LOBB & CLIFF, LLP LAWYERS

WRITER'S E-MAIL: pcliff@lobbcliff.com

April 18, 2011

Via Overnight Mail and

E-Mail - chagan@waterboards.ca.gov

Catherine Hagan
Senior Staff Counsel
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Re: FAIRWAY HILLS ESTATES: STATE WATER BOARD

Our File No.: 7535.000

Administrative Civil Liability Complaint No. R-2010-0084 issued to Jack Eitzen 38175 Via Vista Grande, Murietta, CA Pursuant to the Revised Final Hearing Procedure Served April 7, 2011

Dear Ms. Hagan:

Submission of Evidence and Policy Statements

- 1. Jack Eitzen would like the San Diego Water Board to consider the evidence in Attachment 1, as well as evidence identified in accordance with the Complaint on file herein and its Exhibits.
- 2. For technical arguments or analysis, see Attachment 2. Otherwise, please note that Mr. Eitzen is the owner of 38175 Via Vista Grande, and as noted above, the assessment of a violation which extended for 211 days without a discharge as "moderate" potential for harm and being a "major" deviation from requirement is excessive, and the correct potential harm and deviation from requirement factors were both minor, leading to a numerical factor of 0.1. Similarly, the culpability of 1.5 is inappropriate for a landowner who imposed what were at worst unorthodox erosion control measures and who has worked to correct them at severe financial hardship to himself. Therefore, the appropriate penalty assessment should have been at most \$9,000.00.
- 3. For legal analysis consider the following witnesses:
 - (a) Jack Eitzen Mr. Eitzen will testify with respect to physical configuration of his property, the nature of his erosion control efforts, and his expenditures thereon, and the extent of his financial abilities. Estimated testimony: 1 hr.

Catherine Hagan

Re: Jack Eitzen: Fairway Hills Estates

April 18, 2011

Page 2

- (b) Reggie Ragsdale Mr. Ragsdale will testify with respect to physical configuration of his property, the nature of his erosion control efforts, and his expenditures thereon, and the extent of his financial abilities. Estimated testimony: 30 minutes
- (c) Joe Cota Mr. Cota will provide expert testimony with respect to the erosion control measures in comparison to applicable standards. Estimated testimony: 1 hr.
- (d) Rudy Nunez Mr. Nunez will testify as to the grading design and initial control plan. Estimated testimony: 30 minutes.
- 4. Joe Cota's qualifications are certified engineering geologist and registered environmental assessor.
- 5. Jack Eitzen is in dire personal financial circumstances and intends to argue an inability to pay the civil liability proposed in the Complaint (or an increased or decreased amount as may be imposed by the San Diego Water Board), and submits supporting evidence in Attachment 5.

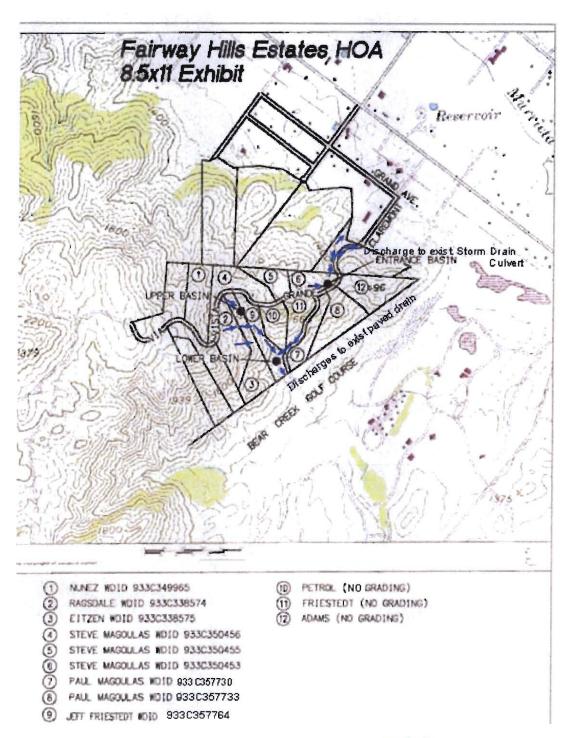
If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Paul Cliff

Cordially,

Lobb & Cliff, LLP

PC/kas Enclosures Attachment 1



Site Map- Figure 1



Photo 1. View of Paved Drainage Swale behind 22408 Montes Court

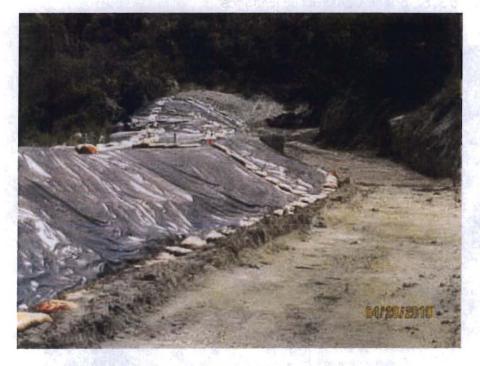


Photo 2. Completed Lower basin. Graded areas to be planted with native vegetation

Earth Resources, Inc.



Photo 3. Stabilized Construction Entrance.



Photo 4. Gravel Chevrons and slope protection, Via Vista Grande.



Photo 4. Looking down unnamed drainage to Lower basin. Kamzi Residence in background.



Photo 5. Another view of Lower Basin and watercourse from above

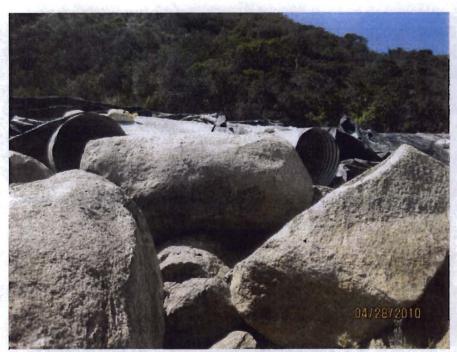


Photo 5. Dissipation Rip-rap below Lower basin outlets



Photo 6. Completed Upper basin looking down from above.

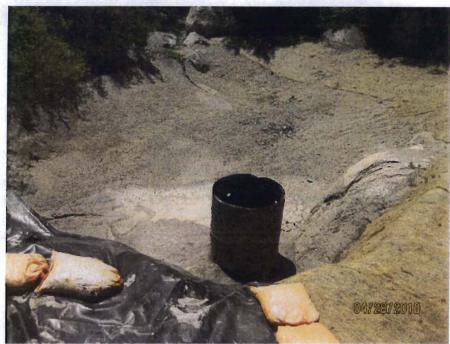


Photo 7. Riser pipe in completed Entrance basin



Photo 8. Looking downstream at the outlet and rip-rap below the Entrance Basin. Note jute netting on slope and undisturbed canyon below

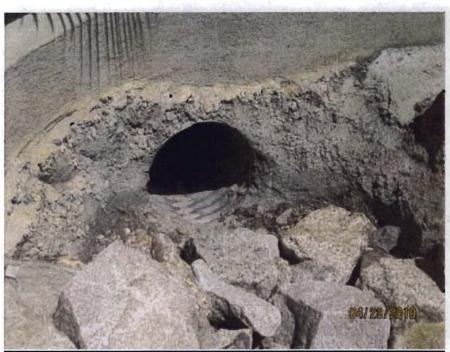


Photo 9. Culvert inlet at Claremont Street which collects Via Vista Grande run off water



Photo 10. Another view of the end of Via Vista Grande and Claremont St.

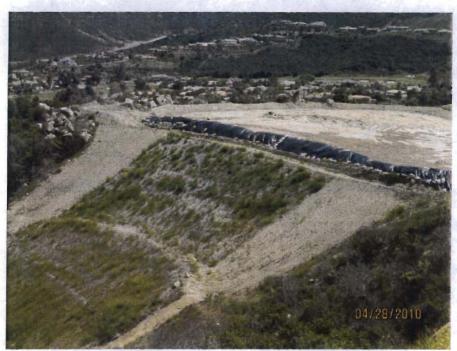


Photo 11. Graded Eitzen pad (no. 3 on the Site Map). Note temporary detention berm covered with Visqueen at edge of pad.



Photo 12. Eitzen driveway. Note temporary erosion control mat and Visqueen down drain BMP where swale crosses drive.



Photo 13. Nunez driveway BMPs

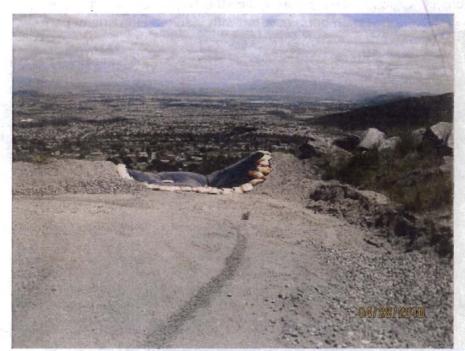


Photo 14. Nunez pad drainage toward temporary Visqueen-lined outlet.



Photo 15. Looking up Cheeks Road across Lower Basin



Photo 16. Looking down Cheeks Road to Lower Basin. Note erosion control mat and sandbags on inside of road

Earth Resources, Inc.



Photo 17. Looking down driveway to Ragsdale pad (pad 2 on the Site Map)



Photo 18. Slope descending from Ragsdale pad. Note temporary down-drain with Visqueen protection.

Earth Resources, Inc.



Photo 19. Bonded fiber matrix protection of slope descending from pad 7



Photo 20. Graded pad 5



Photo 21. Looking down driveway to pad 8



Photo 22. Jute net slope protection and temporary down drain on slope descending from pad 8

APPENDIX C

Receipts for BMP Implementation and Maintanence

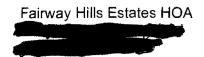
<u>And</u>

Letter from Mr. & Mrs. Kaami

AHachment 2



May 18, 2010 W.O. 2340



Attention:

Mr. Jack Eitzen

Subject:

Required Technical Report (RTR) and Technical Response

Notice of Violation No. R-9-2010-0059

by SWRCB San Diego Region 9 dated March 24, 2010

Fairway Hills Estates HOA

Via Vista Grande Road westerly of Claremont St.

Murietta, California 92562

Reference:

App. IDs: 288214, 288215, 339509, 339514, 337595

INTRODUCTION

As requested, Earth Resources, Inc. has prepared this technical response to the subject Notice of Violation No. R-9-2010-0059 (NOV) issued by the San Diego Region of the California Regional Water Quality Control Board to Fairway Hills Estates, dated March 24, 2010. The purpose of this response was to assist Fairway Hills Estates HOA in complying with SWPPP issues identified by an inspector for the Regional Board site visits on December 16, 2008, December 23, 2008, and January 28, 2009. A copy of the NOV is included in Appendix A of this report for convenience of reference. This technical response to the NOV constitutes the Required Technical Report (RTR) and should be considered as an amendment to each of the SWPPPs for the Fairway Hills Estates HOA. This RTR is organized in two parts. Part I addresses items in the Water Board's Request for RTR (cover

letter for the NOV) and Part II addresses specific issues identified in the NOV Summary of NPDES and SWRCB Violations.

Part I. REQUIRED TECHNICAL REPORT and TECHNICAL RESPONSE TO NOTICE OF VIOLATION

The following is an itemized Technical Report addressing the issues identified in the NOV.

Item 1

An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System and/or waters of the United States and State, and what immediate steps were taken to stop the illegal discharge.

Response to Item 1- IMMEDIATE ACTIONS SECTION

The County of Riverside Flood Control maintains rainfall records from automated rain gauges in proximity to the Fairway Hills Estates HOA properties. Mr. Robert Lagg of the Riverside County Flood Control provided rainfall records for the three automated rain gauges closest to the site for the period of July 2008 through June 2009. The data indicates that a very intense, multi-day storm event impacted the region during the four day period from December 15-18, 2008.

The total rainfall recorded from this storm event at each of the nearby stations was 4.54 inches to 4.9 inches. This single event represents over one third the total rainfall for the 2008-2009 rain season. The rainfall was particularly intense during the morning of December 15, the day prior to Mr. Felix's site inspection. Available hourly rainfall data from approximately 6:30 AM until 12:30 PM on December 15, 2008 shows that 1.59 inches to 2.06 inches of precipitation recorded at these three stations. The average rainfall intensity for this 6-hour peak storm period was 0.255 to 0.344 inches per hour. A summary of the available rainfall records is presented in Table 1 below.

Table 1- Rainfall Data Summary

Station and elevation	Direction and Distance from site	Season Total for Station (inches)	Date of Selected Storm event	Rainfall amount During storm event (inches)	Rainfall intensity (inches/hr for 6-hr peak period)	Storm event percentage of season total for station
Wildomar No. 246 1230' MSL	0.8 miles north	11.8"	12/15-18/08	4.61"	0.265 in/hr (on 12/15)	39%
La Cresta No. 274 2305' MSL	2.1 miles west- northwest	13.0"	12/15-18/0	4.54"	0.255 in/hr (on 12/15)	35%
Sylvan Meadows No. 326 1881' MSL	3.6 miles south	14.9"	12/15-18/0	4.9"	0.344 in/hr (on 12/15)	33%

Immediate actions taken by the contractor-both during and following- this storm event included cleanup of the sediment from the pavement at the end of Claremont Street, cleanup of the concrete drainage structure above 22408 Montes Court, and placement/replacement of sand bags.

As indicated in the Facility Inspection Report (FIR) by the Regional Board Inspector dated December 16, 2008 the inspection was initiated by a telephone complaint by Gertie Kazmi of 22408 to the Regional Board. Reference is also made regarding a complaint made to the City of Wildomar and Riverside County to a complaint by a resident at the Clairmont Road entrance to the project, also in December 2008.

The December 16, 2008 FIR states the following "cleanup of the sediment was almost completed upon my arrival at the site", providing evidence that immediate corrective actions were indeed taken by the contractor during the December 15-18 storm event. In addition to cleanup of the sediment from the intense storm event, the Contractor implemented additional erosion control measures. A bulldozer, loader, and water truck were rented on December 19 and December 20 for cleanup and repair of the erosion on Via Vista Grande. Receipts for this work are included in Appendix C. Slopes along Via Vista Grande and elsewhere throughout the site were hydroseeded with bonded fiber matrix and native seed mix on October 31, 2008, November 3, 2008, January 1, 2009, and April 17, 2009. Receipts for this work and other erosion control work from September 2008 through December 2008 are also included in Appendix C.

