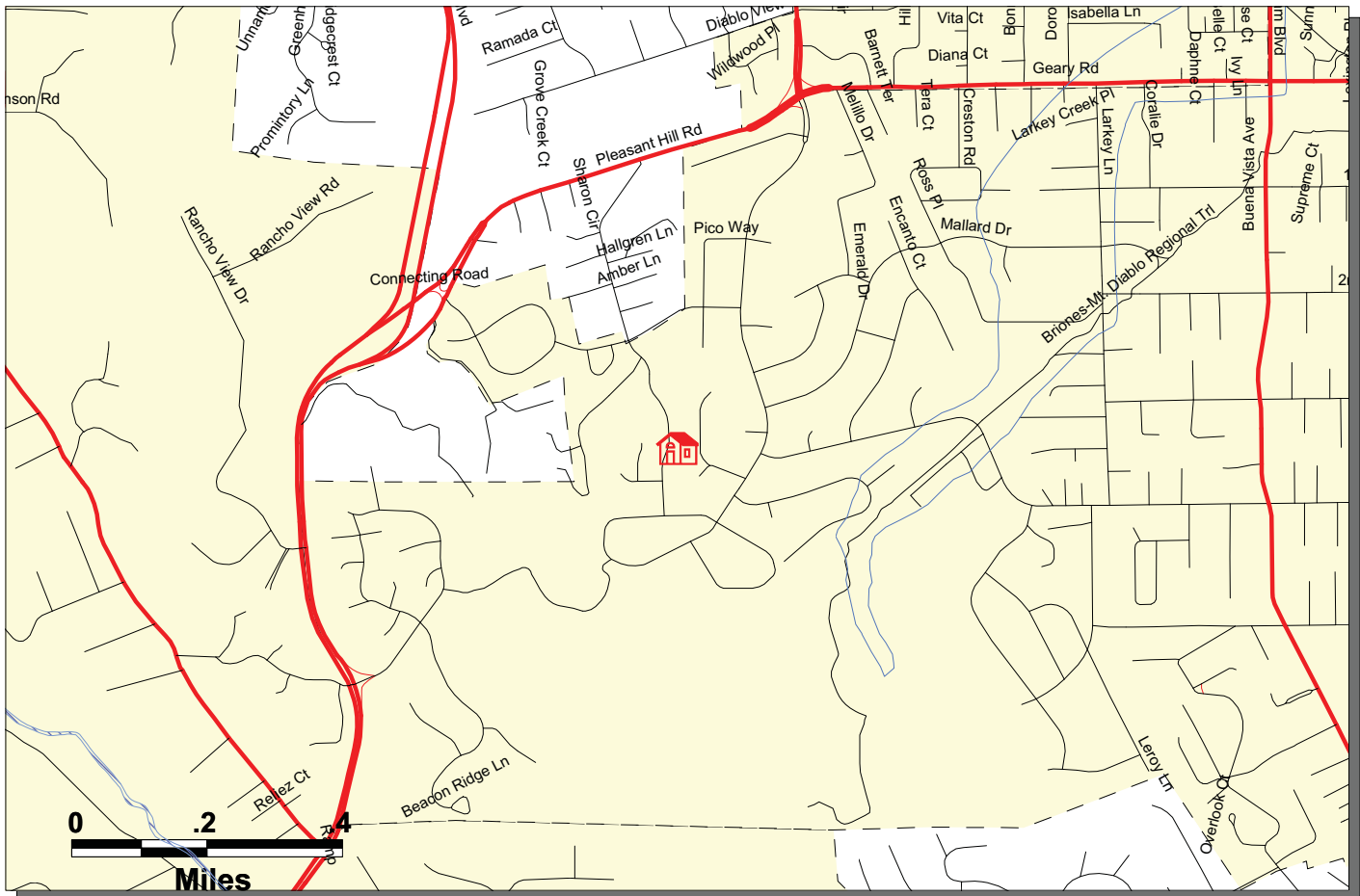


## Natural Hazard Reference Map




### Mandatory State Disclosures



#### **1360 HUSTON RD. WALNUT CREEK, CA 94597**

- IS  IS NOT  located in a FEMA Special Flood Hazard Area.  
 IS  IS NOT  located in a Dam Inundation Area.  
 IS  IS NOT  located in a Very High Fire Hazard Area.  
 IS  IS NOT  located in a Wildland Fire Area.  
 IS  IS NOT  located in an Alquist-Priolo Earthquake Fault Zone.  
 ★ IS  IS NOT  located in a Seismic Hazard Zone.

#### Map Legend

-  FEMA Flood Zones
-  Dam Inundation Hazard Zones
-  Very High Fire Hazard Area
-  Wildland Fire Area
-  Earthquake Fault Zones
-  Seismic Hazard Zones
-  Bodies of Water and Rivers
-  City Regions

