

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement •• Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

January 19, 1983

Scott Keene
Tobin and Tobin
2600 Crocker Plaza
1 Post Street
San Francisco, CA 94104

Re: Our File No. A-83-010

Dear Mr. Keene:

I am writing to confirm my telephone advice to you on January 12, 1983. As I stated during that conversation, Government Code Section 82033 defines the phrase "interest in real property" to include"

... any ... ownership interest ... in real property located in the jurisdiction owned directly ... by the public official, ... or his or her immediate family if the fair market value of the interest is greater than \$1,000

Emphasis added.

An official's "immediate family" includes his or her spouse (Section 82029).

Until a spousal relationship is dissolved by a final divorce decree, an official whose spouse owns an interest in real property has a reportable interest and may have to disqualify himself or herself on decisions affecting the real property interest. (See Government Code Sections 87100, 87103 and 2 Cal. Adm. Code Section 18702.)

If I can be any further help to you, please feel free to contact me at (916) 322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel
Legal Division

JSM:plh

From Scott Kane

TOBIN & TOBIN
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
2600 CROCKER PLAZA
ONE POST STREET

SAN FRANCISCO, CALIFORNIA 94104
(415) 433-1400
TELEX 330401

F P P C

JAN 13 9 03 AM '83
RICHARD TOBIN
(1892-1887)
ROBERT TOBIN
(1875-1889)
CYRIL R. TOBIN
(1905-1977)
BARRY KEENE
OF COUNSEL

MARTIN D. MURPHY
JOHN L. HOSACK
DAVID I. FREED
LOUIS J. GIRAUDO
JAMES M. ALLEN
EUGENE C. PAYNE III
PAUL E. GASPARI
SCOTT A. SOMMER
DONALD J. BOUEY
KEITH A. KANDARIAN
STEPHEN T. LANCTOT
MARTIN H. ORLICK
PAMELA S. BLACK
EDWARD J. LEAHY
EUGENE J. CHIARELLI
SCOTT R. KEENE

January 11, 1983

EXPRESS MAIL

Dennis Lee, Esq.
City Attorney
Pleasant Hill City Hall
3300 North Main Street
Pleasant Hill, California 94923

Re: Extended Hearing On Marina Vista Subdivision/
Reversion To Acreage

Dear Dennis:

As per your request, the following is our analysis of issues presented pertaining to the above matter.

Initially, I wish to reiterate that we have filed an action in the Superior Court only to protect the statutory time limits for challenging the action taken by the City Council on October 6, 1982. We are hopeful that the Council will recognize that the action was filed only for the purpose of protecting our clients' legal rights under the applicable statute of limitations, and that the action will be held in abeyance pending a determination of whether the proceedings for the reversion to acreage should continue.

As a preliminary matter, I wish to point out that the initiation of proceedings to revert subdivided real property to acreage is extremely rare. Over the past few weeks our clients have conducted a survey of over thirty Bay Area cities to determine how often the proceedings are utilized. Of the cities so surveyed, none have utilized the statutory procedure set forth in Government Code Sections 66499.11 et seq., despite the fact that over 100 projects were involved. In addition, because the statutory procedure is rarely, if ever, utilized, there appears to be no case law from which to interpret the statutory provisions.

The above facts, when combined with the harsh implications of the involuntary reversion procedure, which, effectually, result in a forfeiture of important property

Dennis Lee, Esq.
January 11, 1983
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rights, will require any court to interpret the statutory provisions narrowly and in favor of the landowner. Under these circumstances, I believe the court will require strict compliance with the statutory provisions and resolve any doubts in favor of the landowner.

Amongst this background, I wish to identify the numerous aberrations in the conduct of these proceedings to date.

I
THE FAILURE TO PROVIDE THE LANDOWNERS WITH
NOTICE OF THE OCTOBER 6, 1982 CONSIDERATION OF WHETHER
TO EXTEND THE SUBDIVISION IMPROVEMENT AGREEMENT

Both Henry Arana and Walter Williams have indicated that any consideration of the request for an extension of the subdivision improvement agreement on October 6, 1982, came as a total surprise and they had not been informed of the proceedings in any manner. For this reason, they did not attend the October 6, 1983 hearing and were unable to present any evidence on their behalf.

It is a well-established rule of constitutional law that notice is required before property interests are disturbed. Specifically, notice is required in a myriad of situations where a forfeiture might result from the mere failure to act. Lambert v. California (1958) 355 U.S. 225; 78 S.Ct. 240, [2 L.Ed. 2d 228].

I wish to stress that the failure to provide notice in the instant situation deprived the landowners of their fundamental right and ability to present evidence to refute the charges that no work had been commenced under the terms of the subdivision improvement agreement. It is clear that if such evidence had been presented and considered by the Council, the subsequent loss of his interest through a reversion to acreage could not have occurred. Nonetheless, our clients were unable to make this crucial evidence a part of the record.

Our clients have invested immense time, energy and economic resources to subdivide their property. They were entitled to the benefit of presenting evidence to the City Council prior to taking action to deny landowners their interests.

Dennis Lee, Esq.
January 11, 1983
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II
THE CITY COUNCIL HAS FAILED TO MAKE THE FINDINGS
REQUIRED BY THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT FOR ITS DISCRETIONARY ACTION

The question of the extension of the subdivision improvement agreement, and initiation of a motion to revert subdivided property to acreage constitutes discretionary administrative action. There is no question but that the denial of the subdivision will have a significant environmental impact upon the community, which must be ascertained.

The question of whether reversions to acreage are exempt from CEQA was answered by the Attorney General in 1977. Id. Therein, it was stated that:

"In summary, reversions to acreage, as well as divisions of land into less than five parcels, cannot be categorically exempted from CEQA." 60 Ops. Atty.Gen. 335, 365.

Under the facts of this case, it is clear that an environmental impact report, or a negative declaration, was required prior to the Council conducting any of these proceedings. Bozung v. Local Agency Formation Commission (1975) 13 Cal.3d 263 [118 Cal.Rptr. 249].

