

**SUBJECT PROPERTY:**  
731 TRAMWAY DRIVE  
MILPITAS, CA 95035  
SANTA CLARA COUNTY

# Property I.D.<sup>®</sup>

THE INDEPENDENT DISCLOSURE COMPANY

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# INVOICE

**Deliver To:**  
CHI PHAN  
FINANCIAL TITLE COMPANY  
920 HILLVIEW COURT #280  
MILPITAS, CA 95035  
**Escrow / File #:** 41205401

**Invoice #:** PID1848252101

**Invoice Date:** 2008-01-22 16:37:00

**Ordered By**  
PHAT NGUYEN  
  
731 TRAMWAY DRIVE  
MILPITAS, CA 95035

**Site Address**  
731 TRAMWAY DRIVE  
MILPITAS , CA 95035  
SANTA CLARA COUNTY  
**APN:** 028-07-037

Description	Quantity	Unit Price	Amount
Mandatory Disclosures	1	\$114.00	<b>\$114.00</b>
Environmental Hazards	1	\$49.00	<b>\$49.00</b>

**To ensure processing of your payment please:**

- Write the Property I.D. invoice number on your check
- Include the "Tear-Off" Remittance Stub with your payment
- Do not send cash/ or staple

**Adjustment:** \$24.00

**Subtotal:** \$139.00

**Amount Paid:** \$0.00

**Total Due:** \$139.00

**IMPORTANT:** In the event that this invoice becomes delinquent, All outstanding balances will be assessed an additional past due charge of 1% of the total invoice for each month thereafter, with a maximum of 12% per annum.

Unpaid Reports are NOT insured and may NOT be used in subsequent transactions for the property for which the report was issued or for any other property. Payment of the Report is required to obtain its insured benefits and liability protections.

**Thank You For Your Business**

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PLEASE DETACH AND SEND WITH REMITTANCE

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**Site Address**  
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MILPITAS , CA 95035  
SANTA CLARA COUNTY  
**APN:** 028-07-037

**MAIL PAYMENT TO:**  
1001 Wilshire Blvd., Los Angeles, CA. 90017

**TOTAL DUE: \$139.00**

**REPORT #:** PID 1848252  
**DATE:** 1/22/2008

**ESCROW/FILE  
NUMBER:** 41205401

**ESCROW AGENT:**  
CHI PHAN  
FINANCIAL TITLE COMPANY  
920 HILLVIEW COURT #280  
MILPITAS CA  
95035  
EPID 1848252

**SUBJECT PROPERTY:**  
731 TRAMWAY DRIVE  
MILPITAS, CA 95035  
SANTA CLARA  
**APN#:** 028-07-037

**ORDERED BY:**  
PHAT NGUYEN

731 TRAMWAY DRIVE  
MILPITAS, CA 95035  
APID 1848252

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### NOTICE TO BUYER:

This report applies to the property described by the street address and/or county assessor's parcel number as shown above. Please verify this information for accuracy. If this report has been issued in connection with an identified escrow and your escrow transaction number fails to match the escrow number enumerated in this report, then this report is invalid and must be reordered.

This report is issued as of the date shown above and is based upon an examination of maps as published by the applicable government agencies. This report does not constitute an opinion as to the advisability of completing the transaction. *Property I.D. Corporation will issue four original copies of this report for distribution to the parties involved in the transaction.*

# NATURAL HAZARD DISCLOSURE STATEMENT AND DISCLOSURE REPORT RECEIPT

This statement applies to the following property: **731 TRAMWAY DRIVE MILPITAS CA 95035** Date: 1/22/2008 4:37:00 PM

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. Refer to Report.  
Yes  No  Pending  Do not know and information not available from local jurisdiction
- AN AREA OF POTENTIAL FLOODING** shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code. Refer to Report.  
Yes  No  Do not know and information not available from local jurisdiction
- A VERY HIGH FIRE HAZARD SEVERITY ZONE** pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code. Refer to Report.  
Yes  No
- A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS** pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code. Refer to Report.  
Yes  No
- AN EARTHQUAKE FAULT ZONE** pursuant to Section 2622 of the Public Resources Code. Refer to Report.  
Yes  No
- A SEISMIC HAZARD ZONE** pursuant to Section 2696 of the Public Resources Code. Refer to Report.  
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) \_\_\_\_\_ Property I.D. \_\_\_\_\_ Date 1/22/2008 4:37:00 PM

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.

- ENVIRONMENTAL RISK REPORT** (Enclosed if ordered and automatically enclosed for Santa Clara and San Mateo Counties.)
- INDUSTRIAL USE ZONE DETERMINATION** (where available) pursuant to Section 1102.17 of the California Civil Code. Refer to Report.
- FLOOD HAZARD DETERMINATION** pursuant to 42 U.S.C. Section 4001 *et seq.* Refer to Report.
- 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 Asbestos, Airport Influence, Tsunami, Radon, Williamson Act, Right to Farm, Groundwater Deficiency, Hydro Compaction, Flood and Inundation Hazards, Critical Ca Habitats, Duct Sealing Requirements, Methamphetamine Contamination, Mines, and Underground Reservoirs) Refer to Report.
- MELLO-ROOS & 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.
- 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.

- 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.
- 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.
- 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".
- 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.
- MOLD:** Chapter VI re 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) \_\_\_\_\_ Date \_\_\_\_\_

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



**EARTHQUAKE FAULT ZONE DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on PROPERTY I.D.'s research of the current official Earthquake Fault Zone Map(s) issued by the State of California, the following determination is made:

**THE 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 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.

*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 legends of the maps 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.*

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NOTE: Disclosure of the above information constitutes a material fact. In accordance with Section 2621.9 of the California Resources Code this information must be disclosed to the buyer by the agent for the seller or the seller of the subject property.

**FAULT ACTIVITY  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on PROPERTY I.D.'s research of the current maps contained in the Santa Clara County Safety Element and the maps adopted by the Santa Clara County Planning Department, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED  
FAULT RUPTURE HAZARD ZONE**

**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 fault rupture zones should confine the areas of higher probability of earthquake occurrence to somewhat restricted areas.

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.

*PID has obtained the information in this report from the above-referenced governmental agency. The terms "area" and "zone" are strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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, Property I.D. recommends that an appropriate professional consultant be retained.*

*The fact that the subject property is not located totally or partially in a fault rupture zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**FLOOD HAZARD ZONE DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

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

**SUBJECT PROPERTY IS LOCATED IN ZONES AE, X500**

Areas of Special Flood Hazard (100-year flood) include Zones A, AE, AH, AO, AR, A1-A30, A99, V, V1-30 and VE.