10-Jan-08

APN: 169-361-006

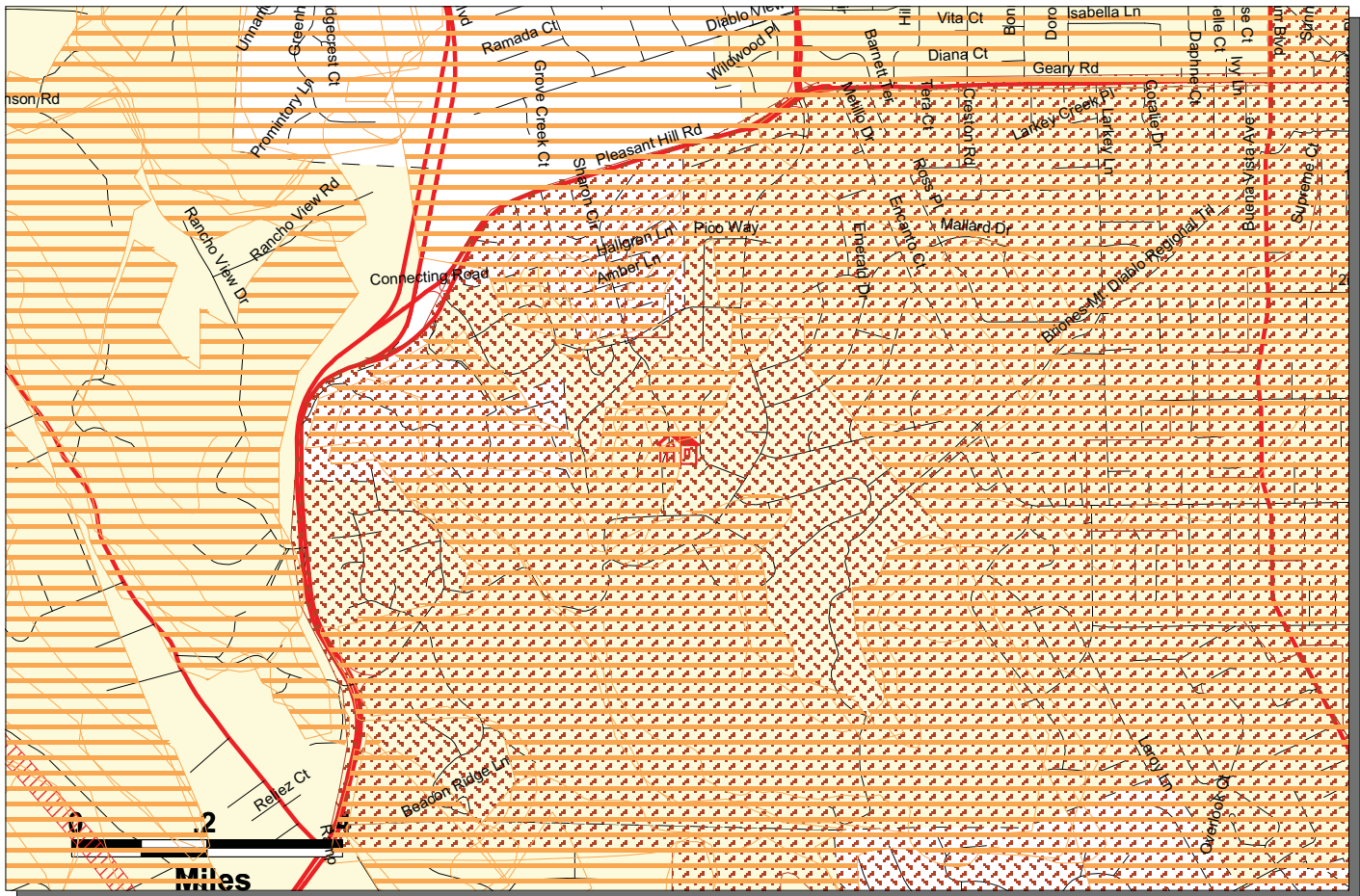
ERN: 010908-00214

★ **Please read the report  
for further information**

This map is for your aid in locating natural hazard areas in relation to the subject property. It is intended for informational purposes only. The company assumes no liability (express or implied) for any loss occurring by reference, misinterpretation, misuse, or sole reliance thereon.  
**This map is not intended for use as a substitute disclosure under California Civil Code § 1103.2**

## Natural Hazard Reference Map






### Expanded Disclosures



### WALNUT CREEK, CA 94597

- ★ IS  IS NOT  located in a City/County Flood Hazard Area.
- ★ IS  IS NOT  in a City/County High Fire Hazard Zone.
- ★ IS  IS NOT  in an Expanded Fault Special Studies Zone.
- ★ IS  IS NOT  in an Expanded Seismic/Geologic Hazard Area.

#### Map Legend

-  Flood Hazard Zones
-  High Fire Hazard Area
-  Fault Zones
-  Seismic Hazard Zones
-  Bodies of Water and Rivers
-  City Regions

10-Jan-08

APN: 169-361-006

ERN: 010908-00214

★ **Please read the report  
for further information**

This map is for your aid in locating natural hazard areas in relation to the subject property. It is intended for informational purposes only. The company assumes no liability (express or implied) for any loss occurring by reference, misinterpretation, misuse, or sole reliance thereon.  
**This map is not intended for use as a substitute disclosure under California Civil Code § 1103.2**

# NATURAL HAZARD DISCLOSURE STATEMENT

This statement applies to the following property:

**WALNUT CREEK, CA 94597**

The transferor and his or her agent(s) or a third-party consultant 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 (Any type 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 pursuant to Section 8589.5 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 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 yet 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.

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

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

Agent(s) \_\_\_\_\_ Date \_\_\_\_\_

Agent(s) \_\_\_\_\_ 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 1/10/2008

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



## Natural Hazard Disclosure Report

Residential Version with Expanded Disclosure

Customer Support: 800.880.9123  
Escrow Number:  
Order Number: 010908-00214  
Dated as of: 1/10/2008

**Deliver To**

Ken Jacobs

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.

**Recipient** \_\_\_\_\_

**Subject Property**

**NO RECIPIENT MAY RELY ON THIS REPORT UNLESS FULL PAYMENT FOR IT IS MADE.**

## INFORMATION

Natural Hazard Reference Map(s) Form – Natural Hazard Disclosure Statement	Maps 1 & 2 Attachment
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**SECTION I: NATURAL HAZARD SUMMARY**

A Special Flood Hazard Area (Any Type Zone "A" or "V")	1
An Area of Potential Flooding (Government Code Section 8589.4)	1
Wildland Area Forest Fire Risks and Hazards (Public Resources Code Section 4136)	2
Very High Fire Hazard Severity Zone (Government Code Section 51183.5)	2
Earthquake Fault Zone (Public Resources Code Section 2621.9)	3
Seismic Hazard Zone (Public Resources Code Section 2694)	3

**SECTION II: EXPANDED DISCLOSURES**

Important Expanded Natural Hazard Information	4
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**SECTION III:**

Explanation of Services, Conditions and Stipulations - **Read Carefully**

# SECTION I: Natural Hazard Summary

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Subject Property:

## SPECIAL FLOOD HAZARD AREA DETERMINATION

### BACKGROUND INFORMATION / DISCUSSION:

Pursuant to federal law, The Federal Emergency Management Agency (FEMA) is required to identify and designate areas that are subject to flooding as part of the National Flood Insurance Program. If a property is located in a special flood hazard area, the cost and availability of flood insurance may be affected. Property not located in a Special Flood Hazard Area is not relieved from the possibility of sustaining flood damage.

**Sources of data:** Government agencies and/or their appointed designate(s). Title 42 United States Code Section 4101

### FINDINGS:

Based on a review of flood insurance map(s) published by the Director of the Federal Emergency Management Agency, the Company reports:

IS located in a Special Flood Hazard Area.       IS NOT located in a Special Flood Hazard Area

Do not know/information not available

### ADDITIONAL INFORMATION:

an area outside of the 100 year flood zone.

## DAM INUNDATION / AREA OF POTENTIAL FLOODING DETERMINATION

### BACKGROUND INFORMATION / DISCUSSION:

By this act, the California State Legislature intended to establish procedures for the emergency evacuation and control of populated area(s) near/below dams. Pursuant to Government Code Section 8589.4, The State of California Office of Emergency Services is required to review, approve and maintain copies of the maps that have been prepared and submitted to them by local governmental organizations, utilities or other owners of any dam in the state. The maps delineate areas of potential inundation and flooding that could result from a sudden, partial or total dam failure. The actual risk of dam failure is not defined by the map(s). This legislation also requires, appropriate public safety agencies of any city, county, the territory of which is located in such an area, to adopt/implement adequate emergency procedures for the evacuation and control of populated areas below such dams.

**Source(s) of data:** Government agencies and/or their appointed designate(s). Government Code Section 8589.4 Et Seq.

### FINDINGS:

Based on a review of the official map(s), available through The State of California Office of Emergency Services, the Company reports:

IS located in a Dam Inundation Zone.       IS NOT located in a Dam Inundation Zone

Do not know/information not available

# SECTION I: Natural Hazard Summary (continued)

---

Subject Property:

## 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, DisclosureSource® 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.

# SECTION I: Natural Hazard Summary (continued)

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Subject Property:

## ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE DETERMINATION

### BACKGROUND INFORMATION / DISCUSSION:

Earthquake Fault Zone maps are delineated and compiled by the California State Geologist pursuant to the Alquist-Priolo Earthquake Fault Zoning Act. During an earthquake, structures located directly over fault zones (surface fault traces) could sustain damage as a result of a seismic event resulting from ground fault rupture (surface cracking). For the purposes of this report, an Earthquake Fault Zone is generally defined as an area approximately 1/4 mile in total width (1,320 feet) located on either side of a known active or potentially active earthquake fault.

An "active" fault as defined by the State of California, Department of Conservation, Division of Mines and Geology is an earthquake fault that has produced ground surface displacement (ground surface rupture) within the last eleven thousand years. A "potentially active" fault is defined by the State of California, Department of Conservation, Division of Mines and Geology as a fault that has produced ground surface displacement (ground surface rupture) within the last 1.5 million years.

**Source(s) of data:** State of California Department of Conservation Division of Mines and Geology. California Public Resources Code Section 2621 ET SEQ

### FINDINGS:

Based on a review of the official Earthquake Fault Zone Map(s), issued by the California State Geologist the Company reports:

IS located in an Alquist-Priolo Fault Zone.       IS NOT located in an Alquist-Priolo Fault Zone.

## SEISMIC HAZARD ZONE DETERMINATION

### BACKGROUND INFORMATION / DISCUSSION:

The intent of the Seismic Hazards Mapping Act of 1990 is to provide for a statewide seismic hazard mapping and technical advisory program to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction (failure of water-saturated soil), landslides and other seismic hazards caused by earthquakes.