The following is a summary provided by the Fairway Hills Estates HOA of erosion control and SWPPP BMP work conducted from the months prior to the December 2008 storm event through the present 2009-2010 rain season:

Via Vista Grande Erosion Control Work

12-10-04 Kazmi Clean -up This work was prior to Fairway Hills grading \$31,000.00 12-21-07 Brosion/Road \$3,500.00 12-21-07 gravel bags slit fence \$532.50 12-08 Kazmi clean up labor \$3,000.00 1-28-08 Kazmi clean up \$10,500.00 1-26-08 Corrected all Erosion 4-4-08 PD 1-27-08 Reestablish correct drainage 4-4-08 PD 1-27-08 County approved Erosion (Zack Zachos) \$342.50 1-21-08 Installed additional Erosion Wattles \$2,408.75 1-24-08 Maintain Road / \$342.50 1-24-08 Maintain Road / \$3,500.00 1-25-08 EMC Erosion supplies \$3,551.25 1-25-08 Meet County Michael Malone 1-29-08 Meet County Michael Malone 1-29-09 Maintain Road Ralone 1-29-08 Magoulas slit fence 1-20-00	12-10-04	Kazmi Clean -up This work was prior to Fairway Hills grading	\$10,000,00
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	12-23-08	White Capp Black Plastic/Jute	\$784. 4 5

1-5-09	Creative Hydro seed 65,000 sq. ft	\$1,872.00
1-6-09	Ron Erosion work	\$140.00
1-19-09	Erosion Control	\$5,000.00
1-30-09	HOA Erosion	\$3,000.00
2-12-09	BCB invoice Erosion	\$1,958.90
4-15-09	4 rolls jute net	\$1,055.95
4-16-09	Hydro seed 20,000 sq ft.	\$600.00
4-17-09	Hydro seed 129,360 sq. ft	\$3,725.00
4-17-09	HOA Group Erosion	\$5,000.00
5-4-09	HOA Group Check	\$2,200.00
5-4-09	Horizon 4,000 sq ft jute Neting	\$289.00
4-8-09	BCB invoice Erosion work	\$1,951.52
5-28-09	Gravel Bags 1000	\$1,400.00
6-2-09	Horizon Jute net/stakes	\$1,372.50
6-9-09	FST delivered 300 ton Rock	\$6,000.00
6-15-09	BCB invoice Erosion/Rock/Rd	\$\$5,350.00
6-19-09	HOA paid Erosion	\$2,200.00
619-09	Horizon Jute net/stakes	\$2,268.00
6-22-09	BCB invoice Erosion/Rock/Rd	\$\$2,400.00
6-25-09	Rolls jute net	\$1,160.00
10-22-09	FST rock 175 ton	\$2,028.87
11-13-09	FST rock 225 tons	\$3,276.71
12-25-09	FST ¾ rock 25 ton	\$411.12
3-11-10	Temecula Valley Erosion Coco Mat	\$ 940.00
3-15-10	HOA Paid Inland Erosion work	\$56,000.00
3-15-10	Erosion work on 8 Lots	\$35,000.00
3-31-10	Creative Hydro seed	\$1,254.53

It should be noted that since the initial sedimentation that occurred in December 2008, there have been no additional releases of sediment beyond the project boundary. The Lower basin that was under construction during the December 2008 has now been completed. The slopes are presently protected with Visqueen plastic and permanent landscaping of the disturbed areas with approved native vegetation mix is scheduled to be conducted this spring.

A letter from Mr.& Mrs. Kazmi dated April 30, 2010 states that the V-ditch behind their house was cleaned of sediment and sandbags replaced as necessary to their satisfaction

and that they have experienced no further sediment problems in the ditch behind their house. A copy of the Kazmi letter is also included in Appendix C. Photos of this area were taken on April 28, 2010 (see Photos 1 and 2 in Appendix B, the Photos section of this report)

Since the December 2008 rains, extensive erosion control BMPs and drainage corrections have been implemented on Via Vista Grande and the slopes along its alignment. Sandbag chevrons and crushed rock have been placed to minimize erosion potential until the roadway has been paved. A rock and rumble-plate Stabilized Construction Entrance have been constructed where the gravel road meets the pavement at Claremont Street (see Photos 3 and 4 in Appendix B).

Item 2

Provide verification of all documents for construction activities that required permit enrollment with the State Water Resources Control Board (State Water Board).

Response to Item 2

Grading permits for work done on the site for various owners are presented in Appendix D. The grading of these sites done for the various owners required filing of Notices of Intent (NOIs). Copies of the Receipts for the NOIs issued by the SWRCB are also included in Appendix D.

Item 3

A Storm Water Pollution Prevention plan (SWPPP) Status Report Section including:

- a) an 8.5 X 11 Site Map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), and direct discharge (if applicable) to a water of the state
- b) A statement giving the exact date construction began.

- c) Photocopies of all BMP implementation/maintenance/inspection records (to date).
- d) Photocopies of all annual Compliance Certifications.
- e) A Photocopy of the SWPPP Signatory Requirement Page.
- f) If necessary, copies of newly completed Notices of Intent (NOIs). Please note: if any information provided on the current NOIs has changed, a NOI change of information, filed with the State Water board in Sacramento, is required,
- g) A completed "SWPPP and Monitoring program Review Sheet" (copy enclosed), with preparers name, included in the RTR as Attachment A.

Response to Item 3- SWPPP Status Report

- a) The requested 8.5 X 11 Site Map is presented herein as Figure 1. A copy of this Site Map is also included in the Sampling and Analysis Plan prepared for this project by ERI under separate cover.
- b) Construction of various pad areas for individual homeowners began at different times under individual grading permits. Based on these permits, grading for parcels owned by Eitzen and Ragsdale began in March 2007. Grading for parcels owned by Magoulas began in April 2008. Grading of the Nunez property began in May 2008. Improvements to Via Vista Grande began in June 2007. The County did not require a grading permit for Via Vista Grande improvements.
- c) Records of site BMP maintenance prior to April 28, 2010 consist of receipts for work done by various subcontractors, such as sand bag placement, hydro mulching/bonded fiber matrix, equipment rental for erosion and drainage corrections, etc. similar to those presented in Appendix C. Beginning April 28, 2010 a Construction Site Self Inspection Checklist was completed by Mr. Rudy Nunez. A copy of the completed Inspection Checklist, as well as, a blank Inspection Checklist to be copied for future use by the HOA and its members are presented in Appendix E. The Checklist will be used to record future site BMP inspections and maintenance. Similar blank Inspection Checklists are also contained in the SWPPPs

- for each of the sites prepared by others. Copies of future completed Checklists will be kept on site with the project SWPPP documents.
- d) Annual Compliance Certifications were not completed in 2008 or 2009. The HOA is in the process of obtaining copies of Annual Compliance Certifications for each of the WDID holders for 2010.
- e) The required SWPPP Signatory Pages are included in the copies of the various SWPPP reports submitted by Fairway Hills Estates HOA under separate cover.
- f) Copies of the SWRCB Receipts for NOIs are presented in Appendix D.
- g) As discussed with Mr. Tony Felix on the phone, a copy of the "SWPPP and Monitoring Program Review Sheet" was not enclosed with the NOV as strated in this comment. Per Mr. Felix's request, in reply to this item we have included herein in Appendix F (not Attachment A) a copy of the *BMP Implementation Schedule* and *BMPs Maintenance Inspection and Repair* sheets from the SWPPP for Fairway Hills Estates HOA prepared by RenCivil dated April 30, 2008. A full copy of the SWPPP signed and certified is being submitted by the HOA to RWQCB under separate cover.

Item 4

A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the NOV.

Response to Item 4

The status of each violation is addressed herein, on an individual basis, in the order in which they are presented in the NOV. Photos of the implementation of the SWPPP BMPs to correct violations, as well as, overall site photos showing BMP conditions are presented in Appendix B of this report.

Item 5

A Hydrologic Study Section certified by a Registered Civil Engineer, for each sediment basin serving any tributary area as erosion control. Include:

- a) Site Map delineating topographic tributary area (scaled) with flowlines.
- b) Basin dimensions and calculated maximum volume.
- c) Outlet and filtration calculations and specifications.
- d) Hydrologic calculations based on one of the prescribed methods specified in order No. 99-08-DWQ.
- e) All supporting documentation.

Response to Item 5

RENCivil has prepared a hydrology study for the project titled *Hydrology Study for the Via Vista Grande Road Construction project Detention/Desilting Basins*. This report is signed and stamped by a Registered Civil Engineer and included the Site Map, basin dimensions, calculations, and specifications as outlined in the request. This report covers the three detention/desilting basin design and construction. These are permanent structures which will remain following completion of construction. A copy of the RENCivil hydrology report has been submitted to Mr. Felix via email, and a printed copy is being submitted by to RWQCB by the Fairway Hills Estates HOA under separate cover.

Item 6

A Pollutant Sampling Program Section including the following:

- a) Site map delineating topographic tributary area (scaled with flowlines) of area(s) to be sampled for pollutants and area(s) to be sampled as background (free of pollutants).
- b) A list of all pollutants to be tested which are not visually detectable in storm water discharges as specified in Section B.8 of the permit.
- c) Copies of all qualifications and training certifications for the laboratory or staff who will be sampling.

d) A copy of all protocol measures to be employed, including, at a minimum, Quality Assurance/Quality Control (QA/QC) and Chain of Custody.

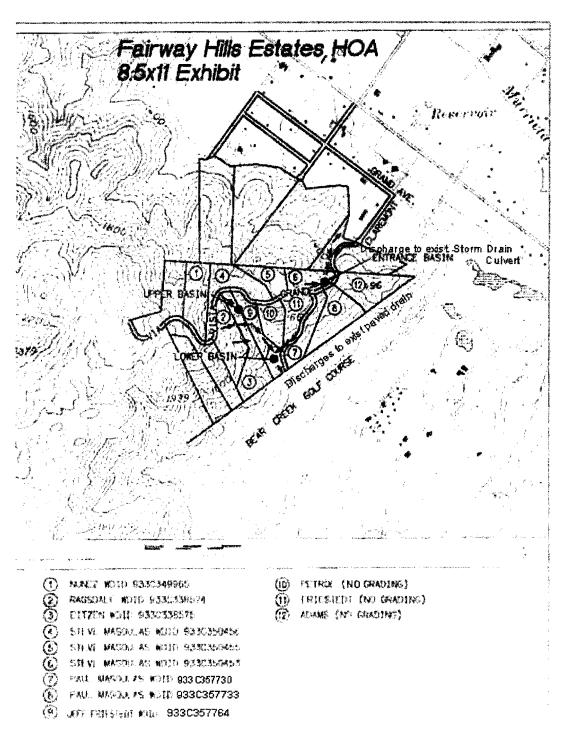
Response to Item 6

Earth Resources Inc. has prepared a *Storm Water Sampling and Analysis Plan for the Fairway Hills HOA* dated May 3, 2010. This SAP was prepared by a Certified Engineering Geologist and Registered Environmental Assessor and applies to all of the parcels located within the HOA. The SAP is intended to be an amendment to each of the existing SWPPPs for the various members of the HOA. The SAP was submitted to Mr. Felix for review by ERI via email on May 5, 2010. A printed copy will be submitted to RWQCB under separate cover by the HOA at the time this RTR and technical response is submitted to the Regional Board.

Item 7

A discussion of the filling of all unnamed drainages within the subject site including, at a minimum, the following:

- a) A full delineation of the entire subject site, including a map, depicting all onsite water of the United States and/or State.
- b) The amount and locations of fill placed in waters of the State and, where appropriate, waters of the United States. Fill must be reported in acres and linear feet.
- c) A timeline of activities related to fill placement into each drainage.
- d) A full description of the pre-construction condition of the drainages.
- e) Proposing to discharge waste or fill to waters of the State requires the filing of Waste Discharge Requirements containing the information required by the appropriate Water Board.



Site Map- Figure 1

Response to Item 7

As discussed with Mr. Felix on the phone, there are no USGS "blue-line" streams on the site, and site drainage does not directly discharge to a USGS "blue-line" stream (see Site Map, Figure 1). It is our understanding that it is the responsibility of the local agency, in this case the County of Riverside, to notify a developer during the environmental screen check and/or plan check process whether or not a project will modify or impact jurisdictional waters of the United S5ates and whether or not a wetlands delineation study will be required required. Typically, if a project is found to have an impact to waters of the United States, an Army Corps of Engineers 404 permit will be requested by the local agency, and that, in turn, will typically trigger a SWRCB 401 permit requirement. The County or Riverside has reviewed and approved the grading and drainage plans for pad and driveway grading of the parcels as indicated by the Grading Permits (copies included herein in Appendix D). A grading permit was not required by the County for the improvements to the pre-existing dirt road, Via Vista Grande. Grading for the basins is in plan check. Therefore it appears at this time that neither a 401 nor a 404 permit was required. A wetland delineation study for the site has not been requested by the County.

Additional information regarding the hydrology, size and shape of the basins, description of the pre- and post-construction drainage conditions, etc. are included in the RenCivil Hydrology Study submitted under separate cover.

Item 8

A list of all applicable federal, State and local permits, licenses and agreements that were obtained for fill activities to waters of the United States and/or State.

Response to Item 8

As indicated in Item 7 above, 401 and 404 permits were not required by the County or SWRCB at the time the Grading permits were approved and the WDID numbers for each of

the projects were designated. Copies of the Grading Permits and receipts of Notices of Intent are presented in Appendix D.

<u>ltem 9</u>

The status of the California Environmental Quality Act (CEQA) review for the work that resulted in the discharges of fill and, if available. A copy of the final or draft CEQA document.

Response to Item 9

To the best of our knowledge, there was no CEQA document required by the County or prepared for these projects. It is unknown to ERI at this time whether or not the County of Riverside staff has conducted any internal CEQA review for these projects.

<u>Item 10</u>

A time line and an implementation and monitoring plan for the restoration of all impacted waters of the State on-site.

Response to Observation 10

Based upon the County of Riverside's approval of the grading and road improvements, it is doubtful that they consider the project as having a significant environmental impact to waters of the State. However, the Fairway Hills Estates HOA plans to re-vegetate the graded slope areas of the three detention/desilting basins with a native seed mix prior to the next rainy season.

Note: as requested, the owner certification and signature page is present at the end of this report.

Part II. TECHNICAL RESPONSE TO NOTICE OF VIOLATION

A. Summary of NPDES General Permit No. CASooooo2, SWRCB Order 99-08-DWQ Violations:

Observation: You failed to file a NOI for new grading of the fire road.
 Additionally, six of the construction projects do not have NOIs for coverage under the statewide general Construction permit, Order No. 99-08-DWQ.

Response to Observation A.I

It is presumed that the "the fire road" refers to Via Vista Grande, a pre-existing private dirt access road to the site. Via Vista Grande is a 2900 lineal feet private access road, a segment of which traverses each of 12 existing parcels within the Fairway Hills Estates HOA (i.e. the road is commonly owned by each of the 12 property owners but is collectively maintained by the HOA). It is our understanding that the County of Riverside did not require a grading permit for the roadway improvements. Therefore, the Fairway Hills Estates HOA has not filed a NOI for the road improvements, but rather has filed NOIs for each of the lots. Via Vista Grande also passes through several of the properties that have not yet been graded and the area of roadway through these lots is less than one acre.

The Fairway Hills Estates HOA consists of 12 privately-owned, irregularly-shaped hillside parcels ranging from approximately 5 to 10 acres in size. Some of the owners own more than one parcel. The locations of each parcel are shown on the attached Site Map, Figure 1. As of the date of this report, eight of the parcels have been rough graded and have active WDID numbers. Building pads for three of the parcels have not been graded and do not have WDID numbers. These are parcels 10, 11 and 12 as shown on the Site Map, Figure 1 below. A NOI was submitted to SWRCB for parcel 9 on March 15, 2010 but has not yet been assigned a WDID number. Copies of the receipts for the 8 active NOIs, as well as, the NOI submittal form and copy of the submittal fee check for parcel 9, are included herein in Appendix D.

II. Observation: We photo-documented large quantities of sediment and silt which were deposited at the Claremont Street entrance, into waters of the State, and the hardened channel which abuts the Bear Creek Community.