**EXPLANATION OF ZONE DESIGNATIONS**

<b>A</b>	AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
<b>AE</b>	BASE FLOOD ELEVATIONS DETERMINED.
<b>AH</b>	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.
<b>AO</b>	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.
<b>AR</b>	AREAS OF 100-YEAR FLOOD, WHERE RESTORATION OF LEVEE SYSTEM TO LEVEL OF BASE FLOOD IS UNDERWAY (TEMPORARY UNTIL FLOOD PROTECTION SYSTEM IS RESTORED)
<b>A1-A30</b>	AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.
<b>A99</b>	AREAS OF 100-YEAR TO BE PROTECTED BY FLOOD PROTECTION SYSTEM UNDER CONSTRUCTION BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
<b>B</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 WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.
<b>C</b>	AREAS OF MINIMAL FLOODING.
<b>D</b>	AREAS OF UNDETERMINED, BUT POSSIBLE, FLOOD HAZARDS.
<b>NSFHA</b>	AREAS THAT ARE NOT A SPECIAL FLOOD HAZARD.
<b>V</b>	AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION); BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
<b>V1-V30</b>	AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION); BASE FLOOD ELEVATION AND FLOOD HAZARD FACTORS DETERMINED.
<b>VE</b>	COASTAL FLOOD WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATIONS DETERMINED.
<b>X</b>	AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
<b>X500</b>	AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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.*

NOTE: The above information constitutes a material fact and will assist the agent in fulfilling State and Federal requirements for determining eligibility for Flood Insurance. In accordance with real estate disclosure laws, this information should be disclosed to the buyer by the agent for the seller of the subject property.

**WILDLAND FIRE AREA (STATE FIRE RESPONSIBILITY AREA)  
AND VERY HIGH FIRE HAZARD SEVERITY ZONE DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

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.

**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 §§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.

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 and maintenance of a screen near the outlet of chimneys and stovepipes, and the requirement of a proscribed fire retardant roof.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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.*

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**NOTE:** Under Government Code Section 51182, a person who owns or occupies a structure within a very high fire severity zone is required at all times to maintain and provide measures intended to retard or prevent fires. Government regulations may impose building restrictions, which may impact and limit construction and remodeling improvement.

**LANDSLIDE INVENTORY REPORT  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on PROPERTY I.D.'s research of the current maps issued by the Department of Conservation, California Geological Survey\*, the following determination is made:

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

**DISCUSSION:**

The map explanation defines earthquake-induced landslides as areas where previous occurrences of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacement such that mitigation as defined in the 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.

**Important Note:** The map upon which this determination is based may not show all areas that have the potential for land sliding or other earthquake and geologic hazards. Also, a single earthquake capable of triggering landslide failure will not uniformly affect the entire area zoned.

Based on PROPERTY I.D.'s research of the current maps adopted by the Santa Clara County Planning Department\*\*, the following determination is made

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIAL LANDSLIDE  
HAZARD ZONE\*\***

**DISCUSSION:**

Landslides and other ground failures can occur during earthquakes, triggered by the strain induced in soil and rock by the groundshaking vibrations. Historically, the most common earthquake-induced landslides in the Bay area have been rockfalls, disrupted soil slides, and rock slides. These landslides are generally shallow, internally disrupted, and detached from steep slopes. The influence of bedrock lithology, steepness of slope, rates of erosion, and amount of seismic shaking, 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 be mitigated by accepted geotechnical methods.

*PID has obtained the information in this report from the above-referenced governmental agencies. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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, Property I.D. recommends that an appropriate professional consultant be retained.*

**LIQUEFACTION SUSCEPTIBILITY REPORT  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on PROPERTY I.D.'s research of the current maps issued by the Department of Conservation, California Geological Survey\*, the following determination is made:

**SUBJECT PROPERTY IS LOCATED IN AN OFFICIALLY DESIGNATED  
LIQUEFACTION HAZARD ZONE\***

**DEFINITIONS:**

**Liquefaction** is the sudden loss of strength of water-saturated sandy soils resulting from shaking during an earthquake. Ground areas most susceptible to liquefaction are those that are underlain at shallow depth -- usually less than 30 feet -- by layers of water-saturated fine sand.

**DISCUSSION:** The map explanation defines liquefaction as areas where historic occurrence of liquefaction, or local geological, geotechnical and groundwater 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.

**Important 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 will uniformly affect the entire area zoned.

Based on PROPERTY I.D.'s research of the current maps adopted by the Santa Clara County Planning Department\*\* the following determination is made:

**SUBJECT PROPERTY IS LOCATED IN A LIQUEFACTION HAZARD ZONE\*\***

**DISCUSSION:** 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 agencies. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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, Property I.D. recommends that an appropriate professional consultant be retained.*

**FLOOD AND INUNDATION HAZARD DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on PROPERTY I.D.'s research of the current maps issued by the Office of Emergency Services\* and/or the maps currently adopted by the Santa Clara Planning Department\*\*, the following determinations are made:

**SUBJECT PROPERTY IS LOCATED WITHIN 1/4 MILE OF AN OFFICIALLY DESIGNATED DAM INUNDATION AREA (ED R LEVIN)\***

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED AREA OF HIGH POTENTIAL FOR SALT WATER FLOODING FROM FAILURE OF DIKES\*\***

\*\*"Local Agency": A city, county, city and county, or district

*PID has obtained the information in this report from the above-referenced governmental agency. The term "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency.*

**DAM INUNDATION AREA:** The overtopping of dams caused by waves created by sudden landslides into reservoirs and also possible dam failure caused by earthquake.

*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, Property I.D. recommends that an appropriate professional consultant be retained.*

NOTE: If the property is located in a Seismic Hazard Zone (Public Resources Code §§2690-2699.6) or in a locally designated geological, seismic, or other hazard zone(s) or area(s) where disclosure is required by law, Seller shall disclose in writing to Buyer this fact(s) and any other information required by law. Construction or development of any structure may be restricted. The above information constitutes a material fact and in accordance with real estate disclosure laws, this information should be disclosed to the buyer by the agent for the seller of the subject property.

