

From: castlesb@aol.com
Sent: Friday, August 18, 2023 1:35 PM
To: mktdev@gmail.com
Cc: 'Kara Van Abeele'
Subject: Re: ROMALDO WATER

Hi Bill and Kara,

That statement is a result of the Civil Rights Act (CRA) and is on almost every title policy. Many CC&R's throughout the Country included such restrictions and until the CRA they were legally enforceable. For example, it is only in the last 20 years or so that Hope Ranch updated their CC&R's to omit the requirement that any non-caucasians must be servants and were only allowed to live in the servant's quarters. So the more "meaningful" document is the CRA. But enough history lessons.

More relevant to the current discussion is that the 1980 CC&R's guides Romaldo.

Paragraph 2 requires the officers to maintain the water distribution system. Changes or improvements require a 3/4 vote of a quorum (50% of owners plus one).

Paragraph 3 provides that water lines are the property of benefitting parcels.

Paragraph 4 says that all capital improvements are borne equally by the Benefitors.

Paragraph 5 requires an unanimous vote to obtain a "substitute well site."

Paragraph 7 indicates that all existing waterline easements (I have not see any yet but see below re 1959 document) are owned by Romaldo.

Paragraph 8 requires an unanimous vote to amend any of these rules.

Thus, each owner owns the pipelines that benefit them but Romaldo owns the easements. And everyone shares the cost for maintenance and improvements equally.

The 1959 Deed reserved an easement for pipeline purposes along with a strip of land 1 1/2 feet on each side of the pipeline. Presumably, there is similar language in the other original deeds. This language does not include a specific location and so is subject to interpretation and/or challenge. You could go through all the original grant deeds for each parcel and see if there is similar language. However, given the 1980 CC&R's, that exercise would be of limited benefit. I think the current plan of creating legal descriptions for each water line along with a water rights agreement that is generally consistent with the 1980 CC&R's (e.g. sharing the cost of maintenance and improvements equally) is the most cost-effective approach.

Let me know if you have any further questions.

Eric W. Burkhardt

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On Friday, August 18, 2023 at 10:04:36 AM PDT, <mktdev@gmail.com> wrote:

Thanks, that was SUPER helpful.

In researching deeds/titles I have noted a few mysteries. In the attached, page 6, item #11, I note an essentially meaningless statement about race, gender, etc. In the past I overlooked these, but now suspect the entry is just a cover page for a more meaningful document. Is this a common occurrence in Deeds/Titles? Would this be considered sloppiness on the part of the Title company?

Bill

From: Eric <castlesb@aol.com>
Sent: Wednesday, August 16, 2023 1:50 PM
To: mktdev@gmail.com
Subject: RE: ROMALDO WATER

Hi Bill,

The survey job description is very concise and complete. I don't have any suggested changes (which is rare for me so well done).

Here is the Readers Digest summary of easements. There is always a property that is subject to an easement (historically called the servient tenement) and the property (or properties) that benefit from the easement (historically called the dominant tenement). Like "master" bedrooms are now called "primary" rooms, the terminology is in the process of being updated. As an example, if there is a private road over another property to get access, the property that has the road is the burdened property and the property that gets the access is the benefited property.

For your purposes, the difference is in how the easements show up on title. Easements that are on your property for the benefit of another show up on a title policy as exceptions in Schedule B. This commonly included utility easements and CC&R's. If there was a pipeline easement over any of the 12 properties, these would show up in the Title Policy for each "burdened" property.

On the other hand, if your property benefits from the easement, these should show up as part of the legal description in both the deeds and the title policy. Parcel A is the actual boundaries of the property and Parcel B (C, D, etc) would be easements or other rights over other properties. So the property benefitting from the pipeline easement would show the easement(s) in the legal description. Sometimes these get missed in the legal description similar to the missing rights in the well lot from your deed's legal description since your seller did not include it.

