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

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

Yes (Landslide Zone)  No \_\_\_\_\_ Map not released by state \_\_\_\_\_

Yes (Liquefaction Zone) \_\_\_\_\_ No  Map not released by state \_\_\_\_\_

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.

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

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

Signature of Transferor X \_\_\_\_\_ X \_\_\_\_\_ Date \_\_\_\_\_

Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date signed by the agent.

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

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

Transferee(s) represents that he or she has read and understands this document.

Signature of Transferee X \_\_\_\_\_ X \_\_\_\_\_ 10 \_\_\_\_\_ Date \_\_\_\_\_

This form meets the standards of civil code § 1103. No representation is made as to the legal validity or adequacy of any provision in any specific transaction.



800-814-5599 Fax 800-547-6566

### NATURAL HAZARDS DISCLOSURE

This report is in conformance with California Civil Code §1103 et seq. The maps and data cited herein were reviewed using the property address listed above (Property) in order to generate this report. The Certified Engineering Geologist who supervised the production of this report has provided his signature and State License number below to conform with Civil Code §1103.4(c). There may exist other publicly available data regarding the Property, but this information is not included in this report. No visual or physical inspection of the Property has been conducted. Therefore, LGS Reports, Inc. recommends a Certified Engineering Geologist or Professional Engineer be retained if specific information is desired. Many cities and counties maintain additional geotechnical and other reports regarding specific properties located within their boundaries that should be reviewed if desired. The information contained in this report may be changed or altered by the aforementioned sources of site-specific information. Properties which contain significant natural or graded slopes have inherent risks not associated with flat sites. The evaluation of these slopes is beyond the scope of this report. LGS Reports, Inc. recommends retaining a Certified Engineering Geologist to address any concerns regarding on-site slopes. This report was prepared in accordance with, and therefore is subject to, all of the conditions and limitations stated herein. A discussion of each category of disclosure is included later in this report.

### EXPLANATION

#### Special Flood Hazard Areas

The Federal Emergency Management Agency (FEMA) has prepared Flood Insurance Rate Maps, which delineate flood zones based on estimated flood risk. The zones pertinent to the Natural Hazard Disclosure are Zones A and V (Special Flood Hazard Areas). Zone V is for coastal areas and Zone A is for inland areas. These zones are located within a 100-year flood plain. A 100-year flood has a one-percent chance of occurrence in any given year. Flood insurance is required by federally regulated lending institutions for properties located within Zones A or V. Local flood control projects to mitigate flood hazard potential can change the flood risk of a specific area or property. The flood risk of a specific area or property may be updated through a Letter of Map Change filed with FEMA. Specific updated flood risk information, not included on the Flood Insurance Rate Maps, is not provided in our report. If a property is located within a Special Flood Hazard Area, LGS REPORTS, INC. recommends contacting FEMA for the updated risk assessment of the property and the current flood insurance requirements. It should be noted that properties within a Special Flood Hazard Zone may never experience flooding, and conversely, properties not located within a Special Flood Hazard Zone may experience flooding. This disclosure is not meant to predict flooding, but rather to identify properties for which flood insurance may be required by federally regulated lending institutions.

#### Areas of Potential Flooding from Dam Failures

The California Office of Emergency Services (CA OES) has provided Inundation Maps, which delineate areas subject to flooding from a sudden, catastrophic failure of a dam with a full reservoir. Maps are not available for all dams in the state. Additional maps may become available subsequent to approval by the OES. Inundation from reservoir, dam, or dike failure can pose serious risks to large segments of the population. Cities and counties within the mapped areas are required to adopt emergency procedures for the evacuation of populated areas.

#### Very High Fire Hazard Severity Zones



The California Department of Forestry and Fire Protection (CDF) under the Bates Bill (AB 337) established Very High Fire Hazard Severity Zones (VHFHSZ) in the Local Responsibility Areas (LRA) of California. The maps prepared by the CDF show zones based on State criteria. Local agencies, by law, are allowed to make changes to the zones. Fire defense improvements are mandated for properties located within the zones under Section 51182 of the Government Code. Mandated improvements include a Class A roof for new development or replacement of an existing roof and brush clearing within 30 feet of a structure. For a complete listing of the mandated fire defense improvements and local zone changes, contact the local fire department.