**MELLO-ROOS COMMUNITY FACILITIES DISTRICT DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035  
APN# 028-07-037**

Based on PROPERTY I.D.'s research of available tax records for the Property County, the following determination is made:

**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	% Increase	Annual Fee
850	COUNTY LIBRARY -	SANTA CLARA COUNTY LIBRARY	408-293-2326 ext.3003					\$33.66

**DISCUSSION:** This is a notification to you prior to your purchasing this property. If this property is subject to a special tax, it is in addition to the regular property taxes and any other charges and benefit assessments on the parcel. This special tax may not be imposed on all parcels within the city or county where the property is located. If you fail to pay this tax when due each year, the property may be foreclosed upon and sold. The tax is used to provide public facilities or services that are likely to particularly benefit the property. You should take this tax and the benefits from the public facilities and services for which it pays into account in deciding whether to buy this property. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. You may obtain a copy of the resolution of formation which authorized creation of the community facilities district, and which specifies more precisely how the special tax is apportioned and how the proceeds of the tax will be used, from the local tax authority. There may be a charge for this document not to exceed the estimated reasonable cost of providing the document. 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 that termination to the owner or agent selling the property.

*Note: The applicable county tax assessor/collector and Property I.D. update their Mello-Roos Community Facilities District information yearly or quarterly. Only Mello-Roos Community Facilities Districts that were levying taxes against properties at the time Property I.D. obtained the tax records are disclosed. This information is subject to change by the tax authority and Property I.D. is not responsible for any changes that may occur. Only information that was provided to Property I.D. by the tax authority at the time Property I.D. obtained the record is reported. The above explanation of Mello-Roos Community Facilities Districts is intended to be general in nature and is not a substitute for a title report or title insurance. Detailed information may be available by contacting the local tax authority or agency that administers the Mello-Roos Community Facilities District Bond. If detailed information is desired, Property I.D. 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.*

**MILITARY ORDNANCE  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on Property I.D.'s research of the 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\***

*\*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 is the most dangerous. 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 or other chemical warfare material. 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 obtained the information in this report from the above-referenced governmental agency. The terms "mapped" and "area" are strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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.*

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**NOTE:** Civil Code 1102.15 and 1940.7 provide the disclosure of former federal or state ordnance locations that may contain potentially explosive munitions.

**LAND CONSERVATION DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CA 95035**

Based on Property I.D.'s research of the current maps issued by 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\***

*\* PID has obtained the information in this report from the above-referenced governmental agency.*

**DEFINITION:** 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.

**DISCUSSION:** 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.

*No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in a Williamson Act Zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**INDUSTRIAL USE ZONE  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on PROPERTY I.D.'s research of the current maps or information issued by the Association of Bay Area Governments (ABAG), the following determination is made:

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

Note: Determination is based on regional planning information and may not reflect all zoning information.

**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.

*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, Property I.D. recommends that an appropriate professional consultant be retained.*

*The fact that the subject property is not located totally or partially in an Industrial Use Zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**NOTICE OF SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT  
COMMISSION JURISDICTION DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CA 95035**

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 obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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 a regulated area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**DATABASE DISCLOSURE  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CA 95035**

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 website 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 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](http://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. 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 area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**PERCHLORATE DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CA 95035**

Based on PROPERTY I.D.'s research of the current maps issued by the Santa Clara County Water District, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN A PERCHLORATE STUDY AREA**

**DISCUSSION:**

Perchlorate is both a natural and man-made salt that is used as an oxidizer and used in the production of highway flares, rocket fuel, air bag inflators, matches, fireworks, dyes, lubricating oils, electroplating and medical specialty tests.

The extent of the contamination and the potential hazards to the health of residents in the perchlorate study area is the subject of ongoing investigation, but it is considered to have adverse health effects and water suspected to contain perchlorate should be avoided for drinking and cooking. Conventional water treatment methods, such as carbon filters, air stripping, household water filters, chlorination, aeration and boiling are not effective in removing perchlorate. However, reverse osmosis, distillation and specialized ion exchange resins can be successful in removing perchlorate.

The investigation area is bounded approximately by Tennant Avenue on the north, Masten Avenue on the south, Center Avenue on the east and Monterey Highway on the west. You should consider using bottled water if you obtain your drinking water from a well in the investigation area until the investigation is complete. The water district has an unlimited supply of bottled water for residents in the investigation area who have contacted the Perchlorate Hotline at 408-265-2607 Ext. 2649 to schedule a well test. For further information go to [www.valleywater.org](http://www.valleywater.org), or call the Perchlorate Hotline.

*PID has obtained the information in this report from the above-referenced governmental 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 area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**NOTICE OF NATURALLY OCCURRING ASBESTOS HAZARD ZONE  
FOR  
731 TRAMWAY DRIVE, MILPITAS, California 95035**

Based on PROPERTY I.D.'s research of the current maps issued by the Division of Mines and Geology, the following determination is made:

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

If the Property is in the zone, then this Property is located within 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.

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 recommend 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.

For further information contact: the U.S. Environmental Protection Agency  
<http://www.epa.gov/region09/toxic/noa>, the Agency for Toxic Substances and Disease Registry  
<http://www.atsdr.cdc.gov>, the State of California Department of Toxic Substances Control  
<http://dtsc.ca.gov/index.html>, the Air Resources Board at, <http://arbis.arb.ca.gov/homepage.htm>, and the local Air Pollution Control District Offices.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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 a potential Ultramafic Rock Zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**AIRPORT VICINITY DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CA 95035**

Based on PROPERTY I.D.'s research of the current maps / lists issued by the Federal Aviation Administration (FAA), the Department of Transportation, Division of Aeronautics and the local land use commission, the following determinations are made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN AIRPORT INFLUENCE  
AREA**

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

**DISCUSSION:** 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, a 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.*

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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/out of a zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**PROTECTED SPECIES DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, California 95035**

Based on PROEPRTY I.D.'s research of information obtained from federal, state, county, and city habitat conservation departments, the US Fish and Wildlife Service, the US Forest Service, and the US Bureau of Land Management, the following determination is made:

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

**ALKALI MILK-VETCH (CNDDDB - STATUS UNKNOWN), CONGDON'S TARPLANT (CNDDDB - STATUS UNKNOWN)**

When listed above, the species and/or Habitats shown represent those that have been identified for protection and/or conservation. If a property is affected by one of these areas, the landowner may be subject to development fees at the time a grading permit is obtained, and may be required to secure a habitat assessment conducted by a biologist or specialist approved by the United States Fish and Wildlife Service and/or the State Fish and Game department and/or the local jurisdiction habitat conservation department. The habitat assessment can involve 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. Effected 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.

*PID has obtained the information in this report from the above-reference 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 legends of the maps 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, Property I.D. recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in a habitat conservation area does not guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**RADON GAS DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA, 95035**

Based on PROPERTY I.D.'s research of the current maps issued by the U.S. Environmental Protection Agency, the following determination is made:

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

**DEFINITIONS**

Zone 1 - Highest Potential (greater than 4pCi/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>.