III
THE DENIAL OF THE EXTENSION AGREEMENT AND THE
REVERSION TO ACREAGE CONFLICTS WITH THIS CITY'S
HOUSING GOALS AS CONTAINED IN THE GENERAL PLAN

The City of Martinez' housing goals, as published in the City's Housing Element, are stated as follows:

1. To increase the housing supply in accordance with the needs of the citizens of Martinez;
2. To expand and conserve housing opportunities for low and moderate income people; and
3. Ensure that housing development respects the unique character of the Martinez natural environment.

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January 11, 1983
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Section 666412.2 of the Map Act requires that :

In carrying out the provisions of this Division, [the Map Act] each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region and balance these needs against the public service needs of its own residents in available fiscal and environmental resources. [Emphasis added.]

The Marina Vista Subdivision, long-earlier approved, constituted a significant contribution towards meeting the limited housing resources of the City, as well as the Bay Area as a whole. The denial of the extension agreement and accompanying reversion to acreage has had the direct effect of removing this subdivision as a potential supply for low and moderate income housing. Such action is inconsistent with the mandates of state law, and the mandates of the General Plan adopted by this municipality.

Further, the decision of the Council in this matter has no positive affect on the housing shortage in the area; in fact, it will have an adverse affect on the already depleted supply of housing. Most important it has denied housing opportunity in an area where the Council has previously acknowledged that no unmitigatable adverse environmental effects exist. Under what circumstances could the Council possibly justify its actions which, in effect, vastly diminish the supply of available housing? Hence, the action taken to revert the subdivided lands to acreage was arbitrary, without cause and to the clear detriment of the housing supply of the area.

Further, in this regard, it must be remembered that the action of the Council was taken despite the unanimous recommendation for approval by the planning advisory body, as well as the City Engineer. I have little doubt but that the court will find, under these circumstances, that the City cannot sacrifice this project for the sake of turning this land into pasturage.

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Dennis Lee, Esq.
January 11, 1983
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IV
THE ACTION TAKEN AT THE OCTOBER HEARING MAY BE
INVALID AS MR. SCHAEFER APPEARS TO HAVE HAD A
CONFLICT OF INTEREST AT THE TIME OF THE DELIBERATIONS

We have had the opportunity to review Mr. Schaefer's interests and real property holdings at the time of the October 6, 1982 determination of whether to grant the subject extension.

It appears that Mr. Schaefer is the former owner of a certain parcel of unimproved real property designated as Assessor's Parcel No. 373-061-034-6 and legally described as Homestead Tract Lot 4 and Portion 5 Block B. Initially, we have reviewed Mr. Schaefer's "conflict of interest" statements which were filed for the years 1980 and 1981. A copy of these statements are attached to this correspondence (Exhibits "A"- "C"). Nowhere on the Statements of Economic Interests do we find a disclosure of an ownership interest in Assessor's Parcel No. 373-061-034-6.

Our review of the chronology of events affecting his ownership interest in this parcel is as follows: On May 27, 1981, a marital settlement agreement was entered into by and between Eric and Kathleen Schaefer. The settlement agreement lists among the division of property, a transfer to Kathleen Schaefer of the unimproved property designated as Assessor's Parcel No. 373-061-034-6. A copy of this agreement is attached for your reference (Exhibit "D"). However, paragraph 11 of the agreement provides that the agreement must be ratified by the Court and "shall be a part of any judgment rendered in such action." A copy of the judgment of dissolution of marriage is also attached (Exhibit "E"). That document clearly reveals that the final judgment was not signed by Judge Rothenberg until October 7, 1982, a date which is subsequent to the deliberation of the subject proceedings.

We are aware that on May 22, 1981, a quitclaim deed from Eric Schaefer to Kathleen Schaefer purporting to convey the subject property was recorded (Exhibit "F"). However, under California law, the property remained a community asset until the final judgment was entered on October 7, 1982.

We have reviewed these issues with staff at the California Fair Political Practices Commission who takes the position that a potential conflict of interest arises so long

Dennis Lee, Esq.
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as a public officer retains any present or future financial interest in property which might be economically affected by their vote. Under the terms of the marital settlement agreement, and the laws pertaining to the effect of the entry of the final judgment of dissolution of marriage, it appears Mr. Schaefer retained a future interest in the community asset at the time of his deliberations and when voting on the request for an extension. We take the position that any decision affecting the Marina Vista Subdivision will have a direct financial impact upon the value of surrounding properties, including those which were formerly owned by Mr. Schaefer, and which are presently owned by Kathleen Schaefer, a former spouse.

Finally, it is well-known that Mr. Schaefer has been a longtime opponent of the subject development, both during the time of his service upon the counsel, and as a former adversary legal proceedings against our clients and the City of Martinez. our skepticism is further raised by the initial attempt of the City Council, at its December 15, 1982, meeting to obtain a greater right-of-way than that which was formerly dedicated, and one which would directly benefit access to Assessor's Parcel No. 373-061-034-6.

As you know, the final map of Subdivision 5038 specified a 25' easement for the benefit of Lot 3 11-20 of said subdivision 5038 and Lot 6, Blk. B, Homestead Tract (copy attached). For some reason, the reversion map before the City Council on December 15, 1982 reflected a widened 30' easement altered to be for the benefit of Lots 5 and 6 Homestead Tract (also attached). This "new" easement would materially enhance the access to Lot 5 and its economic value.

Govt. Code §66499.20 1/2 specifically provides that easements from the final map may only be "left on effect after the reversion," not newly created. The peculiar alteration to the map apparently for the benefit of Lot 5 contributes a sufficient and independent base for concluding that a conflict exists. The City came very close to undertaking an act of inverse condemnation in this instance. Government Code §66499.20 1/2 also required a certificate of the owners consenting to the preparation and filing of the reversion parcel map. This obviously was not done, nor can it be done in a manner consistent with the integrity of the vested rights of our clients.

*He mis-
understood.
The advice
was that,
until final
decree, he
has an interest
in R/P owned
by his wife,
even if it
became her
SP.*

TOBIN & TOBIN

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January 11, 1983
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For the above reasons, Mr. Schaefer may have had a significant economic interest at the time of considering whether to grant an extension of the Marina Vista Subdivision improvement agreement, and continues to display a predetermined bias toward my clients and development upon the subject development.