Under this act, The California Department of Conservation is mandated to identify and map the state's most prominent earthquake hazards. Information produced by these maps is utilized (in part) by cities and counties to regulate future development. Development/ Construction permits may be withheld until adequate geologic or soils investigations are conducted for specific sites, and mitigation measures are incorporated into development plans.

**Source(s) of data:** California Public Resources Code Section 2694

### FINDINGS:

Based on a review of the official map(s) issued by the State of California, Department of Conservation, Division of Mines and Geology, the Company reports:

Yes - Landslide Hazard Zone       No - Landslide Hazard Zone       Map not released by state  
 Yes - Liquefaction Hazard Zone       No - Liquefaction Hazard Zone       Map not released by state

END OF SECTION I

## SECTION II: Expanded Disclosures

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Subject Property:

### NOTICE REGARDING EXPANDED NATURAL HAZARDS DISCLOSURES

DisclosureSource® is providing information on locally identified natural hazards set forth below as an additional service because their disclosure to purchasers is either required by ordinance or the information is readily available. The purpose of this document is to disclose whether the Subject Property lies within any of the hazard areas described below.

DisclosureSource has obtained maps that are officially referenced by the jurisdiction's Safety Element, publicly available from city, county, state and federal sources, and at a scale that allows the location of an individual property which supplement and complete the natural hazard information required by the California Civil Code 1103.

The foregoing statement should be considered a part of the Explanation of Services, Limitations & Disclaimers of this DisclosureSource Report and Those Limitations and Disclaimers apply to this Statement. Please refer to them for further information.

### EXPANDED FLOOD HAZARD DISCLOSURE

#### BACKGROUND INFORMATION / DISCUSSION:

Supplemental flood zones include information not covered by Special Flood Hazard Areas as designated by the Federal Emergency Management Agency nor by Dam Inundation zones as reported by the California State Office of Emergency Services. These can include tsunamis, seiches (inland lake tsunamis), runoff hazards, historical flood data and additional dike failure hazards.

#### FINDINGS:

Based on a review of the available maps, the subject property:

\_\_\_\_\_ IS located in a supplemental Flood Hazard Zone. \_\_\_\_\_ IS NOT located in a supplemental Flood Hazard Zone.

Do not know or Information not available from Local Jurisdiction.

#### ADDITIONAL INFORMATION:

None.

## SECTION II: Expanded Disclosures (continued)

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Subject Property:

### NOTICE REGARDING EXPANDED NATURAL HAZARDS DISCLOSURES

DisclosureSource® is providing information on locally identified natural hazards set forth below as an additional service because their disclosure to purchasers is either required by ordinance or the information is readily available. The purpose of this document is to disclose whether the Subject Property lies within any of the hazard areas described below.

DisclosureSource has obtained maps that are officially referenced by the jurisdiction's Safety Element, publicly available from city, county, state and federal sources, and at a scale that allows the location of an individual property which supplement and complete the natural hazard information required by the California Civil Code 1103.

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### SUPPLEMENTAL FIRE HAZARD DISCLOSURE

#### BACKGROUND INFORMATION:

Local agencies may, at their discretion, include or exclude certain areas from the requirements of California Government Code Section 51182 (imposition of fire prevention measures on property owners), following a finding supported by substantial evidence in the record that the requirements of Section 51182 either are, or are not necessary for effective fire protection within the area. Any additions to these maps that we have been able to identify and substantiate are included in this search.

There are other substantial fire hazards that are not subject to Section 51182 such as brush fires. We have included these maps in this search.

The State required fire hazard disclosures only indicate areas of extremely high risk. Also included in this search are known areas of moderate to high fire risk.

#### FINDINGS:

Based on a review of the available maps, the subject property:

IS located in a supplemental Fire Hazard Zone.  IS NOT located in a supplemental Fire Hazard Zone.

Do not know or Information not available from Local Jurisdiction.

#### ADDITIONAL INFORMATION:

##### In a Very High Fire Hazard Area

The property at 1360 HUSTON RD. WALNUT CREEK, CA 94597 is located in a Very High Fire Hazard Zone. These are zones described as areas lying adjacent to extensive wildland areas, which contain the condition and type of topography, weather, vegetation and structure density to increase the susceptibility to fires. In these areas, the City or County will likely impose strategies to enforce stringent fire enforcement measures, including fire or fuel breaks, brush clearance, and fuel load management measures. For example, emphasis on roof type and fire-resistive materials may be necessary for new construction or roof replacement. In addition, other fire defense improvements may be demanded, including special weed abatement, brush management, and minimum clearance around structures. In most cases, if the Property is in a Very High Fire Area, insurance rates may be affected. DisclosureSource recommends that the buyer contact the local fire department or planning commission to ascertain what additional required improvements are needed, as well as his/her insurance carrier for accurate rate data. (Fire3)

## SECTION II: Expanded Disclosures (continued)

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Subject Property:

### NOTICE REGARDING EXPANDED NATURAL HAZARDS DISCLOSURES

DisclosureSource® is providing information on locally identified natural hazards set forth below as an additional service because their disclosure to purchasers is either required by ordinance or the information is readily available. The purpose of this document is to disclose whether the Subject Property lies within any of the hazard areas described below.

DisclosureSource has obtained maps that are officially referenced by the jurisdiction's Safety Element, publicly available from city, county, state and federal sources, and at a scale that allows the location of an individual property which supplement and complete the natural hazard information required by the California Civil Code 1103.

The foregoing statement should be considered a part of the Explanation of Services, Limitations & Disclaimers of this DisclosureSource Report and Those Limitations and Disclaimers apply to this Statement. Please refer to them for further information.

### EXPANDED SEISMIC/GEOLOGIC HAZARD DISCLOSURE

#### BACKGROUND INFORMATION:

The California Division of Mines and Geology (DMG) has not completed the project assigned it by Section 2696 of the California Public Resources Code to identify areas of potential seismic hazard within the State of California. The DMG and the USGS have performed many valuable studies that supplement the Section 2696 maps and fill in many missing areas. These maps are included in this search.

Also included in this search are maps that indicate many hazards that may or may not be seismically related, including, but not limited to, landslides, debris flows, mudslides, coastal cliff instability, volcanic hazards and avalanches.

Many cities and counties require geologic studies before any significant construction if the subject property is in or near a geologic hazard known to them. We have included all official and publicly available maps indicating geologic hazards known by these jurisdictions.

#### FINDINGS:

Based on a review of the available maps, the subject property:

IS located in a supplemental Geologic Hazard Zone.  IS NOT located in a supplemental Geologic Hazard Zone.

Do not know or Information not available from Local Jurisdiction.

#### ADDITIONAL INFORMATION:

In a City of Walnut Creek Landslide Area

The property located at 1360 HUSTON RD. WALNUT CREEK, CA 94597 is positioned within an area, designated by the City of Walnut Creek, where landslides are known to occur. Landslides can be influenced by a number of geologic factors, such as soil porosity, saturation, poor vegetation, slope, and subsurface soil consolidation. Both earthquakes and localized rainfall can induce landslides. If within this zone, new or renovation construction may require a geologic study as part of the permitting requirements. Some types of construction may be restricted, and structural reinforcement might be required. DisclosureSource recommends that the buyer contact the City of Walnut Creek Planning and Building departments with the address of the Property to verify what restrictions or additional requirements for permitting construction or renovation might apply in this zone. (WC3:WalnutC-LS)

## SECTION II: Expanded Disclosures (continued)

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Subject Property:

### **EXPANDED SEISMIC/GEOLOGIC HAZARD DISCLOSURE (continued)**

Near a DMG Most Susceptible Landslide Area

The Property at 1360 HUSTON RD. WALNUT CREEK, CA 94597 is positioned on the map within 500 feet of a zone designated by the Division of Mines and Geology (DMG) as a Most Susceptible Landslide Area. These areas are characterized by steep slopes and include most landslides in unsloped areas, whether apparently active at present or not, and slopes upon which there is substantial evidence of downslope creep of surface materials. These maps are based upon judgments that are interpretative and that apply generally to large areas. Therefore, within each area conditions may range, locally, through all levels of susceptibility. No attempt was made to assess the susceptibility of slopes to seismically induced landslides. (DMG, 1989) While the Property is NOT actually positioned on the map within the designated area, because of the inherent possibility of error between maps, and interpretation(s) of those maps, DisclosureSource recommends that the buyer contact the local planning and building departments with the address of the Property to verify that the Property is not considered to be within the designated zone. If the Property IS considered to be with the designated zone, additional requirements for permitting construction or renovation should be evaluated by the buyer. (DMG2:LS4)

## SECTION II: Expanded Disclosures (continued)

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Subject Property:

### NOTICE REGARDING EXPANDED NATURAL HAZARDS DISCLOSURES

DisclosureSource® is providing information on locally identified natural hazards set forth below as an additional service because their disclosure to purchasers is either required by ordinance or the information is readily available. The purpose of this document is to disclose whether the Subject Property lies within any of the hazard areas described below.