*No visual examination of the subject site was performed. PID has obtained the information in this report from the above-referenced governmental agency. The term "Zone" or "area" is strictly defined as a specific boundary within which the area is drawn, and is a designation identified in the legends of the maps prepared by the above-referenced agency. 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, Property I.D. 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 construction type impediments that may place a constraint for development.*

**NOTICE OF SPECIAL ASSESSMENT AND AD VALOREM TAXES  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035  
APN# 028-07-037**

Based on PROPERTY I.D.'s research of current and available tax records for the Property County, the following determinations are made:

**SUBJECT PROPERTY IS LOCATED IN A SPECIAL TAX ASSESSMENT DISTRICT**

**SUBJECT PROPERTY IS SUBJECT TO AD VALOREM TAXES**

<b>Listing of Special Assessments</b>				
<b>Code</b>	<b>Description</b>	<b>Contact</b>	<b>Phone</b>	<b>Annual Fee</b>
990	OPENSOURCE DISTRICTS - SANTA CLARA COUNTY	SANTA CLARA OPEN SPACE AUTHORITY	800-273-5167x105	\$34.06
848	MOSQUITO ASMT #2	COUNTY OF SANTA CLARA	800-273-5167	\$8.36
883	SCVWD FLOOD ASSMT, EAST	SANTA CLARA VALLEY WATER DISTRICT	408-265-2607 ext 2810	\$22.76
847	S.C. COUNTY - VECTOR CONTROL DIST	COUNTY OF SANTA CLARA	800-273-5167	\$5.08
820	SCVWD CLEAN SAFE CREEKS	SANTA CLARA VALLEY WATER DISTRICT	408-265-3137	\$46.76

<b>Listing of Ad Valorem Taxes</b>				
<b>Code</b>	<b>Description</b>	<b>Contact</b>	<b>Phone</b>	<b>Annual Fee</b>
11476	MILPITAS UNIFIED SCH BOND NO 2	COUNTY OF SANTA CLARA	(408) 808-7900	\$98.42*
77001	SCVWD-STATE WATER PROJ	COUNTY OF SANTA CLARA	(408) 808-7900	\$18.44*
77011	SCVWD-ZONE W-1 BOND	COUNTY OF SANTA CLARA	(408) 808-7900	\$1.10*
90	CO LIBRARY RETIREMENT	COUNTY OF SANTA CLARA	(408) 808-7900	\$6.47*
11910	SJ-EVERGREEN COLL 1998	COUNTY OF SANTA CLARA	(408) 808-7900	\$22.92*
11911	SAN JOSE COLL 2004	COUNTY OF SANTA CLARA	(408) 808-7900	\$3.24*
20	CO RETIREMENT LEVY	COUNTY OF SANTA CLARA	(408) 808-7900	\$104.62*

\* 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 an assessment district, then the assessment district 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. This property is subject to annual assessment installments of the assessment districts that will appear on the property tax bills, but which are in addition to the regular property taxes and any other charges and levies that will be listed on the property tax bill. If you fail to pay assessment installments when due each year, the property may be foreclosed upon and sold. 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. **This disclosure notice is made pursuant to Government Code Section 53754 and Civil Code Section 1102.6b and satisfies the 1915 Bond and Special Assessment disclosure requirements.**

*Note: The applicable county tax assessor/collector and Property I.D. update their Tax Assessment information yearly or quarterly. Only Assessments that were levying taxes against properties at the time Property I.D. obtained the tax records are disclosed. This information is subject to change and Property I.D. is not responsible for any changes that may occur. No study of the public records was made by Property I.D. 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.*

**NOTICE OF YOUR SUPPLEMENTAL PROPERTY TAX BILL  
FOR  
731 TRAMWAY DRIVE, MILPITAS, California 95035**

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.

*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. This notice is general in nature and is not a substitute for the actual supplemental tax bill you will receive from the County Tax Collector. Detailed information may be available by contacting the local tax authority in your county. 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.*

**NOTICE OF DUCT SEALING REQUIREMENTS - 13 SEER  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CALIFORNIA 95035**

Based on Property I.D.'s research of 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**

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](http://www.energy.ca.gov/title24/changeout).

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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/out of a zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**NOTICE OF METHAMPHETAMINE CONTAMINATION  
FOR  
The State of California**

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.

*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 area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**ABANDONED / ACTIVE MINES DETERMINATION  
FOR  
731 TRAMWAY DRIVE, MILPITAS, CA 95035**

Based Property I.D.'s research of the current maps and information issued by the Office of Mines and Reclamation and the U.S. Geological Survey the following determination is made:

**SUBJECT PROPERTY IS LOCATED WITHIN 1 MILE OF IDENTIFIED MINING OPERATIONS, INCLUDING THE FOLLOWING...**

**MINE SITE (ROGGASCH BROS., STONE - CRUSHED/BROKEN MINE)**

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](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.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps 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/out of a zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

# ENVIRONMENTAL HAZARDS REPORT

## PROPERTY INFORMATION

731 TRAMWAY DRIVE  
MILPITAS, CA 95035

## RECORD SUMMARY

*Databases Searched for Subject Property:*

Type	Description	Regulatory Info	# Sites
NPL/CERCLIS	National Priorities List / Comprehensive Environmental Response, Compensation, and Liability Information System	EPA	0
RCRA	Resource Conservation and Recovery Act	EPA	2
SMBRPD	Site Mitigation & Brownfields Reuse Program Database	CA Department of Toxic Substances	0
SWIS	Solid Waste Information System	CA Integrated Waste Management Board	0
LUST	Leaking Underground Storage Tanks	CA Water Resources Control Board	2
SLIC	Spills, Leaks, Investigation and Cleanup	CA Water Resources Control Board	0

UNMAPPED SITES			
NPL/CERCLIS - Unmapped	National Priorities List / Comprehensive Environmental Response, Compensation, and Liability Information System	EPA	0
RCRA - Unmapped	Resource Conservation and Recovery Act	EPA	11
SMBRPD - Unmapped	Site Mitigation & Brownfields Reuse Program Database	CA Department of Toxic Substances	1
SWIS - Unmapped	Solid Waste Information System	CA Integrated Waste Management Board	0
LUST - Unmapped	Leaking Underground Storage Tanks	CA Water Resources Control Board	10
SLIC - Unmapped	Spills, Leaks, Investigation and Cleanup	CA Water Resources Control Board	3