V

THE ACTION TAKEN BY THE COUNSEL IS BOTH ARBITRARY
CAPRICIOUS, AND IS UNSUPPORTED BY THE RECORD

It is important to note that any discretionary action taken by a public body must be supported by substantial evidence. While I am keenly aware that the courts will not ordinarily interfere with the discretion exercised by local legislative bodies, there must exist some record by which a court may review earlier action taken. We have since been informed that the tape recording of the October 6 hearing has either been lost and/or destroyed, thereby making it impossible for any court to review the exercise of the council's discretionary action. This is particularly important in this case due to the fact that my clients had not received any notice of the proceedings.

Further, I attach a copy of a staff report by Moe Sharma, the City Engineer (Exhibit "G"), wherein he states that "Normally the City grants similar requests for time extensions routinely." The record reveals a position of support by the City staff, and the Planning Commission; yet the record does not reveal any reason for discriminating against my clients in this particular instance when extensions have been "routinely granted" in all other instances.

We believe that the latter argument carries substantial weight, when combined with the fact that the City has led my clients down the "primrose path" to believe that an extension was forthcoming, as is custom and practice, so long as they worked with staff to alleviate traffic and similar adverse environmental consequences and explored the possibility of bond financing for the construction of housing for low and moderate income families.

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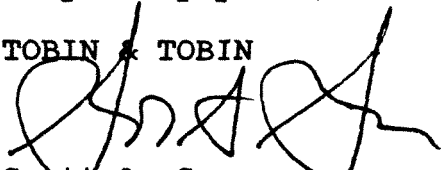
Dennis Lee, Esq.
January 11, 1983
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VI
SUMMARY

In closing, I would suggest that it is to the benefit of all parties that the landowners be allowed to work with City staff towards entering into of some type of development agreement which will provide needed housing and, at the same time, to prevent a dramatic forfeiture of the landowners' vital interest. Submitting this matter to protracted litigation will not be in the interest of either the City or our clients. Yet to proceed with such action is far less expensive than to initiate subdivision processing from scratch. We ask that the City delay taking any further action of the reversion to acreage while proceeding to attempt to mutually agree upon a method of developing the subject property in a manner which will alleviate traffic, safety and other environmental concerns and which will provide a valuable contribution to the supply of housing within the City of Martinez.

Very truly yours,

TOBIN & TOBIN



Scott A. Sommer
Scott R. Keene

SRK/wpc
MON/F

cc: Mayor
Members of City Council
City Manager
Henry Arana
Walter Williams



FORM 721
Statement of Economic Interests
 (Government Code Sections 87200-87210)

For use by persons in or seeking offices specified in Government Code Section 87200. This form combines previous Forms 720 and 721.

See "Instruction Manual for Statement of Economic Interests Form 721."

RECEIVED
 APR 1 1981
 CITY CLERK, CITY OF MARTINEZ
 By: _____ Deputy

Please type or print in ink.

1. Name: ERIC SCHAEFER
2. Mailing Address: 2250 CASTRO STREET, MARTINEZ, Ca. 94553
3. Office held or sought: MAYOR
 (e.g., county supervisor, city council members, etc.)

[] State of California [] County of CONTRA COSTA [] City of MARTINEZ

4. Check the appropriate box(es):

- [] **CANDIDATE STATEMENT.** File no later than the final filing date of a declaration of candidacy. Complete Schedules A, B and C disclosing interests held on the date of filing.
- [] **ASSUMING OFFICE STATEMENT.** Not required of elected state officers assuming office in December or January, who should instead file annual Statements. (See the Instruction Manual.)
- [] **Elected Official** (other than elected state officers assuming office in December or January). File within 30 days after assuming office. Complete Schedules A, B and C disclosing interests held on the date of assuming office, which was _____
 mo. day yr.
- [] **Appointed Official, not** subject to confirmation by the State Senate or the Commission on Judicial Appointments. File within 10 days after assuming office. Complete Schedules A, B and C disclosing interests held on the date of assuming office, which was _____
 mo. day yr.
- [] **Appointed Official,** subject to confirmation by the State Senate or the Commission on Judicial Appointments. File within 10 days after appointment or nomination. Complete Schedules A, B and C disclosing interests held on the date of appointment or nomination, which was _____
 mo. day yr.
- [] **ANNUAL STATEMENT.** State officials and judges file between January 1 and March 1. City and county officials file between January 1 and April 1. Complete all Schedules disclosing interests held or received at any time during the period covered by the Statement.

Period Covered: Will generally be the previous calendar year, but may need to be changed for the filer's first annual Statement or if the filer is combining an annual Statement and a leaving office Statement. See the Instruction Manual.

4 - 8 - 80 through 12 - 31 - 80
 mo. day yr. mo. day yr.

- [] **LEAVING OFFICE STATEMENT.** File within 30 days after leaving office. Complete all Schedules disclosing interests held or received at any time between the closing date of the previous Statement filed and the date of leaving office.

Period Covered: _____ through _____
 mo. day yr. mo. day yr.

SCHEDULE 721-A

NAME ERIC SCHAEFER

Investments

(Government Code Sections 82034 & 87206)

Investments owned by the filer, spouse and dependent children aggregating \$1,000 or more in value in business entities in the filer's jurisdiction, including those doing business in the jurisdiction.

<p><u>WALBERG & Co.</u> (Name of Company)</p> <p><u>OWNER</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>MANUFACTURING FURNITURE (KUSH & WOOD COMPANY)</u> <u>GENERAL CONTRACTING</u> (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed <u>9-75</u></p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p><u>CARQUER CONSTRUCTION</u> (Name of Company)</p> <p><u>PARTNERSHIP</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>GENERAL CONTRACTING</u> (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed <u>4-79</u></p>	<p>Check One</p> <p><input checked="" type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p><u>SHELL OIL Co.</u> (Name of Company)</p> <p><u>COMMON STOCK</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>OIL REFINING</u> (General Description of Business Activity)</p> <p>Date Acquired <u>8-10-76</u> Date Disposed <u>12-10-80</u></p>	<p>Check One</p> <p><input checked="" type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>

Attach additional information on appropriately labeled continuation sheets.

**SCHEDULE 721-D
Income (Other than Gifts or Loans)**

NAME Eric Schaefer

(Government Code Sections 82030 & 87207(a))

Income, including community property interest in spouse's income, aggregating \$250 or more from any source in the filer's jurisdiction. Salary (including per diem) from federal, state and local government agencies is not reportable.