The Very High Fire Hazard Severity Zone Maps were prepared at a scale that does not always allow a conclusive determination to be made at zone boundaries. If a conclusive determination cannot be made, the property will be reported on the Natural Hazard Disclosure Statement as located in the zone as mandated by Section §1102.6C of the California Civil Code. LGS Reports, Inc. will report the property as in a boundary condition on our Residential Disclosure Report. Therefore, the local fire department should be contacted to determine if the property is located within the zone.

Make check payable to:



**DISCLOSURE SOURCE**

A FIDELITY NATIONAL FINANCIAL COMPANY  
1521 N Cooper Street, Fourth Floor  
Arlington, TX 76011-5942

Invoice #:	102704-00226
Customer Number:	541045571
Account Number:	99999E
Invoice Date:	27-Oct-04
Invoice Amount:	\$0.00

Bill To: David Barry

Pier 9, Suite 112  
San Francisco, CA 94111  
Phone: (415) 398-6600  
Fax:

To ensure proper credit, detach and return this portion with your payment and please include the invoice number on your check

Cut Here

# INVOICE



**DISCLOSURE SOURCE**  
A FIDELITY NATIONAL FINANCIAL COMPANY  
1521 N Cooper Street, Fourth Floor  
Arlington, TX 76011-5942  
Fax: (800) 287-8673

Invoice #: 102704-00226

Invoice Date: 27-Oct-04  
Customer Number: 541045571

**Bill To:**

David Barry  
  
Pier 9, Suite 112  
San Francisco, CA 94111  
Phone: (415) 398-6600  
Fax:

**Order Details**

Property Address:  
25101 Summerhill Lane  
Newhall, CA 91381  
2826-086-007

Quantity	Description	Amount	Total
1	Natural Hazard Disclosure Standard	\$49.95	\$49.95
1	Miscellaneous Discount	(\$10.00)	(\$10.00)
1	Payment	(\$39.95)	(\$39.95)

**Invoice Total:** \$0.00

Terms: Net30

# NATURAL HAZARD DISCLOSURE STATEMENT

Escrow No: \_\_\_\_\_

This statement applies to the following property:

25101 Summerhill Lane, Newhall, CA 91381 APN: 2826-086-007

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 and federal governments. This information is a disclosure and is not intended to be part of any contract between the transferee and transferor.

## THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

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

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

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map.

Yes \_\_\_\_\_ No  Do not know/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

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS 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 wild-lands 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 \_\_\_\_\_

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

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

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

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

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

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER 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. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

The California Association of Realtors ("CAR") has requested that the following statement accompany this Natural Hazard Disclosure Statement. Disclosure Sources is including this statement as an accommodation to C.A.R. and its members.

"The disclosures made in this Natural Hazard Disclosure Statement and Report are based on information provided by an independent third party as a substituted disclosure pursuant to California Civil Code Section 1103.2(a). Neither the seller nor the seller's agent have (1) independently verified the information contained in this report or (2) is personally aware of any errors or inaccuracies in the information contained on the form."

Transferor represents that the information herein is true and correct to the best of the transferor's knowledge as of the date signed by the transferor.

Signature of Transferor \_\_\_\_\_ Dated \_\_\_\_\_

Signature of Transferor \_\_\_\_\_ Dated \_\_\_\_\_

Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date.

Signature of Agent \_\_\_\_\_ Dated \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Dated \_\_\_\_\_

Transferee represents that he or she has read and understands this document.

Signature of Transferee \_\_\_\_\_ Dated \_\_\_\_\_

Signature of Transferee \_\_\_\_\_ Dated \_\_\_\_\_



## SECTION I: Natural Hazard Summary (continued)

Subject Property:

25101 Summerhill Lane, Newhall, CA 91381 APN: 2826-086-007

### VERY HIGH FIRE SEVERITY ZONE DETERMINATION

#### BACKGROUND INFORMATION / DISCUSSION:

The California Legislature has declared that space and structure defensibility is essential to diligent fire prevention. Further, the Director of Forestry and Fire Prevention has identified areas in the state as Very High Fire Hazard Severity Zones based on consistent statewide criteria, and based on the severity of fire hazard that is expected to prevail in those areas. Determining information includes, but is not limited to: Fuel loading, terrain (slope), fire weather conditions and other relevant factors.