So if there were any pipeline easements, and they were properly recorded and included in prior deeds, they should be showing up in the title policies for both the burdened and benefited properties AND in the deeds for the benefited properties. Given that we did not see any such easements in our prior research by John Hebda, it is unlikely that any were ever created.

It is possible that they could have been described in the current Romaldo agreement but that would likely have limited legal authority.

If this is still confusing, I probably could explain it better in a call.

Eric W. Burkhardt

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From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com
<mailto:mktdev@gmail.com> >
Sent: Wednesday, August 16, 2023 10:13 AM
To: 'Eric' <castlesb@aol.com <mailto:castlesb@aol.com> >
Subject: RE: ROMALDO WATER

Hi Eric,

Thanks for pushing this. The job description is almost done, so it is OK for you to review this now. Let me know if I have left anything out, or if any of this is not clear.

Also, I know I asked this before but it did not fully understand your answer. If I was to identify all easements related to my property, what specific document should I be looking for? For example, would the current Deed have all this? Or, would it be best to review a group of documents? Would a thorough search involve a title company, or is that unnecessary?

Bill

From: Eric <castlesb@aol.com <mailto:castlesb@aol.com> >
Sent: Monday, August 14, 2023 4:25 PM
To: john.hebda@verizon.net <mailto:john.hebda@verizon.net> ;
mktdev@gmail.com <mailto:mktdev@gmail.com> ; 'Brian Banks'
<brian@banksplanning.com <mailto:brian@banksplanning.com> >
Cc: mktdev@gmail.com <mailto:mktdev@gmail.com>
Subject: RE: ROMALDO WATER

Hello John and Brian,

I hope that you both are doing well.

I have a (hopefully) quick follow up question on the "well lot" that we discussed a few months ago. As a refresher, we essentially determined that the "well lot" was only an APN and that both of the lots upon which it sits are indeed legal lots. We are in the process of changing the configuration of such "well lot". However, I just received the attached 1963 grant deed for the underlying lot which excepts the "well lot" from the legal description. The "well lot" was then transferred in 1/11 interests (plus 2 1/22 interests) to the 12 owners that benefit from the well. My conclusion is that the owners of the two underlying lots cannot grant an easement to the other owners since the current "well lot" was an exception to their legal lots sets forth in the grant deed.

My question is whether you both agree with the following approach?

1. Have the respective well lot owners (10 1/11 interests and 2 1/22 interests) sign and record quitclaim deeds transferring the "well lot" to the two owners of the underlying lots.
2. Concurrently, have those two owners grant easements over the new "well lot" to the other 10 owners (and reciprocal easements to each other).

I believe that gets us to the point where all stakeholders will have an easement in the new "well lot" other than the two owners of the underlying lots who will have an easement over the portion on the adjoining lot and be fee simple owners as to the portion on their own lot (subject to the easement rights).

We then will grant pipeline easements for the benefitted parties as well following a similar approach.

Let me know what you think or if you have any questions.

Eric W. Burkhardt

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From: Eric Burkhardt <Eric@beallandburkhardt.com>
<mailto:Eric@beallandburkhardt.com> >
Sent: Saturday, April 8, 2023 11:42 AM
To: john.hebda@verizon.net <mailto:john.hebda@verizon.net> ;
mktdev@gmail.com <mailto:mktdev@gmail.com>
Cc: 'Brian Banks' <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>; 'Eric' <castlesb@aol.com> <mailto:castlesb@aol.com> >
Subject: RE: rOMALDO WATER

Hi John,

Thank you for the email and I apologize for the delay in getting back to you. I sold and moved from my home of 18 years this week and am just coming up for air. Your work schedule sounds even tougher.

I appreciate your willingness to have a conference call with us. The purpose of the call is simple; Brian's research indicates that a Certificate of Compliance is NOT required.

I am paraphrasing (and he can explain it more fully if needed) but essentially Brian found County approval for the 2 parcels upon which the "well lot" sits. It turns out that the "well lot" is only an APN and was never a separate legal lot. In my arena, it is essentially on easement over the two legal lots with residences. Thus, we can adjust the metes and bounds of the "well lot" with a new easement.