<p><u>CARQUINE Construction Co.</u> <small>(Name of the Source of Income)</small></p> <p><u>P.O. Box 731</u> <small>(Address of the Source of Income)</small></p> <p><u>MARTINE Co. 94553</u> <small>(Address of the Source of Income)</small></p> <p><u>GENERAL CONTRACTING</u> <small>(Business Activity of the Source of Income)</small></p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Amount or value received was not greater than \$1,000</p> <p><input type="checkbox"/> Amount or value received was greater than \$1,000 and was not greater than \$10,000</p> <p><input checked="" type="checkbox"/> Amount or value received was greater than \$10,000</p>
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<p><u>WAGES</u> <small>(Description of the consideration, if any, for the Income)</small></p>	
<p><u>MARTINE UNIFIED SCHOOL DISTRICT</u> <small>(Name of the Source of Income)</small></p> <p><u>COURT & WALKER STS.</u> <small>(Address of the Source of Income)</small></p> <p><u>MARTINE Co. 94553</u> <small>(Address of the Source of Income)</small></p> <p><u>PUBLIC EDUCATION</u> <small>(Business Activity of the Source of Income)</small></p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Amount or value received was not greater than \$1,000</p> <p><input type="checkbox"/> Amount or value received was greater than \$1,000 and was not greater than \$10,000</p> <p><input checked="" type="checkbox"/> Amount or value received was greater than \$10,000</p>

<p><u>WAGES</u> <small>(Description of the Consideration, if any, for the Income)</small></p>	
<p><u>WALDING & Co.</u> <small>(Name of the Source of Income)</small></p> <p><u>P.O. Box 731</u> <small>(Address of the Source of Income)</small></p> <p><u>MARTINE Co. 94553</u> <small>(Address of the Source of Income)</small></p> <p><u>MANUFACTURING</u> <small>(Business Activity of the Source of Income)</small></p>	<p align="center"><i>Check One</i></p> <p><input checked="" type="checkbox"/> Amount or value received was not greater than \$1,000</p> <p><input type="checkbox"/> Amount or value received was greater than \$1,000 and was not greater than \$10,000</p> <p><input type="checkbox"/> Amount or value received was greater than \$10,000</p>

<p><u>PHYSICIAN</u> <small>(Description of the Consideration, if any, for the Income)</small></p>	
<p><small>(Name of the Source of Income)</small></p> <p><small>(Address of the Source of Income)</small></p> <p><small>(Business Activity of the Source of Income)</small></p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Amount or value received was not greater than \$1,000</p> <p><input type="checkbox"/> Amount or value received was greater than \$1,000 and was not greater than \$10,000</p> <p><input type="checkbox"/> Amount or value received was greater than \$10,000</p>

(Description of the Consideration, if any, for the Income)



FORM 721
Statement of Economic Interests
 (Government Code Sections 87200-87210)

RECEIVED

JAN 14 1982

CITY CLERK, CITY OF MARTINEZ
 By _____ Deputy

For use by persons in or seeking offices specified in Government Code Section 87200. This form combines previous Forms 720 and 721.

See "Instruction Manual for Statement of Economic Interest—Form 721."

Please type or print in ink.

1. Name: ERIC SCHAEFER

2. Mailing Address: 2250 CASTRO ST. MARTINEZ, CA. 94553

3. Office held or sought: MAYOR
 (e.g., county supervisor, city council members, etc.)

[] State of California [] County of CONTRA COSTA [] City of MARTINEZ

4. Check the appropriate box(es):

- [] **CANDIDATE STATEMENT.** File no later than the final filing date of a declaration of candidacy. Complete Schedules A, B and C disclosing interests held on the date of filing.
- [] **ASSUMING OFFICE STATEMENT.** Not required of elected state officers assuming office in December or January, who should instead file annual Statements. (See the Instruction Manual.)
- [] **Elected Official** (other than elected state officers assuming office in December or January). File within 30 days after assuming office. Complete Schedules A, B and C disclosing interests held on the date of assuming office, which was _____
 mo. day yr.
- [] **Appointed Official, not subject to confirmation** by the State Senate or the Commission on Judicial Appointments. File within 10 days after assuming office. Complete Schedules A, B and C disclosing interests held on the date of assuming office, which was _____
 mo. day yr.
- [] **Appointed Official, subject to confirmation** by the State Senate or the Commission on Judicial Appointments. File within 10 days after appointment or nomination. Complete Schedules A, B and C disclosing interests held on the date of appointment or nomination, which was _____
 mo. day yr.

[] **ANNUAL STATEMENT.** State officials and judges file between January 1 and March 1. City and county officials file between January 1 and April 1. Complete all Schedules disclosing interests held or received at any time during the period covered by the Statement.

Period Covered: Disclose all reportable interests held or received during the period from January 1, 1981, through December 31, 1981.*

[] **LEAVING OFFICE STATEMENT:** File within 30 days after leaving office. Complete all Schedules disclosing interests held or received at any time from January 1, 1981, to the date of leaving office, which was _____
 mo. day year

* This will generally be the period covered unless this is your first annual Statement or if you are combining an annual Statement and a leaving office Statement. See the Instruction Manual.

RECEIVED
 JAN 14 1982

CITY CLERK, CITY OF MARTINEZ
 By _____ Deputy

EXHIBIT B

SCHEDULE 721-A

NAME ERIC SCHARFEN

Investments

(Government Code Sections 82034 & 87206)

Investments owned by the filer, spouse and dependent children aggregating \$1,000 or more in value in business entities in the filer's jurisdiction, including those doing business in the jurisdiction.