## RCRA Results

Site No: 1	RCRA SITE: CAR000105106
SHELL SERVICE STATION 990 JACKLIN MILPITAS, CA 95035	Distance: 0.3 mi Direction: NE
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> 1	
<b>Waste:</b> IGNITABLE WASTE	

Site No: 2	RCRA SITE: CAR000030312
WOLF CAMERA NO 960 391 JACKLIN RD MILPITAS, CA 95035	Distance: 0.5 mi Direction: NW
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> 2	
<b>Waste:</b> SILVER; D000*	

## LUST Results

Site No: 3	LUST SITE: T0608591760
SHELL 990 JACKLIN RD MILPITAS, CA 95035	Distance: 0.3 mi Direction: NE
<b>Regional Case No.:</b> 43-1932	<b>Discovery:</b> Tank Closure
<b>Local Case No.:</b> 43-1932	<b>Discovered:</b> 748051200000
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Regional Board Lead	<b>Reported:</b> 748051200000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 9/15/1993
<b>Program:</b> SLIC	<b>Cause:</b> Structural Failure
<b>Status:</b> Case Closed	<b>Source:</b> Tank
<b>Enforcement:</b>	<b>MTBE Test:</b> Detected
<b>Type:</b> Undetermined	<b>MTBE Test Date:</b>
<b>Substance:</b> Solvents	<b>Abatement:</b> Excavate and Dispose
<b>Summary:</b> CLOSED PER JK/SMS ALSO-FILE 4TH FL	

Site No: 4	LUST SITE: T0608565949
Shell 990 Jacklin Rd Milpitas, CA 95035	Distance: 0.3 mi Direction: NE
<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 06S1E05D01f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 1003363200000
<b>Local Agency:</b> SANTA CLARA HLTH DEPT - TOXICS	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b>
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Pollution Characterization	<b>Source:</b>
<b>Enforcement:</b>	<b>MTBE Test:</b> Detected
<b>Type:</b> Other Groundwater (not used for drinking water)	<b>MTBE Test Date:</b> 1040947200000
<b>Substance:</b> Gasoline - Automotive	<b>Abatement:</b>
<b>Summary:</b>	

## RCRA - Unmapped Results

Site No: 5  J D S UNIPHASE LOS COCHES 345 LOS COCHES ST J D S U FAB MILPITAS, CA 95035	RCRA SITE: CAR000118463  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> 4	
<b>Waste:</b> * IGNITABLE WASTE; CORROSIVE WASTE; LEAD; THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CON	

Site No: 6  PACIFIC BELL WAYNE STATION MILPITAS, CA 95035	RCRA SITE: CAT080024706  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> N/A	
<b>Waste:</b>	

Site No: 7  VICTORIAN SQUARE CLEANERS 1285 CALIVARES MILPITAS, CA 95035	RCRA SITE: CAD981967292  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> N/A	
<b>Waste:</b>	

Site No: 8  V T A TASMAN BLOCK C520 I880 TO AUTUMVALE DR MILPITAS, CA 95035	RCRA SITE: CAR000054080  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> 4	
<b>Waste:</b> IGNITABLE WASTE; CORROSIVE WASTE; REACTIVE WASTE; D000*	

Site No: 9	RCRA SITE: CAD982471989
X LAM TECHNOLOGIES 1504 MC CARTHY BLVD MILPITAS, CA 95035	Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> 9	
<b>Waste:</b> ** IGNITABLE WASTE; CORROSIVE WASTE; REACTIVE WASTE; CHROMIUM; D000*	

Site No: 10	RCRA SITE: CAD982494023
STONEGATE TRACT 8344 DEMPSEY RD NEAR LANDESS AVE MILPITAS, CA 95035	Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> N/A	
<b>Waste:</b>	

Site No: 11	RCRA SITE: CAD081438640
UNITRONIC 551 LUNOY PL MILPITAS, CA 95035	Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> N/A	
<b>Waste:</b>	

Site No: 12	RCRA SITE: CAD031102072
YELLOW FREIGHT SYSTEM INC 1700 TRIMBLE RD MILPITAS, CA 95035	Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> N/A	
<b>Waste:</b>	

Site No: 13	RCRA SITE: CAD053234050
SPACE ORDNANCE SYSTEMS DIVISION END OF MARSH RD MILPITAS, CA 95035	Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Generator Status:</b> Small Quantity Generator	<b>Operating Status:</b>
<b>No. Reported Products:</b> N/A	

**Waste:**

Site No: 14

RCRA SITE: CAD982434714

MAXTOR CORPORATION  
1140 TECHNOLOGY DR  
MILPITAS, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

**Generator Status:** Small Quantity Generator

**Operating Status:**

**No. Reported Products:** 4

**Waste:** \* IGNITABLE WASTE; CORROSIVE WASTE; THE FOLLOWING SPENT HALOGENATED SOLVENTS: TETRACHLOROETHYLENE, METHYLENE CHLORIDE, TRICHLOROETHYLENE, 1,1,1-TRICHLOROETHANE, CHLOROBENZENE, 1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE, ORTHO-DICHLOROBENZENE, TRICHLOROFLUOROM

Site No: 15

RCRA SITE: CAD981402381

SHELL OIL CO  
12 PARK VICTORIA/CALAVERAS  
MILPITAS, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

**Generator Status:** Small Quantity Generator

**Operating Status:**

**No. Reported Products:** 2

**Waste:** IGNITABLE WASTE; BENZENE

## SMBRPD - Unmapped Results

Site No: 16  MILPITAS GARBAGE DUMP 1/2 MILE SO. OF MILPITAS MILPITAS, CA 95035	SMBRPD SITE: 43490005  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Latitude:</b> 0	<b>Longitude:</b> 0
<b>NPL Status:</b> NO	<b>Status:</b> Refer: Regional Water Quality Control Board
<b>Regulatory Agency:</b> NONE SPECIFIED	<b>Status Date:</b> 560476800000
<b>Site Type:</b> Historical	<b>Details:</b> Historical
<b>APNs:</b> NONE SPECIFIED	<b>Past Uses:</b> NONE SPECIFIED
<b>Potential Contaminants:</b> NONE SPECIFIED	<b>Confirmed Contaminants:</b> NONE SPECIFIED
<b>Site Management:</b> NONE SPECIFIED	<b>Affected Media:</b> NONE SPECIFIED

