

ORIGINAL

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5 Telephone (562) 869-3034
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7 Attorney for Defendants
8 Harry Mansdorf, individually and as Trustee of
9 The Mansdorf Family Trust

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUL 24 2012

John A. Clarke, Executive Officer/Clerk
BY Raul Sanchez Deputy

10 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

12 JANICE M. McCLANAHAN)

Case No. BC363659

13 Plaintiffs,)

REQUEST FOR JUDICIAL NOTICE

14 v.)

15 HAROLD MANSDORF et al.)

16 Defendants.)

DATE: July 26, 2012
TIME: 9:00 AM
DEPT: 51

19
20 TO ALL PARTIES, THEIR ATTORNEYS OF RECORD, AND THIS HONORABLE
21 COURT:

22 REQUEST IS HEREBY MADE for this Court to take Judicial Notice, in connection
23 with the OBJECTION AND RESPONSE TO ORDER TO SHOW CAUSE REGARDING
24 THE SALE OF 811 N. ALTA DRIVE, BEVERLY HILLS, CALIFORNIA 90210 to the
25 following Documents:

- 26 1. In 1981, Mansdorf transferred the La Tuna Canyon land to Del Rio Development,
27 Inc. ("Del Rio"). Exhibit A is the Grant Deed transferring title to Del Rio.
28 2. On August 27, 1981, the Mansdorf Trust commenced an action in the California

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FAXED

1 Superior Court to obtain a constructive trust over certain proceeds obtained by Brukman.

2 3. All shares of Del Rio were held by Mansdorf as part of an anticipated sale and
3 development with Brukman. Brukman fraudulently encumbered the property by means
4 of a confidence game and embezzled \$3 Million in or about 1981. Del Rio then filed for
5 Chapter 11 bankruptcy protection to stop the foreclosure sale related to the sums which
6 Brukman encumbered. Exhibit B is the Decision from the Bankruptcy Appeal Panel
7 which identifies the background of what occurred.

8 4. Del Rio filed Chapter 11 Bankruptcy in 1982, through which fraudulent liens
9 were removed. Exhibit C is a Stipulation and Order rescinding foreclosure sales by First
10 Liberty and General Security. The decision in from the Bankruptcy Appeal Panel
11 further effectuates this Order.
12

13 5. On May 10, 1983, W. Patrick Moriarty and Henry L Bear signed and thereafter
14 recorded a Deed of Trust on behalf of Del Rio, purportedly as its President/Chief
15 Financial Officer and Vice-President/Assistant Secretary respectively. See Exhibit D.
16 The significance of this Deed is that Moriarty and Bear each claimed to be officers of
17 Del Rio while Del Rio was in Bankruptcy with Lee Mansdorf as the President.

18 6. Keith Card obtained a deed upon foreclosure sale dated 8/14/84. Exhibit E is a
19 copy of the Deed which Keith Card obtained. The significance is that the effective date
20 of the bankruptcy was not until after the date of the foreclosure sale and the notices of
21 default and notice of sale were made during the bankruptcy.
22

23 7. The Bankruptcy Court dismissed the bankruptcy and made the effective date of
24 the dismissal to be April 1, 1985. See Exhibit F. The effective date of the dismissal was
25 made anticipating that a foreclosure sale would occur and the effective date of the
26 dismissal was intended to stop the foreclosure, which is identified in the Bankruptcy
27 Appeal Panel decision, Exhibit B.

28 8. On 12/22/1986, Joe Hofman asserted an interest as president of Del Rio and filed

REQUEST FOR JUDICIAL NOTICE

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1 chapter 7 bankruptcy identifying certain parcels of the La Tuna Canyon land, claiming
2 that they were wrongfully taken and asked the Court to Return the property. Exhibit G
3 is the Petition for Chapter 7 filed on behalf of Del Rio. The significance is that Joe
4 Hofman is a previously undisclosed party who asserted that he is the president of Del
5 Rio when, upon information and belief, he was not.

6 9. On 3/23/1988, the Chapter 7 bankruptcy Trustee identified that the bankruptcy
7 was a no-asset bankruptcy and that there were not any assets.

8 10. On 12/22/1988, DRD, Inc, a California Corporation, previously known as Del
9 Rio Development, Inc. transferred certain parcels to The Mansdorf Family Trust.
10 Exhibit I is the said copy of the Corporation Quitclaim Deed. The significance is that
11 Lee Mansdorf was identified as the president and that the name of the corporation had
12 changed to DRD, Inc. The further significance is that each of the parcels were
13 identified in both the 1986 bankruptcy petition (Exhibit G).
14

15 11. Exhibit J is a Grant Deed in which Keith Card transferred two parcels of La Tuna
16 Property to Janice McClanahan on 10/12/1988. The significance of this Deed is that
17 Keith Card did not have the ability to transfer title to the same property.

18 12. Exhibit K is a Grant Deed which Janice McClanahan purportedly transferred title
19 to two La Tuna Parcels to Harry Mansdorf, Trustee of the Lee Mansdorf Family
20 Revocable Trust dated July 13, 2001. The significance is that there is no entity
21 identified as the Lee Mansdorf Family Revocable Trust dated July 13, 2001. Further
22 significance is that the property description which McClanahan purportedly received
23 and that which she transferred were not the same parcel.
24

25 13. Exhibit L is a Grant Deed which Protective Equity Trust #92 purportedly
26 transfers a parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this
27 deed is that Protective Equity Trust #92 purportedly obtained title from a foreclosure
28 which was subject to the 1984 bankruptcy order (Exhibit C).

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1 14. Exhibit M is a Grant Deed which Protective Equity Trust #104 purportedly
2 transfers a parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this
3 deed is that Protective Equity Trust #104 purportedly obtained title from a foreclosure
4 which was subject to the 1984 bankruptcy order (Exhibit C).

5 15. Exhibit N is a Grant Deed which Protective Equity Trust #105 purportedly
6 transfers a parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this
7 deed is that Protective Equity Trust #105 purportedly obtained title from a foreclosure
8 which was subject to the 1984 bankruptcy order (Exhibit C).