<u>CARQUINEL CONSTRUCTION Co.</u> (Name of Company) <u>PARTNERSHIP</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) <u>GENERAL CONTRACTING</u> Date Acquired <u>3-79</u> (General Description of Business Activity) Date Disposed	Check One <input checked="" type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
<u>WALBERG & Co.</u> (Name of Company) <u>SOLE OWNER</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) <u>MANUFACTURE OF FURNITURE AND CONSTRUCTION</u> Date Acquired <u>9-75</u> (General Description of Business Activity) Date Disposed	Check One <input type="checkbox"/> Value does not exceed \$10,000 <input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
_____ (Name of Company) _____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) Date Acquired _____ _____ Date Disposed _____	Check One <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
_____ (Name of Company) _____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) Date Acquired _____ _____ Date Disposed _____	Check One <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
_____ (Name of Company) _____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) Date Acquired _____ _____ Date Disposed _____	Check One <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
_____ (Name of Company) _____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) Date Acquired _____ _____ Date Disposed _____	Check One <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
_____ (Name of Company) _____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) Date Acquired _____ _____ Date Disposed _____	Check One <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000

Attach additional information on appropriately labeled continuation sheets.

SCHEDULE 721-E

NAME ERIC SCHAFFER

Loans

(Government Code Sections 82030 & 87207(a))

Outstanding loans aggregating \$250 or more from any source in the filer's jurisdiction.

BANK OF CALIFORNIA (Name of Lender)		Check One <input type="checkbox"/> Amount owed was not greater than \$1,000 <input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000 <input checked="" type="checkbox"/> Amount owed was greater than \$10,000	
P.O. Box 71 MARTINEZ, CA. 94553 (Address of Lender)		<input type="checkbox"/> None <input type="checkbox"/> Amount owed was greater than \$10,000	
BANKING (Business Activity of Lender)		Check Box if Entire Loan Repaid <input type="checkbox"/>	
2 ND MORTGAGE (Security, if any, for Loan)		Interest Rate <u>18</u> % <input type="checkbox"/> None	
(Name of Lender)		Check One <input type="checkbox"/> Amount owed was not greater than \$1,000 <input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000 <input type="checkbox"/> Amount owed was greater than \$10,000	
(Address of Lender)		<input type="checkbox"/> None <input type="checkbox"/> Amount owed was greater than \$10,000	
(Business Activity of Lender)		Check Box if Entire Loan Repaid <input type="checkbox"/>	
(Security, if any, for Loan)		Interest Rate % <input type="checkbox"/> None	
(Name of Lender)		Check One <input type="checkbox"/> Amount owed was not greater than \$1,000 <input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000 <input type="checkbox"/> Amount owed was greater than \$10,000	
(Address of Lender)		<input type="checkbox"/> None <input type="checkbox"/> Amount owed was greater than \$10,000	
(Business Activity of Lender)		Check Box if Entire Loan Repaid <input type="checkbox"/>	
(Security, if any, for Loan)		Interest Rate % <input type="checkbox"/> None	
(Name of Lender)		Check One <input type="checkbox"/> Amount owed was not greater than \$1,000 <input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000 <input type="checkbox"/> Amount owed was greater than \$10,000	
(Address of Lender)		<input type="checkbox"/> None <input type="checkbox"/> Amount owed was greater than \$10,000	
(Business Activity of Lender)		Check Box if Entire Loan Repaid <input type="checkbox"/>	
(Security, if any, for Loan)		Interest Rate % <input type="checkbox"/> None	
(Name of Lender)		Check One <input type="checkbox"/> Amount owed was not greater than \$1,000 <input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000 <input type="checkbox"/> Amount owed was greater than \$10,000	
(Address of Lender)		<input type="checkbox"/> None <input type="checkbox"/> Amount owed was greater than \$10,000	
(Business Activity of Lender)		Check Box if Entire Loan Repaid <input type="checkbox"/>	
(Security, if any, for Loan)		Interest Rate % <input type="checkbox"/> None	

Attach additional information on appropriately labeled continuation sheets.

MAR 3 1982

REC'D

FORM 721

P P C Statement of Economic Interests
(Government Code Sections 87200-87210)



For use by persons in or seeking offices specified in Government Code Section 87200. This form combines previous Forms 720 and 721.

See "Instruction Manual for Statement of Economic Interest—Form 721."

Please type or print in ink.

1. Name: ERIC SCHAEFER
2. Mailing Address: 2250 CASTRO ST. MARTINEZ, CA. 94553
3. Office held or sought: MAYOR
(e.g., county supervisor, city council members, etc.)

[] State of California [] County of _____ [] City of MARTINEZ

4. Check the appropriate box(es):

[] CANDIDATE STATEMENT. File no later than the final filing date of a declaration of candidacy. Complete Schedules A, B and C disclosing interests held on the date of filing.

[] ASSUMING OFFICE STATEMENT. Not required of elected state officers assuming office in December or January, who should instead file annual Statements. (See the Instruction Manual.)

[] Elected Official (other than elected state officers assuming office in December or January). File within 30 days after assuming office. Complete Schedules A, B and C disclosing interests held on the date of assuming office, which was _____
mo. day yr.

[] Appointed Official, not subject to confirmation by the State Senate or the Commission on Judicial Appointments. File within 10 days after assuming office. Complete Schedules A, B and C disclosing interests held on the date of assuming office, which was _____
mo. day yr.

[] Appointed Official, subject to confirmation by the State Senate or the Commission on Judicial Appointments. File within 10 days after appointment or nomination. Complete Schedules A, B and C disclosing interests held on the date of appointment or nomination, which was _____
mo. day yr.

[X] ANNUAL STATEMENT. State officials and judges file between January 1 and March 1. City and county officials file between January 1 and April 1. Complete all Schedules disclosing interests held or received at any time during the period covered by the Statement.

Period Covered: Disclose all reportable interests held or received during the period from January 1, 1981, through December 31, 1981.*

[] LEAVING OFFICE STATEMENT: File within 30 days after leaving office. Complete all Schedules disclosing interests held or received at any time from January 1, 1981, to the date of leaving office, which was _____
mo. day year

* This will generally be the period covered unless this is your first annual Statement or if you are combining an annual Statement and a leaving office Statement. See the Instruction Manual.

EXHIBIT C

SCHEDULE 721-A

NAME ERIC SCHACFER

Investments

(Government Code Sections 82034 & 87206)

Investments owned by the filer, spouse and dependent children aggregating \$1,000 or more in value in business entities in the filer's jurisdiction, including those doing business in the jurisdiction.