## LUST - Unmapped Results

Site No: 17		LUST SITE: T0608500883	
MCCARTHY RANCH 1400 BELLEW DR MILPITAS, CA 95035		Distance: (exact location not mapped) Direction: (exact location not mapped)	
<b>Regional Case No.:</b> 43-0872		<b>Discovery:</b> Tank Closure	
<b>Local Case No.:</b> 43-0872		<b>Discovered:</b> 657417600000	
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)		<b>Confirmed:</b>	
<b>Lead Agency:</b> Regional Board Lead		<b>Reported:</b> 657417600000	
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM		<b>Stop Method:</b>	
<b>Operator:</b>		<b>Closed:</b> 4/16/1996	
<b>Program:</b> LUST		<b>Cause:</b> Structural Failure	
<b>Status:</b> Case Closed		<b>Source:</b> Tank	
<b>Enforcement:</b>		<b>MTBE Test:</b> Not required to be tested	
<b>Type:</b> Soil impacted		<b>MTBE Test Date:</b>	
<b>Substance:</b> Diesel fuel oil and additives		<b>Abatement:</b> *NT	
<b>Summary:</b> ARCHIVED 4/24/97 CONTROL NO 120-140 SRC 0904790			

Site No: 18		LUST SITE: T0608500884	
McCarthy Ranch 783 Alviso-Milpitas Rd Milpitas, CA 95035		Distance: (exact location not mapped) Direction: (exact location not mapped)	
<b>Regional Case No.:</b>		<b>Discovery:</b>	
<b>Local Case No.:</b> 06S1W12F01f		<b>Discovered:</b>	
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)		<b>Confirmed:</b>	
<b>Lead Agency:</b> Local Agency Lead		<b>Reported:</b> 581904000000	
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM		<b>Stop Method:</b>	
<b>Operator:</b>		<b>Closed:</b> 1/9/1998	
<b>Program:</b> LUST		<b>Cause:</b>	
<b>Status:</b> Case Closed		<b>Source:</b>	
<b>Enforcement:</b> Informal Staff Enforcement Letter		<b>MTBE Test:</b> Detected	
<b>Type:</b> Other Groundwater (not used for drinking water)		<b>MTBE Test Date:</b> 847411200000	
<b>Substance:</b> Gasoline - Automotive		<b>Abatement:</b>	
<b>Summary:</b>			

Site No: 19

LUST SITE: T0608500458

Container Corporation  
2600 S Hillview Dr  
Milpitas, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 06S1E08D01f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 497145600000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 1/26/1996
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Case Closed	<b>Source:</b>
<b>Enforcement:</b> Notice of Responsibility	<b>MTBE Test:</b> Not required to be tested
<b>Type:</b> Other Groundwater (not used for drinking water)	<b>MTBE Test Date:</b>
<b>Substance:</b> Diesel fuel oil and additives	<b>Abatement:</b>
<b>Summary:</b>	

Site No: 20

LUST SITE: T0608501254

Shell  
1310 Alviso-Milpitas Rd  
Milpitas, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 06S1W12K01f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 491788800000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 1/24/1995
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Case Closed	<b>Source:</b>
<b>Enforcement:</b> Notice of Responsibility	<b>MTBE Test:</b> Not tested
<b>Type:</b> Other Groundwater (not used for drinking water)	<b>MTBE Test Date:</b>
<b>Substance:</b> Gasoline - Automotive	<b>Abatement:</b>
<b>Summary:</b>	

Site No: 21  
 Preston Pipelines  
 151 Bothelo Ave  
 Milpitas, CA 95035

LUST SITE: T0608525893  
 Distance: (exact location not mapped)  
 Direction: (exact location not mapped)

<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 06S1E07F04f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 972432000000
<b>Local Agency:</b> SANTA CLARA HLTH DEPT - TOXICS	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b>
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Verification Monitoring Underway	<b>Source:</b>
<b>Enforcement:</b> Informal Staff Enforcement Letter	<b>MTBE Test:</b> Detected
<b>Type:</b> Other Groundwater (not used for drinking water)	<b>MTBE Test Date:</b> 1073520000000
<b>Substance:</b> Gasoline - Automotive	<b>Abatement:</b>
<b>Summary:</b>	

Site No: 22  
 California Circle Pump Station  
 1735 California Cir  
 Milpitas, CA 95035

LUST SITE: T0608500740  
 Distance: (exact location not mapped)  
 Direction: (exact location not mapped)

<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 05S1E31N03f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 694224000000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 11/25/1996
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Case Closed	<b>Source:</b>
<b>Enforcement:</b> Notice of Responsibility	<b>MTBE Test:</b> Not required to be tested
<b>Type:</b> Other Groundwater (not used for drinking water)	<b>MTBE Test Date:</b>
<b>Substance:</b> Diesel fuel oil and additives	<b>Abatement:</b>
<b>Summary:</b>	

Site No: 23

LUST SITE: T0608501880

Chevron #9-2534  
1490 S Park Victoria  
Milpitas, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 06S1E16D04f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 804124800000
<b>Local Agency:</b> SANTA CLARA HLTH DEPT - TOXICS	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b>
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Verification Monitoring Underway	<b>Source:</b>
<b>Enforcement:</b> Informal Staff Enforcement Letter	<b>MTBE Test:</b> Detected
<b>Type:</b> Drinking Water Aquifer	<b>MTBE Test Date:</b> 929404800000
<b>Substance:</b> Gasoline - Automotive	<b>Abatement:</b>
<b>Summary:</b>	

Site No: 24

LUST SITE: T0608501338

SOUTHERN PACIFIC PIPELINE  
UNKNOWN PENITENCIA CREEK  
MILPITAS, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

<b>Regional Case No.:</b> 43-1362	<b>Discovery:</b> Tank Closure
<b>Local Case No.:</b> 43-1362	<b>Discovered:</b> 404956800000
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Regional Board Lead	<b>Reported:</b> 404956800000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 8/16/1989
<b>Program:</b> LUST	<b>Cause:</b> Structural Failure
<b>Status:</b> Case Closed	<b>Source:</b> Tank
<b>Enforcement:</b>	<b>MTBE Test:</b> Not required to be tested
<b>Type:</b> Undetermined	<b>MTBE Test Date:</b>
<b>Substance:</b> Miscellaneous motor vehicle fuel	<b>Abatement:</b> Excavate and Dispose
<b>Summary:</b> CLOSED (SFRWQCB)-CL LTR MISSING	

Site No: 25

LUST SITE: T0608501797

MCCARTHY RANCH AT BELLEW  
UNKNOWN COYOTE CREEK REACH 3  
MILPITAS, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

<b>Regional Case No.:</b> 43-1877	<b>Discovery:</b> Tank Closure
<b>Local Case No.:</b> 06S1W13C02	<b>Discovered:</b> 765072000000
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Regional Board Lead	<b>Reported:</b> 765072000000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 4/16/1996
<b>Program:</b> LUST	<b>Cause:</b> No Description
<b>Status:</b> Case Closed	<b>Source:</b> No Description
<b>Enforcement:</b>	<b>MTBE Test:</b> Not required to be tested
<b>Type:</b> Undetermined	<b>MTBE Test Date:</b>
<b>Substance:</b> Diesel fuel oil and additives	<b>Abatement:</b> *NT
<b>Summary:</b> WAS LISTED AS SCVWD LEAD, BUT ACTUALLY 'R' LEAD DUE TO SCVWD BEING THE RP. CC 4/16/98 BY RWQCB. CC LETTER AND FILES MISSING FROM RWQCB.	