DisclosureSource has obtained maps that are officially referenced by the jurisdiction's Safety Element, publicly available from city, county, state and federal sources, and at a scale that allows the location of an individual property which supplement and complete the natural hazard information required by the California Civil Code 1103.

The foregoing statement should be considered a part of the Explanation of Services, Limitations & Disclaimers of this DisclosureSource Report and Those Limitations and Disclaimers apply to this Statement. Please refer to them for further information.

### EXPANDED EARTHQUAKE FAULT HAZARD DISCLOSURE

#### BACKGROUND INFORMATION:

Many local jurisdictions have different or higher standards than the state for the identification of active earthquake faults. These jurisdictions have created their own maps which indicate the active faults according these standards. Some jurisdictions also recommend or require the disclosure of potentially active faults. We have included both types of maps in our search.

Many cities and counties require geologic studies before any significant construction if the subject property is in or near an earthquake fault zone known to them. We have included all official and publicly available maps indicating earthquake faults known by these jurisdictions.

#### FINDINGS:

Based on a review of the available maps, the subject property:

IS located in a supplemental Fault Hazard Zone.  IS NOT located in a supplemental Fault Hazard Zone.

Do not know or Information not available from Local Jurisdiction.

#### ADDITIONAL INFORMATION:

None.

# SECTION III:

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## EXPLANATION OF SERVICES, LIMITATIONS & DISCLAIMERS

### **Purpose of Disclosure Source® Report**

California Civil Code section 1103 requires that the seller of certain real property, and his or her agent(s), deliver to the prospective buyer a Natural Hazard Disclosure Statement ("NHDS"). Completion of the NHDS requires a review of specific public records to determine whether the property is located in one of six statutorily defined natural hazard areas.

California Civil Code section 1103 requires that the seller of certain real property determine from local agencies whether the property is subject to a Mello-Roos Community Facilities Act Special Tax Assessment, and if so, deliver notice of such special tax assessment to the prospective buyer.

The purpose of the Disclosure Source Report is to assist Recipient(s) in complying with requirements of the California Civil Code sections 1102.15, 1102.17 and 1103. The Disclosure Source Report informs the Recipient(s) whether a parcel of real property is located within a Civil Code section 1103 natural hazard area and also whether the property is subject to a Mello-Roos Community Facilities Act special tax assessment.

### **In addition to the above:**

California Civil Code section 1102.15 requires that a seller of residential real property who has actual knowledge of former federal or state ordinance locations within the one-mile thereof give written notice to a prospective buyer.

California Civil Code section 1102.17 requires that a seller of residential real property who has actual knowledge that the property is affected by an industrial use give written notice to a prospective buyer.

California Penal Code section 290.4 permits the general public to obtain information regarding persons who have been convicted of a sexually based crime and are required to register with the Department of Justice.

### **Services Provided by Disclosure Source**

In performing services requested by the Recipient(s), Disclosure Source prepared the NHDS required by Civil Code section 1103, which is attached to the Disclosure Source Report, and is subject to the explanation of services, limitations and disclaimers herein. The NHDS complies with the specific requirements of Civil Code section 1103.

Disclosure Source has also searched for and included in this Report information related to the notices required by Civil Code sections 1102.15 and 1102.17 and Penal Code 290.4.

In preparing the NHDS, Disclosure Source searched for the lists and maps identified by Government Code sections 8589.3(c)(2), 8589.4(c)(2), 51183.5(c)(2), and Public Resources Code sections 2621.9(c)(2), 2694(c)(2), and 4136(d)(2). Disclosure Source determined whether, according to those lists and maps, the property is located within a Civil Code section 1103 natural hazard area. Disclosure Source then completed the NHDS by marking the appropriate disclosures. Disclosure Source has determined that many local jurisdictions have not compiled the lists or posted the locations of the maps identified by the Government and Public Resources Code sections noted above. Nevertheless, Disclosure Source searched the public records identified below and reported the results of that search in the Disclosure Source Report. Therefore, the Disclosure Source Report may contain additional information not contained in the NHDS, and not required by the noted Code sections, that will be helpful to Recipient(s).

In preparing the Disclosure Source Report, Disclosure Source searched the following public records: (1) Federal Emergency Management Administration (FEMA) National Flood Insurance Program (NFIP) Flood Hazard Boundary Maps, (2) State of California (Office of Emergency Services) Dam Failure/Inundation Maps, (3) State of California (Department of Forestry and Fire Prevention) Very High Fire Severity Zone Maps, (4) State of California (Department of Forestry and Fire Prevention) State Fire Responsibility Area Maps, (5) State of California (Department of Mines and Geology) Alquist-Priolo Earthquake Fault Zone Maps, and (6) State of California (Department of Mines and Geology) Seismic Hazards Mapping Act Maps. Disclosure Source determined, according to these records, whether the property is located within a Civil Code section 1103 natural hazard area.

In preparing the Disclosure Source Report, Disclosure Source also reviewed county tax records and/or notices published by local jurisdictions to report whether, according to those records and/or notices, the property is subject to a special tax assessment pursuant to the Mello-Roos Community Facilities Act.

The applicable records of the United States Department of Transportation (Bureau of Statistics), and the U.S. Army Corps of Engineers were searched by Disclosure Source, for information related to the notices required by Civil Code sections 1102.15 and 1102.17.

In performing services for Recipient(s), Disclosure Source has acted as an expert only to the extent that Disclosure Source has utilized its experience in locating, reviewing and reporting the contents of the lists, maps and other specific public records referred to above. Disclosure Source has not verified the accuracy of those lists, maps and public records, and does not insure, warrant or guarantee that they are accurate and up to date. Disclosure Source is not acting as an insurance company in performing services or preparing this report for Recipient(s). This report is not an insurance policy.

### **Notice to Buyer**

Disclosure Source provides the NHDS, and any additional information contained in the Disclosure Source Report, for the benefit of all Recipient(s), including Buyer. Disclosure Source considers Buyer to be a contracting party who is subject to the explanation of services, limitations and disclaimers herein, and by signing the NHDS, Buyer expressly agrees to receive the services, and be bound by the limitations and disclaimers herein.

If for any reason Buyer does not intend to be bound by the limitations and disclaimers herein, or otherwise finds either the NHDS or Disclosure Source Report unacceptable, Buyer should immediately contact Seller, Seller's agent and Disclosure Source.

### **Disclaimer Notice to Third Parties**

The information contained in this report is intended for the exclusive benefit and use of Recipient(s). Disclosure Source expressly disclaims all liability, including liability for breach of contract and negligence, to persons other than Recipient(s).

### **Limitation of Liability to Recipient(s)**

Disclosure Source shall not be liable to Recipient(s), for errors, inaccuracies or omissions in this report if such errors, inaccuracies or omissions were based upon information contained in the public records, or were known to exist by Recipient(s) on the date of delivery of this report to Recipient(s).