According to the pertinent codes, local fire districts have created Very High Fire Severity Zone maps covering their jurisdictions. However the officially released maps compiled by the state do not include all of these local district maps. Where available, DisclosureSources has obtained these local jurisdiction maps and added them to this search.

Source(s) of data: Government agencies or their appointed designate(s), California Government Code Section 51178 and 51179

#### FINDINGS:

Based on a review of the official map(s) issued by the Director of Forestry and Fire Protection for the State of California, the Company reports:

IS located in a Very High Fire Hazard Severity Zone.  IS NOT located in a Very High Fire Hazard Severity Zone

### STATE FIRE RESPONSIBILITY AREA / WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS DETERMINATION

#### BACKGROUND INFORMATION / DISCUSSION:

The State of California Department of Forestry and Fire Prevention designates Areas of State Fire Responsibility. This means The California Department of Forestry bears the primary financial responsibility for the prevention and/or suppression of fires in these areas. A Seller of real property located within a State Fire Responsibility Area must disclose the fact that there may be a forest fire risk and hazard on the property, and the fact that the property owner may be subject to the imposition of fire mitigation measures as set forth in Public Resources Code Section 4291.

However the degree of hazard is not indicated within the official State Fire Responsibility Area maps. It may range from Low to Very High.

Source(s) of data: California Public Resources Code Section 4125

#### FINDINGS:

Based on a review of the official map(s) issued by the California Department of Forestry and Fire Protection, the Company reports:

IS located in a State Fire Responsibility Area.  IS NOT located in a State Fire Responsibility Area.

Client: Arleen Freeman  
 Freeman Realty  
 3186 Adams Avenue, Suite 202  
 San Diego, 92116

NHD WO # 214719  
 Date: 29-Oct-04

**INDEX OF DOCUMENTS INCLUDED IN THE NATURAL HAZARDS DISCLOSURE REPORT**

THIS STATEMENT APPLIES TO THE FOLLOWING PROPERTY **25101 Summerhill Lane, Newhall, CA 91381**  
 APN# 2826-086-007

Reports checked below accompany the Natural Hazards Disclosure Report for the above-mentioned property location. By signing this document you acknowledge receiving a copy of the items checked below.

The following reports are included with this Natural Hazards Disclosure Report:

- Natural Hazards Disclosure report for residential property \_\_\_\_\_ Page 1
- Explanation of Natural Hazards Disclosure \_\_\_\_\_ Page 2a, 2b
- Mello-Roos and 1915 Bond Act Determination OR: \_\_\_\_\_ Page 3
- Unsecured property information Sheet (only if the property is a Mobile Home) \_\_\_\_\_ Page 3
- Airport Proximity Disclosure \_\_\_\_\_ Page 4
- Industrial Use Proximity Form \_\_\_\_\_ Page 5
- Database Disclosure Regarding Registered Sex Offenders \_\_\_\_\_ Page 6
- Mold Supplement Information Sheet \_\_\_\_\_ Page 7, 8
- Proximity to Military Ordnance Facilities \_\_\_\_\_ Page 9
- Proximity to Whittaker-Bermite site (only if the property is located in the city of Santa Clarita) \_\_\_\_\_ Page 10
- Earthquake Mercalli Scale Disclosure report (only if the property is located within one of the 9 Bay Area counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma) \_\_\_\_\_ Page M
- Environmental Disclosure Report (additional) \_\_\_\_\_ Pages E1-E#
- California Tax Data Report (additional) \_\_\_\_\_ Pages per CTD
- Zoning Determination Report (additional report) \_\_\_\_\_ Page Z
- CAR Disclosure Forms and Mandated Publication \_\_\_\_\_ Pages per CAR

The Information attached is true and correct to the best of Seller's knowledge as of the signature date below. Seller and Buyer hereby authorize Agents representing any principals to this transaction to provide a copy of this statement to any person or entity in connection with the actual or anticipated sale of the property.

Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
 Seller: \_\_\_\_\_ Date: \_\_\_\_\_

Upon execution, each Buyer acknowledges they have received, read and understand the disclosure reports attached.

Buyer: \_\_\_\_\_ Date: \_\_\_\_\_ Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
 Buyer: \_\_\_\_\_ Date: \_\_\_\_\_

Client: Arleen Freeman  
 Freeman Realty  
 3186 Adams Avenue, Suite 202  
 San Diego, 92116

NHD WO # 214719  
 Date: 29-Oct-04

Page 1

**NATURAL HAZARD DISCLOSURE STATEMENT**

THIS STATEMENT APPLIES TO THE FOLLOWING PROP **25101 Summerhill Lane, Newhall, CA 91381**  
 APN# **2826-186-007**

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 and federal governments. This information is a disclosure and is not intended to be part of any contract between the transferee and transferor.

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA (S):

**A SPECIAL FLOOD HAZARD (Any type Zone "A" or "V")** designated by the Federal Emergency Management Agency.  
 Yes \_\_\_\_\_ No  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 8689.6 of the Government Code.  
 Yes \_\_\_\_\_ No  Do not know 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

**A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS 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 \_\_\_\_\_

**AN EARTHQUAKE FAULT ZONE** pursuant to Section 2522 of the Public Resources Code.  
 Yes \_\_\_\_\_ No

**A SEISMIC HAZARD ZONE** pursuant to Section 2696 of the Public Resources Code.  
 Landslide Zone Yes  No \_\_\_\_\_ Map not released by state \_\_\_\_\_  
 Liquefaction Zone Yes \_\_\_\_\_ No  Map not released by state \_\_\_\_\_

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.

The information contained in this box is not part of the statutory form.  
 (If checked) The representations made in this form are based upon information provided by an independent third-party report provided as a substituted disclosure pursuant to California Civil Code 1102.4. Neither the seller nor the seller's agent (1) has independently verified the information contained in this form and report or (2) is personally aware of any errors or inaccuracies in the information contained on the form.

Transferor represents that the information herein is true and correct to the best of the transferor's knowledge as of the date signed by the transferor.

Signature of Transferor(s): \_\_\_\_\_ Date: \_\_\_\_\_

Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date signed by the agent.

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

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

Transferee(s) represents that he or she has read and understands this document.

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

**Alan Arora, President - Natural Hazards Disclosures, LLC - A subsidiary of the California Association Of Realtors**

Natural Hazards Disclosures, LLC certifies that this report complies with all requirements for the mandatory disclosures set forth in California Civil Code 1103.2a in form and content. Furthermore, this report qualifies as a substitute disclosure report pursuant to California Civil Code 1103.4c. As much as neither the seller nor agents shall be liable for any error, inaccuracy, or omission if not within the personal knowledge of the seller or agents. NHD, LLC maintains \$20 million Errors and Omissions Insurance.

*Alan Arora*





### Explanation of the Natural Hazard Disclosure Statement by Natural Hazards Disclosure, LLC

The State of California requires that sellers of California real estate disclose to buyers certain information of natural hazards that could have a potential adverse impact to the property. Specific format of reporting exists for residential property (Assembly Bill 248, Tonkason, 1999) The Accompanying Natural Hazard Disclosure Statement prepared by Natural Hazards Disclosure, LLC (NHD LLC) is based upon review of the following: (1) State of California Earthquake Fault Zone maps, (2) U.S. Government FEMA flood zone maps, (3) State of California Fire Responsibility Area Maps, and (4) State of California Very High Fire Hazard Severity Zone maps (Bates Fire Maps), (5) State of California Dam Inundation Maps, and (6) State of California Seismic Hazard Zone maps. A Brief explanation of each zone designation reported is presented below. This information is general in nature but useful in evaluating some natural hazards that might influence areas of the state. **No site-specific studies have been performed by Natural Hazards Disclosure, LLC personnel, as such is beyond the scope of this data research.**

In addition to the maps reviewed by NHD, LLC there are other maps available through governmental agencies and private companies that might be significant to this property. There has been a requirement of geologic and/or soil engineering evaluation for development of properties in much of California over the last 20+ years. If this property was developed within that period, detailed geotechnical reports may be on file with the governing city or county. These records are generally available for review by the public. Concerns expressed in this report may have been addressed at time of development and corrections provided.