Response to Observation A.II

Acknowledged. As explained in Item I of the RTR above, this sediment was the result of very intense rainfall which occurred during the grading of the road improvements and construction of the Lower Basin. Those areas were immediately cleaned up and as stated in the RWQCB, the cleanup had been mostly completed by December 13, when the RWQCB inspector visited the site. The Lower Basin has been completed and effective erosion and sediment control BMPs for Via Vista Grande have been implemented. Since December 2008 there has been a lack of sediment in these areas. Photos of these areas taken on April 28 are included in Appendix B (see Photos 1, 2, 3, and 4).

III. Observation: From the time of the initial inspection to the present you have not produced a SWPPP that complies with the General Construction Permit requirements, including a fully developed monitoring program for pollutants not visibly detectable in storm water.

Response to Observation A.III

SWPPPs for the various projects have been developed by RENCivil and CLE Engineering Inc. Copies of these SWPPPs are being submitted to RWQCB by the HOA. A copy of the *BMP Implementation Schedule* and *BMPs Maintenance Inspection and Repair* sheets from the SWPPP for Fairway Hills Estates HOA prepared by RENCivil dated April 30, 2008 is included herein in Appendix F. Earth Resources Inc. has prepared a Sampling and Analysis Plan for non-visible pollutants covering all of the construction sites within the HOA

as discussed in Item 6 of the RTR above. The SAP was emailed to Mr. Felix for review on May 5, 2010 and a printed copy is submitted herewith under separate cover.

IV. Observation(s):

- (a) Your site lacked the appropriate and necessary erosion and sediment controls for most disturbed areas. Your site lacked sediment controls (i.e. silt fences or fiber rolls) for the outside slopes (see photos 06, 09, 10, 11, 12, 13, 18, and 26).
- (b) There was no SWPPP available for inspection to review to insure there was a specific construction phase/ BMP sequencing schedule
- (c) Three sediment basins at the site lacked the proper design and placement requirements. One had failed resulting in a discharge and the other two were placed directly within waters of the State (see photos 12, 13, 14, 17, 21, 22, and 23).
- (d) Your vehicle and equipment and storage area lacked the proper controls to minimize the exposure of spilled oil, grease, and other vehicle maintenance fluids to stormwater (see photos 27 and 28).
- (e) Your site had inadequately maintained entrance/exit BMPs, which caused significant sediment tracking at the Claremont Street entrance/exit (see photo 04).

Response to Observation A.IV (a)

Extensive erosion and sediment control BMPs have been implemented throughout all graded areas of the site following the intense storm of December 2008. The attached Master Erosion Control Plan for the Fairway Hills Estates HOA by RENCivil (included herein as Plate 1) shows the locations of the BMPs implemented to improve erosion and sediment control. Graded slopes have been treated with hydroseed, bonded fiber matrix and

hydroseed. Thousands of sand bag chevrons have been placed on the road, private drives, and pad areas. Silt fencing has been placed in appropriate areas. A partial list of BMPs implemented both before and after the December 2008 storm event provided by the HOA representative is presented above in "Response to Item 1", pages 5 and 6. Representative photos of the improved site BMPs are presented in Appendix B.

Response to Observation A.IV (b)

As previously mentioned, copies of the SWPPPs for the various projects and the road are being provided to RWQCB for review. Additionally a Master Erosion Control Plan covering the entire site and roadway has been prepared by RENCivil (see Plate 1). Site construction is presently idle. When construction resumes on any of the sites, the appropriate SWPPP for that active WDID number will be kept in the construction site trailer and/or a designated mailbox-type lock box during construction. The name, phone number, and contact information for the responsible SWPPP contact person will be displayed in a prominent location so that subcontractors and County or State inspectors may review the SWPPP documents upon request.

Response to Observation A.IV (c)

The sediment basins were under construction at the time. Since then, these basins have been completed. Photos of the completed basins are presented in Appendix B. The basins were designed by RENCivil for a 100 year storm event. The hydrology study by RENCivil is presented under separate cover as discussed in Item 5 of the RTR above.

Response to Observation A.IV (d)

Rough grading has been completed and equipment required for erosion and sediment control BMP maintenance is generally brought on the site on an as-needed basis. If equipment is to be parked on the site, the presently designated area is the graded pad on building pad 5. Drip pans under equipment should be used to collect any oil, grease, or hydraulic fluids. When construction is resumed on any of the lots, the SWPPP shall be amended to show the appropriate locations for hazardous construction materials storage,

equipment parking/staging/fueling area, concrete washout area, portable toilets, and trash collection areas. Appropriate BMPs for each activity which could potentially cause non-visible pollutants should be shown accordingly on the amended SWPPP map. The locations of these areas and BMPs may change as necessary throughout the duration of the project, but changes must accordingly be made to the SWPPP.

Response to Observation A.IV (e)

A stabilized construction entrance consisting of 1" to 3" crushed rock over filter fabric and a steel rumble plate have been added to the entrance where Via Vista Grande meets the existing end of the Claremont Street asphalt. See Photos 3 and 4 in Appendix B.

B. Summary of Clean Water Act Section 401 Violations:

I. Observation: The San Diego Water Board to date has not received a RoWD for the discharge of fill to the unnamed drainages associated with construction of the subject site and associated (access) roads (see photos 11, 13, 15, 16, and 17).

Response to Observation B.I

It appears that the referenced photos 11, 17, and 18 are photos of the Lower basin under construction, and not fill dumped into a water course. It is out opinion that the compacted earthen fill structure to create the three basins constitutes planned grading, and not "dumped fill". Recent photos of the completed basins are presented in Appendix B.

Referenced photos 15 and 16 appear to show sediment within or behind the sediment basins. The main purpose of construction of the basins is to collect sediment and detain surface runoff to minimize the potential for sediment to migrate from the site. It should be noted that the canyon in which the Lower Basin has been constructed is a steep natural canyon that has a long history of erosion and sediment deposition before any present site grading occurred. It is our understanding that the Kazmi property at 22408 Montes Court experienced sedimentation, similar to that which occurred in December 2008, in 2004 and

in previous years. The 2004 sedimentation was cleaned up at the expense of the Fairway Hills Estates property owners. Therefore it was the decision and engineering judgment of the project Civil Engineer to design a detention/desilting basin in this canyon, as well as to the areas of the site to protect downstream properties.

Since the completion of the designed Lower Basin construction, the Kazmi's have not experienced additional sedimentation problems (see Kazmi letter dated April 30, 2010 in Appendix C.

II. Observation: The San Diego Water Board to date has not received an application for CWA Section 401 Water QWuality Certification for the discharge of fill to any unnamed drainages that are waters of the United States associated with the subject site and associated roads (see photos 15, 16, and 17).

Response to Observation B.II

As noted in the item B.1 response above, it does not appear that referenced photos 15, 16, and 17 depict discharge of fill into the water course. To the contrary, photos 15 and 16 appear to show sediment in the canyon behind the Lower Basin, and design and construction of this basin is intended to intercept this sediment and prevent it from impacting the paved swale behind the Kamzi Residence. Referenced photo 17 appears to depict the initial grading for the lower basin. Recent photos of the canyon both above and below the Lower Basin are presented in Appendix B.

III. Observation: The discharge of fill to streams has the potential to result in alteration or elimination of the beneficial Uses associated with the water body. The unnamed drainages within the project area are tributary to Murrieta Creek. Beneficial Uses assigned to Murrieta Creek and its tributaries include MUN [municipal and domestic supply], AGR [irrigation, agricultural supply], IND [industrial service supply], PROC [industrial

processes], GRW, REC2 [other non-contact recreation], WARM [freshwater habitat-warm] and WILD [wildlife habitat]. Construction of the project in and over the unnamed drainages has eliminated the Beneficial Uses of these drainages in each location. The fill of each unnamed drainage has fragmented upstream and downstream reaches and was observed to have resulted in alteration of the hydrologic characteristics of each drainage, which has led to erosion throughout the property. Alteration of hydrologic characteristics results in diminished quality of in-stream and riparian habitat for flora and fauna in the unnamed drainages and downstream. Furthermore, construction of the Project has resulted in the discharge of pollutants to the remaining portion of the unnamed drainages, resulting in the degradation of downstream Beneficial Uses.

Response to Observation B.III

Grading for the house pads, access road, and private driveways was approved by the County of Riverside. These types of approved development activities typically increase the quantity of runoff water during storm events. Increased runoff is known to generally result in increased channel erosion in many instances, which presents the potential to degrade downstream waters. It is standard engineering practice to construct detention basins to hold and collect increase in runoff water due to site development and then release it slowlyin a controlled manner to simulate the natural flows within a waterway. Detention basins generally do not prevent the downstream flow of water, but rather slows it down to protect against downstream channel erosion.

While erosion of poorly protected slopes may have occurred during the intense December 2008 storm event, it is our professional opinion that the construction of the basins did not lead "to erosion throughout the property" as alleged, especially in the reaches above these basins. Erosion experienced on the then recently-graded slopes, building pads, access road, and driveways are unrelated to construction of the basins. The Project Civil Engineer

designed these basins to mitigate the increased flow from the approved development as outlined in the RENCivil hydrology report.

It is our professional opinion, that it is very unlikely that "construction of the Project has resulted in the discharge of pollutants to the remaining portion of the unnamed drainages, resulting in the degradation of downstream Beneficial Uses" as stated in the NOV for the following reasons.

The sediment at two specific locations was the main source of the initial complaint.

The first location is the existing concrete drainage swale behind the Kazmi Residence. This structure includes a paved drainage swale and concrete block debris wall (see Photo 1 in Appendix B). This structure is obviously a debris protection device constructed during the development of the Bear Creek Community to protect the homes along Montes Court from water, sediment, and debris potential from the natural canyons and slopes to the north. It has been documented by both the RWQCB and the homeowners that the sediment that was deposited during this December 2008 storm event was quickly removed by Fairway Hills Estates HOA. Therefore, it is apparent that the concrete drainage device performed satisfactorily for its intended purpose and no degradations of downstream waters appears to have resulted. The Lower Basin, now completed, provides additional protection for the homes on Montes Court.

The second location is at the end of Via Vista Grande, where the road meets the pavement at the end of Claremont Street. The sediment at this location was deposited onto the pavement. Vehicle tracking of mud onto the pavement was also noted. The sediment removal, implementation of erosion control BMPs for the roadway and associated slopes, and placement of a stabilized construction entrance was expedited by the HOA and its contractor. It is apparent that the sedimentation observed at this location is not within any of the drainage areas of the three basins in question, and therefore is not a result of construction of these basins.

The surface flow from the end of Via Vista Grande enters an existing 24" culvert for a private driveway, then exits the culvert and flows along the surface, following Claremont Street toward the northeast. Sediment beyond the terminus of Claremont was not noted, except for the aforementioned vehicle tracking. Because the sediment was removed by the HOA, it is highly unlikely that the sediment could have resulted in degradation of the beneficial uses of Murrieta Creek, which is located more than one-half mile down gradient of the terminus of Claremont Street. There were no reports of sedimentation of Murrieta Creek from this event.

OWNER'S CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Jack Efizen, Fairway Hills Estates HOA Representative

APPENDIX C

Receipts for BMP Implementation and Maintanence

<u>And</u>

Letter from Mr. & Mrs. Kaami

Invoice

Erosion Control Materials Corp P.O.BOX 3529 RIVERSIDE, CA 92519

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→ 51-571-3213	951-571-3201	ecm@erconusa.com	Accounting Fax: 951-686-6115

Erosion Control Materials Corp appreciates your business. Our Federal Tax ID is **Balance Due**

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BCB Equipment Rental, LLC

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NOTICE"Under the Mechanics' Lien Law (California Code of Civil Procedure, Section 1181 et seq.), any Contractor, Subcontractor, Laborer, Supplier or other person who helps to improve your property but is not paid for his work or supplies, has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own Contractor in full, if the Subcontractor, Laborer or Supplier remains unpaid."

CONTRACTOR SAN

Total

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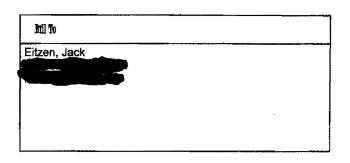
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NOTICE"Under the Mechanics' Lien Law (California Code of Civil Procedure, Section 1181 et seq.), any Contractor, Subcontractor, Laborer, Supplier or other person who helps to improve your property but is not paid for his work or supplies, has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own Contractor in full, if the Subcontractor, Laborer or Supplier remains unpaid."

\$3,800.00

ROUND-UP FEED

Alfalfa · Oat Hay Timothy · Bermuda · Straw

20651 Palomar Rd. • Wildomar, CA 92595 Ph. (951) 674-5154 • Fax (951) 674-7535

Sold To):		Date:				
Phone:	Allender - Anna Anna Anna Anna Anna Anna Anna An	than the state of			☐ Cash ☐ Charge ☐ Check #		
Addres	s:				_ OCC #		
Qty.		Descri	Price	Total			
	Alfalfa	Prem.	#2	Outside			
	Bermud	a					
	Orchard		_				
	Timothy	·					
	Shaving:	S		-			
K	stra	w	The second secon		6.50	97.50	

1		*					
I hereby certify that I am engaged in the production of products of animal life which are food for human consumption and that this food is purchased for use in the production of such products.				products of that this	elivery Charge Tax	12.00	
Or Resal	le #	and the second s	· · · · · · · · · · · · · · · · · · ·		Total	105.06	
Received	1 By						

EITZEN

GRADING PERMIT

PERMIT #: BGR051516

Job Address: 38175 VIA VISTA GRANDE MURR

Status: ISSUED

Issued: 02/08/20 Expires: 08/07/20

Work Desc: GRADING SF RES LOT

Parcel No: 928-230-015 Location: 2005 TG 927 C3

Tract/Lot: LLA03192 PM19367 LOT 2 POR

Zoning:R-A-10

APPLICANT

BROWN MINDI/CLE ENGINEERING

Phone: 951-698-183

dba. S & A SURVEYING, 41601 DATE STREET, MURR

CONTRACTOR

OWNER / BUILDER

OWNER

EITZEN JACK

Phone: 408-656-200

P O BOX 998, SARATOGA CA 950710000

FEE INFORMATION

Plan Check Fees.:

1,171.98

Transfer Fee....

Permit Fees....:

829.26

Renewal Fee....: Addl Inspections:

Microfilm Fees..:

20.0

.0

.0

Addl LMS Surchg.:

Total Calculated Fees:

2,021.64 1,305.60

Additional Fees:

Total Permit Fees:

3,327.24

CALL FOR INSPECTION

Requests for inspection shall be made at least 24 hours in advance by telephone at (951) 600-6100

Additional info at www.tlma.co.riverside.ca.us/lms/lms.htm

SDALE

GRADING PERMIT

PERMIT #: BGR051518

Job Address: 38155 VIA VISTA GRANDE MURR

Status: ISSUED Issued: 02/08/2007

Expires: 08/07/2007

Work Desc: GRADING SF RES LOT

Parcel No: 928-230-016 Location: 2005 TG 927 C3 Tract/Lot: PM19367 LOT 2 POR

Zoning:R-A-10

APPLICANT

BROWN MINDI/CLE ENGINEERING

Phone: 951-698-1830

OWNER

CONTRACTOR OWNER / BUILDER

EITZEN JACK

Phone:

FEE INFORMATION

Plan Check Fees.:

1,171.98

Transfer Fee....