Our question to you is whether you agree that Brian's conclusion is reasonable? And what information and/or documentation would you need to assess this conclusion?

As to a call, I am available Tuesday morning the 11th anytime or Wednesday at 11:00, 4:00 or 5:00. Would you and Brian let us know which if any of these times work for you?

Have a good weekend a Happy Easter.

Eric W. Burkhardt

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From: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
<john.hebda@verizon.net <mailto:john.hebda@verizon.net> >
Sent: Sunday, April 2, 2023 9:42 PM
To: mktdev@gmail.com <mailto:mktdev@gmail.com> ; Eric Burkhardt
<Eric@beallandburkhardt.com <mailto:Eric@beallandburkhardt.com> >
Cc: 'Brian Banks' <brian@banksplanning.com <mailto:brian@banksplanning.com>
>; 'Eric' <castlesb@aol.com <mailto:castlesb@aol.com> >
Subject: RE: rOMALDO WATER

Good Evening Eric and Bill,

Thank you for your calls and e-mail messages.

Please note that I am dramatically backed up with deadlines at this time.

I have shared many hours of my time with Bill already. But, I am just not in a position to set aside more time to prepare a proposal.

More importantly, the only way I can ever prepare a meaningful proposal is

to first find and read all of the documents that I will need to gather to complete a job. That is just not realistic, ever. So, even though I often spend 4 or 5 hours attempting to guess how long something might take – there will always be issues.

Obviously, since all seven days of every week are consumed with work at this time – I'm not able to set aside 4 or 5 hours to predict the unpredictable.

So, all I can offer at this time is to say that it usually takes somewhere between 10 hours (for the easiest ones) to 18 hours for the most complex ones, for me to produce a work product for CC applications.

But, I believe that this project will likely be in the range of \$2200 to \$2800 for the hours I have already invested in the project already, together with the time it will take to complete the remaining research that needs to be done.

Eric, my work product for a CC application will consist of preparation of the ownership history chart (oftentimes referred to as the chain of title), the synopsis (this is the explanation as to why we believe the subject property qualifies for the issuance of a CC) and a PDF file comprised of all of the documents listed in the chart.

Eric, the big change in my workload is the result of the fact that I am now assisting claims departments for major title insurers with their claim files. This new work has been added to my existing workload, which was already quite challenging to manage. And, there are a remarkable number of claims out there (quite a sad development for the title insurance industry).

I enjoy such work, but I never anticipated so many claim files.

When I assist with claims files, it goes way beyond simply explaining/reviewing the title insurance issues with the claims attorney and offering research support. Oftentimes, I am asked to prepare declarations, to participate in depositions (the prelude to the depo requires that I reproduce and every e-mail, text message, document copy, etc. that I have, which takes forever, and, then, deliver the stuff to opposing counsel) and provide expert witness testimony at court. All such things require a lot of preparation and strategic planning with the attorneys I am assisting. And, I have to meet the deadlines that the attorneys and judge set.

This coming week I will be participating in a deposition for a Los Angeles County claim file pertaining to a large commercial property. I first started assisting the Los Angeles Claims Counsel for the title insurer in

2020 – but, the case is now being handled by outside counsel. There are a lot of important details associated with this file. So, I have been and will be spending a lot of time with the outside claims counsel getting ready for the deposition. The good news is that the deposition should be over by late Wednesday. But, then, there will be a lot of catching up to do with the other existing files.

However, if you wish to have a conference call, I'm sure that I can participate in such a call during the week of April 10th through the 14th.

I hope this helps.

Wishing both of you the very best.

Sincerely,

John

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(805) 636-2537

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From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com>
<mailto:mktdev@gmail.com> >
Sent: Monday, March 13, 2023 2:41 PM
To: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Cc: 'Brian Banks' <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>; 'Eric' <castlesb@aol.com> <mailto:castlesb@aol.com> >
Subject: RE: rOMALDO WATER

Thanks again John.