<p><u>WALBERG & CO.</u> (Name of Company)</p> <p><u>SOLE OWNERSHIP</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>MANUFACTURE & CONSTRUCTION</u> (General Description of Business Activity)</p> <p>Date Acquired <u>9-75</u> Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p><u>CARQUINEL CONSTRUCTION CO.</u> (Name of Company)</p> <p><u>PARTNERSHIP</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>GENERAL CONTRACTING</u> (General Description of Business Activity)</p> <p>Date Acquired <u>4-79</u> Date Disposed _____</p>	<p>Check One</p> <p><input checked="" type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>_____ (Name of Company)</p> <p>_____ (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>_____ (General Description of Business Activity)</p> <p>Date Acquired _____ Date Disposed _____</p>	<p>Check One</p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>

Attach additional information on appropriately labeled continuation sheets.

SCHEDULE 721-E

NAME ERIC SCHARFEN

Loans

(Government Code Sections 82030 & 87207(a))

Outstanding loans aggregating \$250 or more from any source in the filer's jurisdiction.

<p><u>BANK OF CALIFORNIA</u> (Name of Lender)</p> <p><u>634 FERRY ST.</u> (Address of Lender)</p> <p><u>BANKING</u> (Business Activity of Lender)</p> <p><u>2ND MORTGAGE</u> (Security, if any, for Loan) <input type="checkbox"/> None (Check if Unsecured)</p>		<p>Check Box if Entire Loan Repaid <input type="checkbox"/></p>	<p>Check One</p> <p><input type="checkbox"/> Amount owed was not greater than \$1,000</p> <p><input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000</p> <p><input checked="" type="checkbox"/> Amount owed was greater than \$10,000</p> <p>Interest Rate <u>17 1/2%</u> <input type="checkbox"/> None</p>
<p>(Name of Lender)</p> <p>(Address of Lender)</p> <p>(Business Activity of Lender)</p> <p>(Security, if any, for Loan) <input type="checkbox"/> None (Check if Unsecured)</p>		<p>Check Box if Entire Loan Repaid <input type="checkbox"/></p>	<p>Check One</p> <p><input type="checkbox"/> Amount owed was not greater than \$1,000</p> <p><input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000</p> <p><input type="checkbox"/> Amount owed was greater than \$10,000</p> <p>Interest Rate % <input type="checkbox"/> None</p>
<p>(Name of Lender)</p> <p>(Address of Lender)</p> <p>(Business Activity of Lender)</p> <p>(Security, if any, for Loan) <input type="checkbox"/> None (Check if Unsecured)</p>		<p>Check Box if Entire Loan Repaid <input type="checkbox"/></p>	<p>Check One</p> <p><input type="checkbox"/> Amount owed was not greater than \$1,000</p> <p><input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000</p> <p><input type="checkbox"/> Amount owed was greater than \$10,000</p> <p>Interest Rate % <input type="checkbox"/> None</p>
<p>(Name of Lender)</p> <p>(Address of Lender)</p> <p>(Business Activity of Lender)</p> <p>(Security, if any, for Loan) <input type="checkbox"/> None (Check if Unsecured)</p>		<p>Check Box if Entire Loan Repaid <input type="checkbox"/></p>	<p>Check One</p> <p><input type="checkbox"/> Amount owed was not greater than \$1,000</p> <p><input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000</p> <p><input type="checkbox"/> Amount owed was greater than \$10,000</p> <p>Interest Rate % <input type="checkbox"/> None</p>
<p>(Name of Lender)</p> <p>(Address of Lender)</p> <p>(Business Activity of Lender)</p> <p>(Security, if any, for Loan) <input type="checkbox"/> None (Check if Unsecured)</p>		<p>Check Box if Entire Loan Repaid <input type="checkbox"/></p>	<p>Check One</p> <p><input type="checkbox"/> Amount owed was not greater than \$1,000</p> <p><input type="checkbox"/> Amount owed was greater than \$1,000 but not greater than \$10,000</p> <p><input type="checkbox"/> Amount owed was greater than \$10,000</p> <p>Interest Rate % <input type="checkbox"/> None</p>

Attach additional information on appropriately labeled continuation sheets.

WHEN RECORDED RETURN TO

ERIC SCHAEFER
2250 COSTA ST
Martinez, CA 94553

81 62990

MAY 27 1981

MAY 27 1981

Recorded at request of *ES*
at *4* min. Past *1* m.
Contra Costa County Recorder
J.R. Olsson, Recorder FEE: \$
800

MARITAL SETTLEMENT AGREEMENT

This agreement is between ERIC R. SCHAEFER, hereinafter referred to as "husband", and KATHLEEN V. SCHAEFER, hereinafter referred to as "wife".

1. MARRIAGE. The parties were married on July 7, 1973 at Martinez, California and ever since that time and now are husband and wife.

2. CHILDREN. There are no children of this marriage.

3. PURPOSES. The purposes of this agreement are to:
(a) Settle all property interests and rights that each party may have with respect to the other;
(b) Relinquish any and all past, present, or future claims that each may have against the property or estate of the other party and his or her executors, administrators, representatives, successors, and assigns, except as provided herein.

4. DIVISION OF PROPERTY. All of the property of the parties is hereby divided as follows:

WIFE'S PROPERTY -

The husband hereby transfers and assigns to the wife, as her sole and separate property, all of his right, title, and interest in and to the following community and joint tenancy property:

- (a) Unimproved real property located in Martinez, California, County of Contra Costa, designated as assessor's parcel number 373-061-034-6 and legally described as Homestead Tract Lot 4 and Portion 5 Block B.
- (b) 1974 BMW Automobile
- (c) California Teachers Retirement Plan
- (d) California Teachers Association Credit Union Balance
- (e) Bank of California checking account balance
- (f) Baby Grand Piano
- (g) Dining Table

BOOK 10341 PAGE 208

- (h) Television
- (i) Bedroom Set
- (j) Leica Camera and equipment
- (k) one-half of kitchen utensils, and household appliances.