9 16. Exhibit O is a Grant Deed which Protective Equity Trust #96 purportedly
10 transfers a parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this
11 deed is that Protective Equity Trust #96 purportedly obtained title from a foreclosure
12 which was subject to the 1984 bankruptcy order (Exhibit C).

13 17. Exhibit P is a purported Grant Deed from AFF Partnership #2995, a limited
14 partnership, to Guillermo (Bill) Morgan. The significance of this deed is that AFF
15 Partnership #2995 is subject to the 1982 Del Rio Bankruptcy.

16 18. Exhibit Q is a purported Grant Deed from Guillermo (Bill) Morgan to Whitebird,
17 Inc. The significance is that all of the parcels identified in Exhibit P are included in
18 Exhibit Q, but Exhibit Q has more parcels of La Tuna Canyon land.

19 19. Del Rio filed a suit against Canadian Imperial Bank of Commerce to remove the
20 lien filed by Brukman, Del Rio Development, Inc. v California Canadian Bank aka
21 Canadian Imperial Bank of Commerce, Los Angeles Superior Court case number
22 C63666. The said case was settled on or about November 30, 1989.

23 20. Exhibit R is the Deed of Reconveyance executed on 11/22/1989 and recorded on
24 1/23/1990, whereby Canadian Imperial Bank of Commerce filed a Deed of
25 Reconveyance referring to the May 23, 1983 Deed of Trust. The Deed of Reconveyance
26 includes all or substantially all of the La Tuna Canyon parcels identified in Exhibit A.
27
28

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1 21. Exhibit S is a 2006 Grant Deed which identifies that Entities which were subject
2 to the 1982 bankruptcy. The significance is that the entities subject to the 1982 are still
3 attempting to transfer title to Whitebird, Inc and to subdivide the property.

4 This Court shall take Judicial notice of Facts and propositions that are not reasonably
5 subject to dispute and are capable of immediate and accurate determination by resort to sources
6 of reasonably indisputable accuracy pursuant to Evidence Code §452(h). The documents
7 identified herein which Request for Judicial Notice is being made are either decisional law
8 Evidence Code §452 (a), Court records Evidence Code §452(d)(1), or documents which are
9 official records of the Registrar/Recorder's office Evidence Code §452(h).

10
11
12
13 Dated: July 24, 2012

Respectfully submitted,

ORLOFF & ASSOCIATES APC

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15 

16 Paul Orloff, Attorneys for Plaintiffs Harry
17 Mansdorf individually and as Trustee of the
18 Mansdorf Family Trust

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REQUEST FOR JUDICIAL NOTICE

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7/24/12

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned, hereby certify that I am a resident of the United States and am over the Age of 18; I am employed in the County of Los Angeles, California, in which County the within mailing took place; and am not a party to the subject case. My business address is LAW OFFICES OF ORLOFF & ASSOCIATES 8402 Florence Avenue Suite B1, Downey, California 90240. I declare that I am a member of the California State Bar and am licensed to practice before this Court .

On July 24, 2012, I served or caused to be served the foregoing document described as REQUEST FOR JUDICIAL NOTICE on the interested parties, as follows:

David Marcus, Esq.
Marcus, Watanabe, Snyder & Dave
1901 Avenue of the Stars, Suite 300
Los Angeles, California 90067

Timothy B. Sottile, Esq.
Timothy B. Sottile APLC
31365 oak Crest Drive Suite 220
Westlake Village, California 91361

Thomas P. Cacciatore, Esq.
Law Office of Thomas P. Cacciatore
99 South Lake Avenue Suite 501
Pasadena, California 91101

Nicole M. McLaughlin
Archer Norris APLC
333 South Grand Avenue Suite 1700
Los Angeles, California 90071

Douglas C. Straus, Esq.
ARCHER NORRIS
2033 N. Main Street Suite 800
Walnut Creek, California 94596

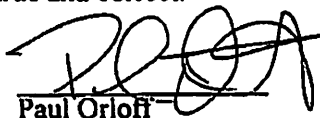
Christopher Barnes, Esq.
Mancini & Associates
15303 Ventura Blvd. Ste. 600
Sherman Oaks, CA 91403-6606

via U.S. MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Downey, California.

I am familiar with this firm's practice for the collection and processing of documents for mailing within the United States Postal Service, that the documents would be deposited with the United States Postal Service that same day in the ordinary course of business.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on July 24, 2012, at Downey, California.


Paul Orloff

1 Paul Orloff, Esq. SBN 216791
2 Orloff & Associates APC
3 8402 Florence Avenue Suite B1
4 Downey, California 90240
5 Telephone (562) 869-3034
6 Facsimile: (562) 869-3539

7 Attorney for Plaintiffs
8 Harry Mansdorf, individually and as Trustee of
9 The Mansdorf Family Trust

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF THE STATE OF CALIFORNIA

12 HARRY MANSDORF, individually and
13 as Trustee of THE MANSDORF
14 FAMILY TRUST

15 Plaintiffs,

16 v.

17 WALLACE PATRICK MORIARTY *et*
18 *al.*
19 Defendants.

Case No. CV-1339 DDP (JCGx)

REQUEST FOR JUDICIAL NOTICE

DATE: July 23, 2012
TIME: 10:00
COURTROOM: 3

20 PLAINTIFFS, by and through its attorney, hereby requests the Court to take Judicial
21 Notice pursuant to Federal Rule of Evidence 201 of the following facts and documents:

22 1. In 1981, Mansdorf transferred the La Tuna Canyon land to Del Rio Development, Inc.
23 ("Del Rio"). Exhibit A is the Grant Deed transferring title to Del Rio.

24 2. On August 27, 1981, the Mansdorf Trust commenced an action in the California Superior
25 Court to obtain a constructive trust over certain proceeds obtained by Brukman.

26 3. All shares of Del Rio were held by Mansdorf as part of an anticipated sale and
27 development with Brukman. Brukman fraudulently encumbered the property by means of a
28 confidence game and embezzled \$3 Million in or about 1981. Del Rio then filed for Chapter 11
29 bankruptcy protection to stop the foreclosure sale related to the sums which Brukman
30 encumbered. Exhibit B is the Decision from the Bankruptcy Appeal Panel which identifies the
31 background of what occurred.