Disclosure Source liability for any claim, or claims, including but not limited to any claim for breach of contract or negligence, relating to or arising out of Disclosure Source's services shall not exceed, in the aggregate, the amount, if any, by which the purchase price paid for the property by the purchaser exceeds the market value of the property on the Preparation Date of this report.

Disclosure Source shall not be liable for any incidental or consequential damages suffered by Recipient(s).

### **Change in Information**

Disclosure Source shall have no obligation to communicate to Recipient(s), or any other person, any acts, occurrences, circumstances or agreements occurring after the Preparation Date of this report, which render inaccurate anything contained in this report. Disclosure Source may at its sole discretion supplement this report.

# Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

## **TOXIC MOLD DISCLOSURE**

(PURSUANT TO THE "TOXIC MOLD PROTECTION ACT OF 2001")

### **BACKGROUND INFORMATION / DISCUSSION:**

California law (Civil Code Section 1102.6 Et Seq.) requires any seller, transferor, or lessor of residential, commercial or industrial property; or a public entity that owns, leases, or operates a building provide a written disclosure to prospective purchasers, prospective tenants, renters, or occupants if the seller, transferor, lessor or public entity has knowledge of mold conditions or in specified instances has reasonable cause to believe, that mold (visible or hidden) that exceeds permissible exposure limits is present that affects the unit or building.

The State Department of Health Services is designated as the lead agency for identifying; adopting, and determining permissible exposure limits to mold in indoor environments, mold identification and remediation efforts.

Publications providing information on toxic mold:

- *General Information Molds, Toxic Mold, and Indoor Air Quality*
- *Biological Pollutants in Your Home*
- *Mold in My Home: What Do I Do?*
- *Health Effects of Toxin-Producing Molds In California*
- *Stachybotrys Chartarum (atra) – A mold that may be found in water-damaged homes*
- *Fungi - and Indoor Air Quality*

Available to the public on the Internet, or at no cost from:

California Department of Health Services  
Environmental Health Investigation Branch  
1515 Clay St, Suite 1700 Telephone: (510) 622. 4500  
Oakland, CA 94612 Web: [www.cal-iaq.org/MOLD](http://www.cal-iaq.org/MOLD); <http://www.ehib.org/cma/index.jsp>

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## **COMMERCIAL / INDUSTRIAL ZONING DISCLOSURE**

### **BACKGROUND INFORMATION / DISCUSSION:**

Pursuant to California Civil Code Section §1102.17, the seller of residential real property subject to this article who has actual knowledge that the property is adjacent to, or zoned to allow, an industrial use described in Section 731a of the Code of Civil Procedure, or affected by a nuisance created by such a use, shall give written notice of that knowledge as soon as practicable before transfer of title.

Additional Source Information: California Code of Civil Procedure Section §731a.

“Whenever any city, city and county, or county shall have established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted, except in an action to abate a public nuisance brought in the name of the people of the State of California, no person or persons, firm or corporation shall be enjoined or restrained by the injunctive process from the reasonable and necessary operation in any such industrial or commercial zone or airport of any use expressly permitted therein, nor shall such use be deemed a nuisance without evidence of the employment of unnecessary and injurious methods of operation. Nothing in this act shall be deemed to apply to the regulation and working hours of canneries, fertilizing plants, refineries and other similar establishments whose operation may produce offensive odors.”

Findings:

Based on the current tax assessment roles, as of the date of this report, the company reports the following information affecting this property:

The Property IS Located Within One Mile of A Property Zoned For Commercial Or Industrial Use.

The Property IS NOT Located Within One Mile of A Property Zoned For Commercial Or Industrial Use.

# Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

## MILITARY ORDNANCE LOCATION DISCLOSURE

### BACKGROUND INFORMATION / DISCUSSION:

California Civil Code Section §1102.15 states “The seller of residential real property subject to this article who has actual knowledge of any former federal or state ordnance locations within the neighborhood area shall give written notice of that knowledge as soon as practicable before transfer of title.”

For purposes of this section, “former federal or state ordnance locations” means an area identified by an agency or instrumentality of the federal or state government as an area once used for military training purposes, which may contain potentially explosive munitions.

“Neighborhood area” means within one mile of the residential real property.

DisclosureSource®’s liability for any claim, or claims, including but not limited to any claim for breach of contract or negligence, relating to or arising out of DisclosureSource’s services shall not exceed, in the aggregate, the amount, if any, by which the purchase price paid for the property by the purchaser exceeds the market value of the property on the Preparation Date of this report.

DisclosureSource shall not be liable for any incidental or consequential damages suffered by the recipients.

### IMPORTANT NOTE:

This Military Ordnance Location disclosure was obtained through the U.S. Army Corps of Engineers database of known Formerly Used Defense Sites in the state of California. The information provided herein represents all publicly available information of Formerly Used Defense Sites known to contain hazards.

### FINDINGS:

According to the information available from The U. S. Army Corps of Engineers database of known Formerly Used Defense Sites in the State of California. On the preparation date of this report, the Company reports:

FORMER FEDERAL / STATE ORDNANCE LOCATIONS WITHIN YOUR COUNTY ARE DESCRIBED AS FOLLOWS:

City	Site Name	USACE District	Site Number
PITTSBURG	CAMP STONEMAN	SPK	J09CA0773
Concord	NAD PORT CHICAGO	SPK	J09CA1022
RICHMOND	PARR RIC TERMINAL #1	SPK	J09CA0896
OAKLAND	SF NIKE 25	SPK	J09CA0937

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **REGISTERED SEX OFFENDER DATABASE DISCLOSURE ALSO KNOWN AS “MEGAN’S LAW”**

#### **BACKGROUND INFORMATION / DISCUSSION:**

For more than 50 years, California has required sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of these sex offenders was not available to the public until the implementation of the Child Molester Identification Line in July 1995. The information available was further expanded by California's Megan's Law in 1996 (Chapter 908, Stats. of 1996).

Section 2079.10a of the California Civil Code specifies notice be provided to transferee(s) of real property of the existence of a registered sex offender database:

Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides.

The public, excluding those who have registered as sex offenders pursuant to Section 290 of the Penal Code, may search this database by a sex offender's specific name, obtain ZIP Code and city/county listings, obtain detailed personal profile information on each registrant, and use the map application to search a neighborhood or anywhere throughout the State to determine the specific location of any of those registrants on whom the law allows the State of California to display a home address.

In addition, the public may also contact the California Department of Justice, Sex Offender Tracking Program, for information on making an inquiry with the Department concerning at least six individuals as to whether any are required to register as a sex offender and subject to public notification. A fee is assessed for such inquiries, which will be deposited into the Sexual Predator Public Information Account within the Department of Justice. The contact number for the Sex Offender Tracking Program is (916) 227-4974.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **AIRPORT INFLUENCE AREA DISCLOSURE**

#### **BACKGROUND INFORMATION / DISCUSSION:**

Section 1103.4 of the California Civil Code requires notice if a property is encompassed within an airport influence area. According to Section 11010 of the Business and Professions Code, an airport influence area is defined as “an area in which current or future airport related noise, overflight, safety or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses.” Where publicly available at the time of the report, Disclosure Source® has utilized any and all airport influence area maps from county Airport Land Use Commissions (ALUC). Airport influence area maps can be found within a county Airport Land Use Comprehensive Plan, available to the public through most county planning departments.

According to airport influence maps available,:

The Property IS NOT located in an airport influence area.

The Property IS located in an airport influence area - NOTICE OF AIRPORT IN VICINITY This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

# Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

## **AIRPORT PROXIMITY DISCLOSURE**

### **BACKGROUND INFORMATION / DISCUSSION:**

California Civil Code §1102.17. states “The seller of residential real property subject to this article who has actual knowledge that the property is affected by or zoned to allow an industrial use described in Section 731a of the Code of Civil Procedure shall give written notice of that knowledge as soon as practicable before transfer of title.

Industrial use identified in Section 731a includes but is not limited to airport uses.

Aircraft landing facilities disclosed herein consists of those owned by the United States Federal Government (Military aviation), publicly and private owned civil and commercial aviation facilities; except private landing facilities (restricted public access), glider ports, and facilities that have not been assigned a current location identifier by the federal Aviation Administration.

DisclosureSource®’s liability for any claim, or claims, including but not limited to any claim for breach of contract or negligence, relating to or arising out of DisclosureSource’s services shall not exceed, in the aggregate, the amount, if any, by which the purchase price paid for the property by the purchaser exceeds the market value of the property on the Preparation Date of this report.

DisclosureSource shall not be liable for any incidental or consequential damages suffered by the recipients.

According to information available from the United States Department of Transportation (Bureau of Statistics) the Company reports the following aircraft landing facilities within the estimated distance of the subject property.

ID#	Airport Name	Airport Type	Distance
CCR	BUCHANAN FIELD AIRPORT	CIVILIAN	6.6 Miles
60CA	Q AREA		13.1 Miles
OAK	OAKLAND INTERNATIONAL AIRPORT	COMMERCIAL	20.8 Miles
SFO	SAN FRANCISCO INTERNATIONAL AIRPORT	COMMERCIAL	36.3 Miles

For further information regarding any of the public aircraft landing facilities identified within this disclosure, please contact the following agency:

Western Pacific Region Airports Division  
15000 Aviation Blvd, #312  
Hawthorne, CA 90261  
(310) 725-3600

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **NOTICE OF YOUR “SUPPLEMENTAL” PROPERTY TAX BILL**

California Civil Code 1102.6c, states that the seller, or his or her agent, is responsible for delivering a notice specifying information about supplemental tax assessments:

“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.”

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **NOTICE PRIVATE TRANSFER FEES**

Private transfer fees are charges imposed generally by developers which require a payment or fee to be paid every time a property within the development is sold or transferred. Private transfer fees are not imposed by the government and do not appear on the property tax bill. Private transfer fees can be found in covenants, conditions and restrictions (CC&R's) contained in a deed, contract, security instrument or on other document affecting the transfer or sale of, or any interest in, real property. A private transfer fee does not include: (1) Fees or taxes imposed by a governmental entity, (2) Fees pursuant to mechanics' liens, (3) Fees pursuant to court-ordered transfers, payments, or judgments, (4) Fees pursuant to property agreements in connection with a legal separation or dissolution of marriage, (5) Fees, charges, or payments in connection with the administration of estates or trusts pursuant to Division 7 (commencing with Section 7000), Division 8 (commencing with Section 13000), or Division 9 (commencing with Section 15000) of the Probate Code, (6) Fees, charges, or payments imposed by lenders or purchasers of loans, as these entities are described in subdivision (c) of Section 10232 of the Business and Professions Code, (7) Assessments, charges, penalties, or fees authorized by the Davis-Stirling Common Interest Development Act (Title 6 (commencing with Section 1350) of Part 4), (8) Fees, charges, or payments for failing to comply with, or for transferring the real property prior to satisfying, an obligation to construct residential improvements on the real property. The above information is an overview of private transfer fees. Disclosure Source recommends that the Buyers inquiry as to whether there is a private transfer fee requirement on the subject property. If there is a transfer fee requirement, the Buyer should investigate the amount of the fee, how this fee is calculated, the date or circumstances under which the transfer fee payment requirement expires, if any, the entity to which the fee will be paid, the general purposes for which the fee will be used

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **California Land Conservation (Williamson) Act Disclosure**

#### **BACKGROUND INFORMATION / DISCUSSION:**

The purpose of the California Land Conservation Act of 1965 (Williamson Act) is to allow local governments and private landowners to enter voluntarily into contracts to restrict the use of parcels of land of no less than 100 acres to agricultural and open space use. The landowner receives compensation for the land use restrictions in the form of reduced property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

A Williamson Act contract is initially for a minimum term of ten years but local jurisdictions have the option to increase the initial term up to twenty years. Williamson Act contracts run with the land and are binding on all subsequent landowners. The contract is automatically extended by one year after the tenth and subsequent years unless a request for non-renewal is filed by either party. A request for non-renewal begins a 9 year term during which the tax assessments gradually increase to the full fair market value at which time the contract is terminated. The use of the property will then be controlled by the local jurisdiction's use and zoning laws.

Williamson Act contracts can be canceled only by the landowner's petition; however the minimum penalty for canceling a contract is 12.5 percent of the unrestricted, fair market value of the property. To approve a tentative contract cancellation, a county or city must make specific findings that are supported by substantial evidence. The existence of an opportunity for another use of the property or the uneconomic character of an existing agricultural use shall not, by itself, be a sufficient reason to cancel a contract.

There are penalties for breach of a contract, caused by the owner intentionally using the land for other than agriculture or making the land unusable for the contracted purposes. The penalties for breach of contract are as much as 25% of the unrestricted fair market value of the land rendered incompatible, plus 25% of the value of any building and any related improvements on the contracted land that cause the breach of contract. If a local jurisdiction allows a contract to be canceled and the State determines that there is a breach of contract, the penalties may be reduced, but not to less than 12.5% of the value of the land.

Contact the planning department to obtain information on requirements for entering into a Williamson Act contract and the uses allowed. Local government uniform rules and the specific Williamson Act contract can be more restrictive than the Williamson Act Government Code provisions.

DisclosureSource® obtains maps from local jurisdictions and from the California Department of Conservation on a quarterly basis and has used those maps to determine if a Williamson Act contract exists on the property. The county assessor's office also maintains information on parcels affected by the Williamson Act. For more information contact the Department of Conservation, Division of Land Resource Protection at 916-324-0850 or visit its website <http://www.conservation.ca.gov/dlrp/lca>.

According to available maps:

A Williamson Act contract EXISTS on the property.

A Williamson Act contract DOES NOT EXIST on the property.

# Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

## **RADON DISCLOSURE**

### **BACKGROUND INFORMATION / DISCUSSION:**

Radon gas is a colorless, odorless radioactive gas that is produced by the natural decay of uranium, which is found in nearly all soils. Because radon is a gas, it can seep from the ground into the air in a house through openings in the ground, and its presence increases the risk of lung cancer.

DisclosureSource has obtained the following information from a 1999 study published by Lawrence Berkley National Laboratory and Columbia University, with support from the U.S. Department of Energy and the U.S. Environmental Protection Agency. Additional information may be found at <http://eetd.lbl.gov/IEP/high-radon/USgm.htm>.

The predicted median annual-average of all fifty-eight counties in California is below 2.0 pCi/L (picoCuries per liter of air). If the radon level is greater than 4pCi/L, the Environmental Protection Agency suggests remediation.

It is important to note that the median annual-average just listed is a prediction, and the actual median is subject to some uncertainty. Also, radon concentrations in a county may be highly variable. Some homes may have five times as high, or five times as low, a concentration as the median for a county. All areas have some high radon homes. Long-term (up to one year) measurement is generally recommended for the most accurate determination of radon levels. The U.S. Environmental Protection Agency recommends that all homes be tested for radon.

More information may be found at the Radon Project web site from the Columbia University Department of Statistics and Lawrence Berkeley National Laboratory at <http://www.stat.columbia.edu/radon>. This site may assist homeowners in deciding whether they have a serious radon problem and what to do about it.

The U.S. Environmental Protection Agency and U.S. Geological Survey have also produced a map that assigns one of three zone designations based on radon potential to each county. According to the U.S. EPA, each zone designation reflects the average short-term radon measurement that can be expected to be measured in a building without the implementation of radon control methods. This map is not meant to be used to determine whether a particular home should be tested for radon, but is used to assist various government agencies and organizations in focusing their radon program resources. Homes with high levels of radon have been found in all three zones. The three zone designations based on radon potential are:

Zone 1 Highest Potential (greater than 4 pCi/L)

Zone 2 Moderate Potential (from 2 to 4 pCi/L)

Zone 3 Low Potential (less than 2 pCi/L)

According to the EPA Map of Radon Zones, this county is in Zone   2

# Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

## **HABITAT SENSITIVITY AREA DISCLOSURE: RED-LEGGED FROG** BACKGROUND INFORMATION / DISCUSSION:

The California Endangered Species Act, Fish and Game Code, section 2051, states that there are certain species of fish, wildlife and plants that are in danger of, or threatened with, extinction because their habitats are being threatened, destroyed or adversely modified.

According to the U.S. Fish and Wildlife Service, critical habitat areas of the California red-legged frog include suitable aquatic habitat, or permanent still or slow moving bodies of water such as ponds, backwaters within streams or creeks, marshes, and lagoons. Other critical habitat areas are upland areas within the watershed boundary that are close in proximity to the water's edge, and upland or wetland areas that connect suitable aquatic habitats. Habitat areas have been threatened through agriculture, urbanization, mining, overgrazing, recreation, timber harvesting, invasion of non-native plants, impoundments, water diversions, reservoir construction, degraded water quality, and introduced predators and competitors.

Legislation declares that landowner cooperation is essential for conservation on those lands that have been identified as a habitat for endangered or threatened species. According to Section 2052.1 of the Fish and Game Code, if a person needs to address mitigation measures in relation to a particular impact on a threatened species, then those measures will be roughly proportional to the impact that the person has on those species. The required measures will be capable of successful implementation, and will maintain the person's objectives as much as possible in relation to section codes.

For the purposes of this report, "sensitivity areas" will include historical documentation of actual sightings, breeding areas, population locations as well as current and critical habitats. This document is to notify the buyer whether the Subject Property lies within an area known to be important to the conservation of the California Red-Legged Frog, which is listed as a state and/or federally threatened species.

Disclosure Source recommends the buyer contact the California Department of Fish & Game to ascertain what considerations might be involved as a result of being in this particular habitat sensitive area. For further information regarding the red-legged frog habitat sensitive area, please contact the Dept. of Fish & Game at 916-322-2493, or at [www.dfg.ca.gov/whdab](http://www.dfg.ca.gov/whdab).

### **FINDINGS:**

According to maps in the California Natural Diversity Database of the California Department of Fish and Game, and Critical Habitat Coverage maps from the U.S. Fish and Wildlife Service:

The property IS located within a California Red-Legged Frog habitat sensitive area.

The property IS NOT located within a California Red-Legged Frog habitat sensitive area.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **POSSIBLE NATURALLY OCCURRING ASBESTOS DISCLOSURE BACKGROUND INFORMATION / DISCUSSION:**

Asbestos is the common name for a group of silicate minerals that are made of thin, strong fibers. It occurs naturally in certain geologic settings in California, most commonly in ultrabasic and ultramafic rock, including serpentine rock, and along associated faults. Chrysotile is the most common type of asbestos, and is often contained in serpentine rock. Serpentine rock is a typically grayish-green to bluish-black color rock that may be shiny in appearance, and is commonly found in the Sierra foothills, the Klamath Mountains, and Coast Ranges. While asbestos formation is more likely in the formations of these rocks, its presence is not certain.

Because asbestos is a mineral, asbestos fibers are generally stable in the environment. The fibers will not evaporate in the air. Some naturally occurring asbestos can become friable, or crushed into a powder. This may occur when vehicles drive over unpaved roads or driveways that are surfaced with ultrabasic, ultramafic or serpentine rock, when land is graded for building purposes, or at quarrying operations. Weathering and erosion may also naturally release asbestos. Friable asbestos can become suspended in the air, and under these conditions, asbestos fibers represent a significant risk to human health. Asbestos is a known carcinogen, and inhalation of asbestos may result in the development of lung cancer.

DisclosureSource has obtained geologic maps from the California Department of Conservation, Division of Mines and Geology, which detail areas within the state that contain naturally occurring ultrabasic and ultramafic rocks. Those properties whose underlying geologic substructure contains these types of rock, with their higher potential for asbestos content, have a higher chance of asbestos exposure, and thus may be in a potential asbestos hazard area.

### **FINDINGS:**

According to Geologic Maps from the California Department of Conservation, Division of Mines and Geology, that outline areas containing ultrabasic and ultramafic rocks, which may have naturally occurring asbestos:

The property IS located in a potential asbestos hazard area.

The property IS NOT located in a potential asbestos hazard area.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **HABITAT SENSITIVITY AREA DISCLOSURE: CALIFORNIA TIGER SALAMANDER**

#### **BACKGROUND INFORMATION / DISCUSSION:**

The California Endangered Species Act, Fish and Game Code, section 2051, states that there are certain species of fish, wildlife and plants that are in danger of, or threatened with, extinction because their habitats are being threatened, destroyed or adversely modified. The main provisions of this act generally parallel that of the Federal Endangered Species Act.

The California Tiger Salamander (*Ambystoma californiense*) has been listed by the U.S. Fish & Wildlife Service as threatened. As per this agency and the California Fish and Game Code section 2067, a "threatened species" is one that is likely to become an endangered species in the foreseeable future in the absence of...special protection and management efforts...."

According to the U.S. Fish and Wildlife Service, critical habitat areas of the California Tiger Salamander include "grasslands and low (under 1500 foot) foothill regions where lowland aquatic sites are available for breeding." They prefer temporary pools or ponds that are similar, such as stock ponds that are allowed to go dry. They are restricted to large vernal pools (wetlands that fill during fall and winter rains), vernal playas and large sag ponds. They also require the burrows of mammals where they can enter a dormant state. The decline of this salamander population is primarily due to the "loss and fragmentation of habitat from human activities and the encroachment of nonnative predators."

Legislation declares that landowner cooperation is essential for conservation on those lands that have been identified as a habitat for endangered or threatened species. According to Section 2052.1 of the Fish and Game Code, if a person needs to address mitigation measures in relation to a particular impact on a threatened species, then those measures will be roughly proportional to the impact that the person has on those species. The required measures will be capable of successful implementation, and will maintain the person's objectives as much as possible in relation to section codes.

For the purposes of this report, "sensitivity areas" will include historical documentation of actual sightings, breeding areas, population locations as well as current and critical habitats. This document is to notify the buyer whether the Subject Property lies within an area known to be important to the conservation of the California Tiger Salamander, which is listed as a state and/or federally threatened species.

Disclosure Source recommends the buyer contact the California Department of Fish & Game to ascertain what considerations might be involved as a result of being in this particular habitat sensitive area. For further information regarding the California Tiger Salamander habitat sensitive area, please contact the Dept. of Fish & Game at 916-322-2493, or at <http://www.dfg.ca.gov/whdab>

#### **FINDINGS:**

According to maps in the California Natural Diversity Database of the California Department of Fish and Game, and Critical Habitat Coverage maps from the U.S. Fish and Wildlife Service:

The property IS located within a California Tiger Salamander habitat sensitive area.

The property IS NOT located within a California Tiger Salamander habitat sensitive area.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION JURISDICTION:**

#### **BACKGROUND INFORMATION / DISCUSSION:**

Concern for the future of San Francisco Bay prompted the California Legislature to create the San Francisco Bay Conservation and Development Commission (BCDC) in 1965. This 27-member commission is made up of appointees from various local governments and state and federal agencies.

California Civil Code Section 1103.4 Et Seq. requires transferors and/or their agent(s) to disclose to prospective transferees written notice if the property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission, and if so, accompanied by the following notice:

Notice of San Francisco Bay Conservation and  
Development Commission Jurisdiction

This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.

The BCDC specifically notes that there are no official maps that outline the jurisdiction of the BCDC, including those maps in the San Francisco Bay Plan or other BCDC documents. According to the BCDC website:

The Commission's jurisdiction is legally delineated by California statute and is determined and implemented only by the Commission's review of applications, projects, and violations, on a case-by-case basis. Therefore, you must contact the Commission in order to determine if a project falls within its jurisdiction.