Our attorney (Eric Burkhardt) and I had a detailed conversation with Brian and it appears we will proceed without a CC. Before the next step, Eric and I would like a 30 min chat with you via telephone as soon as you are able.

Let me know the best time for us to call you this week.

Bill

805-886-1850

From: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
<john.hebda@verizon.net <mailto:john.hebda@verizon.net> >
Sent: Tuesday, March 7, 2023 2:36 PM
To: 'Brian Banks' <brian@banksplanning.com <mailto:brian@banksplanning.com>
>; mktdev@gmail.com <mailto:mktdev@gmail.com>
Subject: RE: rOMALDO WATER

Good Afternoon Brian and Bill,

The purpose of this e-mail is to provide Bill an estimate for the cost of my work product.

I believe that my fees will range between \$2200 to \$2800 for the hours I have invested in the project already, together with the time it will take to complete the remaining research that needs to be done, and, for the preparation of the property ownership history chart, the synopsis and a PDF file comprised of scanned copies of all of the maps and documents listed in the property ownership history chart.

I hope this helps.

Wishing both of you the very best.

Sincerely,

John

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From: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>
Sent: Tuesday, March 7, 2023 1:17 PM
To: mktdev@gmail.com <mailto:mktdev@gmail.com>
Cc: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Subject: RE: rOMALDO WATER

I'll defer to John on the matter related to the timing of the deed recording. I gather this is the reason for the CC application...to formalize that Lot Split.

As I mentioned earlier, I'm deferring to your attorney as to the need to actually complete the formal CC. Typically the purpose is to allow an applicant to submit the first permit to Planning and Development for development on a vacant lot. It doesn't relate to an APN necessarily since that is just for tax purposes. I'm sure the attorney has a reason, but prior to preparing the CC application it would probably be good to jump on a call to confirm this is all necessary.

Brian Banks

Banks Planning

805.637.4306

From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com>
<mailto:mktdev@gmail.com> >
Sent: Tuesday, March 7, 2023 12:58 PM

To: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com> >
Cc: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Subject: RE: rOMALDO WATER

Thanks Brian. Please charge us for your time in putting this together.

Any additional detail you can add to this document (attached)? For example, where does the following (from an earlier email) fit into this?

The question is if the first deed is all that matters or if all deeds must be recorded within one year. It seems reasonable to think that the first deed will do the trick, but the language of the condition is not clearcut.

Brian, how do you interpret this language?

The deed from Kelleher to Waller, pertaining to APN 153-100-019, was not recorded until 1963.

So, if the first deed is the one that matters, we should be in good shape.

Bill and Brian, please let me know if you wish to have me put together a property ownership history, synopsis and document copy package for you.

From: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>
Sent: Tuesday, March 7, 2023 11:30 AM
To: Bill Hurst <mktdev@gmail.com> <mailto:mktdev@gmail.com> >
Cc: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Subject: RE: rOMALDO WATER

Hi Bill,

See my comments below:

Brian Banks

Banks Planning

805.637.4306

From: Bill Hurst <mktdev@gmail.com> <<mailto:mktdev@gmail.com>> >
Sent: Tuesday, March 7, 2023 11:13 AM
To: Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>> >
Cc: john.hebda@verizon.net <<mailto:john.hebda@verizon.net>>
Subject: Re: rOMALDO WATER

Thanks.

Could you please send me a numbered list (in chronological order) of the steps involved? Complete sentences not required...very rough list of high-level items is all we need.

As an example, it may look like this (I am guessing):

1. Tasking the County with research towards finding all relevant documents in a process called XYZ - It is our responsibility to complete the required research (such as obtaining the copies of the Lot Split we already completed, preparing the synopsis, chain of title, etc. as required for the CC application (see attached). The County doesn't help with this research.