.00 .00

Permit Fees....:

829.26

Renewal Fee...: Addl Inspections:

Microfilm Fees..:

.00

Addl LMS Surchg.: 2,019.09

17.50 ..35

Total Calculated Fees: Additional Fees:

1,218.00

Total Permit Fees:

3,237.09

CALL FOR INSPECTION

Requests for inspection shall be made at least 24 hours in advance by telephone at (951) 600-6100

Additional info at www.tlma.co.riverside.ca.us/lms/lms.htm



STORM WATER CONSTRUCTION SITE SELF-INSPECTION CHECKIST

Project Work Ord	ler#		##- F-8 -8	Time of Inspection 3:00 P.m.	·
WDID No	9330	349965	. 933C	338574 9331228575 933 6350456	933CR TO 1
Inspected	By	RUNI	YUNE	7 Title	93702000
Contracto					7700045
			Wea	the <u>r Information</u>	京湖 多少能 藏水 盛
Best 6	estimate	of beginning	of storm	event: Time <u>4:00 Am</u>	
• Estim	ated dura	ation of stom	n event:	Hours Minutes	,
• Appro	ximate ti	me elapsed	since the	end of the previous storm: Z Days — Hours	.
• Estim	ated amo	unt of rain f	rom the cu	urrent event: 0.01 Inches	
Check "\	es" or "	No" or "N/A	A" if not a	applicable.	
YES	NO	N/A			
			1.	Has there been an absence of rain since the last inspection?	t
		Б	2.	Are all sediment barriers (e.g., sandbags, straw wattles, and silt fences) in place in accordance with the Local SWPPP or ECP and are they functioning properly? Need to clean one AT middle of Extrance roaps	1 *
Ø		ο.	3.	If present, are all exposed slopes protected from erosion through the implementation of acceptable soil stabilization practices?	1
Ø		0	4.	If present, are all sediment traps/basins installed and functioning properly?	
				:	

18302 Sterra Hwy #102 Santa Clarita, CA 91351 (800) 554-3205 fax (800) 554-4205

	Page 2	
Date:_	4128	10
W.O.		

YES	NO	N/A	:	
			. 5 .	Are all material handling and storage areas reasonably clean and free of spills leaks, or other deleterious materials? CALLING CLENUP YOR REMOUL MINOR LITTER ON ONE PAD
			6.	Are all equipment storage and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious materials? No boulpman
			7.	Are all materials and equipment properly covered and paints, thinners, and other hazardous liquids in roll offs or other covered containers?
			Ŝ.	Are all external discharge points (i.e., outfalls) reasonably free of any noticeable pollutant discharges?
			9.	Are all internal discharge points (i.e., storm drain inlets) provided with inlet protection?
Ø			10.	Are all external discharge points reasonably free of any significant erosion or sediment transport?
15 12			11.	Are all BMPs identified on the Plan installed in the proper location and according to the specifications for the plan (based on current site conditions)?
			12.	Are existing BMPs being maintained properly?
2			13.	Are all on-site traffic routes, parking, and storage of equipment and supplies restricted to areas designated in the Plan for those uses?
		ždi.	14.	Are all locations of temporary soil stockpiles or construction materials in approved areas?
			15.	Are all seeded or landscaped areas properly maintained?

Earth Resources, Inc.

	Pi	age	3
Date:	4-	28	-10
W.O.			

YES	NO	N/A		·
			16.	Are sediment treatment controls in place at discharge points from the site?
2			17.	If present, are slopes free of significant erosion?
			18.	Are all points of ingress and egress from the site provided with stabilized construction entrances (including access to washout and storage areas)?
E			19.	Is sediment, debris, or mud being cleaned from public roads at intersections with site access roads?
			20.	Are all lime, cement, fertilizer, gypsum, and other bagged products adequately covered on pallets or placed inside covered garages or roll offs?
			21.	Are all portable toilets located off streets and sidewalks? No WONE ON SITE
Are there any BMP's or concerns on the project that are not covered by the above? Explain				
describe remedy to	any correc he problen	tive action and wher	(s) that have the correcti	ns on the previous pages, except Number 1, been performed, or that must be taken, to we action is to be completed:
ON	one 1	e'T		<i>σ</i>
• need	to co	ear	UT ONC	CHEVION NEAR ENTRANCE

	•			

Earth Resources, Inc.

		age			
Date:	4-	28	_	ł	0
W.O.					

Additional Comments					
		·			
,					



STORM WATER CONSTRUCTION SITE SELF-INSPECTION CHECKIST

Project Date						
Work Or	der#			Time of Inspection		
WDID N	o					
Inspecte	d By			Title		
Contract	or					
			Weat	ther Information		
Best	estimate c	f beginning	of storm	event: Time		
Estim	nated dura	tion of storr	n event:	Hours Minutes		
Appro	oximate tin	ne elapsed	since the	end of the previous storm: Days Hours		
Estim	nated amo	unt of rain f	rom the cu	urrent event: Inches		
Check "`	Yes" or "I	No" or "N//	A" if not a	pplicable.		
YES	NO	N/A				
			1.	Has there been an absence of rain since the last inspection?		
			2.	Are all sediment barriers (e.g., sandbags, straw wattles, and silt fences) in place in accordance with the Local SWPPP or ECP and are they functioning properly?		
			3.	If present, are all exposed slopes protected from erosion through the implementation of acceptable soil stabilization practices?		
			4.	If present, are all sediment traps/basins installed and functioning properly?		

	Page 2
Date:_	
W.O.	

YES	NO	N/A		
			5.	Are all material handling and storage areas reasonably clean and free of spills leaks, or other deleterious materials?
			6.	Are all equipment storage and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious materials?
			7.	Are all materials and equipment properly covered and paints, thinners, and other hazardous liquids in roll offs or other covered containers?
			8.	Are all external discharge points (i.e., outfalls) reasonably free of any noticeable pollutant discharges?
			9.	Are all internal discharge points (i.e., storm drain inlets) provided with inlet protection?
			10.	Are all external discharge points reasonably free of any significant erosion or sediment transport?
			11.	Are all BMPs identified on the Plan installed in the proper location and according to the specifications for the plan (based on current site conditions)?
			12.	Are existing BMPs being maintained properly?
			13.	Are all on-site traffic routes, parking, and storage of equipment and supplies restricted to areas designated in the Plan for those uses?
			14.	Are all locations of temporary soil stockpiles or construction materials in approved areas?
			15.	Are all seeded or landscaped areas properly maintained?

				· ·
YES	NO	N/A		
			16.	Are sediment treatment controls in place at discharge points from the site?
			17.	If present, are slopes free of significant erosion?
			18.	Are all points of ingress and egress from the site provided with stabilized construction entrances (including access to washout and storage areas)?
			19.	Is sediment, debris, or mud being cleaned from public roads at intersections with site access roads?
			20.	Are all lime, cement, fertilizer, gypsum, and other bagged products adequately covered on pallets or placed inside covered garages or roll offs?
			21.	Are all portable toilets located off streets and sidewalks?
			22.	Are there any BMP's or concerns on the project that are not covered by the above? Explain
			-	
describe	any correc	tive action	(s) that have	ns on the previous pages, except Number 1, been performed, or that must be taken, to ve action is to be completed:
	<u></u>			

Page 3

Date:_____ W.O.____

	W.O
Additional Com	nments
	<u> </u>
	_
· ·	

Page 4

Attachment 15- BMP Implementation Schedule

		entation Schedule	
BMP	BMP Description	Installation	Removal
Erosion	Control BMP's		
EC-1	Scheduling	Throughout	n/a
LC 1		construction	Tru
EC-2	Preservation of Existing Vegetation	Throughout	n/a
		construction	II u
	Hydraulic Mulch	After grading of and	
EC-3		prior to rainy season	n/a
103		or at all times during	TV U
		the rainy season	
	Hydroseeding	After grading and	
EC-4		prior to rainy season	n/a
LC-4		or at all times during	IVa
		the rainy season	
	Soil Binders	After grading of and	
EC-5		prior to rainy season	n/a
EC-3		or at all times during	11/4
		the rainy season	
	Straw Mulch	After grading of and	
EC-6		prior to rainy season	n/a
EC-0		or at all times during	11/a
		the rainy season	
	Geotextiles & Mats	After grading of and	
EC-7		prior to rainy season	After slopes have been
EC-/		or at all times during	70% stabilized
		the rainy season	
	Wood Mulching	After grading of and	
EC 9		prior to rainy season	7/2
EC-8		or at all times during	n/a
		the rainy season	
	Earth Dikes and Drainage Swales	After grading of	A.C
EC-9		slopes	After paving
EO 10	Velocity Dissipation Devices	After grading of	A.G
EC-10		slopes	After paving
EC-11	Slope Drains	After grading of	A from morrison
EC-11		slopes	After paving
EC 12	Streambank Stabilization	After grading of	A fton navina
EC-12		slopes	After paving
EC 12	Polyacrylamide	After grading of	After paving
EC-13		slopes	After paving
Sedimer	t Control BMP's		
3T) 4	Silt Fence	Throughout	A ft
SE-1		construction	After paving

	BMP Impler	nentation Schedule		
BMP	BMP Description	Installation	Removal	
	Sediment Basin	At the onset of grading		
		and prior to rainy		
SE-2		season or at all times	n/a	
		during the rainy		
		season		
	Sediment Trap	After grading of and		
SE-3		prior to rainy season	After Project	
SL-3		or at all times during	Completion	
		the rainy season		
	Check Dams	After grading and		
SE-4		prior to rainy season	After paving	
DL-T		or at all times during	The paring	
		the rainy season		
	Fiber Rolls	After grading of and		
SE-5		prior to rainy season	After paving	
SL-3		or at all times during	Titoi paving	
		the rainy season		
	Gravel Check Dams	After grading and		
SE-6		prior to rainy season	After paving	
SE-0		or at all times during	Alter paving	
		the rainy season		
SE-7	Street Sweeping and Vacuuming	After paving	After Project	
SL-1			Completion	
*	Sandbag Barrier	After grading of and		
SE-8		prior to rainy season	After paving	
OD O		or at all times during	Tittor paving	
		the rainy season		
SE-9	Straw Bale Barrier	Throughout	After paving	
3L-2		construction		
SE-10	Storm Drain Inlet Protection	After outlets have	After Project	
		been constructed	Completion	
Wind E	rosion Control BMP's			
WE-1	Wind Erosion Control	Throughout	After Project	
** ID-1		construction	Completion	
Tracking	g Control BMP's			
TC-1	Stabilized Construction Entrance/	Throughout	After Project	
10-1	Exit	construction	Completion	
TC-2	Stabilized Construction Roadway	Throughout	After Project	
10-2		construction	Completion	
TC-3	Entrance/ Outlet Tire Wash	Throughout	After Project	
10-3		construction	Completion	
Non-Sto	rmwater Management BMP's			
	Water Conservation Practices	Throughout	After Project	
NS-1		construction	Completion	
X (0, 0	Dewatering Operations	Throughout	After Project	
NS-2		construction	Completion	
	James and the second se			

	BMP Implementation Schedule			
BMP	BMP Description	Installation	Removal	
NS-3	Paving and Grinding Operations	Throughout	After Project	
140-5		construction	Completion	
NS-4	Temporary Stream Crossing	After grading of	After paving	
1,0		slopes		
NS-5	Clean Water Diversion	Throughout	After Project	
		construction	Completion	
NS-6	Illicit Connection/ Discharge	Throughout	After Project	
		construction	Completion	
NS-7	Potable Water/ Irrigation	Throughout	After Project	
		construction	Completion	
NS-8	Vehicle and Equipment Cleaning	Throughout	After Project	
		construction	Completion	
NS-9	Vehicle and Equipment Fueling	Throughout	After Project	
		construction	·Completion	
NS-10	Vehicle and Equipment	Throughout	After Project	
1,5,10	Maintenance	construction	Completion	
NS-11	Pile Driving Operations	Throughout	After Project	
,,,,,		construction	Completion	
NS-12	Concrete Curing	Throughout	After Project	
11012		construction	Completion	
NS-13	Concrete Finishing	Throughout	After Project	
110 10		construction	Completion	
NS-14	Material and Equipment Use	Throughout	After Project	
145 11		construction	Completion	
NS-15	Demolition Adjacent to Water	Throughout	After Project	
145 15		construction	Completion	
NS-16	Temporary Batch Plants	Throughout	After Project	
		construction	Completion	
Waste N	lanagement & Materials Pollution Co	ntrol BMP's		
WM-1	Material Delivery and Storage	Throughout	After Project	
VV [VI-]		construction	Completion	
WM-2	Material Use	Throughout	After Project	
W IVI-2		construction	Completion	
WM-3	Stockpile Management	Throughout	After Project	
W 101-3		construction	Completion	
WM-4	Spill Prevention and Control	Throughout	After Project	
44 141-4		construction	Completion	
WM-5	Solid Waste Management	Throughout	After Project	
		construction	Completion	
WM-6	Hazardous Waste Management	Throughout	After Project	
44 141-O		construction	Completion	
WM-7	Contaminated Soil Management	Throughout	After Project	
** IVI-/		construction	Completion	
WM-8	Concrete Waste Management	Throughout	After Project	
VV IVI-0		construction	Completion	
WM-9	Sanitary/ Septic Waste	Throughout	After Project	
vv 1VI-7	Management	construction	Completion	

Attachment 16- BMPs Maintenance, Inspection and Repair

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP			
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM	
TEMPORARY SOIL STABI	IZATION BMPs		
EC-2 Preservation of Existing Vegetation	Bi-weekly	 Inspect protective fencing and repair or replace as necessary Repair or replace damaged vegetation per SS-1 working 	
		detail Repair damaged roots or compacted soils in the root zone	
EC-3 Hydraulic Mulching EC-4 Hydroseeding EC-5 Soil Binders EC-6 Straw Mulch EC-7 Geotextiles& Mats EC-8 Wood Mulch EC-9 Earth dikes and drainage swales EC-10 Velocity Dissipation Devices EC-11 Slope Drains EC-12 Streambank Stabilization EC-13 Polyacrylamide	Bi-weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	 Maintain continuous mulch cover over area to be protected. Re-spray hydraulic mulch as necessary. As soon as weather and soil conditions permit, repair any slope damage and re-spray damaged or exposed areas Replace and dispose torn or missing sections of Geotextiles ,mats, and plastic covers. Replace or supplement anchors as necessary to keep covers in place. 	
TEMPORARY SEDIMENT (ONTROL BMPs		