HUSBAND'S PROPERTY-

The wife hereby transfers all of her right, title and interest in and to the following community and joint tenancy property:

- (a) Real property with family residence located at: 2250 Castro Street, Martinez, California designated as assessor's parcel 372-221-008-9 and legally described as Bertola Tract Lot 9 Block 148.
- (b) 1973 Ford Van with trailer
- (c) Proceeds from sale of 43 shares of Shell common stock
- (d) Proceeds from surrender of (2) New York Life Insurance policies
- (e) Allstate Savings & Loan balance
- (f) Walberg & Company checking balance
- (g) Shell Western States Federal Credit Union Account balance
- (h) Household furnishings to include:
 - (1) Washer
 - (2) Dryer
 - (3) Refrigerator
 - (4) Armoire
 - (5) Radio cabinet
 - (6) Couches
 - (7) Living room rug
 - (8) One-half of kitchen utensils and other miscellaneous house furnishings
- (i) Walberg tools and equipment
- (j) Stereo and equipment, Pentax camera and equipment.

ENCUMBRANCES

Transfers of all property hereunder are subject to all existing encumbrances and liens thereon. Husband agrees

to share one half of any further legal expense pertaining to Civil Action 162308 now on file in Contra Costa County pertaining to that real property described in wife's property, paragraph 4 (a) above. With respect to all other property transferred herein the party receiving such property agrees to indemnify or hold harmless the other party from any claim or liability that the other party may suffer or may be required to pay on account of such encumbrances or liens or on account of any claim, liability, or legal proceeding involving said property arising after the date of this agreement.

(5) DEBTS and OBLIGATIONS. The husband assumes and agrees to pay, and hereby, agrees to hold the wife harmless on, the following unsecured obligations.

<u>Creditor</u>	<u>Amount</u>
(a) Mastercharge	\$1,100.00
(b) VISA	\$ 867.00
(c) Shell Western States Federal Credit Union	\$ 654.66
(d) Bank of America	\$ 441.00
(e) Sears	\$ 348.81

(6) DEBTS SINCE SEPARATION. Except for any debt or obligation of either party to the other created under this Agreement, each party agrees to pay and to hold the other harmless from all personal debts and obligations incurred by him or her since their separation on November 15, 1980; and if any claim, action, or proceeding is hereafter brought seeking to hold the other party liable on account of such debts or obligations, such party will at his or her sole expense defend the other party against any such claim, action, or proceeding.

(7) SPOUSAL SUPPORT. Except as specifically provided in this agreement, Husband and Wife each waives the right to and releases the other party from, any and all claims for, support or maintenance, whether temporary or permanent, either now or in the future.

(8) EQUAL DIVISION OF PROPERTY AND OBLIGATIONS. Husband agrees to pay wife the sum of Eight thousand one hundred and thirty-seven dollars and no/cents - \$8,137.00. Said payment to be made within thirty days of execution of this agreement, whereby the parties agree upon said payment there has been a fair and equal division of the community property assets and obligations of the parties.

(9) BINDING EFFECT. This agreement and each provision hereof is expressly made binding upon the heirs, assigns, executors, administrators, representatives, and successors in interest of each party.

(10) EXECUTION OF AGREEMENT. Husband and wife shall each concurrently herewith execute and deliver all documents, instruments and make all necessary endorsements and do or cause to be done any other acts and things which may be necessary or convenient to carry out the terms, provisions, intents and purposes of this agreement.

(11) APPROVAL BY THE COURT. In the event an action for dissolution of marriage is filed by husband or wife this agreement shall be submitted to the court for approval and ratification, and the same shall be part of any judgment rendered in such action and the parties by the terms of such judgment shall be ordered to do and perform all things to be done and performed by them under the terms hereof.

(12) ATTORNEY'S FEES. Each party shall bear his or her attorney's fees for legal services rendered to the parties respectively in the proceedings herein and costs.

(13) INCOME TAXES. The parties agree to file joint income tax returns for both the federal and state governments for tax year 1980 and to divide equally any refund allocated and received on the basis of the returns filed.

(14) CIVIL ACTION 162308. Wife agrees to notify husband of any court proceedings involving this civil action now pending in the Superior Court of Contra Costa County in which they are named and to invite husband to participate in the proceedings and attend any discussion or conference with counsel relating thereto. In the event settlement is reached or judgment entered resulting in a devaluation of the real property involved therein said property shall be appraised to determine the amount of devaluation whereby husband shall be obligated to make payment of one half of the amount of said devaluation to wife.

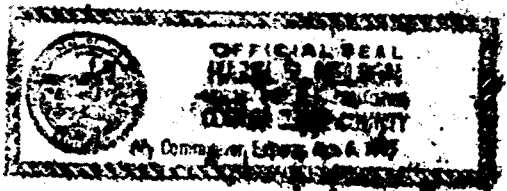
IN WITNESS WHEREOF the parties hereby execute and agree that this agreement is effective on the date and year set forth below.

DATED: 5/22/81 Kathleen V. Schaefer
KATHLEEN V. SCHAEFER

DATED: 5-22-81 Eric R. Schaefer
ERIC R. SCHAEFER

STATE OF CALIFORNIA, City of Martinez, County of Contra Costa
On May 22, 1981, before me, the undersigned, a Notary Public, in and for said State, personally appeared Kathleen V. Schaefer and Eric R. Schaefer known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

Hazel R. Nelson
Hazel R. Nelson, Notary Public



227817

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): ANTONE H. FAHDEN 1000 Court Street Martinez, CA 94553		TELEPHONE (415) 229-0229	FOR COURT USE ONLY
ATTORNEY FOR (Name): PETITIONER			FILED OCT - 7 1982 J. R. OLSSON, County Clerk CONTRA COSTA COUNTY By <i>W. Coker</i> W. Coker, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA			
STREET ADDRESS: 725 Court Street MAILING ADDRESS: P. O. Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:			
MARRIAGE OF			
PETITIONER: ERIC R. SCHAEFER			
RESPONDENT: KATHLEEN V. SCHAEFER			
FINAL JUDGMENT OF <input checked="" type="checkbox"/> DISSOLUTION OF MARRIAGE <input type="checkbox"/> LEGAL SEPARATION <input type="checkbox"/> NULLITY <input type="checkbox"/> DISSOLUTION OF MARRIAGE—STATUS ONLY			CASE NUMBER 227817

1. The court acquired jurisdiction of the respondent on (date): ~~December 7, 1981~~
10-15-81 WC
2. THE COURT ORDERS
- a. A final judgment of dissolution be entered, and the parties are restored to the status of unmarried persons
- b. A judgment of legal separation be entered
- c. A judgment of nullity be entered on the ground of (specify):
- and the parties are declared to be unmarried persons
3. THE COURT FURTHER ORDERS
- a. This judgment be entered nunc pro tunc as of (date):
- b. Wife's former name be restored (specify):
- c. Other (specify):

Dated: OCT - 7 1982

Master E. Rothberg
Judge of the Superior Court

Signature follows last attachment.