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1 4. Del Rio filed Chapter 11 Bankruptcy in 1982, through which fraudulent liens were
2 removed. Exhibit C is a Stipulation and Order rescinding foreclosure sales by First Liberty and
3 General Security. The decision in from the Bankruptcy Appeal Panel further effectuates this
4 Order.

5 5. On May 10, 1983, W. Patrick Moriarty and Henry L Bear signed and thereafter recorded a
6 Deed of Trust on behalf of Del Rio, purportedly as its President/Chief Financial Officer and
7 Vice-President/Assistant Secretary respectively. See Exhibit D. The significance of this Deed is
8 that Moriarty and Bear each claimed to be officers of Del Rio while Del Rio was in Bankruptcy
9 with Lee Mansdorf as the President.

10 6. Keith Card obtained a deed upon foreclosure sale dated 8/14/84. Exhibit E is a copy of
11 the Deed which Keith Card obtained. The significance is that the effective date of the
12 bankruptcy was not until after the date of the foreclosure sale and the notices of default and
13 notice of sale were made during the bankruptcy.

14 7. The Bankruptcy Court dismissed the bankruptcy and made the effective date of the
15 dismissal to be April 1, 1985. See Exhibit F. The effective date of the dismissal was made
16 anticipating that a foreclosure sale would occur and the effective date of the dismissal was
17 intended to stop the foreclosure, which is identified in the Bankruptcy Appeal Panel decision,
18 Exhibit B.

19 8. On 12/22/1986, Joe Hofman asserted an interest as president of Del Rio and filed chapter
20 7 bankruptcy identifying certain parcels of the La Tuna Canyon land, claiming that they were
21 wrongfully taken and asked the Court to Return the property. Exhibit G is the Petition for
22 Chapter 7 filed on behalf of Del Rio. The significance is that Joe Hofman is a previously
23 undisclosed party who asserted that he is the president of Del Rio when, upon information and
24 belief, he was not.

25 9. On 3/23/1988, the Chapter 7 bankruptcy Trustee identified that the bankruptcy was a no-
26 asset bankruptcy and that there were not any assets.

27 10. On 12/22/1988, DRD, Inc, a California Corporation, previously known as Del Rio
28 Development, Inc. transferred certain parcels to The Mansdorf Family Trust. Exhibit I is the

1 said copy of the Corporation Quitclaim Deed. The significance is that Lee Mansdorf was
2 identified as the president and that the name of the corporation had changed to DRD, Inc. The
3 further significance is that each of the parcels were identified in both the 1986 bankruptcy
4 petition (Exhibit G).

5 11. Exhibit J is a Grant Deed in which Keith Card transferred two parcels of La Tuna
6 Property to Janice McClanahan on 10/12/1988. The significance of this Deed is that Keith Card
7 did not have the ability to transfer title to the same property.

8 12. Exhibit K is a Grant Deed which Janice McClanahan purportedly transferred title to two
9 La Tuna Parcels to Harry Mansdorf, Trustee of the Lee Mansdorf Family Revocable Trust dated
10 July 13, 2001. The significance is that there is no entity identified as the Lee Mansdorf Family
11 Revocable Trust dated July 13, 2001. Further significance is that the property description which
12 McClanahan purportedly received and that which she transferred were not the same parcel.

13 13. Exhibit L is a Grant Deed which Protective Equity Trust #92 purportedly transfers a
14 parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this deed is that Protective
15 Equity Trust #92 purportedly obtained title from a foreclosure which was subject to the 1984
16 bankruptcy order (Exhibit C).

17 14. Exhibit M is a Grant Deed which Protective Equity Trust #104 purportedly transfers a
18 parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this deed is that Protective
19 Equity Trust #104 purportedly obtained title from a foreclosure which was subject to the 1984
20 bankruptcy order (Exhibit C).

21 15. Exhibit N is a Grant Deed which Protective Equity Trust #105 purportedly transfers a
22 parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this deed is that Protective
23 Equity Trust #105 purportedly obtained title from a foreclosure which was subject to the 1984
24 bankruptcy order (Exhibit C).

25 16. Exhibit O is a Grant Deed which Protective Equity Trust #96 purportedly transfers a
26 parcel of La Tuna Canyon land to Whitebird, Inc. The significance of this deed is that Protective
27 Equity Trust #96 purportedly obtained title from a foreclosure which was subject to the 1984
28 bankruptcy order (Exhibit C).

REQUEST FOR JUDICIAL NOTICE

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2 to Guillermo (Bill) Morgan. The significance of this deed is that AFF Partnership #2995 is
3 subject to the 1982 Del Rio Bankruptcy.

4 18. Exhibit Q is a purported Grant Deed from Guillermo (Bill) Morgan to Whitebird, Inc.
5 The significance is that all of the parcels identified in Exhibit P are included in Exhibit Q, but
6 Exhibit Q has more parcels of La Tuna Canyon land.

7 19. Del Rio filed a suit against Canadian Imperial Bank of Commerce to remove the lien filed
8 by Brukman, Del Rio Development, Inc. v California Canadian Bank aka Canadian Imperial
9 Bank of Commerce, Los Angeles Superior Court case number C63666. The said case was
10 settled on or about November 30, 1989.

11 20. Exhibit R is the Deed of Reconveyance executed on 11/22/1989 and recorded on
12 1/23/1990, whereby Canadian Imperial Bank of Commerce filed a Deed of Reconveyance
13 referring to the May 23, 1983 Deed of Trust. The Deed of Reconveyance includes all or
14 substantially all of the La Tuna Canyon parcels identified in Exhibit A.

15 21. Exhibit S is a 2006 Grant Deed which identifies that Entities which were subject to the
16 1982 bankruptcy. The significance is that the entities subject to the 1982 are still attempting to
17 transfer title to Whitebird, Inc and to subdivide the property.

18
19 This court may judicially notice a fact that is not subject to reasonable dispute because it can be
20 accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

21 Federal Rule of Evidence §201 (b)(2). The court must take judicial notice if a party requests it and
22 the court is supplied with the necessary information. Federal Rule of Evidence §201 (c)(2).

23
24 Respectfully submitted,

25 Dated: July 20, 2012

ORLOFF & ASSOCIATES APC

26 

27 Paul Orloff, Attorneys for Plaintiffs Harry Mansdorf
28 individually and as Trustee of the Mansdorf Family Trust

REQUEST FOR JUDICIAL NOTICE

Exhibit A

07/24/12

001364

Recorded at the Office of
SANDY TITLE INSURANCE CO.

81- 50587

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
JAN 16 1981 11 8 AM
Recorder's Office

DEL RIO DEVELOPMENT
3144 Carlton Del Rio So. St.
San Diego, Ca. 92103

SURVEY 11-11-1971 112 510 GUSSE 92
FROM 80-123 FOR DEL RIO DEVELOPMENT

GRANT DEED **RE 82/10**

THIS INSTRUMENT GRANTING...
DEED TRANSFER TAX - \$ 0.00
☐ exempted on full value of property transferred, for
☐ exempted on full value of base or on transfers occurring in one of the old
☐ Partially
☐ Exempted on full value of base or on transfers occurring in one of the old

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

LEE MANSOUP, Trustee U.F.D. DATED AUGUST 31, 1967 as amended
August 16, 1976, F.B.O. The Mansoup Family
hereby GRANT to DEL RIO DEVELOPMENT, a California corporation

the following described property to the
County of Los Angeles

as per attached hereto and made a part hereof and EXHIBIT "A"

Dated January 4, 1981
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
I, Catherine M. Nash, being of the age of 38 years, do hereby certify that I am the person who executed the foregoing instrument and that I am the person who executed the foregoing instrument and that I am the person who executed the foregoing instrument.

Catherine M. Nash
Catherine M. Nash
Notary Public in and for the County of Los Angeles

Lee Mansoup
Lee Mansoup, Trustee of U.F.D.
F.B.O. The Mansoup Family

CATHERINE M. NASH
NOTARY PUBLIC - CALIFORNIA
OFFICIAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires 01-01-1982

(Space above for official notarial seal)

MAN FOR STATEMENTS TO PARTY CANNOT BE FOLLOWING LINE OF TO PARTY TO SIGN. MAIL AS DIRECTED ABOVE

Cap & Seal
908 35523-124

87/24/12

EX.A

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1001952-12A

EXHIBIT A

PARTIAL CERTIFICATE

This partial certificate is a part of the original map of Tract No. 1159, as per map recorded in Book 122, Page 18 of Maps, in the Office of the County Registrar of said County, against which is filed a map of said County, as per map recorded in Book 12, Page 18 of Maps, in the Office of the County Registrar of said County, described as follows:

Beginning at a point on the western line of Tract No. 1159, as per map recorded in Book 122, Page 18 of Maps, in the Office of the County Registrar of said County, thence North 88°15'00" East 15.00 feet to the point where the corner of said Tract No. 1159, thence North 24°51'30" East 175.10 feet, thence North 88°15'00" East 87.61 feet, thence South 82°13'50" West 57.18 feet to the beginning of a curve concave to the southeast having a radius of 25.00 feet and a central angle at that point which bears North 1°06'10" West; thence westerly along said curve 80.00 feet to a point, a radial line to said point bears North 61°16'52" West; thence along the boundary of the land described in Certificate of Title No. 77-7821, as filed in the Office of the Registrar of Titles of said County, as follows: North 31°19'20" East 215.10 feet, South 4°58'00" West 108.57 feet, North 51°01'20" West 13.00 feet and South 4°58'00" West 10.47 feet, thence bearing the boundary of the land described in said Certificate, along the boundary of land described in Parcel 1 as the deed of trust registered June 14, 1919 in Document No. 1191-2, and entered on Certificate of Title No. 85-44121; as filed in the Office of the said Registrar, as follows: North 54°48'00" West 37.97 feet, thence North 88°13'30" East 119.70 feet, thence North 88°15'00" East 118.31 feet and South 4°10'00" West 178.70 feet to the point where the corner of the land described in Parcel 1 of said deed of trust; thence along the westerly continuation of that certain curve described as being concave, southerly, having a radius of 100 feet, a central angle of 37°04'16" and a length of 37.72 feet to the southeasterly boundary of the land described in Parcel 1 of said deed of trust, westerly through the angle of 28°03'54" a distance of 48.98 feet; thence North 88°15'00" East 155.15 feet to the beginning of a tangent curve concave southerly, having a radius of 100 feet, thence westerly along said curve through an angle of 11°11'00", a distance of 19.33 feet, thence North 72°45'00" West 139.40 feet to the beginning of a tangent curve concave northeasterly, having a radius of 100 feet, thence northeasterly along said curve, through an angle of 25°08'10" a distance of 11.44 feet; thence North 67°16'10" West 41.06 feet to the beginning of a tangent curve concave southeasterly having a radius of 50 feet, thence westerly along said curve through an angle of

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001367-12A
Page 2

70°31'15", a distance of 28.72 feet to a point, a well-known line to said point North 12°18'15" East, thence North 5°34'10" West 160.77 feet to a point, said point being described as Point "A" for the purpose of this description, said Point "A" being on a line which bears South 89°23'10" West from a point on the Northwesterly prolongation of the Southwesterly line of the land described in Certificate of Title No. 40-6655, as filed in the office of the Registrar of the Land Office of said County, distant thereon North 26°1' West 240 feet from the most Southerly corner of said land, thence along said line which bears South 89°23'10" West to said Point "A", thence North 66°31'10" East to the Westerly line of the land described in Parcel 1 of the deed of trust registered on January 3, 1945 as Document No. 6-2, in the office of the same Registrar of said County, thence along the boundaries of the land described in Parcel 1 of said deed of trust as follows:

South 12°13'40" East to an angle point thence North 15°11'10" East 100.15 feet, South 61°11'10" East 178.28 feet, North 0°45'30" East 260.24 feet and South 91°22'15" West to said line which bears South 89°23'10" West to said Point "A", thence along said line North 66°31'10" East to the Northwesterly prolongation of the Southwesterly line of said land described in Certificate of Title No. 40-6655, thence South 16°41' East along said prolongation line 240 feet to the East Southerly corner of the land described in said Certificate of Title No. 40-6655, thence along the boundary of the land described in the last mentioned Certificate as follows: North 51°19'00" East 118.84 feet, thence North 85°05'00" East 100.70 feet and North 16°25'00" East 26.39 feet, more or less, to an angle point on the Northerly line of the land described in Certificate of Title No. 40-6655, as filed in the office of the said Registrar, thence along said Northerly line North 85°47'00" East 75.69 feet to the most Southerly Northwest corner of the land described in Certificate of Title No. 40-6655, in the office of said Registrar, thence along the boundary of the land described in the last mentioned Certificate as follows: South 5°47'10" East 16.38 feet, South 68°03'15" East 45.12 feet, South 72°40'45" East 215.81 feet, South 40°18'45" East 101.91 feet, South 61°11'00" East 59.21 feet, South 61°40'00" East 89.11 feet, South 16°49'00" East 76.39 feet, South 61°31'10" East 111.12 feet, South 76°12'20" East 67.79 feet and South 66°23'00" East 17.45 feet, thence South 66°11'00" West 35.60 feet to the point of beginning.

PARCEL 2 (NOVEL), 7466 25 - 9

That portion of Lot 229 of the Western Empire Tract, Sheet No. 4, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 13, Page 187, of 1936, in the office of the County Recorder of said County, described as follows:

81- 50587

07/23/12

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Beginning at the Southwest corner of said Lot 220, corner thence along the boundary line of said Lot 220, to the westerly line of the land described in the deed to Edward C. Harvey and wife, filed as Document No. 18434-7 on August 31, 1953 in the office of the Registrar of Land Titles of said County; thence along the westerly and southerly boundary line of said land of Harvey, North 9°32'45" East 271.77 feet, thence South 18°41'50" East 109.10 feet, thence North 51°24'10" East 51.78 feet, thence South 61°17'10" East 64.04 feet, thence North 14°17'50" East 34.13 feet to an angle point in the westerly boundary line of the Allingham Tract, as per map recorded in Book 72, Page 48 of Maps in the office of the County Recorder of said County; thence along the boundary line of said Allingham Tract, North 75°45' East 80.75 feet, thence South 10°31' West 87.21 feet; thence South 9°50' East 81.05 feet; thence North 62°51' East 104.46 feet; thence North 9°50' West 104.63 feet; thence North 10°24' East 113.46 feet, thence South 84°19' West 20 feet, thence leaving the boundary line of said Allingham Tract, show 31°01'40" West 113.21 feet; thence South 79°49'20" West 72.55 feet, thence South 87°01'30" West 63.22 feet; thence North 61°37'30" East 71.30 feet; thence South 51°24'30" West 70.10 feet, thence South 10°03'30" East 182.04 feet; thence North 8°20'34" East 187.29 feet, more or less, to a point in the southerly line of the land described in Parcel 1 of the deed of Sally H. Britton, recorded August 3, 1951 as Document No. 21546-7, in the office of the Registrar of Land Titles of said County; thence westerly and northerly along the southerly and westerly lines of said land to Britton as the southerly line of Tract No. 8559, as shown on map recorded in Book 122, Page 25 of Maps, in the office of the County Recorder of said County; thence westerly following the southerly boundary line of said Tract No. 8559, to the West Northerly corner of the land described in the deed to George C. Glade and wife, recorded March 24, 1958 as Document No. 36179-2, in the office of the Registrar of Land Titles of said County; thence along the southerly and westerly line of said land of Glade, South 12°11'26" West 12.12 feet, thence South 87°02'37" West 178.36 feet; thence South 22°35'30" West 131 feet, thence North 15°18'48" East 134.25 feet, thence North 3°18'50" East 21 feet to the Northeast corner of said land of Glade, thence North 80°41'04" West 24.57 feet; thence South 62°37'30" West 27.18 feet to the beginning of a tangent curve continue southeasterly, and having a radius of 55 feet; thence southeasterly along said curve, through an angle of 104°01'15" a distance of 150.76 feet, thence South 21°31'03" East 25.16 feet to the beginning of a tangent curve continue southeasterly and having a radius of 10 feet, thence southeasterly along said last mentioned curve, through an angle of 96°12'45" a distance of 133.17 feet; thence South 13°14' West 131.11 feet, thence South 61°18'15" West 37.93 feet to the beginning of a

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along said curve southerly, and having a radius of 100 feet; thence westerly along said last mentioned curve, through an angle of $40^{\circ}31'35''$ a distance of 81.70 feet, thence north $14^{\circ}03'30''$ East 10.00 feet to the beginning of a tangent curve southerly and having a radius of 100 feet; thence westerly along said curve, through an angle of $61^{\circ}03'10''$ a distance of 104.70 feet, thence south $04^{\circ}40'00''$ East 105.15 feet to the beginning of a tangent curve southerly, and having a radius of 100 feet; thence westerly along said curve, through an angle of $22^{\circ}28'00''$ a distance of 79.15 feet, thence north $12^{\circ}45'00''$ West 154.00 feet to the beginning of a tangent curve southerly having a radius of 100 feet, thence northerly along said curve through an angle of $23^{\circ}00'20''$ a distance of 43.60 feet, thence north $47^{\circ}30'10''$ East 47.00 feet to the beginning of a tangent curve southerly, having a radius of 100 feet, thence westerly along said curve, through an angle of $20^{\circ}35'15''$ a distance of 34.72 feet to a point, a radial line to said point bears North $12^{\circ}25'15''$ East; thence South $04^{\circ}40'00''$ East 77.75 feet, more or less, to the center of the 10 foot strip of land described in Parcel 3 of the deed to Carl E. Gorman, et al., filed as Document No. 13700-0, on August 24, 1951, in the office of the Registrar of Land Titles of said County; thence along said centerline North $09^{\circ}15'40''$ East to a point in that course in the Eastern line of the land described in Parcel 1 of said deed to Carl E. Gorman, et al., having a bearing and length of South $0^{\circ}00'$ East 225 feet, said point being distant North $0^{\circ}00'$ East along said Eastern line, 10.00 feet from the southeasterly corner of said last mentioned Parcel 1; thence along the boundary line of said land of Gorman, et al., South $4^{\circ}00'$ East 10.00 feet; thence North $07^{\circ}00'$ West 25 feet to the beginning of a curve southerly, having a radius of 100 feet; thence westerly along said curve to the westerly line of said Lot 274, thence southerly along said westerly line to the point of beginning.