2. Hebda prepares application for XYZ. - Yes, John prepares the necessary research and documentation required for the CC application. I may need some help preparing the Exhibit which depicts the lot that is required for Recording the CC. See attached example from a recent CC application. The County Recorder's Office is very picky about legibility so I needed help from a CAD Designer for this, but his charges were very reasonable (less than \$200 as I recall).

3. Banks pushes documents through the County process XYZ - Yes. I will assemble and submit the application using John's documents and the required Exhibits.

Thanks

On Mar 7, 2023, at 10:35 AM, Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>> > wrote:

It's a team effort. John is the expert on preparing the required documents for the Certificate of Compliance application and I will assemble and administer. Not too much strategy involved...the County Surveyor either agrees that the lot qualifies for the CC or they respond that a "Conditional" CC is required which then involved the Planning Department.

If John believes it qualifies, it should be just a matter of preparing and submitting the application.

Brian Banks

Banks Planning

805.637.4306

From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com>
<mailto:mktdev@gmail.com> >
Sent: Tuesday, March 7, 2023 8:48 AM
To: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>; john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Cc: romaldowaterco@gmail.com <mailto:romaldowaterco@gmail.com> ;
kvanabeele@gmail.com <mailto:kvanabeele@gmail.com> ; joan.dudney@gmail.com
<mailto:joan.dudney@gmail.com> ; rheilmayr@gmail.com
<mailto:rheilmayr@gmail.com>
Subject: RE: rOMALDO WATER

Brian & John

Thanks again for all this. Whom should be our point person for high level questions on near-term strategy, timing, etc. in the coming days/weeks?

Bill

From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com>
<mailto:mktdev@gmail.com> >
Sent: Wednesday, March 1, 2023 2:27 PM
To: 'Brian Banks' <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>; john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Cc: romaldowaterco@gmail.com <mailto:romaldowaterco@gmail.com> ;
kvanabeele@gmail.com <mailto:kvanabeele@gmail.com>
Subject: RE: rOMALDO WATER

Thanks Brin. That works

From: Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>>
>
Sent: Wednesday, March 1, 2023 2:14 PM
To: mktdev@gmail.com <<mailto:mktdev@gmail.com>> ; john.hebda@verizon.net
<<mailto:john.hebda@verizon.net>>
Cc: romaldowaterco@gmail.com <<mailto:romaldowaterco@gmail.com>> ;
kvanabeele@gmail.com <<mailto:kvanabeele@gmail.com>>
Subject: RE: rOMALDO WATER

Got it.

I just checked the Surveyor's website and their fee for the CC deposit is \$2,132.00. Keep in mind that this is only a deposit based on a typical CC application and it could require more time (thus more expense). But, it wouldn't double or anything like that.

I would estimate approximately 7 hours for my portion of assistance (approximately \$2,000), and then whatever John's fee would be. My guess is that all-in you will be comfortably under \$10,000.

Brian Banks

Banks Planning

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From: mktdev@gmail.com <<mailto:mktdev@gmail.com>> <mktdev@gmail.com>
<<mailto:mktdev@gmail.com>> >
Sent: Wednesday, March 1, 2023 2:06 PM
To: Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>>
>; john.hebda@verizon.net <<mailto:john.hebda@verizon.net>>
Cc: romaldowaterco@gmail.com <<mailto:romaldowaterco@gmail.com>> ;
kvanabeele@gmail.com <<mailto:kvanabeele@gmail.com>>
Subject: RE: rOMALDO WATER

Thanks Brian,

This project is complicated and I should have taken the time to explain this better. In summary, we are all (12 property owners, the attorney, etc.) on board with the "CC" route.

1. There is just one property split that requires the "CC" process
2. 12 lots (APNs) share part ownership in a well (APN 153-100-13) that is carved out of APN 153-100-019

3. APN 153-100-019 & APN 153-100-018 were created from the single split of concern

4. Our lawyer just got back to me with the below comment and so it seems, we should seek the CC route.

1. "I agree with your strong opinions. Getting a Certificate of Compliance makes sense given the long term ramifications and the importance to all the properties/owners."

What is a typical CC expense? Are we looking at >\$10K?

Bill

From: Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>>
>
Sent: Wednesday, March 1, 2023 1:53 PM
To: mktdev@gmail.com <<mailto:mktdev@gmail.com>> ; john.hebda@verizon.net <<mailto:john.hebda@verizon.net>>
Cc: romaldowaterco@gmail.com <<mailto:romaldowaterco@gmail.com>> ; kvanabeele@gmail.com <<mailto:kvanabeele@gmail.com>>
Subject: RE: rOMALDO WATER

Hi Bill,

To be clear, the CC would only document the legal lot status of the parcel in question. If there are other lots that need this same documentation, there would be individual CC applications for each (which can get expensive).

Since I am a bit late to the party and not completely clear on the long term goals here, I will defer to Bill and John as to recommended next steps. I do know the process to submit the CC applications with John's assistance, so I am comfortable with that process. However, I don't want to recommend next steps that might not be the best course of action given the long term goals.

I recommend circling back with the attorney to determine exactly what kind of documentation is required to reach the end goal and we can go from there. That will also help me to provide a concise proposal for the required scope of assistance.

Best,

Brian Banks

Banks Planning

805.637.4306

From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com>
<mailto:mktdev@gmail.com> >
Sent: Wednesday, March 1, 2023 12:19 PM
To: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>; john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Cc: romaldowaterco@gmail.com <mailto:romaldowaterco@gmail.com> ;
kvanabeele@gmail.com <mailto:kvanabeele@gmail.com>
Subject: RE: rOMALDO WATER

Thanks Brian & John. I am delighted to hear that the Certificate of Compliance process will get us where we need to be. Would be good if someone can send me a few bullets on the next 2-3 steps, so we can determine if we can do anything to facilitate, and then also so we can update the rest of the 12 houses on what to expect.

My contact info is:

Bill Hurst

PO Box 20332

SB CA 93120

805-886-1850

From: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com>
>
Sent: Wednesday, March 1, 2023 12:10 PM
To: mktdev@gmail.com <mailto:mktdev@gmail.com>
Cc: castlesb@aol.com <mailto:castlesb@aol.com> ; john.hebda@verizon.net
<mailto:john.hebda@verizon.net> ; 'Benjamin Cassou' Subject: RE: rOMALDO WATER

The long term "cleanup" from a lot legality perspective is to proceed with the Certificate of Compliance process. That validates the lot status for evermore in the eyes of the County agencies.

I'm happy to assist if you can just bear with me. I'm swamped with projects at the moment so I just need to find a slot in my project schedule. Given that the hard work is on John's end and I just help with the administrative side to file the CC application and coordinate with the Surveyor's office, I am confident that I can help within the next 3-4 weeks.
Brian Banks

Banks Planning

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From: mktdev@gmail.com <mailto:mktdev@gmail.com> <mktdev@gmail.com>
<mailto:mktdev@gmail.com> >
Sent: Wednesday, March 1, 2023 11:46 AM
To: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com> >
Cc: castlesb@aol.com <mailto:castlesb@aol.com> ; john.hebda@verizon.net <mailto:john.hebda@verizon.net> ; 'Benjamin Cassou' <romaldowaterco@gmail.com> <mailto:romaldowaterco@gmail.com> >;
kvanabeele@gmail.com <mailto:kvanabeele@gmail.com>
Subject: RE: rOMALDO WATER

Thanks guys.

I have strong opinions on these reasons:

1. The short and long-term integrity of water-rights for 12 homes relies on getting this “split” sorted. The solution we implement here (addressing the property split compliance) will form the nucleus for an updated water rights agreement that will direct water resources and rights for the next 50-100 years for all these homes.
2. This water-rights project has been delayed since 2016 due to many reasons--all of which are subordinate to, and revolve around one fact: The original process/documentation 50 years ago was slipshod. To continue with more “band-aids” when a more traceable/sustainable/formal option is available, seems more responsible to me. Moreover, when resale values of our homes can be impacted by something as difficult-to-explain as this, I would like to exhaust all options to do the research before giving up. Given these stakes, a “formal Certificate of Compliance” sounds REALLY good to me, but I could be misguided, please advise.
3. Timing is not a major issue since we have waited as long as we have.