4. Total number of pages attached: -0-

NOTICE

- PLEASE REVIEW YOUR WILL. UNLESS A PROVISION IS MADE IN THE PROPERTY SETTLEMENT AGREEMENT, THIS COURT PROCEEDING DOES NOT AFFECT YOUR WILL AND THE ABILITY OF YOUR FORMER SPOUSE TO TAKE UNDER IT.
- ALTHOUGH AN OBLIGATION BASED ON A CONTRACT IS ASSIGNED TO ONE PARTY AS PART OF THE DIVISION OF THE COMMUNITY, IF THE PARTY TO WHOM THE OBLIGATION WAS ASSIGNED DEFAULTS ON THE CONTRACT, THE CREDITOR MAY HAVE A CAUSE OF ACTION AGAINST THE OTHER PARTY.
- IF YOU FAIL TO PAY ANY COURT ORDERED CHILD SUPPORT, AN ASSIGNMENT OF YOUR WAGES WILL BE OBTAINED WITHOUT FURTHER NOTICE TO YOU.

No attachment permitted on less than a full page. Cal. Rules of Court, rule 201(b).

Form Adopted by Rule 1209
Judicial Council of California
Revised Effective January 1, 1982

FINAL JUDGMENT
(FAMILY LAW)

EXHIBIT E

Recorded at the request of
ERIC & KATHLEEN SCHAEFER

MAY 22 1981

81 62820

RECORDED AT REQUEST OF

[Handwritten signature]

MAY 22 1981

[Handwritten initials]

OLSSON

NOTARY PUBLIC

Return to
KATHLEEN SCHAEFER
933 Haven Street
Martinez, California 94553

MAY 22 1981
CONTRA COSTA CO.
TRANSFER TAX
PAID \$ 44.55

Book 10337 Page 281

Parcel Number 373-061-034-6

Documentary transfer tax \$ 44.55
 Computed on full value of property conveyed, or
 Computed on full value less liens and encumbrances
remaining thereon at time of sale.

[Handwritten signature]
Signature of declarant or agent determining tax firm name

Quit Claim Deed

ERIC R. SCHAEFER

do es quit claim unto KATHLEEN V. SCHAEFER, as her sole and separate property,

all that real property situate in the City of Martinez County of Contra Costa

State of California, described as follows:

Homestead Tract Lot 4 & Portion 5 - Block B.

Dated May 22, 1981

[Handwritten signature: Eric R. Schaefer]

STATE OF CALIFORNIA

County of Contra Costa }
On May 22, 1981, before me, the undersigned,

a Notary Public, in and for said State, personally appeared
Kathleen V. Schaefer/Eric R. Schaefer
known to me to be the person(s) whose name(s)

EXHIBIT F

FOR NOTARY SEAL OR STAMP

MEMORANDUM

TO: CITY MANAGER AND CITY COUNCIL
FROM: ^{MPS} CITY ENGINEER
SUBJECT: SUBDIVISION 5038, MARINA VISTA

DATE: SEPTEMBER 30, 1982

FILE: 13.5038

ACTION REQUESTED:

RESOLUTION APPROVING EXTENSION OF TIME TO COMPLETE IMPROVEMENTS
FOR SUBDIVISION 5038, MARINA VISTA, BY TWO YEARS TO JUNE 5, 1983.

BACKGROUND:

On August 10, 1982, the engineering staff brought this item to the Planning Commission for review and comments with staff recommendations for reversion to acreage mainly due to our concerns for traffic safety in the proposed subdivision.

Normally the City grants similar requests for time extension routinely. Reversion to acreage was recommended because none of the require improvements were made within two years after filing the final map and the traffic concerns would have required revisions to the recorded map and the approved improvement plans.

The Planning Commission, after hearing the staff report and the developer's response, directed the developer and the Engineering Staff to review the concerns and bring back a recommendation to the Commission within two weeks.

Engineering and the developers, Mr. Williams and Mr. Arana, met several time since August 24, 1982, and have agreed to modify the alignment of the proposed private street (extension of Front Street) and to file a certificate of correction to revise the record map if necessary.

Commission Recommendation -

The Commission at its meeting of September 28, 1982, recommended the extension of time to complete subdivision improvements with the following conditions:

1. Revise improvement plans as proposed on plan dated September 15, 1982, and as approved by the City Engineer.
2. The plans and maps to be revised and approved by City Engineer before requesting any City permits.

RECOMMENDATION:

It is recommended that the City Council grant the requested time exten- ¹¹¹

EXHIBIT G

378-022

MARINA VISTA

$R=375'$ $\Delta=31^{\circ}29'33''$ $L=206.12'$

NO VEHICULAR ACCESS

$N 02^{\circ}15'38'' E$
177.2' O.R. 141'

FRONT STREET

BLK 5

LANG STREET

BLK 5
BASIS OF
N 12° 13' 26" W

$N 19^{\circ}13'55'' W (C)$

$S 84^{\circ}26'55'' E$ 116.45'
JOHNNE
7082 O.R. 315

$S 55^{\circ}33'55'' E$ 62.00'
1.5.4071

$S 34^{\circ}26'55'' E$ 61.76'

BASIS OF BEARINGS
THE EASTERLY LINE OF SUBDIVISION 5038 MARINA VISTA TAKEN AS $N 12^{\circ}13'26'' W$ BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE III.

247.71' O.R. 3016

$S 60^{\circ}09'35'' N$ 150.18'

FO 1/4" I.R.
15703

FO 1/4" I.R.
5.87' 42

5.374 AC

LEGEND

BOUNDARY LINE

- FOUND IRON PIPE AS NOTED
- SET 3/4" IRON PIPE I.S. 4071

REVERSION TO ACREAGE SUBDIVISION 5038

CITY OF MARTINEZ
1949 O.R. 270

FO 1/4" I.R.
5.87' 42