**If there are disclosures contained in this report that are not understood or are of concern to the client, appropriate consultants should be contacted to provide a detailed site-specific study.**

#### Special Flood Hazard Area (FEMA Flood Zone)

Flood Insurance Rate Maps are produced by the Federal Emergency Management Agency. The maps delineate various flood hazard zone designations for flood insurance and flood plain management purposes. The maps do not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas. Special Flood Hazard Areas (SFHAs) are areas subject to inundation by a flood having a one percent or greater probability of being equaled or exceeded during any given year. Therefore, it is possible for an SFHA to experience flooding more than once every 100 years. This flood, which is referred to as the 100-year flood (or base flood), is the national standard on which the floodplain management and insurance requirements of the National Flood Insurance Program are based. FEMA Flood Zones "A" and "V" are the principal SFHA's. Properties within a SFHA generally require FEMA flood insurance.

#### Area of Potential Flooding - Dam Inundation Area

Dams and/or large debris basins are used for water storage and flood control. Catastrophic failure of one of these structures from a large earthquake, foundation failure, over-flow, etc., could result in substantial loss of property and life in downstream areas. Section 4589.5 of the California Government Code requires that inundation maps and emergency response plans be prepared for certain dams and debris basins within the jurisdiction of the State. The potential inundation areas shown on Dam Inundation Hazard Maps assume catastrophic failure of a dam or basin during peak storage capacity. The inundation boundary depicted on these maps generally encompass all probable routes that may flood down stream from a failed dam or basin. The scale of the map used as the basis for this mapping is very small and, therefore, the information is considered general in nature. Areas outside of actual potential inundation areas may be included in zones depicted on the map due to lack of sufficient detail of the base map. Also, it should be noted that there are many dams within the State for which there are no existing Dam Inundation maps available. NHD, LLC only reports on those Dam Inundation maps available from public agencies on the day that the report was prepared. **NHD recommends that a Civil Engineer or Hydrologist be retained to investigate the site if detailed flood and inundation hazard analysis is desired.**

#### Very High Fire Hazard Severity Zones Map (Bates Fire Zone Maps)



As a result of the Oakland Hills fire which destroyed over 3229 structures, the state adopted legislation in 1992 to produce maps of Very High Fire Hazard Severity Zones (VHFHSZ). Assemblyman Tom Bates introduced the bill adding sections 51175-51188 to the California Government Code, thus the maps are informally referred to as the "Bates Fire Maps" by the State. It is important to note that these maps identify areas of very high fire hazard outside of the State Fire Responsibility Areas (SFRA'S discussed below). The VHFHSZ maps were punishable by fines, apply to property owners in the VHFHSZ'S which the buyer should be made aware of. They include brush clearance, special fire retarding roofs, keeping the roofs clear of leaves and needles, screens over chimneys, etc.

#### Wildland Area - State Fire Responsibility Area Fire Zone Map

State Fire Responsibility Areas (SRA) are determined by the California Department of Forestry and Fire Protection. These areas delineate land for which the State assumes primary financial responsibility for protecting natural resources from damages from fire. The system of classification is not based on the ability to protect an area from fire, but rather on the vegetative cover and natural resource values. Public Resource Code 4128 dictates that the State Board of Forestry shall include within state responsibility areas all of the following lands:

- (a) Lands covered wholly or in part by forests or by trees producing or capable of producing forest products.
- (b) Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard runoff of water or accelerate water percolation, if such lands are sources of water which is available for irrigation or for domestic or industrial use.
- (c) Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described in subdivisions (a) and (b).

The board shall not include within state responsibility areas any of the following lands: