

11/31

NATURAL HAZARD DISCLOSURE STATEMENT AND DISCLOSURE REPORT RECEIPT

This statement applies to the following property: 1379 CEDAR STREET BERKELEY, CA 94702 Date: 2008-02-15 16:28:00

The transferor and he 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):

- 1. A SPECIAL FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency. Refer to Report.
Yes ___ No X Pending ___ Do not know and information not available from local jurisdiction ___
- 2. AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code. Refer to Report.
Yes X No ___ Do not know and information not available from local jurisdiction ___
- 3. 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. Refer to Report.
Yes ___ No X
- 4. 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. Refer to Report.
Yes ___ No X
- 5. AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code. Refer to Report.
Yes ___ No X
- 6. A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code. Refer to Report.
Yes (Landslide Zone) ___ Yes (Liquefaction Zone) ___ No X 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. TRANSFEEE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Transferor(s) [Signature] Date 3-7-08
 Signature of Transferor(s) _____ Date _____
 Agent(s) [Signature] Date 2/19/08
 Agent(s) [Signature] Date 2/28/08

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) _____ Property I.D. _____ Date February 15, 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.

Items 7-17 below indicate additional statutory disclosures and legal information provided in the report.

- 7. ENVIRONMENTAL RISK REPORT (Enclosed if ordered and automatically enclosed for Santa Clara and San Mateo Counties.)
 - 8. INDUSTRIAL USE ZONE DETERMINATION (where available) pursuant to Section 1102.17 of the California Civil Code. Refer to Report.
 - 9. FLOOD HAZARD DETERMINATION pursuant to 42 U.S.C. Section 4001 et seq. Refer to Report.
 - 10. LOCAL JURISDICTION HAZARDS (May include but will not be limited to one or more of the following: Fault Activity, Methane Gas, Landslide Inventory Reports, Liquefaction Susceptibility, Fire, Naturally Occurring Hazards, Airport Influence, Tsunami, Radon, Williamson Act, Right to Farm, Groundwater Deficiency, Hydro Compaction, Flood and Inundation Hazards, Critical Habitats, Dust Sealing Requirements, Methamphetamine Contamination, Mines, and Underground Reservoirs) Refer to Report.
 - 11. MELLOWOODS & SPECIAL ASSESSMENTS pursuant to Section 53311-53365.7 / 53754 of the California Government Code; NOTICE OF SUPPLEMENTAL PROPERTY TAX BILL pursuant to Civil Code Section 1102.6c. Refer to Report.
 - 12. MILITARY ORDNANCE FACILITIES pursuant to California Civil Code Sections 1102.15 and 1940.7. Refer to Report.
- Items 13-17 below are guides enclosed in Buyer's Copy of report.
- 13. ENVIRONMENTAL HAZARDS: "A Guide for Homeowners, Buyers, Landlords and Tenants" pursuant to California Health and Safety Code Section 25100 et seq., 25417, and 26100, Business and Professions Code Section 10084, and Civil Code Section 2079.7. Refer to Report.
 - 14. EARTHQUAKE SAFETY: "The Homeowner's Guide To Earthquake Safety" and "Residential Earthquake Hazards Report" form pursuant to California Business and Professions Code Section 10149, and Government Code Sections 8897.1, 8897.2, and 8897.5. Refer to Report.
 - 15. RESIDENTIAL EARTHQUAKE HAZARDS REPORT FORM pursuant to California Business and Professions Code Section 10149, and California Government Code Sections 8897.1, 8897.2, and 8897.5. Refer to enclosed "The Homeowner's Guide to Earthquake Safety".
 - 16. LEAD-BASED PAINT: "Protect Your Family From Lead in Your Home" pursuant to HUD Mortgage Letter 92-94, Title X of Housing and Com. D.V. Act of 1992. Refer to Report.
 - 17. MOLD: Chapter VI in mold pursuant to Health and Safety Code Section 25100 et seq., 25417, and 26100, Business and Professions Code Section 10084, and Civil Code Section 2079.7. Refer to Report.

Signature of Transferee(s) [Signature] Date 2/28/08
 Signature of Transferee(s) _____ Date _____



2/31

To Whom It May Concern:

In the transaction concerning

1379 CENNA STREET, BERKELEY
[property address]

I/we have received a copy of the following booklet from the Broker(s) in this transaction: "Combined Hazards Book," a combination of "Residential Environmental Hazards: A Guide for Homeowners, Homebuyers, Landlords and Tenants" including toxic mold, "Protect Your Family From Lead in Your Home," and "The Homeowner's Guide to Earthquake Safety" including natural gas safety.

X

buyer/seller				
<u>MICHAEL WESTHEIMER</u>	<u>[Signature]</u>	<u>2-18-08</u>	<u>11:00 A.M.</u>	
printed name	signature	date	time	

buyer/seller				
<u>[Signature]</u>		<u>2/28/08</u>		
printed name	signature	date	time	

agent, listing side				
brokerage	by [signature]	date	time	

agent, selling side				
brokerage	by [signature]	date	time	



3/31

NAME - Michael Westheimer RESIDENTIAL EARTHQUAKE HAZARDS REPORT

Refer to Section 8897 et seq., California Government Code

Name	<u>1379 CEDAR STREET</u>	APN	<u>059228605200</u>
Street Address	<u>Berkeley, California</u>	Year Built	<u>1943</u>
City and County	<u>Alameda County</u>	Zip Code	<u>94702</u>

Seller: Please answer these questions to the best of your knowledge. If you do not have actual knowledge as to whether the weakness exists, answer "Don't Know." If your house does not have the feature, answer "Doesn't Apply." For more information about the conditions described, please refer to *The Homeowner's Guide to Earthquake Safety*

	Yes	No	Doesn't Apply	Don't Know
1. Is the water heater braced, strapped or anchored to resist falling during an earthquake?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the house anchored or bolted to the foundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. If the house has cripple walls:				
• Are the exterior cripple walls braced?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• If the exterior foundation consists of unconnected concrete piers and posts, have they been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. If the exterior foundation, or part of it, is made of un-reinforced masonry, has it been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. If the house is built on a hillside:				
• Are the exterior tall foundation walls braced?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Were the tall posts or columns either built to resist earthquakes or have they been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. If the exterior walls of the house, or part of them, are made of un-reinforced masonry, have they been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. If the house has a living area over the garage, was the wall around the garage door opening either built to resist earthquake or has it been strengthened?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Is the house outside an Alquist-Priolo Earthquake Fault Zone (zones immediately surrounding known earthquake faults)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Is the house outside a Seismic Hazard Zone (zone identified as susceptible to liquefaction or landsliding)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If any of the questions are answered "No," the house is likely to have an earthquake weakness. Questions answered "Don't Know" may indicate a need for further evaluation. If you corrected one or more of these weaknesses, describe the work on a separate page.

As Seller of the property described herein, I have answered the questions above to the best of my knowledge in an effort to disclose fully any potential earthquake weaknesses it may have.

EXECUTED BY:

X

Michael Westheimer 2-18-08
SELLER Date SELLER Date

Buyer: I acknowledge the receipt of this form, completed and signed by the Seller. I understand that if the Seller has answered "No" to one or more questions, or if seller has indicated a lack of knowledge, there may be one or more earthquake weaknesses in this house. I also acknowledge receipt of a copy of *The Homeowner's Guide to Earthquake Safety*.

James B. Rule 2/28/08
BUYER Date BUYER Date

This earthquake disclosure is made in addition to the standard Real Estate Transfer Disclosure Statement also required by law.

FLOOD HAZARD ZONE DETERMINATION

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the current Flood Insurance Rate maps or information issued by the Federal Emergency Management Agency, the following determination is made:

SUBJECT PROPERTY IS LOCATED IN ZONE C

EXPLANATION OF FEMA FLOOD ZONE DESIGNATIONS

Special flood hazard areas are any type zone "A" or "V." Zones "B", "C", "D", "NSFHA", "X", and "X500" are not special flood hazard areas.

- A** AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
- AC*** AREAS OF FLOODING CONTAINED BY FLOOD CONTROL MEASURES; INCLUDES AREAS OF FLOODING CONTAINED BY CHANNEL OR BASIN.
- AE** BASE FLOOD ELEVATION DETERMINED
- AH** AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE (1) AND THREE (3) FEET; BASE FLOOD ELEVATIONS ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED.
- AO** AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE (1) AND THREE (3) FEET; AVERAGE DEPTHS OF INUNDATION ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED.
- AR** AREAS OF 100-YEAR FLOOD, WHERE RESTORATION OF LEVEE SYSTEM TO LEVEL OF VASE FLOOD IS UNDERWAY (TEMPORARY UNTIL FLOOD PROTECTION SYSTEM IS RESTORED)
- A1-A30** AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.
- A99** AREAS OF 100-YEAR FLOOD TO BE PROTECTED BY FLOOD PROTECTION SYSTEM UNDER CONSTRUCTION; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
- B** AREAS BETWEEN THE LIMITS OF THE 100-YEAR FLOOD AND THE 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR PROTECTED BY LEVEES FROM THE BASE FLOOD.
- C** AREAS OF MINIMAL FLOODING.
- D** AREAS OF UNDETERMINED, BUT POSSIBLE, FLOOD HAZARDS.
- NSFHA** AREAS THAT ARE NOT A SPECIAL FLOOD HAZARD.
- V** AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION)' BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
- V1-V30** AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION)' BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.
- VE** COASTAL FLOOD WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATIONS DETERMINED.
- X** AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
- "X500"** AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

DAM FAILURE INUNDATION

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained from the the Office of Emergency Services the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN OFFICIALLY DESIGNATED DAM INUNDATION AREA (BERRYMAN RESERVOIR)

Based on PROPERTY I.D.'s research of maps and/or information obtained for the City of Berkeley the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED DAM INUNDATION AREA

DISCUSSION:

The dam inundation program began in response to the Sylmar earthquake of February 9, 1971, which caused severe damage to the Upper and Lower Van Norman Dams, and threatened to cause extensive damage to life and property had a dam failure occurred. The California legislature added sections 8589.5 to the California Government Code, requiring dam owners to provide the Governor's Office of Emergency Services with an inundation map showing the extent of damage to life and property that would occur, given a complete and sudden dam failure at full capacity, i.e. a worst case scenario, regardless of the likelihood of such an event.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

FIRE HAZARD DETERMINATIONS

For
1379 CEDAR STREET, BERKELEY, CA 94702

VERY HIGH FIRE HAZARD ZONE

Based on PROPERTY I.D.'s research of the current maps issued by the California Department of Forestry and Fire Protection, the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE

DISCUSSION:

Lands in the state of California are classified in accordance with their propensity for very high fire hazard, where public officials are able to identify measures to retard the rate of spread of fires, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property. These areas are classified as such based upon fuel loading, slope, fire weather, and other relevant factors. For an area designated as a very high fire hazard severity zone, vegetation removal or management must be undertaken for fire prevention or suppression purposes. Other measures such as the maintenance of fire breaks around the property, clearance of brush and other flammable substances, provide and the provision of maintenance of a screen near the outlet of chimneys and stovepipes, and the requirement of a proscribed fire retardant roof.

WILDLAND FIRE AREA (STATE FIRE RESPONSIBILITY AREA)

Based on PROPERTY I.D.'s research of the current maps issued by the California Department of Forestry and Fire Protection, the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED STATE FIRE RESPONSIBILITY AREA

DISCUSSION:

A State Fire Responsibility Area is defined as "lands exclusive of cities and federal lands regardless of ownership, classified by the State Board of Forestry as areas in which the primary financial responsibility for preventing and suppressing fire is that of the State. These are lands covered wholly or in part by timber, brush, undergrowth or grass, whether of commercial value or not, which protect the soil from erosion, retard runoff of water or accelerated percolation, and lands used principally for range or forage purposes." State Fire Responsibility Areas are generally wildland areas, and may require state-imposed additional duties, such as maintaining fire breaks.

FIRE HAZARD DETERMINATIONS (Continued)

FIRE THREAT RATING

Based on PROPERTY I.D.'s research of the current maps issued by the California Department of Forestry and Fire Protection, the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN AREA OF MODERATE FIRE THREAT

DISCUSSION:

Fire threat can be used to estimate the potential for impacts on various assets and values susceptible to fire. Impacts are more likely to occur and/or be of increased severity for the higher threat classes. Fire Threat is derived from a combination of fire frequency (how often an area burns), and potential fire behavior under severe weather conditions. These two factors are combined to create 5 threat classes: *little or no, moderate, high, very high, and extreme*. Fire frequency is derived from 50 years of fire history data. Fire behavior is derived from fuels and terrain data. These are also catalogued and available via the CDF-FRAP web site. http://frap.cdf.ca.gov/projects/fire_threat.

LOCAL FIRE HAZARD DETERMINATION(S)

Based on PROPERTY I.D.'s research of the maps and/or information obtained for the City of Berkeley the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN OFFICIALLY DESIGNATED FIRE ZONE ONE

Discussion:

Government Code Section 51178 specifies that the Director of CDF shall identify Very High Fire Hazard Severity Zones based on statewide criteria for fuel loading, slope, fire history weather, and other relevant factors. But, a local agency may, at its discretion, include or exclude areas from the VHFHSZ following a finding supported by substantial evidence in the record that the requirements of Section 51182 are or are not necessary for effective fire protection in a specified area.

NOTE: If the property is located in a State Fire Responsibility area, Seller shall, within the time specified disclose this fact in writing to Buyer (Public Resources Code Section 4136). Disclosure may be made in the Real Estate Transfer Disclosure Statement (CAR Form TDS-14). Government regulations may impose building restrictions and requirements that may substantially impact and limit construction and remodeling of improvement. Disclosure of these areas is required only if the Seller has actual knowledge that the Property is located in such an area or maps of such areas have been provided to the county assessor's office.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

EARTHQUAKE FAULT ZONES

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the current maps and/or information obtained from the State of California in accordance with the Alquist-Priolo Earthquake Fault Zoning Act the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIAL EARTHQUAKE FAULT ZONE

DISCUSSION:

If the subject property is partially or wholly within an OFFICIAL EARTHQUAKE FAULT ZONE, it may be subject to (city, county, or state) requirements necessitating geologic study prior to any new or additional construction. When a property is located in this zone, it may not mean that a fault line exists on the property. In certain areas, the zones around the faults being studied are more than one-quarter of a mile wide.

Earthquake Fault Zones are delineated and adopted by the State of California as part of the Alquist-Priolo Special Studies Zone Act of 1972 to assure that homes, offices, hospitals, public buildings, and other structures for human occupancy are not built on active faults. Earthquake Fault Zones are areas on both sides of known or suspected active earthquake faults. The State Mining and Geology Board has adopted policies and criteria for the implementing of these zones.

Based on PROPERTY I.D.'s research of maps and/or information obtained for Alameda County the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED WITHIN 1/4 MILE OF A MAPPED FAULT

DISCUSSION:

As a part of long-term planning, localities are required to include mapping of known seismic or other geologic hazards on a local level. Information may vary between jurisdictions, and may include information about all locally-known seismic hazard zones, including an area's susceptibility to strong ground shaking, liquefaction, landslides or other ground failure.

The absence of earthquake activity at a particular location does not necessarily mean that earthquakes will not occur there in the future. Moderate to large earthquakes have often been preceded by or followed by long periods of quiescence. The apparent correlation between seismic activity and mapped faults should confine the areas of higher probability of earthquake occurrence to somewhat restricted zones.

Fault rupture can occur during moderate to large earthquakes and is a function of magnitude and the total length of the fault. Fault rupture accounts for only a small percentage of earthquake damage and may be rapid and sudden, as with a major earthquake, or can occur over an extended period of time.

EARTHQUAKE FAULT ZONES (Continued)

DEFINITIONS:

Some fault disclosures contain fault activity status information. The definitions below describe these status designations.

Active - "Active" faults are defined as faults that have been active within the last 0 to 11,000 years before the present.

Potentially Active - "Potentially Active" faults are defined as faults that may have been active between 11,000 years and 500,000 years before the present.

Conditionally Active - "Conditionally Active" faults are defined as faults that may have had activity 750,000 years before the present or uncertain activity.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

LANDSLIDE INVENTORY REPORT

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the current maps issued by the California Geological Survey, the following determinations are made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED EARTHQUAKE-INDUCED LANDSLIDE HAZARD ZONE

NOTE: Some determination(s) below may differ from the seismic hazard determination found in the Natural Hazard Disclosure Statement ("NHDS"). Differentiation may occur because the determination made in the NHDS is based on maps prepared by the California Geologic Survey (State Seismic Hazard Mapping Act), while the determination below is based on official maps prepared by the referenced agency.

Based on PROPERTY I.D.'s research of maps and/or information obtained for Alameda County the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED AREA OF LANDSLIDE DEPOSITS

Based on PROPERTY I.D.'s research of maps and/or information obtained for the City of Berkeley the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED LANDSLIDE AREA

DISCUSSION:

Landslides and other ground failures occur during earthquakes, triggered by the strain induced in soil and rock by the ground shaking vibrations, and during non-earthquake conditions, most frequently during the rainy season. Both natural and man-made factors contribute to these slope failures.

Although landslides due to slope failure are most frequent in "wet years" with above-average rainfall, they can occur at any time. The presence or absence of deep-rooted vegetation; surface and subsurface drainage conditions; thickness and engineering characteristics of soils and underlying weathered, partially-decomposed rock; orientation of bedding or locally-high rainfall can all affect slope stability.

The influence of bedrock lithology, steepness of slope, and rates of erosion, at the very least, must all be considered to generate an accurate susceptibility map. Any slope can be rendered unstable by construction activities and almost any unstable slope can also be mitigated by accepted geotechnical methods.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

LIQUEFACTION SUSCEPTIBILITY

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the current maps issued by the California Geological Survey, the following determinations are made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED LIQUEFACTION HAZARD ZONE

NOTE: Some determination(s) below may differ from the seismic hazard determination found in the Natural Hazard Disclosure Statement ("NHDS"). Differentiation may occur because the determination made in the NHDS is based on maps prepared by the California Geologic Survey (State Seismic Hazard Mapping Act), while the determinations below are based on official maps prepared by the referenced agency.

Based on PROPERTY I.D.'s research of maps and/or information obtained for the Association of Bay Area Governemnts the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN OFFICIALLY DESIGNATED AREA OF MODERATE LIQUEFACTION POTENTIAL

Based on PROPERTY I.D.'s research of maps and/or information obtained for Alameda County the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN AREA WHERE LESS THAN 1% OF THE LAND IS PREDICTED TO LIQUEFY DURING A MAGNITUDE 7.1 EARTHQUAKE

Based on PROPERTY I.D.'s research of maps and/or information obtained for the City of Berkeley the following determinations are made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED AREA OF POTENTIAL FOR GROUND FAILURE INCLUDING LIQUEFACTION

LIQUEFACTION SUSCEPTIBILITY (Continued)

DISCUSSION:

Liquefaction is the sudden loss of soil strength resulting from shaking during an earthquake. The effect on structures and buildings can be devastating, and is a major contributor to urban seismic risk. Areas most susceptible to liquefaction are underlain by non-cohesive soils, such as sand and silt, that are saturated by water.

Mapped liquefaction areas are those where historic occurrence of liquefaction, or local geological, geotechnical conditions indicate a potential for permanent ground displacement such that mitigation as defined in Public Resources Code Section 2693 (c) would be required. Section 2693 (c) defines "mitigation" to mean those measures that are consistent with established practice and that will reduce seismic risk to acceptable levels.

NOTE: The map upon which this determination is based may not show all areas that have the potential for liquefaction or other earthquake and geologic hazards. Also, a single earthquake capable of causing liquefaction may not uniformly affect the entire area. Liquefaction zones may also contain areas susceptible to the effects of earthquake induced landslides. This situation typically exists at or near the toe of existing landslides, down slope from rock fall or debris flow source areas, or adjacent to steep stream banks.

PID has obtained the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

NATURALLY OCCURRING ASBESTOS
For
1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of current maps and/or information issued by the California Geological Survey, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN A NATURALLY OCCURRING
ASBESTOS HAZARD ZONE**

DISCUSSION:

Natural asbestos commonly occurs in association with altered ultramafic rocks, including serpentinite or serpentine - the California state rock. State and federal officials consider all types of asbestos to be hazardous because asbestos is a known carcinogen. Wind and water can carry asbestos fibers, and certain human activities such as mining, grading, quarrying operations, construction or driving over unpaved roads or driving on a road paved in part with asbestos-bearing rock, can release dust containing asbestos fibers. As with any other potential environmental hazard, it is recommended that Buyers fully investigate and satisfy themselves as to the existence of exposed naturally occurring asbestos / serpentine rock on the Property or within its vicinity or any serpentine-surfaced roads within the vicinity of the Property and the hazards, if any, posed thereby. That investigation should include consulting with appropriate expert(s) who can identify and test any exposed naturally occurring asbestos / serpentine rock on the Property or within its vicinity to determine whether it may present a health risk to Buyers. Buyers are encouraged to review all relevant information resulting from these studies and other information pertaining to the risk of exposure to harmful forms of naturally occurring asbestos fibers prior to removing their inspection contingency.

If the Subject Property is in a Naturally Occurring Asbestos Hazard zone, then this Property is located in an area identified by the State Geologist as potentially containing naturally occurring asbestos. Exposure to asbestos may create a significant health risk, and the presence of asbestos-bearing minerals may result in restrictions on the use or development of the Property. You should consider the potential risks associated with the Property before you complete your purchase and determine whether they are acceptable to you.

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RADON GAS POTENTIAL

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained for U.S. Environmental Protection Agency the following determination is made:

THE ENTIRE COUNTY IN WHICH THE SUBJECT PROPERTY IS LOCATED IS DESIGNATED AS A ZONE 2 FOR RADON GAS POTENTIAL

DEFINITION:

Zone 1 - Highest Potential (greater than 4 pCi/L) (picocuries per liter)

Zone 2 - Moderate Potential (from 2 to 4 pCi/L) (picocuries per liter)

Zone 3 - Low Potential (less than 2 pCi/L) (picocuries per liter)

DISCUSSION:

Radon is a naturally occurring colorless, odorless radioactive gas formed by the natural disintegration of uranium in soil, rock and ground water as it radioactively transmutes to form stable lead.

Radon gas forms from the decay of radioactive elements at depth. Air pressure inside a building is usually lower than pressure in the soil around the building's foundation. Because of this difference in pressure, buildings act like a vacuum, drawing radon in through foundation cracks and other openings. As cracks develop in rocks, radon gas rises into the local ground water and may also be present in well water and can be released into the air in buildings when water is used for showering and other household uses. In most cases, radon entering a building through water is a small risk compared with radon entering a building from the soil. In a small number of homes, the building materials can give off radon, although building materials alone rarely cause radon problems. The Surgeon General has warned that radon is the second leading cause of lung cancer in the United States. Only smoking causes more lung cancer deaths. Smokers that live in homes with high radon levels, are at an especially high risk for developing lung cancer.

According to the U.S. Environmental Protection Agency, the determination above is consistent with the potential for radon throughout the county. The only way to detect radon is by testing. For further information about radon testing and mitigation, contact the California Department of Health Services at <http://www.dhs.ca.gov>, The National Environmental Health Association (NEHA) at <http://www.neha.org>, and the National Environmental Radon Safety Board (NRSB) at <http://www.nrsb.org>.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

PROTECTED SPECIES / HABITATS

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the current maps and/or information obtained from federal, state, county, and city habitat conservation departments the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN AREA WITH PROTECTED SPECIES OR HABITATS, INCLUDING THE FOLLOWING...

BIG FREE -TAILED BAT (CNDDDB - STATUS UNKNOWN)

DISCUSSION:

The species and/or habitat(s) listed above, if any, represent designations for species and/or habitat conservation due to endangered, threatened, sensitive and/or protected status. Landowners with property in conservation areas may be subject to development fees at the time a grading permit is obtained, and/or may be required to secure a habitat assessment conducted by a biologist or specialist approved by the United States Fish Wildlife Service and/or the California Fish and Game and/or the local jurisdiction habitat conservation department. The habitat assessment involves a field survey to ascertain the actual presence of the particular species upon the subject property. These habitat preservation measures may also limit the landowner's ability to develop the property. Affected landowners should check the applicable jurisdiction's mitigation fee ordinance and local planning jurisdiction. Fee revenues are expended for land acquisition, biologic research and other conservation and mitigation activities necessary to help implement the applicable species habitat conservation plans.

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**NOTICE OF SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION JURISDICTION**

For
1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the current maps issued by the San Francisco Bay Conservation and Development Commission, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN THE SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT COMMISSION JURISDICTION AREA**

DISCUSSION:

If the Subject Property is located in the San Francisco Bay Conservation and Development Commission Jurisdiction, 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.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

BERKELEY CREEK REGULATED AREA
For
1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained for the City of Berkeley, the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN A CREEK PROTECTION ZONE

DISCUSSION:

In an effort to promote its policy of protecting and restoring its creeks, the City of Berkeley has adopted its Creeks Ordinance. Property owners within 30 feet of a creek's centerline are regulated under the City's Ordinance. Creeks are broadly defined to include naturally occurring watercourses (whether seasonal or perennial) and those portions of a creek that have been placed in culverts (usually underground) but remain in the location where they naturally occurred before being placed in the culvert. To implement this policy, the ordinance prevents new development of a structure with a roof from occurring within 30 feet of the centerline of a creek.

If the property is regulated, any pre-existing roofed structures within 30 feet of the centerline of a creek may remain and be maintained indefinitely. However, no new structures can be built that encroach within 30 feet of the centerline of the creek, and no additions are permitted that would either encroach within 30 feet of the centerline of the creek or add on to an existing encroachment (e.g. a second floor on an encroaching portion of a home). A structure, or any portion thereof, may be replaced or reconstructed as long as all the following conditions exist: (A) The structure, or any portion thereof, has been destroyed by causes such as fire, earthquake, or flood. (B) The proposed structure to replace or reconstruct the structure or portion thereof, is reasonably similar in use, dimensions, floor area, square footage, lot coverage, and footprint to the destroyed structure and complies with all currently applicable building codes. (C) If a culvert exists on the parcel and the proposed replacement will be within 30 feet of the centerline of such culvert, the applicant has submitted a report by a licensed structural engineer demonstrating to the satisfaction of the City that the proposed replacement structure will not negatively affect the culvert and that the replacement structure is designed with a foundation, such as pile supported, which does not exert any bearing load on the culvert.

The maps issued by the City of Berkeley pursuant to this ordinance are based on the best information available. The City of Berkeley cannot always tell from available information the exact location of a creek's centerline, and because the City's creek regulations depend on a definition of a creek and not on the map, the fact that a property is not on the map does not exclude it from being potentially regulated under the Creeks Ordinance. There may be watercourses in the City of Berkeley that meet the definition of a creek under the ordinance but are not shown on the City's map.

PID has obtained the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

NOTICE OF DUCT SEALING REQUIREMENTS

For
1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the the official climate zone maps issued by the California Energy Commission the following determination is made:

SUBJECT PROPERTY IS LOCATED IN A ZONE OFFICIALLY EXEMPTED FROM CALIFORNIA ENERGY COMMISSION DUCT SEALING REQUIREMENTS

DISCUSSION:

The California Energy Commission's ("CEC") duct sealing requirements became effective on October 1, 2005, California Code of Regulations, Title 24. Some areas in specific climate zones as designated by the CEC are exempt from compliance and the requirements do not apply to properties in the exemption zones unless otherwise adopted by local governments. Properties that are not located in the exemption zones must comply with the requirements.

Depending upon certain conditions, if a central air conditioner or furnace was installed or replaced after October 1, 2005, the ducts must be tested for leakage. If the ducts leak 15% or more, then repairs must be made to seal the ducts. Additional testing may then be required to verify that the work was done properly. It is strongly recommended that all of this work be done by licensed contractors who should obtain all required permits. These new duct sealing requirements may impact a Seller's disclosure obligations and/or any negotiations between principals regarding replacing heating, ventilating and air conditions (HVAC) systems. These new requirements may increase the costs associated with replacing or installing an HVAC system.

13 SEER - Seasonal Energy Efficiency Ratio is the Federal Government's minimum standard efficiency rating for heating, ventilating, air conditioning and heat pumps. The US Department of Energy requires central air conditioners and heat pumps to meet an efficiency rating of 13 SEER.

Realtors and Property I.D. do not have the requisite expertise to determine the need for testing or sealing ducts and cannot verify the information provided about the condition of the HVAC system by others. For further information contact the California Energy Commission at 800-772-3300 or go to www.energy.ca.gov/title24/changeout.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

AIRPORT PROXIMITY

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained for local land use commissions the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN AIRPORT INFLUENCE AREA

Based on PROPERTY I.D.'s research of the maps and/or information obtained for the Federal Aviation Administration (FAA) and the Department of Transportation the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED WITHIN 2 MILES OF AN FAA APPROVED LANDING FACILITY

DISCUSSION:

NOTICE OF AIRPORT IN VICINITY - Pursuant to Section 1103.4 of the Civil Code: If the above-referenced property is located in the vicinity of an airport, within what is known as an Airport Influence Area, 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.

Note: In some instances, an airport facility's property line was not surveyed, rather an FAA-designated central point of the facility was used as a reference for the two mile proximity determination.

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MILITARY ORDNANCE AND DEFENSE SITES

For

1379 CEDAR STREET, BERKELEY, CA 94702

FORMER MILITARY SITES

Based on PROPERTY I.D.'s research of the current maps or information issued by the U.S. Army Corps of Engineers in conjunction with the Department of Defense, of former Federal and State Defense Sites for the State of California the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED WITHIN 1 MILE OF A FORMER MILITARY ORDNANCE SITE

Note: The above mentioned determination is made from a list of known Formerly Used Defense Sites in the state of California that are listed in the official government databases. There is a possibility that the database utilized does not include some of the most recently modified RAC scores, recently discovered sites and/or information exempt from release.

Each site's evaluation is contained within an Inventory Project Report (INPR), which indicates a Risk Assessment Code (RAC) for each site. The RAC score is used to prioritize the remedial action at the site. A one (1) RAC score indicates a high likelihood of hazard severity and/or hazard probability. The five (5) RAC score indicates the least hazardous category.

RISK ASSESSMENT CODE:

RAC 1 Imminent Hazard

RAC 2 High Priority

RAC 3 Recommend further action to determine presence of ordnance

RAC 4 Recommend further action to determine presence of ordnance

RAC 5 Recommend no further action

DISCUSSION:

The sites are former locations used by various United States armed forces during the Second World War, and they have been reported and identified as contaminated with ordnance. Some confirmed sites have different kinds of contaminants - not all are artillery/ordnance contaminants.

Many sites are known by the federal and state government as former defense sites, whereupon there is potential for ordnance and similar explosive type contaminants, however this potential may not be confirmed.

Due to national security concerns, the US Army Corps of Engineers has not provided public updates on Formerly Used Defense Sites (FUDS) since January 2003.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

AREAS OF INDUSTRIAL / COMMERCIAL USE

For
1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained for the Association of Bay Area Governments, the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED INDUSTRIAL USE ZONE

DISCUSSION:

These zones or districts may be established by any city, city and county, or county under authority of law wherein certain manufacturing, commercial or airport uses are expressly permitted.

Pursuant to Section 1102.17 of the Civil Code, 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, which allows manufacturing, commercial or airport uses in zones that have been established under authority of law for those uses, shall give written notice of that knowledge as soon as practicable before transfer of title.

The existence of various conditions such as traffic, noise, odors, pollution, obstructed views, and other such conditions that are reasonable and necessary in Industrial Use Zones, cannot be enjoined or restrained, nor shall such use be deemed a nuisance as outlined in Section 731a of the Code of Civil Procedure.

Note: Determinations made based on County planning information may not reflect all local zoning.

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ABANDONED / ACTIVE MINES

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained for the Office of Mines and Reclamation and the U.S. Geological Survey the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED WITHIN 1 MILE OF IDENTIFIED MINING OPERATIONS, ACTIVE OR ABANDONED

DISCUSSION:

Since the 1849 Gold Rush, mines have been dug and abandoned throughout the State of California. The result is that in the state there are tens of thousands of active and abandoned mines, many unmapped, that can pose safety, health, and environmental hazards. Sites can possess serious physical safety hazards, such as open shafts or adits (mine tunnels), and many mines have the potential to contaminate surface water, groundwater, or air with acid-rock drainage, mercury, arsenic, cyanide, asbestos, lead, chromium, or other contaminants.

The cost of closure and remediation of abandoned mines falls on the current property owner and any potentially responsible parties that can be located and are financially liable. Most current landowners had nothing to do with the historic mining, unlike the potentially responsible parties, and the clean-up costs can be daunting.

Further information is available from the Department of Conservation, Office of Mine Reclamation, Abandoned Mine Lands Unit (AMLU) http://www.consrv.ca.gov/OMR/abandoned_mine_lands/california_abandoned_mines/overview.htm and the U.S. Geological Survey, <http://minerals.usgs.gov>.

GENERAL NOTICE OF ABANDONED WELLS

The Department of Water Resources estimates that there are approximately 750,000 water wells scattered throughout the State of California - some of these wells are abandoned. Wells that have been abandoned pose a serious threat to the safety of humans, especially children, and to animals. Section 24400 of the California Health and Safety Code requires that abandoned excavations be fenced, covered, or filled. In addition, abandoned wells may act as conduits for the contamination of groundwater since inadequately constructed wells provide a physical connection between sources of pollution and useable water.

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LAND CONSERVATION DETERMINATION

For

1379 CEDAR STREET, BERKELEY, CA 94702

Based on PROPERTY I.D.'s research of the maps and/or information obtained for the California Department of Conservation, Division of Land Resource Protection and in conjunction with local county agencies the following determination is made:

SUBJECT PROPERTY IS NOT LOCATED IN LANDS UNDER CONTRACT PURSUANT TO THE CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT

DISCUSSION:

The Williamson Act was passed by the California Legislature in 1965 to preserve agricultural and open space lands in Agricultural Preserves by discouraging premature and unnecessary conversion to urban uses. The term "Agricultural Preserve" is defined as the boundary of an area, which shall consist of no less than 100 acres, within which a city or county will enter into contracts with landowners to devote land to agricultural or open-space uses, pursuant to the California Land Conservation (Williamson) Act. The boundary is designated by resolution of the board of supervisors or city council having jurisdiction. Only land which is located within an Agricultural Preserve is eligible for a Williamson Act contract. Preserves are regulated by rules and restrictions designated in the resolution to ensure that the land within the Preserve is maintained for agricultural or open space use.

The Williamson Act authorizes local governments and property owners to (voluntarily) enter into 10-year rolling term contracts to commit land to specified uses. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. A Williamson Act contract runs with the land and is binding on all successors in interest of the landowner. A landowner's failure to meet the conditions of the contract may be considered a breach of the contract, which will allow the local government to sue the landowner and/or not renew the contract.

Additionally, if the Subject Property is located at or near Agricultural Preserves, inconvenience or discomfort may arise from the use of the land for agricultural activity or processing activity in a manner consistent with proper and accepted customs and standards. Agricultural activity, operation, or facility, or appurtenances thereof shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market. Agricultural processing activity, operation, facility, or appurtenances thereof includes, but is not limited to, the canning or freezing of agricultural products, the processing of dairy products, the production and bottling of beer and wine, the processing of meat and egg products, the drying of fruits and grains, the packaging and cooling of fruits and vegetables, and the storage or warehousing of any agricultural products, and includes processing for wholesale or retail markets of agricultural products.

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PROPERTY TAX RECORDS

For
1379 CEDAR STREET, BERKELEY, CA 94702
APN# 059-2286-052-00

Based on PID's research of available tax records from the County the following determinations are made:

Mello-Roos Community Facilities District Determination Notice of Special Tax

SUBJECT PROPERTY IS LOCATED IN A MELLO-ROOS COMMUNITY FACILITIES DISTRICT AS OF THE DATE OF THIS REPORT

Code	Description	Contact	Phone	Start	End	Purpose	Max. % Increase	Annual Fee
679	C.F.D. NO. 1, DISASTER FIRE PROTECTION	CITY OF BERKELEY	(510)981-7200					\$13.50

Notice of Special Assessment

SUBJECT PROPERTY IS LOCATED IN A SPECIAL TAX ASSESSMENT DISTRICT

Code	Description	Contact	Phone	Annual Fee
423	BERKELEY SCHOOL MEASURE A OF 2006	SCHOOL DISTRICTS	(510)644-8717	\$257.36
817	CLEAN STORM WATER	CITY OF BERKELEY	(510)981-7200	\$18.44
421	BERKELEY U. S. D. MAINTENANCE SPECIAL TAX	SCHOOL DISTRICTS	(510)644-8717	\$59.18
702	E.B.R.P.D. LANDSCAPING & LIGHTING/E.B. TRAILS	SPECIAL DISTRICTS	(800)273-5167	\$5.44
305	PARAMEDIC SUPPLEMENT	CITY OF BERKELEY	(510)981-7200	\$31.02
355	C.S.A. LA 1991-1 (LEAD ABATEMENT)	SPECIAL DISTRICTS	(510)567-8280	\$10.00
599	AC TRANSIT MEASURE BB TAX	SPECIAL DISTRICTS	(800)676-7516	\$48.00
573	CSA VECTOR CONTROL B	SPECIAL DISTRICTS	(800)273-5167	\$4.08
300	MOSQUITO ABATEMENT	SPECIAL DISTRICTS	(510)783-7744	\$1.74
183	LANDSCAPE & PARK MAINTENANCE	CITY OF BERKELEY	(510)981-7200	\$116.42
182	STREET LIGHTING ASSESSMENT	CITY OF BERKELEY	(510)981-7200	\$11.66
706	E.B.R.P.D. PARK SAFETY/MAINT	SPECIAL DISTRICTS	(800)273-5167	\$12.00

**PROPERTY TAX RECORDS
(Continued)**

677	EMERGENCY SERVICES FOR SEVERELY DISABLED	CITY OF BERKELEY	(510)981-7200	\$11.74
188	LIBRARY SERVICE	CITY OF BERKELEY	(510)981-7200	\$162.44
301	COUNTY SERV. AREA E.M. 1983-1 (PARAMEDIC)	SPECIAL DISTRICTS	(510)618-2055	\$24.96
186	REFUSE SERVICE	CITY OF BERKELEY	(510)981-7270	\$265.32
700	EBMUD WET WEATHER FACILITIES CHARGES	SPECIAL DISTRICTS	(510)287-1852	\$58.80
302	COUNTY SERV. AREA V.C. 1984-1 (VECTOR CONTROL)	SPECIAL DISTRICTS	(510)567-6800	\$5.92

Ad Valorem Taxes

SUBJECT PROPERTY IS SUBJECT TO AD VALOREM TAXES

Code	Description	Contact	Phone	Rate	Annual Fee
AV13	BASIC 1% PROPERTY TAX AND ALL AD VALOREM TAXES	COUNTY AUDITOR/CONTROLLER	(510)272-6565		\$7536.74 *

* This amount represents the current annual tax fee and is subject to change pursuant to the purchase price of the property.

Discussion:

This is a notification to you prior to your purchasing this property. If this property is within the above-named assessment district(s), the assessment district(s) issued bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to property within the assessment district. The bonds will be repaid from annual assessment installments on property within the assessment districts. If this property is subject to annual assessment installments, the assessment districts will appear on the property tax bills, in addition to the regular property taxes and any other charges and levies that will be listed on the property tax bill. If you fail to pay assessment installments when due each year, the property may be foreclosed upon and sold. Assessment installments will be collected each year until the assessment bonds are repaid. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. This assessment and the benefits from the public facilities for which it pays should be taken into account in deciding whether to buy this property. You may terminate the contract to purchase or deposit receipt after receiving this notice from the owner or agent selling the property within three days if the notice was received in person or within five days after it was deposited in the mail by giving written notice of the termination to the owner or agent selling the property.

NOTICE OF YOUR SUPPLEMENTAL PROPERTY TAX BILL

California property tax law requires the Assessor to revalue real property at the time the ownership of the property changes. Because of this law, you may receive one or two supplemental tax bills, depending on when your loan closes. The supplemental tax bills are not mailed to your lender. If you have arranged for your property tax payments to be paid through an impound account, the supplemental tax bills will not be paid by your lender. It

PROPERTY TAX RECORDS (Continued)

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.

Note: This is a notice to you that the County Assessor will revalue the property and you will be responsible for paying the taxes due according to the reassessed value. It is not a disclosure of actual supplemental property taxes.

Note: The applicable county tax assessor/collector and PID update their Tax Assessment information yearly or quarterly. Only Assessments that were levying taxes against properties at the time PID obtained the tax records are disclosed. This information is subject to change and PID is not responsible for any changes that may occur. No study of the public records was made by PID to determine the presence of any other tax or assessment. The above explanation of Special Assessments is intended to be general in nature and is not a substitute for a tax bill, title report or title insurance. Detailed information may be available by contacting the agency that administers the Special Assessment. If detailed information is desired, PID recommends that an appropriate professional consultant be retained.

In some cases (including some condos, mobile homes, and new subdivisions) the tax roll data disclosed may represent the entire amount for the main parcel when the individual parcels have not been segregated.

GENERAL NOTICE OF TRANSFER FEE DISCLOSURE

Some properties may be affected by transfer fees. In the event that the property being transferred is subject to a transfer fee, the transferor is required to make this disclosure. A transferor may request the title company that issued the preliminary title report to provide copies of the documents for review in order for transferor to determine if the property being transferred is subject to a transfer fee.

A "transfer fee" is any fee payment requirement imposed within a covenant, condition or restriction (CC&R), contained in any deed, contract, security instrument, or other document affecting the transfer or sale of, or any interest in, real property that requires a fee be paid upon transfer of the real property.

If the property being transferred is subject to a transfer fee, the transferor shall provide, at the same time as the transfer disclosure statement is provided, an additional disclosure that includes (1) notice that payment of a transfer fee is required upon transfer of the property; (2) the amount of the fee required for the asking price of the real property and a description of how the fee is calculated; (3) notice that the final amount of the fee may be different in the fee is based upon a percentage of the final sale price; (4) the entity to which funds from the fee will be paid; (5) the purpose for which the funds from the fee will be use; (6) the date or circumstances under which the obligation to pay the transfer fee expires, if any.

You may wish to investigate and determine whether the imposition of a transfer fee, if any, is acceptable to you and your intended use of the property before you complete your transaction.

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

**RIGHT-TO-FARM ORDINANCE
FOR
ALAMEDA COUNTY, CALIFORNIA**

Alameda County permits operation of properly conducted agricultural operations within the County. You are hereby notified that the property you are acquiring an interest in may be located within 2,000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but is not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24-hour period. Should any dispute arise regarding any inconvenience or discomforts from an agricultural operations the parties may submit the dispute, within 30 days of the date of the occurrence, to the Alameda County Agricultural Advisory Committee created by the Board of Supervisors. This committee will provide mediation assistance for the parties involved. One or more of the inconveniences described above may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides (including herbicides, fungicides, rodenticides) and fertilizers occurs in farming operations. Should you be concerned about spraying, you may contact the Alameda County Agricultural Commissioner. Alameda County Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse may be possible by, among other ways, contacting the appropriate agency.

This notification is given in compliance with the Alameda County Code Section 6.28.080 By initialing below, you are acknowledging receipt of this notification.

**I HEREBY ACKNOWLEDGE RECEIPT OF THE ALAMEDA COUNTY RIGHT TO FARM
ORDINANCE**

Transferor's Initials _____

Transferee's Initials _____

The failure to give the notice required by this section shall not invalidate any transfer. (Ord. 2000-61 § 1 (part))

PID has obtain the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.

GENERAL NOTICES OF REQUIRED DISCLOSURES

METHAMPHETAMINE CONTAMINATION

Methamphetamine use and production are growing throughout the State of California. Properties may be contaminated by hazardous chemicals used or produced in the manufacture of methamphetamine where those chemicals remain and where the contamination has not been remediated. Once the methamphetamine laboratories have been closed, the public may be harmed by the material and residues that remain.

Because the methamphetamine manufacturing process leads to chemical contamination, the Methamphetamine Contaminated Cleanup Act of 2005 requires a property owner to disclose in writing to a prospective buyer if local health officials have issued an order prohibiting the use or occupancy of a property contaminated by methamphetamine laboratory activity. The owner must also provide the buyer with a copy of the pending order to acknowledge receipt in writing. Property owner(s) must retain a methamphetamine laboratory site remediation firm that is an authorized contractor meeting certain requirements, as defined, to remediate the contamination caused by a methamphetamine laboratory activity. Civil penalties up to \$5,000 can be imposed upon a property owner who does not provide a notice or disclosure required by the act, or upon a person who violates an order issued by the local health officer prohibiting use or occupancy of a property contaminated by a methamphetamine laboratory activity. In addition, local health and law enforcement agencies are required to take specified action, including the filing of a lien against a property for cleanup of the contamination.

Realtors and Property I.D. do not have the requisite expertise to determine the need for testing or cleanup of methamphetamine contamination and cannot verify the information provided about such contamination by others.

MEGAN'S LAW - SEX OFFENDER DATABASE

Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet website maintained by the Department of Justice at www.meganslaw.ca.gov. This site provides access to information on persons required to register in California as sex offenders. Specific home addresses are displayed for many offenders in the California communities; as to these persons, the site displays the last registered address reported by the offender. Additional offenders are included on the site with listing by ZIP Code, city, and county. Information on other offenders is not included on this site, but is known to law enforcement personnel.

The California Legislature has created this statewide website to enable the public to secure information regarding the location of registered sex offenders. Anyone who is interested in this information should go on-line at www.meganslaw.ca.gov prior to removing their inspection contingency. Brokers and Property I.D. cannot and will not verify the information provided by the Government. Neither Brokers nor Property I.D. make any representations or guarantees as to the timeliness or accuracy of the information supplied at this website.

PID has obtained the information in this report from the above referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the maps and/or data prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.



CALIFORNIA
ASSOCIATION
OF REALTORS®

**AD-BASED PAINT AND LEAD-BAS PAINT
HAZARDS DISCLOSURE,
ACKNOWLEDGMENT AND ADDENDUM
For Pre-1978 Housing Sales, Leases, or Rentals**
(C.A.R. Form FLD, Revised 1/03)

30/31

The following terms and conditions are hereby incorporated in and made a part of the: California Residential Purchase Agreement, Residential Lease or Month-to-Month Rental Agreement, or other: _____

dated 2/28/08, on property known as:
1379 Cedar Street, Berkeley, 94702, Berkeley ("Property") in
which James Kirk is referred to as Buyer or
Tenant and Michael Westheimer is referred to as Seller or
Landlord.

LEAD WARNING STATEMENT (SALE OR PURCHASE) Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligent quotient, behavioral problems and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

LEAD WARNING STATEMENT (LEASE OR RENTAL) Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive federally approved pamphlet on lead poisoning prevention.

1. SELLER'S OR LANDLORD'S DISCLOSURE

I (we) have no knowledge of lead-based paint and/or lead-based paint hazards in the housing other than the following:

I (we) have no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing other than the following, which, previously or as an attachment to this addendum have been provided to Buyer or Tenant:

I (we), previously or as an attachment to this addendum, have provided Buyer or Tenant with the pamphlet "Protect Your Family From Lead In Your Home" or an equivalent pamphlet approved for use in the State such as "The Homeowner's Guide to Environmental Hazards and Earthquake Safety."

For Sales Transactions Only: Buyer has 10 days, unless otherwise agreed in the real estate purchase contract, to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

I (we) have reviewed the information above and certify, to the best of my (our) knowledge, that the information provided is true and correct.

Michael Westheimer
Seller or Landlord Michael Westheimer

1-27-08
Date

Seller or Landlord

Date

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FLD REVISED 1/03 (PAGE 1 OF 2)

Buyer's Initials (JK) (_____)
Reviewed by _____ Date _____



LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS DISCLOSURE (FLD PAGE 1 OF 2)

Agent: Jacob McTigue Phone: (510) 868 - 1575 Fax: (510) 540 - 9957 Prepared using WINForms® software
BROKER: Prudential California Realty 1 2095 Rose Street Berkeley, CA 94709

Property Address: 1379 Cedar Street, Berke. CA 94702, Berkeley

Date: 1/27/08

3/51
1/27/08

2. LISTING AGENT'S ACKNOWLEDGMENT

Agent has informed Seller or Landlord of Seller's or Landlord's obligations under §42 U.S.C. 4852d and is aware of Agent's responsibility to ensure compliance.

I have reviewed the information above and certify, to the best of my knowledge, that the information provided is true and correct.

Prudential California Realty
Agent (Broker representing Seller) Please Print

By [Signature]
Associate-Licensee or Broker Signature
Jacob Matigue

1/27/08
Date

3. BUYER'S OR TENANT'S ACKNOWLEDGMENT

I (we) have received copies of all information listed, if any, in 1 above and the pamphlet "Protect Your Family From Lead In Your Home" or an equivalent pamphlet approved for use in the State such as "The Homeowner's Guide to Environmental Hazards and Earthquake Safety." If delivery of any of the disclosures or pamphlet referenced in paragraph 1 above occurs after Acceptance of an offer to purchase, Buyer has a right to cancel pursuant to the purchase contract. If you wish to cancel, you must act within the prescribed period.

For Sales Transactions Only: Buyer acknowledges the right for 10 days, unless otherwise agreed in the real estate purchase contract, to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; OR, (if checked) Buyer waives the right to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

I (we) have reviewed the information above and certify, to the best of my (our) knowledge, that the information provided is true and correct.

[Signature] 2/28/08
Buyer or Tenant Date

Buyer or Tenant Date

4. COOPERATING AGENT'S ACKNOWLEDGMENT

Agent has informed Seller or Landlord, through the Listing Agent if the property is listed, of Seller's or Landlord's obligations under §42 U.S.C. 4852d and is aware of Agent's responsibility to ensure compliance.

I have reviewed the information above and certify, to the best of my knowledge, that the information provided is true and correct.

Berkeley Hills Realty
Agent (Broker obtaining the Offer)

By [Signature] 2/28/08
Associate-Licensee or Broker Signature Date

THIS FORM HAS BEEN APPROVED BY THE CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). NO REPRESENTATION IS MADE AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION IN ANY SPECIFIC TRANSACTION. A REAL ESTATE BROKER IS THE PERSON QUALIFIED TO ADVISE ON REAL ESTATE TRANSACTIONS. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.

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Reviewed by _____ Date _____



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