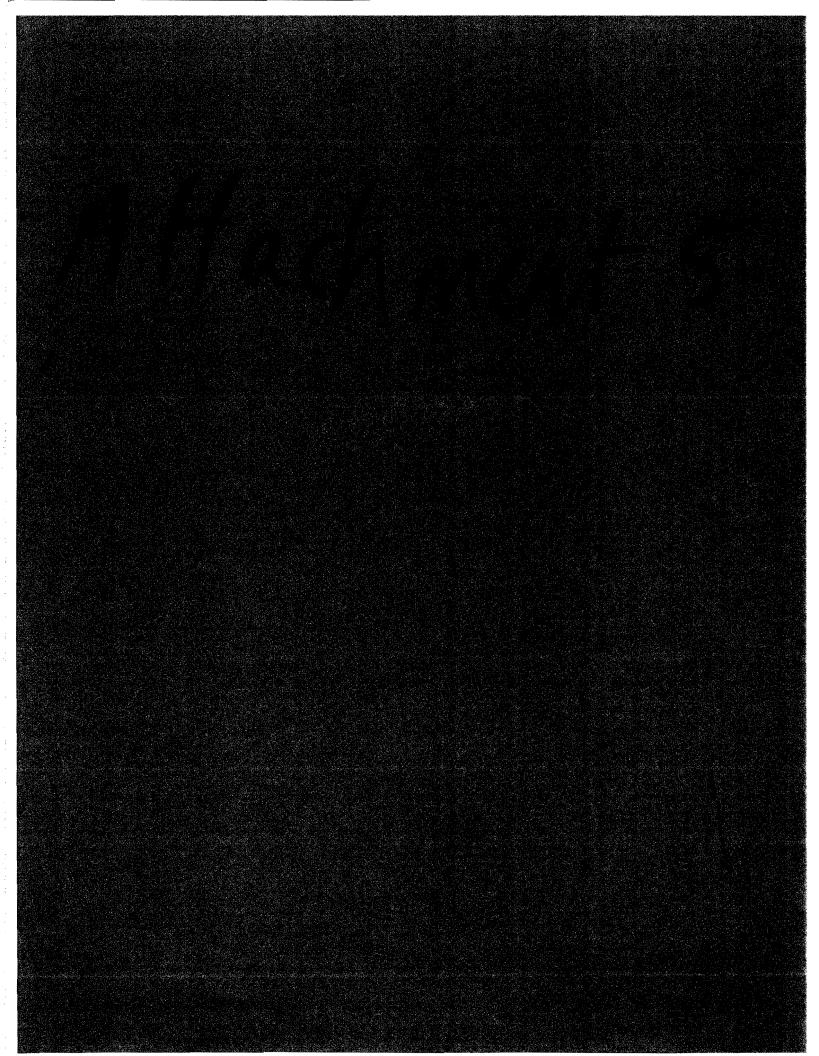
The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP			
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM	
SE-1 Silt Fence SE-2 Sediment Basin SE-4 Check Dam SE-5 Fiber Rolls SE-6 Gravel Bag Berm SE-7 Street Sweeping And Vacuuming SE-8 Sandbag Barrier SE-9 Straw Bale Barrier SE-10 Storm Drain Inlet Protection	Bi-weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	 Remove, dispose, and replace damaged, deteriorated, or otherwise unsuitable BMPs Repair any slope damage as soon as weather conditions permit. Replace torn sand bags as required. Replace torn sections of silt fences. Re-key bottom of fences as needed. Remove retained sediments before they reach 1/3 of the barrier height or ½ of the sediment holding capacity Clean and dispose of accumulated sediment deposited in sediment traps around drainage inlets; resecure silt fence as needed Remove BMPs when no longer needed, as directed by 	
		the Engineer. Repair slopes/surfaces damaged by BMP removal	

The contractor sh	nall use the following guidelines to repair	
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM
SE-3 Sediment Trap	Bi-weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	 Remove sediment as necessary. Pump and discharge accumulated water. Check outlet structure and spillway for any damage or obstructions. Repair damage and remove obstructions as needed. Check outlet area for erosion and stabilize, if required. Remove sediments when storage zone is one-third full. Examine basin banks for seepage and structural soundness.
WIND EROSION CONTROL WE-1 Wind Erosion Control	BMPs Daily	Maintain water trucks and water distribution equipment in good order and fix leaks immediately
TRACKING CONTROL BM	Ps. (*)	
TC-1 Stabilized Construction Entrance/ Exit TC-2 Stabilized Construction Roadway TC-3 Entrance/ Outlet Tire Wash	Weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during	 Replace gravel as necessary. Remove excessive soil accumulation. Sweep surrounding areas.
NON-STORM WATER MAN	extended rain events	

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP			
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM	
NS-1 Water Conservation Practices NS-2 Dewatering Operations NS-3 Paving and Grinding Operations NS-4 Temporary Stream Crossing NS-5 Clear Water Diversion NS-6 Illicit Connection/ Discharge NS-7 Potable Water/ Irrigation NS-8 Vehicle and Equipment Cleaning NS-9 Vehicle and Equipment Fueling NS-10 Vehicle and Equipment Maintenance NS-11 Pile Driving Operations NS-12 Concrete Curing NS-13 Concrete Finishing NS-14 Material and Equipment Use NS-15 Demolition Adjacent to Water NS-16 Temporary Batch Plants	Weekly	 Inspect site during project execution for evidence of illicit discharges or illegal dumping. Observe site perimeter for evidence or potential of illicitly discharged or illegally dumped material which may enter the job site. Notify the Resident Engineer of any illicit discharges or illegal dumping incidents at the time of discovery. Remove, dispose and replace damaged, deteriorated, or otherwise unsuitable BMPs Remove vehicles and/or equipment that leak. Replace drip pans or absorbent materials as needed. Re-stock spill materials. Remove BMPs when no longer needed, as directed by the Engineer. Repair slopes/surfaces damaged by BMP removal 	
WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL BMPs			

The contractor shall use the following guidelines for maintenance, inspection, and repair
of BMPs identified in the SWPPP/WPCP

of BMPs identified in the SWPPP/WPCP			
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM	
WM-1 Material Delivery and Storage WM-2 Material Use WM-3 Stockpile Management WM-4 Spill Prevention and Control WM-5 Solid Waste Management WM-6 Hazardous Waste Management WM-7 Contaminated Soil Management WM-9 Sanitary/Septic Waste Management	Weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	 Keep storage areas clean, well organized, and equipped with ample clean-up supplies as appropriate for the materials stored Repair or replace perimeter controls, containment structures, covers and liners as needed to maintain proper function and protection Properly remove and dispose accumulated rainwater from containment facilities Cover any stockpiles with appropriate mats or covers. Maintain waste fluid containers in leak proof condition. Repair or replace dumpsters that leak Provide timely service and removal to prevent dumpsters and sanitary facilities from overflowing. Schedule Refuse Contractor to pick up waste containers weekly. 	
WM-8 Concrete Waste Management	Weekly	 Remove accumulated debris from concrete washouts. Replace lining and sand bags as necessary 	



Jack Eitzen Net Worth

Assets		
2002 Chevy Impala	4,000.00	
California Valley Lots, four lots valued \$3,000-\$5,000	20,000.00	
Via Vista Grande Lot	60,000.00	
House in Lathrop	175,000.00	
Equipment	5,000.00	
Total Assets	264,000.00	
<u>Liabilities</u>		
Mortgage Value on House in Lathrop	(535,000.00)	
Citibank # XXX	(22,116.80)	AL LANGUAGE COM
Wells Fargo #XXXX	(15,000.00)	
Home Depot	(3:000:00)	THE PARTY NAMED IN
Via Vista Grande Lot	(90,000.00)	De Maria - Maria Ser Hammer - Ser Maria Sa
Lowes	(1000.00)	Anna Alama
Loan from Mary Eitzen: Associated Recovery Systems #200	(55.717.33)	Contract of the Contract of th
FCC Financing on Equipment	(7,442.35)	
Temecula Erosion Control, Lake Elsinore	(6,000.00)	
Riverside County Taxes	(2,500.00)	
La Cresta HOA Dues: Notice of Lien	(3,000.00)	
Medical Bills	(4,000.00)	
CMRE Financial Services #9405XXXX	(1,025.38)	
Bank of America, Financial Recovery Services # XXX	(59,801.58)	
Midland Credit Management	(4,050.23)	
Mr. Crummie Debt on Property in California Valley	(8,000,00)	
Jose Olivia	(1,800.00)	
San Luis Obiso Tax Collector Default (coming due)	(7,800.00)	
Total Liabilities	(829,253,67)	
Net Worth	(565,253.67)	

I certify under penalty of perjury under the laws of the state of California that this accurately states the nature and value of all my assets and liabilities as of April 8, 2011.

Jack Eitzen

Juli Edger



Sandbags, Silt Fence, Hydroseed Erosion Control Materials & Services

19011 Mermack Avenue, Lake Elsinore CA 97532 (951) 245-4206 • FAX (951) 245-4216 License #847289

JOB PROPOSAL

Quote Number: #1080-1	Date: 12/23/10			
customen Jack Eitzen	JOB HAME Vis Vista Grande/Clairemont			
PULLING ADDRESS	Private Rd			
CITY, STATE, ZIP	La Cresta, CA			
PHONE FAI	Jack			

We propose to furnish erosion control:

Poly Sand Bags made for emergency rain great 500 Es @ \$1.50 \$750.00 Material Delivery- La Cresta 1 45 1 Es @ \$200.00 \$200.00

TOTAL

\$ 950.00

Rock and/ or hard digging will be an additional charge.
Placed gravel bags must be within fifteen feet of delivery vehicle.
All billing quantities will be field verified.

Terms and Conditions:

- This job [X] will not [] will require Certified Payroll.
- · C.O.D. payment is required unless a credit account is established
- Terms are Not 30 days; Upon approved credit. 2% Finance Charge (18% yearly)
- Proposal valid for 30 days.
- Maintenance not included. No cleaning included
- Price Includes materials, tax, normal truck access, and one (1) move in.

Temecula Valley Erosion Control, Inc.	Acceptance: This contract must be signed and returned bufger order can be placed.
	in Eden 122410
Michael Caruso	Signature/Dated





Sandbags, Sift Fence, Hydroseed Erosion Control Materials & Services

19011 Mermack Avenue, Lake Fishnore CA 92532 (851) 245-4206 • FAX (851) 245-4216 License #847289

JOB PROPOSAL

Quote Number: #1097-1 Date: 12/28/10

customen Jack Eitzen	JOB HAME Vis Vista Grande/Clairemont
BULLING ADDRESS	Private Rd
CITY, STATE, ZIP	La Cresta, CA
PHONE	CONTACT Jack

We propose to furnish erosion control:

Poly Gravel Bags Installed various locations	600	Ea	@	\$1.00	\$600.00
10 Mil Visqueen-Installed various locations	4 Rls	Ea	@	\$150.00	\$600.00
SMP Repairs (1+4 Group rate)	4 Hrs	Ea	@	\$118.00	\$472.00 Tes
Skip Loader w/Operator	1 Day	Ea	0	\$600,00	\$500.00
Material & Equipment Delivery- La Cresta	1	Ea	@	\$350.00	\$350.00

TOTAL \$ 2'522.00

Rock and/ or hard digging will be an additional charge.

Placed gravel bage must be within fifteen feet of delivery vehicle.

All billing quantities will be field verified.

Terms and Conditions:

- * This job [X] will not [] will require Certified Payroll.
- C.O.D. payment is required unless a credit account is established
- Terms are Net 30 days: Upon approved credit 2% Finance Charge (18% yearly).
- Proposal valid for 30 days.
- Maintenance not included. No cleaning included.
- Price Includes materials, tax, normal truck access, and one (1) move in

Temecula Valley Erosion Control, Inc.	Acceptance: This contract must be agred
-	and returned before order can be placed.
	Signature/Dated
Michael Caruso	/ Signature/Dated

ACRES OF THE PARTY OF THE PARTY

Courty BAN JOAQUIN

Price! Number 181-410-48 Thomas Guide

Picos 10 (

Lugal Description LOT 135

Property Dutails

The second second	AND THE RESIDENCE OF THE PARTY	The second secon	
teri Bull	2006	707.00	
ype	SFR	Units	0
A 1,	•	Barns	3
Suri	2,554	Lo: 5 24	5,662
HOOM	Q	Stores	2
ida ngo	űa	HVAC	
e or	C	Fireplass.	4

Volue & Equity

Velue \$198,476 \$77/ct (10/07/08)

Loan: \$540,000 272% Equity \$-341,600 -172%

From \$1,657

Cap Hate 9,50%

Tux Assessment

		The state of the s	A STATE OF THE PARTY OF THE PAR
Appessed Y:	2009	Amilia Texes	\$5,070
સાંદ ક	\$289,000	DM Ton Have	2.54
Limb	850,000	Pulinguard Tax	SO
Fra Overs	\$160,000	Definqueen Vi	6 3

Owner Name & Mailing Address

EITZEN JACK & CAROLINE

Physical Property of the Control of

Forestocure Stage: Auction

Sale Date 12/14/09 Published Bid \$638,831
Opening Bid \$0
Sele Steams Active Notice Date 06/25/03
Postponed For Mutual December # \$6612
Agreement

Losn Dice 07/26/06 | Train Amount \$540,000 | Losn Dice # 158425 | Tech Position 1

Trustee AHMSI DEFAULT SERVICES INC

1820 E 18T ST 210 SANTA ANA, CA 92705

15 Number 714-480-5690

Lender AMERICAN HIM MTG ASSETE 2005

6501 INVINE CENTER DR

IRVINE CA 92618

Type	ě	Date	Doc #	Grunter	Amount
hons's		OWNERS.	92453	ETZEK, JACK & GRADOLINE	\$ 52P 500
OC.		OF ROTTOR	46549	EITZENJACK	4
#10pts	12.	OTRACK!	150425	CEY, THE PRIVATE IN COST	SS-40.000
MOD		03/77/08	47595	ARTHUR BALL T SERVICES INC.	822,130
· NTS		03.63.00		ANY SERVICE THAT THE PROPERTY OF STREET	£633,831



42430 With highler floor Temerato, California 97590-2504

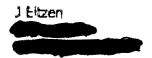
Tampies - **551-295-5640**

5 951 206 F534

💚 yawalooqiinyyyye cor

Santing Market of Williams

January 14, 2011



Re:

La Cresta POA

Account #:

1011551

Property Address:

928 230-015 Acr 10.09

Dear J Eitzen

This office is acting as debt collector for the Association. Any information obtained will be used for that purpose.

The Board of Directors has offered a payment plan with seven (7) monthly payments of \$368.00; and a final payment representing interest at 7% per annum of the total balance due of \$2,573.05. You will receive a final statement for the final interest due. I have enclosed a payment plan detailing a payment schedule for a period of seven (7) months, along with a copy for your files. Please sign the original where indicated and return the executed payment plan to our office by January 31. 2011. Your next payment is due on February 1, 2011 as indicated in the agreement.

If we do not receive your signed agreement by the above date, the payment plan will become vold and further action will be taken regarding your account.

Should you have any questions, please feel free to contact me at (951) 296-5640 or via enert at iouellette@eaultymat.com.

Sincerely

Judi Oucilette

At the Direction of the Board

CC:

WM File

101-1551

Mr. Jack Enzen

In this case, San Diego Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger is the principal of Eltzen Construction, and owns numerous parcels of land, listed below:

13

	lalue	Assessor's Parcel Number	County	Property Address	Assessed Total Value	As Year	
1	-	082-281-037	San Luis Obispo	Road State	\$19,483	2009	7.6
	£	082-121-008	San Luis Obispo	N/A 30/11%	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	2009	But I
		082-201-068	San Luis Obispo	Doms Road	\$17,991	2009	Anna , Kilo
	£-	082-191-007	San Luis Obispo	11180 Crannel	\$19,872	2008	PJ _w
C	anobell	082-211-005	San Luis Obispo	Grassland Road	\$25,000	2009	
Her Bok de		082-281-051	San Luis Obispo	and the second s	\$18,399	2009	A in
		082-201-033	San Luis Obispo		\$19,872	2009	• • •
*	<u>.</u>	083-461-004	San Luis Obispo	Arrowbear Trail	\$4,496	2009	200
	5	082-291-076	San Luis Obispo		\$19,483	2009	•
4	5 000	082-281-007	San Luis Obispo	Greybriar Trail	\$19,483	2009	
15.	5 000 5, 660	083-451-041	San Luis Obispo	Lake Road	\$11,243	2009	الم راق
	need	082-211-006	San Luis Obispo	N/A Action and	\$25,000	2009	
	old	082-181-044	San Luis Obispo	14155 Diamond Springs Road	\$18,766	2008	
	6	926-230-015	Riverside	38175 Via Vista Grande (check this on Westlaw)	\$108,242 (value based on vecant lot prior to development)	2008	
90,000	90,000	928-230-016	Riverside	38155 Viz Vista Grande	\$108.242 (value based on vacant lot prior to development)	2008	
170,000)	10,000		479	TOTAL	\$441,192	- >> + > > + > + > + > + > + > + > + > +	

Given the above assets, which do not include the value of improvements that have since been made to the properties at 38175 and 38155 Via Vista ebit # 50,000 Grande, it appears the Discharger has the capacity to pay the proposed



First American Title

節目 かっこ Muses: 925,225 2670 Part W6 494, 1912 1/26/2011 Prepared By Best IDSS AM Prepared For Tiene FATTleng TUT Limpount REPRUT Trye PARCTU Address Sint Frm Parcels Pented :111 CardSTIZar

Search Parameters

Sale Price-bull/Parnel ..43325 FEEL.