EXCEPT therefrom that portion lying southerly of the southerly line of the Rancho Tajunga, as shown on map recorded in Book 1, Page 361, as recorded in Parcel 1, in the office of the County Recorder of said County.

ALSO EXCEPT therefrom that portion of said Lot 274, conveyed to Southern California Edison Company, Ltd., described in Document No. 14474, filed and recorded September 27, 1910, as Certificate of Title No. 67-21824, in the office of the Registrar of Titles of said County.

AND EXCEPT therefrom that portion of said Lot 274, described as follows:

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beginning at a point in the Southeastern line of Verdugo Creekline Drive, 20 feet wide, as shown on map at Tract No. 8444, in Book 112, Page 13 of Maps, County of Los Angeles, distant thereon North 43°05' East 11 00 feet from the Southeastern terminus of that certain center of said Southeastern line having a bearing of North 7°09' East and a length of 11.61 feet; thence South 87°41'00" East 117.11 feet to the Western terminus of said certain center described as being, a bearing and length of North 16°-1' East 107.44 feet, in the deed registered August 1, 1941 as Instrument No. 11649-7, thence along said last mentioned certain center South 14°11' East 107.50 feet to the Southern terminus of said last mentioned certain center, thence along the Southern line of the land first described in said deed to Sally M. Britton, March 11°11'-0" East 8 11 feet, thence along the westerly line of the land described in said deed to Sally M. Britton, South 8°10'34" West 100 21 feet to the east Southern corner of said last mentioned land, thence South 71°04'12" West 10.11 feet, thence North 81°15'00" West 102 71 feet to the Eastern line of said Verdugo Creekline Drive, said Eastern line being also the Eastern boundary of said Tract No. 8444, thence in a generally southerly direction following along the Eastern boundary of said Tract No. 8444, being along said Verdugo Creekline Drive, to said point at beginning.

TRACT 2A (19291); 7502 - 10 10

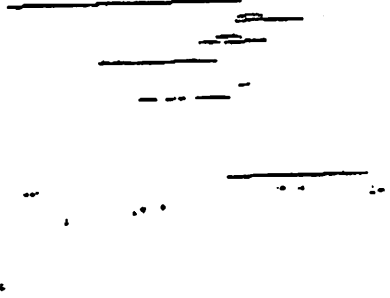
That portion of Lot 102 1/2 of the Western Empire Tract, Street No. 4, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 10, Page 14 of Maps, in the office of the County Recorder of said County, described as follows:

beginning at the S. W. corner of said Lot 102 1/2; thence Westerly along the Southern line of said Lot 102 1/2 to the Southeastern corner of said Lot 102 1/2, thence Northerly along the Western line of said Lot 102 1/2 to a point in the Southern boundary of the land described in Parcel 1 of the deed to Fred A. Taylor, recorded on July 12, 1923 as Instrument No. 811, in Book 112, Page 13, Official Records, in the office of the County Recorder of said County, thence in a generally Southeastern direction following along the Southeastern boundary of the land described in Parcel 1 of said deed to Taylor, to the east Southern corner of the land described in Parcel 1 of the deed to Carl P. Gordon, and wife, filed on August 14, 1940, as Instrument No. 11649-7, in the office of the Registrar of Land Titles of said County, thence

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Describe and follow along the boundary and boundary boundary of the land described in Parcel 1 of said deed to-wit: in a point to the easterly line of said lot 200 ft. then southerly along said easterly line to said point of beginning.

THAT part of said land included with the 110 foot strip at way of the Southern California Edison Company, Ltd., as shown in Document No. 149128 filed on September 27, 1920 entered in Certificate No. 25-42183, in the office of the Registrar of Land Titles of said County.

ALSO except any portion of said land lying southerly of the easterly line of the Rancho Tujunga, shown on map recorded in Book 1, Pages 131 and 132 of Public. in the office of the County Recorder of said County.

PARCEL 2D (PVALS): 2543 25-9.

That portion of lot 225 of the Western Lumber tract, shown on map in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 18, Page 132 of vol. 1 of Maps, in the office of the County Recorder of said County, described as follows.

Beginning at the intersection of the centerline of the 30 foot strip of land described in Parcel 1 of the deed to Carl E. Gorman, et al., registered as Document No. 137844 on August 20, 1914, in the office of the Registrar of Land Titles of said County, with the southerly prolongation of that portion of the westerly line of the land described in Parcel 1 of the deed of trust registered as Document No. 145444 on September 2, 1913, in the office of said Registrar of Land Titles as said parcel as having a bearing and length of North 89°31'30" West 150.77 feet, thence South 89°31'30" West along said prolongation to the above said westerly line, 105.30 feet, more or less, to a point, said point being designated as Point "A" for the purpose of this description, said Point "A" being on a line which bears South 89°31'30" West from a point in the Northwest corner prolongation of the southerly line of the land described in Certificate of Title No. 145444, as filed in the office of said Registrar of Land Titles, distant thereon South 35°11' West 140 feet from the West southerly corner of said last mentioned land, thence from said Point "A", North 89°31'30" East to the westerly line of the land described in Parcel 1 of the deed of trust registered as Document No. 6-7, on January 3, 1913 in the office of the said Registrar of Land Titles, thence North 12°11'00" West along the westerly line of said land described in Document No. 6-7, to the northwest corner of said land, thence North 87°22'15" East along the