Brian,

Given my bullet points above, what do you recommend? Given my concerns above, and I overthinking this or are these concerns reasonable given our goals?

Bill

805-886-1850

From: Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>>
>
Sent: Wednesday, March 1, 2023 10:42 AM
To: john.hebda@verizon.net <<mailto:john.hebda@verizon.net>> ; 'Bill Hurst'
<mktdev@gmail.com> <<mailto:mktdev@gmail.com>> >
Subject: RE: rOMALDO WATER

Hi John,

Thanks for your review and detailed explanation. I think at this point Bill should communicate with his attorney for direction. Given the nature of the task, it am not sure if a formal Certificate of Compliance process is warranted. If the attorney believes that more documentation is needed beyond the approved Lot Split, then perhaps it makes sense to have you formally proceed with the synopsis, chain of title, etc. that will be needed for the formal Certificate of Compliance application.

My only concern is (as you know), the CC process will take at least four months given our recent experience with the Surveyor's Office. And, with Connie now retired, they are going to be really short-staffed so it might actually be longer than four months!

Best,

Brian Banks
Banks Planning
805.637.4306

From: john.hebda@verizon.net <<mailto:john.hebda@verizon.net>>
<john.hebda@verizon.net> <<mailto:john.hebda@verizon.net>> >
Sent: Wednesday, March 1, 2023 10:15 AM
To: 'Bill Hurst' <mktdev@gmail.com> <<mailto:mktdev@gmail.com>> >; Brian Banks
<brian@banksplanning.com> <<mailto:brian@banksplanning.com>> >
Subject: RE: rOMALDO WATER

Good Morning Bill and Brian,

Brian, thank you for obtaining a copy of Lot Split Case No. LS15552 and for sharing it with us.

The lot split was, indeed, approved on July 17, 1961.

However, the following note appears at the bottom of the first page of the Lot Split file:

Note: Any approval of a lot split automatically becomes null and void unless a record of survey, in conformity with the approved lot split, is recorded in the office of the Recorder of Santa Barbara County, within one year of the date of said approval or the deed accomplishing the division is recorded.

Please note that the result of my research of both the title plant property accounts and the grantor/grantee index for the names of Lawrence A. and Peggy J. Kelleher, is that I did not find a recorded record of survey, which was recorded within one year of the Lot Split approval.

However, I did find a deed from Kelleher to Peterson, which was recorded on October 19, 1961, for the property known as APN 153-100-018. So, I believe that this deed can be considered to be a recorded deed, which accomplished the division, and, it was recorded within one year of the lot split approval. However, I'm not positive of about this.

The question is if the first deed is all that matters or if all deeds must be recorded within one year. It seems reasonable to think that the first deed will do the trick, but the language of the condition is not clearcut.

Brian, how do you interpret this language?

The deed from Kelleher to Waller, pertaining to APN 153-100-019, was not recorded until 1963.

So, if the first deed is the one that matters, we should be in good shape.

Bill and Brian, please let me know if you wish to have me put together a property ownership history, synopsis and document copy package for you.

Also, Bill, could you please provide me with your contact information?

Wishing you the very best.

Sincerely,

John

Hebda Property & Title Solutions

4004 Via Lucero, Unit 2

Santa Barbara, CA 93110

<mailto:John.hebda@verizon.net> John.hebda@verizon.net

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From: Bill Hurst <mktdev@gmail.com> <mailto:mktdev@gmail.com> >
Sent: Thursday, February 23, 2023 2:12 PM
To: Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com> >
Cc: john.hebda@verizon.net <mailto:john.hebda@verizon.net>
Subject: Re: rOMALDO WATER

Excellent news!! Many thanks Brian, you made our year!