Trunsler Date. [1077]

2011-01 HANGARY 2011 (1990 2010-01 (IANTEARY 2010)

RATHUS SEARCH

Property Sales Types ago - current on Carles Reports Value 13-5,000 if you lived a buyer Today Taxon Inc. -\$1,5000



FIRST AMERICAN TITLE San Luis Obispo (CA)

OWNERSHIP INFORMATION

Parcel Number

: 082 181 044

Orner

: Eitzen Jack:

Collumn

Site Address

: 14155 Diamond Springs Rd Sawa Margarita 93453

Moll Address

SALES INFORMATION

Transferred: 03/25/2004

Loan Americas

Document #

: 23943

Lender

Sale Price :\$2,UKK) Fulk Loun Type

Deed Type : Grant Deed % Owned : 100

Interest Rate

Vesting Type

ASSESSMENT AND TAX INFORMATION

Land

Total

Exempt Type

Structure

Exempt Amount:

Other

054061 Tax Rate Arra

10-11

Taxes : \$237.70

PROPERTY DESCRIPTION

Zonins

: Rs

Man Bk. PR

Land Use

: 001 Vacans, Catifornia Valley Sub/Plus

Legal

: CAL VI Y U 32 LT 75

PROPERTY CHARACTERISTICS

Total Rossus Bedronnia

Las Arres In: Suff

: 2.30

108,900

Applicance

Buthrooms

Lat Dimension

Spallint Vi Pool

Dining Room Family Konm

Bldg Sqf (Addition ST Craff MAC

Other Rooms

Bldg Style

Air Conc Heat Type

Uniter Rooms Storie*

Ist FIEF 2nd FirSF

Fireplace Foundation.

Units

HamiTotSF

Vear Built

Garage Type Charage Space: Garage SF Rouf Tyre

Fif Ye Butte

Pesin

= FIRST AMERICAN FARM REPORT =

ALC: NO	p.s	= 4.4 de F	I The Bearing Car.	* 3 /2 mt (vs	ALASY VIAL			
O		: Burrersz Richard				: 083 431 01	1	**************************************
Suc		*no Site Address*			Xfer Date	:02/10/2010		
Mail						: \$5,000 Full		
Land Use		Vacana, California Valley			Zoning	ē		
Legal		: CAL VLY U 26 LT 150			Census Treat	:23.06	Block: 7	
Bedna:	Bath	. Tot Ruc	Garage :	Pool:	Bldg SF	:	Acres: 2.50	Yr Blt:
Loans:		Doc #: 6561	Asad Vol: \$5,000	Whop.	Units	<u> </u>	Eximps:	
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Sine:		*nn Site Address*				:01/14/2010		
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and Use		Vacant, California Valley			Zoning	:		
zgo!		CAL VLY U 27 LT 230			Census Tract	:127.02	Block:7	
Sedrm:	Eath	Tot Rm:	Garage :	Pool:	Bldg SF	:	Acres: 258	Yr Bir
ount-		Doc #: 1786	Assd Val: \$17,002	Almp:	Units	:	Exmpt	
O	wher	: Canara Margaret F. 199	6 Trust	- Particular Section S	Parcel	: 042 211 01	*	
Site	. • •	* no Site Address*	· · · · · · · · · · · · · · · · · · ·		Xfer Date	:05/19/2010		
Mall					XferAnt	: \$10,000 Fa	.95	
Land Usr		: Vacant California Valley			Zoning	· engaga Pu	i Ja	
Legal		: CAL VLY U 33 LT 19			Census Trace		Block:7	
Bedrm:	Bati	· · ·	Garage :	Pool.	Bldg SF			tr_ ma_
Loan5:		Doc #: 23180	Assd Val: \$3,020	Felmp:	Units	:	Acres: 2.56 Exempt:	II Bil.
	htier	; Oseguera Jose	- >	* 5.000	Parcel	: 082 211 01		
Site		*no Size Address*			Xfer Date	:02/16/2010		
Wall					XferAme	: \$14,000 Fu	11	
Land Use		: Vacant California Valley			Zonine	· Art.zloneni ir 16	5 '3	
Legal		CAL VLY U 33 LT 37			Cennus Tract	:127.02	Block:7	
Bedrm:	Bath		Garage :	Pool:	Bldg SF		Acres: 2.50	V- Rh
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and Use		Vacant Cambring Valley			Zoreins	:Ri		
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- O	STATE !	Rendon Melecio	Control of the second s		Parcel	: 083 401 054	1	
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ur.						\$3,500 Pull		
	1					e e promise de proper.		
Mail	;	Vacant California Valley			/ CRIAN	.		
Mail Land Use		Vacant California Valley CAL VLY U 25ALT 227			Zoning Census Tract	:23.06	Block:2	
Site Mail Land Use Legal Bedrm:		CAL VLY U 25ALT 227	Garage :	Pont:	Census Trace Bldg SF		Block:2 Acres: 2.46	Vr Dh

Economic and the Arrest of Harris 1928 . The harries



Taxes on the Web Harrier Rev. Special Front Lagrange By. Information for Year 2010/11

Goodse of Tax exfering for a temperate

The Total Due amount to the right is based on the date lest updated. Follow the underlined links to see dates due for each bill listed on this summary. A TORROCTOR BY BUT HE

Assessment #: 082,211,005

Total Due: ... \$767.876 a

Secured Property Taxes :-

Last Updated 2/4/2011

Bill Year Bill Number

Amount Bitled

2010/11 039 241 005 HITZEN JACK

Bill Detail

\$310.10

£155 05

\$155.05

Prior Years Delinquent Taxes

ast Updates and

A STATE OF THE STA

Oneinal Default Date

Total Dur

6-30-2-038

Bill Detail

Valid for the month of February 2011

\$612.82

And the state of t

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\$2. 7

Asset Acceptance, LLC

PO Box 2036 Werren, MI 48090-2036

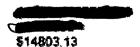
First Notice

September 8, 2010

RE:

Original Acct#:

Asset Acceptance, LLC Acct # Balance Past Due



Dear CAROLINE L'OCCIARDI:

It is our pleasure to welcome you as a new customer of Asset Acceptance, LLC. Your account with the above mentioned creditor has been purchased and is now owned by Asset Acceptance, LLC. In order to insure proper credit for any payments it is necessary that all future payments and inquiries be made to Asset Acceptance, LLC, PO Box 2036, Warren, MI 48090-2036.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Sincerely,

Phone: Toll Free 677-768-98

Debt Collector

Asset Acceptance, LLC

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade. Commission at 1-877-FTC-HELP or www.ftc.gov.

We may report information about your account to credit bureaus. Correspondence concerning inaccuracies and disputes relating to your credit report should be sent to: P.O. Box 1630 Warren, MI 48090-1630.

See Reverse Side for Important Information Regarding Your Privacy Rights

CHARLE PRINCIPLATION

""Detact: Lower Porton and Return with Parint of

Asset Acceptance, LLC Acci P: 419762 Botonce Peat Duc: \$14803.13

PO Box 2039 Warren Mr 45090-2039

AINTHI-55 SERVICE REQUESTED

September 6, 2010

41976095-6100 394902415 «Ելիգինիկերիժիրիժութեւիլնից)ը։իկիրինե ASSET ACCEPTANCE, LLC PO Box 2038 Warren MI 48090-2036 Liulluldinahillin

FINANCIAL RECOVERY SERVICES, INC.

DEPT 613 6516277010110 PO BCIX 4115 CONCORD CA 94524

P.O. Box 385906 Minneapolis, MN 55438-5906 1-877-476-2749

Return Service Requested

The state of the s

NOVEMBER 8, 2010



CLIEAT; BANK OF AMERICA CURRENT CREDITOR; BANK OF AMERICA REGARDING; BANK OF AMERICA ACCOUNT NUMBER; XXXXXXXXXXXXIIII

CAN YOU BORROW TO TAKE ADVANTAGE OF THIS? CAN A FRIEND OR FAMILY MEMBER HELP YOU GET THE MONEY? YOU MAY BE ELIGIBLE FOR A SPECIAL DISCOUNT OFFER IF YOU CAN GET THE MONEY.

- * DO YOU WANT TO RECEIVE A SPECIAL DISCOUNT ON THIS ACCOUNT?
- UPON APPROVAL, WE MAY BE ASILE TO SPREAD THIS SPECIAL DISCOUNT OUT VIA MONTHLY PAYMENTS

THIS OFFER WILL EXPIRE. YOU NEED TO RESPOND TO TAKE ADVANTAGE OF THIS INCREDIBLE OFFER PLEASE CALL OUR OFFICE TO FIND OUT THE DETAILS OF THE OFFER AND TO DETERMINE IF YOU ARE ELIGIBLE FOR THE OFFER. WE ARE WILLING TO LISTEN TO ANY OFFERS YOU MAY WISH TO MAKE BUT YOU NEED TO CALL US SOON

DON'T DELAY, CALL TODAY TO TAKE ADVANTAGE OF THIS SPECIAL OFFER. THIS OFFER WILL EXPIRE 35 DAYS AFTER NOVEMBER 6, 2010. WE ARE NOT OBLIGATED TO RENEW THIS OFFER.

WAREHELY.

ACCOUNT MANAGER TOULFREE 1-877-476-87

THIS IS AN ATTEMPT TO COLLECT A DEET. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEET COLLECTOR SEE REVERSE SIDE FOR IMPORTANT PERDEMETRON

Of on hours are: Munday Thursday, 7cm to Corn, Hriday 7cm to boin, Saturday 7cm to note:

DETACH AND REFURN THIS PORTION OF THIS SOTTCH SOME PAYMENT

NOTE: ANY CHECK RETURNED FOR INSUFFICIENT FUNDS OF ACCOUNT CLOSED WILL BE ASSESSED A 615.00 CHARGE

AMOUNT ENGLOSED:		a propositi photo armo metalah para "metalah)	· a resistance substitute
HOME PHONE:		in the second se	-
WORK PHONE:	and the second s	-	

FINANCIAL RECOVERY SERVICES, INC. P.O. BOX 385908 MINNEAPOLIS, MN 55438-5908 MINIMARIA MINIMARIA MARIA TOTAL BALANCE DUE, 259801 58

FRS Flion: BZW563

TOLL FREE: 1-877-476-97

KENNETH J EITZEN





P O. Box 1259 Oaks, PA 19456

ASSOCIATED RECOVERY SYSTEMS A DIVISION OF ARS NATIONAL SERVICES, INC. P.O. BOX 469046 ESCONDIDO, CA 92046-9046 (800) 900-1178 FAX (866) 422-0765 www.PayARS.com

October 2, 2010

The Helling of the He

ACCOUNT IDENTIFICATION
Re: Bank of America, NA
Account:
ARS Acct No.
Balance: \$55717.33

Dear Src/Madam

Our client, Bank of America, NA, has hired Associated Recovery Systems balance due is \$55717.33. We are committed to helping you resolve this we can stop further collection efforts. We look forward to assisting you

To aide with your payment, Associated Recovery Systems offers the fullo "Quick Cleck" by phone, call us at (800) 900-1178, Western Union "Quick Collect" (Code City: Warner, CA), Money Gram "Express Payment" (Receive Code: 5161), Or Make your payment online at www PayARS com

Picase contact this office at (800) 900-1178. Our office hours are Monda Time).

Sincerely,

Account Representative

I used my Mons codt card to help

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

	THE THE PARTY OF T
Account.	Print address/phone changes below or call (KIRI) 400-1178
tmount Enclosed S	HOME () WORK ()
inclosing this coupon with your payment will ypedite credit to your account	
ATICE OF ELECTRONIC CHITIK	Make your check or money order marable to:

OTICE OF ELECTRONIC CHECK ROCESSING:

transmitting the routing account, and check mater to the limb. By submitting a check, you thorize us to initiate an electronic debit from you count. A reformed check may be collected atronically if it is returned for insufficient lands

ASSOCIATED RECOVERY SYSTEMS PO BOX 463051 ESCONDIDO, CA 92046-3051 Ildud.III.odoblioolidanddoodli

DO NOT DESTROY THIS NOTE:

When paid, this Note and the Deed of Trust securing same, must be surrendered to Trustee for cancellation and retention before reconveyance of the Deed of Trust will be made.

INSTALLMENT NOTE (INTEREST ONLY PAYMENTS)

\$90,000,00

August 20; 2004 File No. RTE-1568635



her value received, all of the undersigned (collectively referred to as "Maker"), jointly and severally promise to pay to Wyeth W. Cade and Orpha B. Cade, Trustees of the Cade Charitable Remainder Unitrust dated December 4, 1995 or order ("Holder"), at 642 Rolling Hills Road, Vista, CA 92083 or as directed otherwise in writing by Holder, the principal sum of Ninety Thousand and No/100 Dollars (\$90,000.00), with interest from the 8th day of September, 2004 on the amounts of principal remaining from time to time unpaid, until said principal sum is paid in full, at the rate of Six per cent (6.00%) per annum, payable in monthly installments equal to interest only or more commencing on the 8th day of each and every Month, beginning on the 8th day of October, 2004, and continuing until the 8th day of September, 2006, at which time the entire unpaid principal and any occured interest is all due and payable in full.

If the Maker shall sell, convey or alienate the property as described in the Deed of Trust (defined bulow), or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the Holder being first had and obtained, Holder shall have the right, at its option, except as prohibited by law, to declare any Indebtedness or obligations secured hereby, irrespective of the maturity date specified in any Note evidencing the same, immediately due and payable.

If this Note requires a balloon payment, this Note may be subject to California Civil Code Section 2966 which provides that the Holder of this Note shall give written notice to the Maker as the trustor of the Deed of Trust, or his/her successor in interest, of prescribed information at least ninety (90) and not more than one hundred and fifty (150) days before any balloon payment is due.

All payments under this Note shall be made in lawful money of the United States of America. Payments shall be credited first against any costs or expenses due under this Note, then to accrued interest, and finally to principal. The principal amount of this Note may be prepaid, in whole or in part, at any time without penalty, in which event, interest shall coase to accrue on the portion of the principal so prepaid. Should any amount under this Note not be paid when due, then all remaining principal and accrued interest shall become immediately due and payable at the option of Holder. In no event shall the interest rate charged under this Note exceed the maximum rate permitted under applicable law.