Thus, although information is available on the BCDC website at [www.bcdc.ca.gov](http://www.bcdc.ca.gov), the BCDC is stating that such information should not be relied upon for jurisdiction questions. Furthermore, THE INFORMATION PRESENTED HERE IS NOT TO BE RELIED UPON TO DETERMINE IF A PROPERTY IS WITHIN BCDC JURISDICTION, AND THE ACCOMPANYING NOTICE OF INCLUSION IN BCDC JURISDICTION, IF SO LOCATED, IS NOT INCLUDED IN INFORMATION PROVIDED BY DISCLOSURE SOURCE.

IN ORDER TO OBTAIN THE CASE-BY-CASE INFORMATION REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN THE BCDC'S JURISDICTION, YOU SHOULD CONTACT THE BCDC DIRECTLY. THE TELEPHONE NUMBER FOR THE BCDC IS (415) 352-3600.

The responsibilities of the BCDC include regulating all filling and dredging in the Bay and the Bay system, including sloughs and certain creeks and tributaries, as well as salt ponds and other areas diked-off from the Bay; protection of the Suisun Marsh; regulating development near the Bay; overseeing shoreline usage; and working in conjunction with state and federal activities for effective protection and use of the Bay.

According to the Commission website, it should be contacted for projects involving any kind of fill, extraction of materials, development, redevelopment, repair, dredging, or change in use in any area subject to tidal action in or around San Francisco Bay, South San Francisco Bay, San Pablo Bay, Suisun Marsh, and the Carquinez Strait, including all tidal sloughs, wetlands, creeks and rivers, marshlands, salt ponds, managed wetlands, the shoreline band, and the Priority Use Areas described in the Bay Plan.

Projects in these areas may require a permit according to State law, and violations of State law may result in civil and criminal penalties.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE**

#### **BACKGROUND INFORMATION / DISCUSSION:**

California law (Health and Safety Code Section 25400.28) requires property owners to notify prospective buyers in writing of any pending order that would prevent the use or occupancy of a property because of methamphetamine laboratory activity, and to provide the prospective buyer with a copy of the pending order. Receipt of a copy of the pending order shall be acknowledged in writing by the prospective buyer.

The "Methamphetamine Contaminated Property Cleanup Act of 2005," chapter 6.9.1 specifies human occupancy standards for property that is subject to the act. These standards will be replaced by any that are devised by the Department of Toxic Substances Control, in consultation with the Office of Environmental Substances Control. In addition, this Act outlines procedures for local authorities in dealing with methamphetamine contaminated properties, including the use of a property lien. This disclosure is meant to inform prospective buyers of California disclosure law regarding meth lab activity, and does not indicate or imply that a particular property is or has been contaminated according to this law.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **FLOOD INSURANCE DISCLOSURE**

#### **BACKGROUND INFORMATION/DISCUSSION:**

Floods can have a devastating effect on communities, causing loss of life, property damage, and loss of income, and can have an adverse effect on government functioning. As such, the federal government has designed measures that are intended to aid disaster assistance by encouraging insurance coverage for those properties in flood disaster areas.

In addition to the flood disclosure in the Natural Hazard Disclosure Statement, Federal law {U.S. Code Title 42, Chapter 68, subchapter III, § 5154a(b)(1)} requires a transferor, no later than the date on which a property is to be transferred, to notify a transferee of the requirement to purchase and maintain flood insurance, if disaster relief assistance (including a loan assistance payment) has been previously provided on that property and such assistance was conditioned on obtaining flood insurance according to Federal law.

If a transferee fails to obtain and maintain flood insurance on a property disclosed to have been in a previous federal disaster area and that received disaster relief assistance, then no Federal disaster relief assistance will be made available should that property subsequently be in a flood disaster area.

If a transferor fails to notify a transferee of the requirement to purchase and maintain flood insurance because of said property's inclusion in a Federal disaster area and Federal disaster relief assistance received for that property, and the transferee does not obtain and maintain flood insurance, then should that property be damaged by a flood disaster and receive Federal disaster relief assistance, the transferor will be required to reimburse the Federal Government for the amount of that assistance for that property.

State law (SBX1 7, Chaptered October 10, 1995) also prohibits "state disaster assistance from being provided to a person required to maintain flood insurance by state or federal law, who has canceled or failed to maintain that coverage."

The information contained here is not intended to indicate whether a property has been in a Federal disaster area and has received Federal disaster relief assistance, but merely to indicate an additional flood insurance disclosure requirement related to future disaster relief assistance availability.

## Supplemental Disclosures

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Subject Property:

**1360 HUSTON RD., WALNUT CREEK, CA 94597 APN: 169-361-006**

### **ENERGY EFFICIENCY STANDARDS AND DUCT SEALING REQUIREMENTS DISCLOSURE**

#### **BACKGROUND INFORMATION / DISCUSSION:**

The Energy Policy and Conservation Act directs the Department of Energy (DOE) to establish minimum efficiency standards for various products, including central air conditioners and heat pumps. The DOE has amended the energy conservation standards for residential central air conditioners and heat pumps manufactured for sale in the United States. As of January 23, 2006, these products are required to be manufactured with an energy rating of 13 SEER (SEER, Seasonal Energy Efficiency Ratio, is the measurement of energy efficiency for the cooling performance of central air conditioners and heat pumps). This amended SEER rating is 30 percent more efficient than 10 SEER, the previous standard. This new standard applies to split system air conditioners and heat pumps and small duct, high velocity systems manufactured after January 23, 2006. Products manufactured prior to this date with a SEER rating of less than 13 may still be sold and installed. Homeowners are not required to replace or upgrade existing central air conditioning units or heat pumps to comply with the new standards. DisclosureSource recommends that the potential buyer of the subject property verify the SEER rating of the central air conditioning or heat pump system through a professional such as a home inspector or through the California Home Energy Efficiency Rating Services. This agency, a home energy rating provider, is a non-profit organization that promotes energy efficiency through comprehensive analyses of homes. Additional information may be found at [http://www.eere.energy.gov/buildings/appliance\\_standards/residential/central\\_ac\\_hp.html](http://www.eere.energy.gov/buildings/appliance_standards/residential/central_ac_hp.html) or at [www.cheers.org](http://www.cheers.org)

The California Energy Commission outlines the new duct sealing requirements in a letter to homeowners, which states:

Beginning October 1, 2005, you must have your home's ducts tested for leaks when you have a central air conditioner or furnace installed or replaced. Ducts that leak 15 percent or more must be repaired to reduce the leaks. After your contractor tests and fixes the ducts, you choose whether to have an approved third-party field verifier check to make sure the duct testing and sealing was done properly or to have your house included in a random sample where one in seven duct systems are checked.

Duct sealing is not required in the following situations: 1) when homes are in specific coastal climates; 2) when systems have less than 40 feet of ductwork in unconditioned spaces like attics, garages, crawlspaces, basements or outside the building, or 3) when ducts are constructed, insulated or sealed with asbestos. There also are specific alternatives that allow high efficiency equipment and added duct insulation to be installed instead of fixing duct leaks.

You also should know that any contractor failing to obtain a required building permit and failing to test and repair your ducts is violating the law and exposing you to additional costs and liability. Real estate law requires you to disclose to potential buyers and appraisers whether or not you obtained required permits for work done on your house. If you do not obtain a permit, you may be required to bring your home into compliance with code requirements for that work and you may have to pay penalty permit fees and fines prior to selling your home.

According to the California Energy Commission, these duct sealing requirements apply when the following are replaced: the air handler, the outdoor condensing unit of a split system air conditioner or heat pump, the cooling or heating coil, or the furnace heat exchanger.

More information may be found at [www.energy.ca.gov/title24/changeout](http://www.energy.ca.gov/title24/changeout).