Site No: 26

LUST SITE: T0608501651

McCarthy Ranch  
McCarthy & Magnolia St Blvd  
Milpitas, CA 95035

Distance: (exact location not mapped)  
Direction: (exact location not mapped)

<b>Regional Case No.:</b>	<b>Discovery:</b>
<b>Local Case No.:</b> 06S1W13G01f	<b>Discovered:</b>
<b>Regional Board:</b> SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD (REGION 2)	<b>Confirmed:</b>
<b>Lead Agency:</b> Local Agency Lead	<b>Reported:</b> 717638400000
<b>Local Agency:</b> SANTA CLARA VALLEY WATER DISTRICT UNDERGROUND STORAGE TANK PROGRAM	<b>Stop Method:</b>
<b>Operator:</b>	<b>Closed:</b> 6/25/1996
<b>Program:</b> LUST	<b>Cause:</b>
<b>Status:</b> Case Closed	<b>Source:</b>
<b>Enforcement:</b> Notice of Responsibility	<b>MTBE Test:</b> Not tested
<b>Type:</b> Soil impacted	<b>MTBE Test Date:</b>
<b>Substance:</b> Gasoline - Automotive	<b>Abatement:</b>
<b>Summary:</b>	

## SLIC - Unmapped Results

Site No: 27  GREAT MALL - MILIPITAS GREAT MALL PARKWAY MILPITAS, CA	RCRA SITE: SL1825A1164  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Lead Agency:</b>	<b>Regional Case No.:</b>
<b>Substance:</b>	<b>Status:</b>

Site No: 28  FORD ASSEMBLY PLANT 1 Great Mall Parkway MILPITAS, CA 95035	RCRA SITE: SL18219599  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Lead Agency:</b> SAN FRANCISCO BAY RWQCB (REGION 2)	<b>Regional Case No.:</b> SL18219599
<b>Substance:</b> *PET, VOC	<b>Status:</b> Case Closed

Site No: 29  QUANTIC INDUSTRIES MARSH RD & CALAVERAS CREEK MILPITAS, CA	RCRA SITE: SL18240661  Distance: (exact location not mapped) Direction: (exact location not mapped)
<b>Lead Agency:</b>	<b>Regional Case No.:</b>
<b>Substance:</b> *VOC	<b>Status:</b> Verification Monitoring Underway

## DESCRIPTION OF ENVIRONMENTAL DATABASES

### NPL/CERCLIS

The CERCLIS database is the Comprehensive Environmental Response, Compensation and Liability Information System that contains information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation. CERCLIS is based on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, enacted by Congress on December 11, 1980. The database includes sites that are on the National Priorities List (NPL) or being considered for the NPL. The NPL is the Environmental Protection Agency's (EPA) database of uncontrolled or abandoned hazardous waste sites identified for remedial actions under the Superfund program. A site must meet or surpass a predetermined hazard ranking system score, be chosen as a state's top priority site, or meet three specific criteria set jointly by the US Department of Health and Human Services and the US EPA in order to become an NPL site. More information can be obtained from [www.epa.gov/superfund/action/index.htm](http://www.epa.gov/superfund/action/index.htm) website.

This report lists CERCLA sites identified as being within 1 mile of subject property.

### RCRA

RCRA is the Resource Conservation and Recovery Act, which was enacted by Congress in 1976. RCRA's primary goals are to protect human health and the environment from the potential hazards of waste disposal, to conserve energy and natural resources, to reduce the amount of waste generated, and to ensure that wastes are managed in an environmentally sound manner. Specifically, RCRA regulates the management of hazardous wastes from the point of origin to the point of final disposal. Additional information is available on [www.epa.gov/epaoswer/osw/laws-reg.htm](http://www.epa.gov/epaoswer/osw/laws-reg.htm) website.

This report lists RCRA sites identified as being within 1/2 mile of subject property.

Note: Where the Waste field contains '\*' the contents of the field have been truncated at 255 characters, due to database limitations. For more information, on this site contact the Environmental Protection Agency. Where the Waste field contains '\*\*' the list of contaminants is truncated after the first five, due to database limitations. For more information, on this site contact the Environmental Protection Agency.

### SWIS

The Solid Waste Information System (SWIS) database is provided by the California Integrated Waste Management Board (CIWMB). SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. The types of facilities found in this database include landfills, transfer stations, material recovery facilities, composting sites, transformation facilities, waste tire sites, and closed disposal sites. For more information contact the CIWMB at: Tel: (916) 341-6322, email: [samerine@ciwmb.ca.gov](mailto:samerine@ciwmb.ca.gov), and URL: [www.ciwmb.ca.gov/SWIS/](http://www.ciwmb.ca.gov/SWIS/).

This report lists SWIS sites identified as being within 1/2 mile of subject property.

## LUST

The Leaking Underground Storage Tank (LUST) database identifies underground tanks that currently or in the past had unauthorized releases (leaks) that may pose danger to public health and the environment. Cleanup of soil and groundwater contamination is overseen by the State Water Resources Control Board. Additional information is available on [www.swrcb.ca.gov/ust/index.html](http://www.swrcb.ca.gov/ust/index.html) website.

This report lists LUST sites identified as being within 1/2 mile of subject property.

Note: Where a field contains '\*' no descriptive information was available for the code provided. For more information, on this site contact the State Water Resources Control Board. Where a field contains '\*\*' the contents of the field have been truncated at 255 characters, due to database limitations. For more information, on this site contact the State Water Resources Control Board.

## SLIC

The Spills, Leaks, Investigation and Cleanups (SLIC) program is designed to protect and restore water quality from spills, leaks, and similar discharges. SLIC sites are typically sites where a spill or leak has occurred on the ground surface from a source other than an UST. Cleanup levels for groundwater and surface water are determined based on application of existing laws, regulations, plans, and policies. SLIC cases are overseen by the State Water Resources Control Board. Additional information is available on [www.swrcb.ca.gov/rwqcb1/programs/slic.html](http://www.swrcb.ca.gov/rwqcb1/programs/slic.html) website.