Ath Deed out

Bellis win Histor Committee

G Box 701

Charteriess, NIC ESOUS-0701

Folkarding Service Requested

August 7, 2010

CUSTOMER INFORMATION

NARS File #: Account #

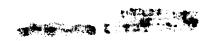
Creditor Cs Paradiso Holdings LLC

Amount Due: \$20130.26

Edzen Kenneth



Malas del Marche de la Calanda de la Calanda



Dear Litzen Kenneth.

This letter is sent on behalf of the creditor listed above, regarding the amount that is now owed on the referenced debt. The amount due is \$20130.26.

National Asset Recovery Services, Inc. would like to resolve this matter. Therefore, we need to discuss your intentions concerning repayment of this account.

Rease send the total amount due of \$20130.26 to the address listed at the bottom of this letter, or call an account Representative at 877-277-4998 to discuss options to resolve this matter. Our hours of operation are Monday - Thursday 7:00 A.M. - 9:00 P.M. CT, Enday 7:00 A.M. - 4:00 P.M. CT, and Saturday 7:00 A.M. - 11:00 A.M. CT.

'ou may also make a payment o:⊪ine at: v.ww.MakeThisPayment.com/Csi.

incerely.

ccount Representative

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

NOTICE

tiess you notify this office within thirty days (30 days) after receiving this notice that you dispute the lighty of the debt, or any portion thereof, this office will assume this debt is valid. If you notify this office in ting within thirty days (30 days) after receiving this notice, that you dispute the validity of the debt or any ritio. Preced, this office will obtain verification of the debt, or obtain a copy of a judgment and mail your aby of such judgment or verification. If you request this office in writing within the thirty days (30 days) at receiving this notice, this office will provide you with the name and address of the original creditor, if erent from the current creditor.

TICE SEE REVERSE SIDE FOR IMPURIANT INFORMATION

RESURN LOWER PORTION WITH PAYMENT TO THE ADDRESS BELOW

اليوري بالنار والمنتف المتموم والمتماد والمعام المعام المتماد المتمارين والمتماد وال





0474 P P 60-2

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CD 02/03 I 0000 431 1 738 027672 8001 AV 0.335

CAROLINE E FITZEN

Your Bank of America Standard Checking Statement

Statement Period: December 25, 2010 through January 26, 2011

Account Numbers

At Your Service Call: 408 863.0588

Written Inquiries Bank of America Saratoga Branch PO Box 37176 San Francisco, CA 94137-0176

Customer since 2001
Bank of America appreciates your
business and we enjoy serving you

Our Online Banking service allows you to check histories, track account activity and more. With Online Banking you can also show up to 18 months of this statument enline and even turn off delivery of your paper statement. Entoll at www.bankolemenco.com

Summary of Your Standard Checking Account

1	eginning Balance on 12/29/10	\$20.00
E	nding Balance	\$20.00

Number of ATM withdrawels and transfers	U
Number of purchase transactions	O
Number of 24 Hour Customer Service Calls	-Q-siderprise-parameter-
Self-Service	Û
Assisted	Q

Bent of America News

At Bank of America, of fraed occurs on your defeit or credit and, charges will be credited to your account as soon as the next business day pending resolution of claim. To be covered, report fraud charges promptly. Don't share personal or account information. See account agreements or viult were bankotamental comisolutions for details.



Bankof America

Statement Period: December 29, 2010 through January 28, 2011 Account Number:



Dak Postet	Description	finlenence #	Debits	Greatu	Daily Balones
					\$398.25
01/14	State Farm Ro 06 DES:SIpp 10:02 S 0351868402 INDN: Eltzen Construction Co 10:8000213001 PPD Ref:011013005886709		\$ 50 93		
01/14	Purchase on 01/14 (Card #########), Costco Gas #0129 Santa Clara CA	828645	76.95		
01/14	Purchase on 01/14 (Card ########), Costco Whee #0128 Sente Clere CA	438011	84.08		
01/14	Check Card Purchase on 01/13 (Card Section 1) Union 76 00385833 Los Altos				
01/14	CA Ref #24184071013619766401912 Check Card Purchase on 01/13 (Card		31.33		
- 1	#8676035577, Bruce Sauer True Value Mt View CA Ref #24248511013206002752986		22.59		\$131,16
01/18 01/18	Purchase on 01/17 (Card ####################################	242054	\$ 11.03	About the second se	#101.10
01/15	Saret San Jose CA Check Card Furchase on 01/15 (Card	349558	21.85		
01/16	GA Ref #24493981016601003486109 CA Ref #24493981016601003486109 Check Card Purchase on 01/15 (Cord		6.00		
ľ	#24301371016118000100962		59,35		
91/18	Check Card Purchase on 01/17 (Card Pier 1 00013128 Gilroy CA Re! #24389001018211312352278		\$ 21.85		\$3 0.83
21/20	Deposit			00.008 \$	\$9,06
01/20	Purchase on 01/20 (Card Card Safeway	į		1,500.00	
P. Carlot	Store 0 Saratoge CA	003285	\$ 19.04	entable)	\$2,380.64
11/21	Check # 993 Purchase on 01/21 (Card ############# Safeway		\$ 150.00	n sentence and	
	Store 0 Saratoga CA	124829	16.84		\$2,223,20
11/24	Purchase on 01/22 (Card gastes Shell Sorvice Sta San Jose CA	118513	39.96	Į	ariero.co
11/24	Return Item Charpeback	710014	1,000.00		St.163.24
11/25	Check Card Purchase on 01/27 (Card ************************************		\$ 27.98	Mericanist Opposit	-\$; 10 a. £ #
1/26	Deposit	§	1700: Marie	\$ 1,209,00	\$1,156.28
1/26	Check & SEE	M. T.	\$ 43.00		Set L
1/26	Check Card Purchase on 01/24 (Card CA Ref #24616431025010160411785 Check Card Purchase on 01/25 (Card	· · · · · · · · · · · · · · · · · · ·	E.12		in any end in the second secon
	CA Ref #24164971025618957620280	SI, PROPERTY	25.20	A contract of the contract of	\$2,277.85

Li Total Overdraft Fees and NSF: Returned Item Fees

	lotal for	Total
	This Period	Acat-16-Date
Total Ovordraft Ferra	\$0.00	30 00

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Statement Period, Occomber 25, 2010 through January 26, 2011 Account Number:

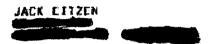
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12/31	Purchase on 12/31 (Coro (CA)), Beveragos & More San Jose CA	BE7816	30.58		
12/31	Purchase on 12/31 (Card #635433201), Cvs 08834 09834— Saratoga C/4	956393	31.11		! :
01/03	Deposit			\$ 1,000.00	\$713.26
01/03	Online Banking transfer from Chk 7712 Confirmation# 0407815443		larynautope	100.00	1
01/03	Purchase on 01/07 (Card. Salevay Store 1 Hollister CA	122885	\$ 28.62	स्त्र जाता है।	, 1
01/03	Purchase on 01/02 (Cards A. The Home Depot 66 San Jose CA	004757	74.87		
01/03	Purchase on 01/02 (Cardella Autoroni- 3369 456 San Jose CA	203172	96.31		
01/03	Check Card Purchase on 12/31 (Card Lead Vikhar Valoro Cupertino CA Ref #24427331001120005459078		48.96	e:	\$1,5E2 52
05/04	Purchase on 01/04 (Card Section by Saleway Store C Seratoga CA	440109	¥ \$.32	S. C.	, ,
D1/04	Purchase on 01/04 (Card Purchase on 01/04 (Card Purchase on D1/04 (Card Purcha	022808	46.03		
05/04	Online Banking transfer to Chit 7712 Confirmation(/ 2516407271		t00.00		
01/04	Wu Focosterpills DES:Wu/Focostr ID:0010017424000 INDN:Estzen, K Jack Co ID:0600628004 WEB Ref011004008482708	in and C.D. (A) Designation	537.71		1869.4G
01/05	tib: Bill Payment Verizon Wire¹ess Bill Payment		\$ 39.15 262.37		gova.~v
01/05	Purchase on 01/05 (Cauta Maria). Gene's				55e7.84
01/06	Quito Mark Saratoge CA Pyrchase on 01/06 (Card #635433291), Safewoy	254269	\$ 10.64		
01100	Store @ Saratogo CA	227155	13.30		\$543.81
01/07	Check Card Purchase on 01/06 (Card , Fedox Office #2878 San Jose CA Ref #24445001006598463973571		\$ 12.00		
01/07	Check Card Purchase on (11/06 (Card 8535433291), Fedex Office (7781) San Jose CA Rut (724445001008598453971604		22 2R		\$509.63
01/10	Furchase on 01/10 (Card # The Home Depot 86 Sun Jose CA	836315	5 4.80		
G1/10	Furchase on 01/08 (Card #035433231) Schooly Store 9 Satisfors CA	391663	9.85		
01/10	Purchase on 01/05 (Cord #635433291) Orchass Supply #2 San Jose CA	959970	23.46		2.44 No. 44
01/21 01/21 01/11	Deposit Check fi 997 Visst Valley Cohection Bill Paymen'		\$ 275 GD 67.32	\$ 500.00	\$495.5 <u>\$</u>
01/12	Purchase on 01/12 (Card (Card)), The				\$523.26
0*/12	Home Depot 66 Sen Jose CA Purchasis on 01/12 (Card	414502	\$ 3.58		
	Norma Depart 65 Sen Jase CA	41542	5.43	ryman de proje	\$514.27
61/10	Purchase on 01/12 (Cardelle). The Home Depot 66 San Jose CA	476020	\$ 40.87	The many production of the state of the stat	
01/13	Furchase on 61/13 (Card). The home Depot 88 San Jose CA	487794	46 74		
01/13	CA Ret #26645001013000424841660		28 41	in the second second	, ,





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Your Bank of America Prima Account Statement

Statement Date: December 28, 2010

Al Your Service Call: 951,676,2095

Written Inquiries Bank of America 02612-West Murrieta 23781 Washington Ave. Murrieta, CA 92582-2288

Customer since 2006 Bank of America appreciates your business and we enjoy serving you

Our Online Banking service allows you to check balances, track account activity and more. With Online Banking you can also view up to 18 months of this statement online and even turn off delivery of your paper statement. Enroll of www.bankofamerics.com.

Summary of Your Deposit Accounts

Arcount	Account frymber	Your Belance
Prima Interest Checking		\$ 34.23
Cush Maximizer	•	110.04
Total Balances 'Control balances in these according leasures service tharpes		\$ 144.27 conside recently

(1) Your Prime Interest Checking Account

1	Beginning Balanco on 11/27/10	\$34.23
The second	Erding Releace	\$34.23

Account Number:

Statement Period November 27 through December 28, 2010

Kumber of ATM withdrawals and transfers	19
Number of purchase transactions	4.
Number of 24 Hour Customer Service Catis	
Self-Service	0
Assisted	c i

☐ Your Cash Maximizer Account

Growth Corn Maximizer 1,820,346.7682 - Customer Service

Beginning Balance on 11/77/16	\$28 03
Total Deposits	+ 12.00
interest Paid	1 21
Ending Balance	\$110.04

Account Number: 26123-67712

Statement Period. November 27 through December 29, 2010.

Annual Percentage Yield carned this period Interest paid year-to-date	\$ 09
Number of ATM withdrawnis and trunsfers	1
Number of purchase transactions	4
Number of 26 Hour Customer Service Cells	AAN
Self-Service Assisted	

Continued on next page

California

Popu 1 of 2



Statement Date: December 29, 2010

□ Acco	uni Activity		A A A A		
Date Footed	Descriptora			Reference t	Kambe: Arrivat
12/06	Deposits and Gredits November Service Charge Relu	nd			\$12.00
12/29	Interest Paid Interest Paid from 11/27/10 Thro	ough 12/29/10	:		Ol state of the st
U Dally	Balance				
Pats	Amouni	Drin	Amount	Date	At at the
12/06	£0.011 \$	12/28	110.04		
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New choices for Overdraft Protection. Now you can link your cheeking account to a checking or a Money Murket Savings account for Overdraft Protection. Transfers are made for the amount required to cover the overdraft and the applicable transfer fee, which is \$10.00 for each transfer (transfers occur once per day). If you haven't signed up or want to know about other Overdraft Protection options, call the number on your statement or visit your nearby banking center. U.S. Trust Clients-if you have quustions about how those changes may impact your account, please call the number on your deposit statement.

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☐ FACTS - FDIC Insured Account Disclosure Information



Bank of America



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FITZEN CONSTRUCTION



Your Bank of America Business Checking Statement

Statement Period: November 25 through December 25, 2010

Account Number

At Your Service Cell: 408,983 0588

Written Inquirles Bank of America Suratoga Branch PO Box 37176 San Francisco, CA 84137-0176

Customer since 1991 Bark: of America appreciates your business and we enjoy serving you

Our Online Banking service: allows you to check balances, track account activity and more. With Online Banking you can also view up to 18 months of this statement online. Enroll at www.bankofamerica.com/smallbusiness

Summary of Your Business Checking Account

Beginning Balance on 11/25/10	\$2.033 17
Total Deposits and Credits	4 1,950.00
Total Checks, Withdrawals. Transfers, Account Feet	- 3,835 50
Ending Balance	5 97.61

Interest paid year-to-date	\$ 01
Number of checks paid	1
Number of electronic checks paid	0
Number of 24 Hour Customer Service Calls Self-Service	, <u></u>
Assisted	ä

Important Information About Your Account

Congratulations! You have had 27 qualifying Bank of America Small Business Check Cord transaction(s) post to your account during the previous monthly statement period. You have successfully achieved your target and the monthly maintenance fee on your business checking account has been waived.