On Feb 23, 2023, at 11:49 AM, Brian Banks <brian@banksplanning.com> <mailto:brian@banksplanning.com> > wrote:

Hi Bill and John,

Ok, we were successful in obtaining the copy of the approved Lot Split Case No. LS1552. Sorry for the quality of the scans, it's the best I could get given the limits of the microfiche technology!

It appears that the original lot split was denied based on the Health Department's concern about the lot sizes. However, that denial was appealed by the applicant and the lot split was ultimately approved by the Board of Supervisors on July 17, 1961.

I hope this information is helpful. Please let me know if I can help with anything else at this time.

Best,

Brian Banks

Banks Planning

805.637.4306

From: Brian Banks
Sent: Tuesday, February 21, 2023 5:44 PM
To: Bill Hurst <mktdev@gmail.com> <<mailto:mktdev@gmail.com>> >
Cc: 'John Hebda' <john.hebda@verizon.net> <john.hebda@verizon.net> >
Subject: RE: rOMALDO WATER

Hi Bill,

Ok, I made an appointment with the Planning Counter on Thursday morning at 10AM to obtain, review and print the Lot Split file John requested. I'll scan that document and send it to you and John and then we can discuss next steps.

Best,

Brian Banks

Banks Planning

805.637.4306

From: john.hebda@verizon.net <<mailto:john.hebda@verizon.net>>
<john.hebda@verizon.net> <<mailto:john.hebda@verizon.net>> >
Sent: Tuesday, February 21, 2023 1:17 PM
To: Bill Hurst <mktdev@gmail.com> <<mailto:mktdev@gmail.com>> >
Cc: Brian Banks <brian@banksplanning.com> <<mailto:brian@banksplanning.com>> >
Subject: FW: rOMALDO WATER

Hi Bill,

After looking at the ownership history, I have discovered that the two properties were not created of record in their present configurations until after July of 1955. So, the property history is such that it will not take us to where we need to go.

But, after reading through the permit history that you shared with me – it appears as though there is substantial permit history for APN 153-100-018. The assessed improvements for this parcel are presently \$514,012.

But, the better news is that an application for lot split approval was made to the Lot Split Committee in 1961 by L. Kelleher. The property was described as APN 153-100-18. This application was approved.

The file is entitled Lot Split No. 1552.

This might be the ticket. It is likely (we will find out once we review the file) that this file pertained to APNs 153-100-018 & 019.

Brian knows how to obtain a copy of this file.

So, please ask Brian to obtain a copy of this lot split file and share it with us.

We will need to read through the file to determine if, indeed, it is what we hope it is and to determine if any conditions were imposed.

Again, the good news is that Brian and I might now be in a position to help you with a CC application.

Wishing you the very best.

Sincerely,

John Hebda

Hebda Property & Title Solutions

4004 Via Lucero, Unit 2

Santa Barbara, CA 93110

<mailto:John.hebda@verizon.net> John.hebda@verizon.net

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From: Bill Hurst <mktdev@gmail.com> <mailto:mktdev@gmail.com> >

Sent: Tuesday, February 21, 2023 9:53 AM

To: john.hebda@verizon.net <mailto:john.hebda@verizon.net>

Subject: Re: rOMALDO WATER

805-886-1850

On Feb 21, 2023, at 9:25 AM, john.hebda@verizon.net

<mailto:john.hebda@verizon.net> wrote:

Good Morning Bill,

What is your phone number?

Thank you - John

805 636-2537

Sent from the all new AOL app for iOS

<<https://apps.apple.com/us/app/aol-news-email-weather-video/id646100661>>

On Wednesday, February 15, 2023, 1:49 PM, <mailto:mktdev@gmail.com>

mktdev@gmail.com wrote:

<http://romaldowater.com/well-property-compliance.html>

bill