This report lists SLIC sites identified as being within 1/2 mile of subject property.

Note: Where a field contains '\*' no descriptive information was available for the substance code provided. For more information, on this site contact the State Water Resources Control Board.

## SMBRP

Site Mitigation and Brownfields Reuse Program (SMBRP) database contains information on sites that are contaminated, or thought to be contaminated, and are underutilized due to perceived remediation costs and liability concerns. A brownfield site is land, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. When agricultural and green spaces are developed for residential, commercial or industrial uses, infrastructure such as roads and sewers must be developed. EPA's Brownfields Program is designed to prevent, assess, safely clean up, and sustainably reuse brownfields. California SMBRP is overseen by the Department of Toxic Substances Control (DTSC) that has integrated existing programs and developed a number of new tools to facilitate reuse of brownfields properties. Additional information is available on [www.dtsc.ca.gov/SiteCleanup/Brownfields/](http://www.dtsc.ca.gov/SiteCleanup/Brownfields/) website.

This report lists SMBRP sites identified as being within 1/2 mile of subject property.

Note: Where a field contains '\*' the contents of the field have been truncated, due to database limitations. More contaminants or restrictions than those listed may apply to the site, or the content is truncated at 255 characters. For more information, on this site contact the Department of Toxic Substances Control.

## UNMAPPED SITES

The Environmental Report provides information on all known officially listed hazardous substance contaminated sites in proximity of the subject property. The sites are officially listed as contaminated by various federal, state, and municipal agencies, who gather information regarding the sites from the owner/operators of the properties. The information regarding each site is then merged and placed into the databases of the Environmental Protection Agency and/or other regulatory bodies.

Please note that even though the records are official, some of the records may contain missing, non-specific, or incorrect information regarding the names, addresses or other attributes, due to the errors and omissions prior to their submission to the governing regulatory body. This factor prevents some sites from being precisely located. It is for this reason that a site may be listed in the "unmapped sites" section of the report.

The information in the environmental report comes directly from the official hazardous substance site lists, which include sites with incomplete information as well. Accordingly, Property I.D. Corporation must include those unmapped sites that might be within one half-mile of the subject property based upon the available information provided by the EPA and/or other regulatory bodies.

Property I.D. Corporation is constantly striving to precisely locate those records which currently appear as unmapped sites. And regular updates and improvements to the data can be expected.

## TERMS AND CONDITIONS

**This Report is a \$20,000,000 Insured Product. Any firm or individual that uses Property I.D.'s disclosure reports and/or forms is automatically covered under the \$20,000,000 policy for ANY legal expenses in defense AND awards by a court as a direct result of their use of Property I.D. disclosure reports and/or forms.**

All parties to the transaction for which this REPORT was issued, including, but not limited to, Buyer, Seller, Sales Associates, Brokers and escrow officers, are all deemed Recipients of this REPORT. This REPORT is for the exclusive reliance of the recipient of the REPORT to whom it is issued ("Recipient"). The liability of Property I.D. Corporation ("Company"), its directors, officers, shareholders and employees is limited to the Recipient. Further, there is no accountability, obligation or liability to any third party. This REPORT may not be referred to or relied upon by any party other than Recipient without the written consent of Company.

This REPORT pertains to the land described in this REPORT and the improvements affixed thereto which by law constitute real property ("Subject Property") provided, however, the term "Subject Property" does not include any property beyond the lines of the area described or referred to in this REPORT, nor any real property described as an easement in the REPORT, nor any right, title, interest, estate or easement in abutting streets, roads, alleys, lanes, ways or waterways.

In preparing this REPORT, we have only reviewed those maps and records specifically referred to in the REPORT which are readily available for public inspection (the "government Records") to determine if and to what extent they are applicable to the Subject Property.

We have relied upon information in the Government Records without further investigation and without any analysis of underlying data supporting the information contained in the Government Records. We have assumed, without independent investigation, that the Government Records are accurate and complete. No responsibility is assumed for the accuracy of information furnished by the Recipient, third parties, or Government Records.

No opinion is rendered as to the title to the Subject Property, nor whether the subject property is comprised of legal lots in conformance with the California Subdivision Map Act and local ordinances enacted pursuant thereto. The legal description of the Subject Property (IF ANY PROVIDED) in this REPORT was furnished to company by RECIPIENT and is assumed to be correct without independent verification by Company.

No responsibility is assumed for matters which are architectural, structural, mechanical, engineering or legal in character or nature. No opinion is given regarding mechanical equipment or structural integrity or adequacy, nor soils and potential for settlement, drainage, subsidence, or other occurrences or problems arising from site conditions; nor marketability of the Subject Property. Company is in no way to be responsible for any costs incurred to correct any deficiencies of any type present in the Subject Property.

No opinion is expressed with respect to the existence of hazardous or toxic materials or substances or any other defects on or within the Subject Property, unless specifically addressed herein. No visual examination or inspection of the Subject Property has been performed by Company. This REPORT is not a substitute for a visual examination or inspection of the Subject Property. Company assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for earthquake insurance or flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for flood hazard insurance.

This REPORT is intended to include only those items affirmatively addressed in the text hereof. This REPORT does not purport, either explicitly or by implication to include or provide information regarding any other matters not specifically addressed herein.

This REPORT is issued as of the date specified herein. Company has no obligation to advise Recipient or any other person of any relevant fact, circumstance or change that occurs after such date which pertains to the Subject Property or which modified or otherwise affects the information provided in this REPORT. Company will give expert testimony in court or any hearing because of having issued this REPORT and engage in consultation with Recipient or third parties after the issuance of this REPORT without any additional fee.

Any controversy or claim arising out of or relating to this REPORT shall be settled by arbitration in Los Angeles, California, in accordance with the rules of the American Arbitration Association. The arbitrator's decision shall be final and binding and judgment may be entered thereon. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with arbitrator's award, the other party is entitled of costs of suit including a reasonable attorney's fee for having to compel arbitration or defend or enforce the award.

This REPORT shall be governed by and construed in accordance with the laws of the State of California. ACCEPTANCE OF, AND/OR USE OF THIS REPORT BY RECIPIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE CONDITIONS. COMPANY LIABILITY EXTENDS ONLY TO STATED RECIPIENT, NOT TO OTHER PARTIES OR USERS. COMPANY SHALL HAVE NO LIABILITY UNLESS AND UNTIL ITS FEE FOR THIS REPORT IS PAID. IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE PREPARATION, ISSUANCE OR USE OF THIS REPORT.