Help avoid occasional Overthell & MSF: Returned Item fees. Set up Alerts to get messages by email or text when your balance is law. Use Overthalt Protection to transfer evailable funds from linked sevings could card, or credit line to your checking account to help cover items that would overthaw your account. Ca'll we for details

□ Account Activity

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1:728	Purchase on 11/20 (Card ######), Saleway Store 0 Saratoga CA	180215	\$ 13.74		4: 4:00 45
1 1/23 1 1/73	Purchase on 1972E (Card a Common Comm	267726 721303	\$ 6.54 7.09		\$2,U\$D 43

Continued on next page

California

Page 1 of 4



Statement Period: November 25 through December 25, 2010 Account Number:

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Date Peaked	Destriation.	Hølen∈noe £	Oekts	Condits	Delty Date occ
11/28	Purchase on 11/26 (Cardon), Bat - 1800 Sarah Sanadose CA	391053	39.32		
11/29	Check Card Furchase on 11/26 (Card page 127), Union 76 10100386 Saratoga CA Ref 124164070332818143234251		36.15		
11/29	Check Card Furchase on 11/24 (Card #635433281), The Wine Club Sc Santa Clara CA Ref #24323000331556018049172		205.10 %		\$1,725.04
12/93	Check Card Purchase on 11/30 (Card), The Wine Club Sc Santa Clara CA Ref #24323000336556018451884		§ 52.4 1		\$1,672.63
12/06	Purchase on 12/06 (Card #), The Home Depot 66 San Jose CA Check Card Purchase on 12/01 (Card	207281	\$ 50.18		# 12 m = # . Dec
	#635433281). The Wine Club Sc Santa Clara CA Ref #24323000337559018552666		54,60		\$1,507.85
12/07 12/07	Purchase on 12/07 (Cardy Purchase on 12/07 (Ca	677231	\$ 17.67 92.67		
12/06	Verizon Wireless Bill Payment		\$ 26 1.70		\$1,457,31 \$1,195.61
12/09	Check Card Purchase on 12/08 (Card CA Dmv Internet 918-8578943 CA Ref p24717050342153422080023		\$ 74.00		
12/10	Deposit			5 1,500,00	\$1,121.61 \$2.621.61
12/13	Purchase on 12/13 (Card # The Home Depot 66 San Jose CA Purchase on 12/13 (Card # 1339 Pier	3306 90	\$ 9,46		de con-1 A. S.
12/13) Saret San Jose CA	810386	24.13		\$2,588.02
12/14	Purchase on 12/14 (Card # Foodmaxx#460 San San Jose SA	552615	\$ 15.63		
12/14 12/14	Purchase on 12/14 (Card March Costco Whee #0470 San Jose CA State Farm Ro 08 DES:Stop ID:07 S	£2 327 5	25.49		
12/14	0351888402 INDN; Eltzen Construction Co ID:9000313001 PPD Ref:010347008281808 Purchase on 12/14 (Cand		52.13		emager opposit
	White #0470 San Jose CA	422120	55.03		\$2,438.71
12/15 12/15	Check () 990 Purchase on 12/15 (Card Saleway	282477	\$ 2,034.78 12.04		
****	Store 0 Sarotogo CA Compast Cable Bull Poyment	202411	5 05.02		5340.68
15/18 75/18	Check Cord Purchase on 12/15 (Card Check Cord Purchase on 12/15 (Card 2 Union 76 10100386 Sprotoga A Ref #24164070349619390261040		49.60		ripersa
12/17	Check Card Purchase on 12/15 (Card #835433291), The Ranch Golf Club Stin Jose CA Ref #24707803350715297419291		\$ 65 0 0		5190.36
12/21	Purchase on 12/21 (Carst	ENGATA	\$ 54.3 5		5131 AG
	Paypoint Sen Jose CA	5 61072	\$ 3*4.45 \$	\$ 400 gg	\$76.97
12/22	Deposit Purchase on 12/23 (Card # Office		8 3 3	مهروي مختفه جي الس	\$476.£7
:2723	Max 758 El San Jose CA	756916	\$ 17.47		OF STATE OF

Statement Period: November 25 through December 28, 2010 Account Number: I

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JACK EITZEN PO BOX 998 SARATOGA CA 95071-0996

Your Bank of America Business Checking Statement

Statement Period: December 28, 2010 through January 26, 2011

Account Number

At Your Service Call: 408.983.0588

Written Inquiries Bank of America Seretoga Branch PO Son 37176 San Francisco, CA 94137-9176

Customer since 1991 Bank of America appreciates your business and we only serving you

Our Online Banking service allows you to check balances, track account activity and more. With Online Banking you can step view up to 16 months of this statement online. Enroll at www.bankofamerica.com/smallbusiness.

Summary of Your Business Checking Account

Beginning Balance on 12/29/10	\$97.61
Total Deposits and Credits	+ 5,000,00
Total Checks, Withdrawals, Transfers, Account Fees	- 3,719.76
Ending Balance	\$2,277.85

And the second s	The state of the s	2 - March
Number of checks poid	la .	4
Number of electronic checks	pald	0
Number of 24 Hour Customer	Service Calls	T. 304
Self-Service Assisted		0

Important Information About Your Account

Congratulations! You have had 27 qualifying Bonk of America Small Business Check Card transaction(s) post to your account during the previous monthly statement period. You have successfully achieved your target and the monthly maintenance fee on your business checking account has been welved.

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Help avoid occasional Overdrett & NSF: Returned Item fees. Set up Alerte to get massegreby email or text when your balance is low. Use Overdreft Protection to transfer available funds from linked savings, credit card, or credit line to your checking account to help cover from that would overdraw your account. Call us for details

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	12/33	Check & HBS		£ 15.00		
	12/31	Deposit	1		\$ 700 00	\$92.61
1	12/31	Puichase on 12/81 (Cardella), Rosc Stores #10 San Jose CA	114885	\$ 7.64		

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SCHEDULE C **Profit or Loss From Business** 4 Detec 14 4 6 (Sale Proprietorship) (Fern 1650) 2008 * P: therships, joint ventures, etc. generally must file Foon: 1065 or 1065-B. *Attach to Form 1045; 1045NA, or 1061. *See Instructions for Schedule C (Form 1040). September 08 The transport of the States 14 s. mfg. v. a.l. Serial became, or a ter 1950/ RENKETE S ESTREEN the aud baltabie, bett biffen it in fant berichte bereichten B [nine cor been meta time LAND DEVELOPMENT & SALES • 532350 with the second terms of the second terms. gen Il (Stat things of regards Employed was a more as a contraction of regions of the in the transfer of a part for well F. Anytoming relation (1) (X) Josh (2) (Account (3) (Other (specify) G. Und you incidentally paracipabilish the age later out the Encourage disting 2005 Y. U. Soul Secure to the control is session. Y Yes M. If you shalled in account this business puring 2008, circle is the Part I Income Is any records or name. Contion. See the explications and exact, the hord. This incidence was repulsed to proport Ferm. We's and the "Statetory energing on" has an that form we. described to de cond or • You are a martige, of a quality of food york on seponding only rental sent astalo internet soit subject to sail anadogment has been seen a thermore for and on losses. 1 147,000 2. Returns and allowerses. 2 Suppose the White has I Ş 327, CGO. 6 Cost of group 2015 flow the 42 or page 25 ¢, 315,027. 1,975 Greek profit. Substications 4 from the 3 4 Colors a recomply in this hold in department is take greater to the first the arealist or in him f tion industrials Gross Income. Ast lines bound to Part II Expenses. Enter expenses for because of your house only as four 30. 4. 980 . 18 17th or come - 20 5, 987. B Americano 3 15 12 Principal and profitenzing popri. * The and frusk earn tax's 10, 732.1 lace instructions? 9 20 Review trace was aspections): ħ5 a Vehicles, nicotomis, and equipment 10 Commissions And less ZII 23 b method comments properly. Conductivity. gare medical forms 5,970. 21 Property of themletters . 23 71 29 Supples and others to That by b.U. 22 12 Templet sur-3.2 Light Courses and section 23 TEM SAND INGUISMS 23 1.16 Chapping Committee 24. Timed, man's, with reduction of the di-कर्ता का सम्बद्धी हैं. हैं की पीठ् 13 5.43D. O Transfer . 146 7, 991 16 trop has block fit personal conbilitation for the expension of ._:, 983. 14 fice much there ! 24 b 15 5000 To the grante father than his die 25 1 miles 2 In War a constant of molenths in the 16 E 通想的变体,在1995年1996年2月 ZZ Caren argument Heranika, Affile 1,732 រេចម 67,800. **建**图标 · 490 27 27 200. 17 , 28 Total experiment belong a squire to the task of age of them. And the State of ST 24 👺 That was well as 1995 Budder her State a by 2 29 1.311 32 April 1 to refer a light of you to accept a Form \$229 36 31 Net profit or floss), build not be 30 to to be 18 Out a great to contact of a 12 Somm 1849. Aims 12. and Schiedlete SE the 200 or strips Control of the Control of the State of the S but the er Four SCAT, line s 31 ٤, 314.

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SCHEDULE C

Francis & Color Tolor & Cody

(Fam. 1836)

Profit or Loss From Business (Salk Proprietorship)

Formerships, joint ventures, etc., generally must ble Form 1065 or 1065 B.
 Attach to Form 1640, 1640NR, or 1641.
 See instructions for Schedule C (Form 1640).

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SCHEDULE C

(Form 1049)

Profit or Loss From Business (Sa's Proprieto-ship)

Parinerables, joint ventures, etc. generally must like Form 1065 or 1066-8.
 Attach to Form 1042, 1040NR, or 1041.
 See Instructions to: Schedule C (Form 1043).

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	66 Retundable education credit from Form 8853, line 16	6		
	67 First-time homebayer credit, Attach Ferm 5405	67		
	68 Arrest part with request to entarough to fin (see craftichers)	68		
	69 Experience of recently god has I RRTA his words it (and restrictions).	69		
	70 Oct & from feer n 2439 to 4135 e 893 d 884	70		
	71 Act Ins 61-65, 64c, 8 65 70. Those pre your total prints.	eries en 1 TE	· • 71 (ñ
FR C	72 If the 21 is more than this EU, supposed have 60 feet, than 25. Then in the process	t wan nevernant	72	1
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Orest deposits See instructions	► b Routing number ► c Type:		to our freeze, and the second second	m
and hit in 73b.	* d Account Courteer	L'ésuil Delank		
73c ans 73u er	the state of the s		*	
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Amount	75 Amount you case Suption lint of introduce for for data's or how to poly day	min. Para	75	0.
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See inchirches	विद्यालयोष हतून केल विश्व केला केला केला है कि है कि है । विद्यालय केला केला केला केला केला केला केला केला	Andrew Control of the		
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See including Recp a copy for your record: Paid Propager's	Figure 1 - TIM KEHL CFA	SECURE OF COMMENT		
See includate Recp a copy for your record: Paid Preparer's Use Only	Foresting TIM KEHL CPA	SECURE OF COMMENT		

Form 1040 (2009)

SCHEDULE C (Form 1040)

Profit or Loss From Business (Sole Proprietorship)

Card has been been 2009

Department ("to Images (59)

► Partnerships: joint ventures, etc., generally must file Form 1065 or 1065-8. ► Attach to Form 1040, 1040NR, or 1041. ► See Instructions for Schedule C (Form 1040).

	* of properties					Sécial s	ecurity runis	er (BBK)
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£	freezestanions o godenne, reks	= '	ক (১৯ নত বোধকা)		•		r code fron i	nthetien
	LAND DEVELOPMENT &	SALES				► 53	1390	
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			Lemin	f25	Otrect (spec ly)	-		
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					thing gods : if the see his technology			
Pa		bradeli to de tilo e						
1	Gross receipts or sales. Caubi	on See the ir	stractions, and c	Nesk I	De heir if:			· · · · · · · · · · · · · · · · · · ·
•	 The income was reported to 	And no say i	Willerd Pri 31	B. W.O.	y employee' box on that form was			
	 chepked, or You are a member of a qual 	blust wint wer	ประกา <mark>ยของป</mark> ระกาย	ilu re s	chi real estate encomo not subject. I	-		
	to self-employment tex. Also s	noitsatieni ua	e for lirer on los	Sés.	The state of the s		<u> </u>	<u>55,070</u>
2	Returns and allowances	2.10					2	
3	Subtract the 2 from line 1.		,		erian en		3	55,070
4	Cast of goods sold (from the 4	12 en pept 2)						50, 103
5	Gross profit. Subtract line & In	_				* * * * *	6	4,967.
Æ	Other income, including federal	d and state or	asoline or hart sea	e erest	ist was sabilisaryol			
w	(see instructions)	a ename fraden fit:	Applicate of temporary		ne was sepana (g)		6	
7	Gress Income. Add lines 5 pm	j 6			*********	🌬	7	4,967.
Pai								
8	Acceptaing			16	Office expense		18	
Q	Car and truck expanses			19	Pension and profit-sharing plans.		19	77
u	(see rishactions).	3	2,257.	20	Rent or lease (see instructions):			
10	Communions and tees	10			Vehicles, muchimity, and equipme:	1	20a	
11	Centract tabs:			k	Otra business property	. ,	20b	
,,	(see instructions)	11		27	Repelis une maintenance		23	6,000.
12	Depleton	12		22	Supplies (not included in Port if y	,	22	
13	Depreciation and septron	t ()		23	Texes and liberares		23	
	179 excense deduction (not included in Part III)			24	Travel, meals, and entertainment:			
	ispe (retreshores)	13	4,233.		Travel		2¢£	3,600.
7.6	Employee benefit plagrams			1 6	Deductible emplished colorisings	, ,		•
1-46	(other than on line 19)	14	maryaada] -	(see instrictions).		24 b	
75	escutive (either tour, he aith)	15	500.	25	Dukting		25	
16	nhaes:			26	Wagus (lass employment chedital)		26	
ê	But the Court bearing and	160		27	Other expenses them the 48 ch	ì		
8	Other.	16b	1,132.		page 2)		27	13,201.
17	Legal & professional services.	17				TENTO BANK	-	
20	Total expenses before expense	e for beginne	e use of home. A	Scia lu	ics & limburgh 27	#-	28	30, 923.
29	Terdalise profit of (loss). Subtra	act fine 25 ho	miro X				29	-25,956.
30	Expenses for business use of y				with the second second	4	30	
31	Net profit or (less). Subhack :							
	• 1 a padri, u net un sola Form 1640NR, line 13 (if you chrecked trusts, cater on Form 1641, line	i the been at b	i, mai Schrödle Tre 1. 890 mskud	SE, li Stams)	no Z o, the Form. Evalue and		31	-25, 256
	with 1535, you must be to the				; 			T SAN MARKET STATE OF THE SAN AND ADDRESS OF
45	if you have a loss, elect the ba		bas yau measta	mat is	this activity (see instruction s).			
Agć,	,					-		
	TOURNE, the TE lift you charked	ilical or armi The rest art	Form 1949, line	· 31 i	nd Schröule SE, line 2 , or on For m relautions). Estates and heats leade		4	All confidences of the
	on Form 1041, line 3.	and went world	1		The state of the s			d net
	. ,	,	error error			. 1		វង្សាស្រ្ត ប្រែក្រុង
	• if you thrested 321, you must						The second second	S FRUT ST. MASA
AAL	For Paperwork Reduction Act	mutte, see F	onn 1040 instru	rtions	u	5	credult C	160 m (040) 2009

	till Cost of Goods Sold (see craftualizes)			100 7
Par 33	Michadia used to value closing inventory: a Cost b Lower of cost of market c Other (attect	expl	anunori	-
	Was there any change in determ tring quantities, costs, or valuations between opening and closuring deventory if "Yes," attach explanation		Yes [Mo
35	inventory of beginning เด็จไ ด้เลื้อให้เกิดให้เกา last year's closing enventory. attach explanation.	35	598.	112.
36	Purchases less cost of delice withdrawn for personal use:	36	98,	168.
37	Cost of labor. On not include any amounts paid to yourself	37	the state of the s	
38	Moturals and supplies	38	×100-100-100-100-100-100-100-100-100-100	
39	Other rosis,	39	,	
c 0	Add lines 35 through 35	40	696.	280,
41				2289
Section .	Cost of goods sold. Subtract line 41 from line 40. Eme: the result here and on page 1, Line 4			103.
F 93	tiv information on Your Vehicle. Complete this part only if you are claiming ear or truck expense required to file Form 4562 for this business. See the instructions for line 13 to find out if you must till	as an L. For	i line 9 and all indi m 4562.	ı
44	When did you place your venicle in service for business purposes? (month, day, year) Of the total number of males you drove your vehicle during 2009, enter the number of miles, you used your velocies. Business		for:	٠
45	What your without available for personal and during off-suly hours?		Tres	No
45	(Jo you (or your spouse) have errother we had available for personal use?.		Yes	No
47 z	Da you have evidence to suggert you ideduction?		Yen [No
t	11 Yes, a the evidence willing?	THE PROPERTY.	Yes	Ne
art	V Other Expenses. List befor bus issess expenses not included on lines 8-26 to 1 as 30		i canada	-
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	والمراقب المراقب المرا	tert vi		
			4 4444	
-		. "че пе	· · ·	e riskulten
48	Total other expenses. Fates here and on page 1.1 % 2/	48	13.7	201.
-		いっていい	ule C (Form 104(I)	