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northerly line of said land to a line which bears North 65°33'10" East
from said Point "A", thence North 60°33'30" East along said last mentioned
line to the northeasterly prolongation of the southeasterly line of the
land described in said Certificate of Title No. 80-06783, thence South
30°41' East along said prolonged line to the most westerly corner of the
land described in said Certificate of Title No. 80-06783, thence along
the North-south line of said Certificate of Title No. 80-06783, as
follows:

"North 55°15' East 101.30 feet and North 60°00' East 112.72 feet to the
most northerly corner of said land, said most northerly corner being in
the westerly line of the land described in Certificate of Title No. 80-
13926, as file in the office of said Registrar of Land Titles; thence
westerly along said westerly line to the northerly line of said Lot 229,
thence northerly along said northerly line to the northeasterly corner of
the land described in Parcel 1 on the deed to Peter F. Petersen, et al.,
registered as Document No. 11674-U, on August 23, 1954 in the office of
said Registrar of Land Titles; thence along the boundary lines of the
land described in Parcel 1 of said deed to Peter F. Petersen, et al., as
follows:

South 3°45'45" West 21.41 feet, thence South 51°10'45" West 153.19 feet, thence
or less, to an angle point therein and North 61°00' East to the most
easterly corner of the land described in Parcel 1 of said deed to Carl
E. Gorman, et al., registered as Document No. 13764-U on August 26,
1954, thence North 6°00' West along the northerly line of said last mentioned
Parcel 1, to the centerline of the 10 foot strip of land described in
Parcel 1 of said deed to Carl E. Gorman, et al., thence South 65°13'40"
East, along said centerline to the point of beginning.

PARCELS 26 (CUTS). 2564-7-10 & 12

That portion of Lot 101 of the Western Empire Tract, in the City of Los
Angeles, in the County of Los Angeles, State of California, as per map
recorded in Book 13, Pages 147 and 148 of Maps, in the office of the
County Recorder of said County, lying within of a line described as
follows:

Beginning at the southeasterly corner of Lot 229 on said Western Empire
Tract, thence South 15°41' East to the intersection with the South line
of Rancho Tejunga, as shown on map recorded in Book 1, Page 361 of
Patents, said point of intersection being on a street line between
Sections 11 and 12 of said Rancho Tejunga

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EXCEPT those portions of said Lot 103, within the 150 foot right of way of the Southern California Edison Company, Ltd., described in Certificate No. 67-47448, on file in the office of the Registrar of Title of said County.

PARCEL 2 (RETRACT): 2463-24-4-6

2463-25-7

That portion of Lot 214 of the Western Empire Tract, in the City of Los Angeles, in the County of Los Angeles, State of California; as per map recorded in Book 18, Pages 162 and 163 of Maps, in the office of the County Recorder of said County, 66611820 as follows:

Commencing at a point in the Western Imperial Tract No. 8919, as per map recorded in Book 171, Page 11 of Maps, in the office of the County Recorder of said County, distance North 40°11'00" East 15 feet from the corner Northwest corner of said Tract No. 8919, thence North 75°31'24" East 115.10 feet, thence North 66°13'01" East 87.61 feet; thence South 91°51'30" West 87.12 feet to the beginning of a tangent curve concave to the Southwest, having a radius of 35 feet; thence easterly and southerly along said curve through an angle of 101°40'15" a distance of 156.94 feet; thence South 17°33'43" East 86.44 feet to the beginning of a tangent curve concave southerly, having a radius of 90 feet, thence South and southerly along said curve through an angle of 76°19'45", a distance of 151.11 feet; thence South 77°19'26" West 133.41 feet, thence South 61°10'11" West 10.01 feet to the beginning of a tangent curve concave Northerly, having a radius of 100 feet; thence Northerly along said curve, through an angle of 46°51'33", a distance of 81.76 feet; thence North 49°50'10" West 107.78 feet; thence North 34°03'10" West 10.08 feet to the beginning of a tangent curve concave Southerly having a radius of 100 feet; thence Southerly along said curve through an angle of 61°03'10" a distance of 108.70 feet; thence South 61°43'00" West 107.45 feet to the beginning of a tangent curve concave Northerly and having a radius of 150 feet; thence Northerly along said curve through an angle of 22°11'00", a distance of 10.11 feet; thence North 73°45'00" West, 163.61 feet; thence North 71°15'40" West 211.37 feet to the beginning of a tangent curve concave Southerly and having a radius of 100 feet; thence Northerly along said curve through an angle of 27°40'20" a distance of 18.30 feet; thence North 19°06'00" West 77.71 feet to the beginning of a tangent curve concave Southerly having a radius of 10 feet; thence Northerly and Easterly along said curve through an angle of 111°14'20", a distance of 127.04 feet; thence South 77°43'30" East 10.60 feet; thence South 51°47'00" East 61.44 feet to the beginning of a tangent curve concave Northerly, having a radius of 14 feet; thence Southerly and Northerly along said curve through an angle of 116°41'40" a distance of 95.88 feet; thence

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North 12°23'40" West 11.12 feet to the true point of beginning, thence
North 11°12'30" West 100.12 feet; thence North 14°23'40" West 101.22
feet; thence North 17°19'15" East 413.36 feet; thence South 00°41'18"
West 120.75 feet; thence North 85°21'48" West 172.22 feet to the true
point of beginning.

PARCEL 4 (SQUARES) - 7642 - B-4

These portions of Lots 3 and 7 of Fractional Section 12, Township 2
North, Range 14 East, San Bernardino Meridian, in the County of Los
Angeles, State of California, according to the official plat record,
described as a whole as follows:

Beginning at the east southerly corner of Lot 316 of the Milliken
Tract, as per map recorded in Book 77, Pages 48 and 49 of Maps, in the
office of the County Recorder of said County, said east southerly corner
being also an angle point in the boundary of said Milliken Tract,
thence along said boundary South 39°12'00" West 112.37 feet to an angle
point; thence thence continuing along said boundary, South 1°05'00"
East 62.03 feet to a point, said point to be known as "Point A" for the
purpose of this description only; thence continuing along said boundary,
South 1°05'00" East 30.55 feet, thence leaving said boundary on a line
parallel with and distant southerly 30.00 feet, measured at right angles,
from a line which forms a point in the westerly line of said Lot 7,
distance southerly thence South 0°19'30" West 1142.00 feet from the
southwest corner of said Lot 7 and extend through the said "Point A",
North 81°48'10" West 149.33 feet, thence South 26°51'05" West 417.76
feet; thence South 74°41'30" East 218.00 feet; thence South 65°12'30"
East 416.47 feet to the easterly boundary of the property described in
Certificate of Title No. 18-7777, as file in the office of the Registrar
of Titles of said County, thence along said easterly boundary South
9°00'00" West 15.11 feet to an angle point therein, thence continuing
along said easterly boundary South 1°53'00" East 39.37 feet to the
intersection with a line parallel with and distant southerly 30.00 feet
measured at right angles from the line which thence northward is described
as having a bearing and length of North 86°12'30" East 416.47 feet and
the westerly prolongation thereof, said intersection being the true
point of beginning for this description, thence along said parallel line
South 26°12'30" West to the intersection with the southerly pro-
longation of that certain corner intersection described as having a
bearing and length of South 26°31'05" West 417.76 feet; thence along
said prolongation and said last mentioned corner corner South 26°51'05"
East to said line parallel line, thence along said line
measured parallel line North 81°48'10" East 149.33 feet to

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Witnessed with point of Lat Appleton County, South 21°33' West 151' 00" feet, South 78°03' West 123' 00" feet; thence 19°01' West 343.08 feet; South 87°21' East 119' 00" feet; South 39°01' West 120' 00" feet and thence 4°10' West 103' 00" feet to the Southwesterly line of the land described in Certificate of Title No. 52-94483 on file in the office of the Registrar of title of said County, thence along said last mentioned Southwesterly line South 21°19'20" East 3603.36 feet, more or less to the Southwesterly line of said Lot 61, thence North 87°00' East along said Northerly line 0 46 chains to the Southwest corner of said Lot 61, thence North along the East line of said Lot 61, to the Southwest corner of the land described in Certificate of Title No. 52-94483 on file in the office of the Registrar of title of said County, thence Northerly along the Northerly line of said last described land 120 feet to the Southwest corner of said land; thence Northerly along the Northerly line of said land 120 feet to the Northwest corner of said land; thence Easterly along the Northerly line of said land 120 feet to the Easterly line of said Lot 61, thence Northerly along said last mentioned Easterly line to the Point of Beginning.

EXCEPT therefrom that portion, described as follows:

Beginning at a point in the Easterly line of said Lot 61, distant Southerly thereon 180.36 feet from the Southeast corner of Lot 40/2 of Tract No. 1732 in Book 46, Page 49 of Maps, in the office of the County Recorder of said County, thence Southerly along said Easterly line 358.01 feet to the Northerly line of the land described in Certificate of Title 52-94483 on file in the office of the Registrar of Title of said County, thence along said Northerly line South 55° 25' 15" West 98 03 feet to a point on a curve commencing Northerly and having a radius of 10 feet, a point line to said Point of Beginning North 81° 12' 03" East, thence Northerly along said curve, an arc distance of 21.34 feet to the beginning of a tangent curve commencing Northerly and having a radius of 98.18 feet, thence Northerly along said curve, an arc distance of 67.67 feet; thence North 4° 15' 15" West 28.71 feet; thence North 5° 25' 10" East 67 03 feet to the beginning of a tangent curve commencing Southerly and having a radius of 10 feet; thence Northerly and Easterly along said curve, an arc distance of 51.21 feet, thence North 54° 06' 05" East 17.42 feet to the point of beginning.

ALSO EXCEPT therefrom a strip of land 150 feet in width as depicted on

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PARCEL 9 (AMUSEMENT)

An easement 60 feet wide for access and highway purposes over that portion of lot 64 of the West portion of Torrance Ranch, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 27, Page 14 of Record Return Books, in the office of the County Recorder of said County, lying adjacent to and Westerly of the East line of said lot and 30 feet of said lot owner to the property described in Certificate of Title No. 100-11219 on file in the office of the Registrar of Titles of Los Angeles County, and extending Westerly to the corner line of the right of way shown on map at No. 100-11219 dated on July 3, 1923, shown on Certificate No. 100-11219 and 100-11219 in the office of the Registrar of Titles of Los Angeles County.

PARCEL 10 (AMUSEMENT) 250'-0" x 7'

That portion of lot 250 of the Western Empire Tract, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 18, Pages 101 and 102 of Maps, in the office of the County Recorder of said County, lying Westerly of a line commencing at the Southeast corner of lot 250 of said Western Empire Tract; thence South 113.18 feet to the intersection with the South line of Rancho Torrance, as shown on map recorded in Book 1, Page 141 of Returns, said point of intersection being on direct line between Stations 11 and 14 of said Rancho Torrance.

EXCEPT therefrom that portion of said lot within the 150 foot-right of way of the Southern California Edison Company L.L.C., described in Certificate No. 100-11219 on file in the office of the Registrar of Titles of Los Angeles County.

ALSO EXCEPT that portion described as follows:

Beginning at the Northeast corner of said lot, thence southerly along the Eastern line of said lot, 300 feet to the 150 foot-right of way of the Southern California Edison Company, as shown on Certificate No. 100-11219 on file in the office of the Registrar of Titles of Los Angeles County, thence said 150 foot-right of way line North 72° 19' 03" West 101.31 feet, thence North 72° 19' 03" West 101.31 feet to the beginning of a curve commencing southerly and having a radius of 113 feet and a central line to said point where North 37° 17' East, thence Westerly along said curve an arc distance of 43.01 feet,

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three fourths inch iron pipe; South 11' 12" East 100 1' feet to a three fourths inch iron pipe; South 22' 21" East 101.71 feet to a three fourths inch iron pipe; South 13' 14" East 109.49 feet to a three fourths inch iron pipe; South 12' 04" East 122.75 feet to a three fourths inch iron pipe; South 6' 19" East 131.34 feet to a three fourths inch iron pipe; and North 81' 00" East 191.61 feet to a two inch pipe; thence South 13' 04" East 16.83 feet to a brass cap in concrete, marked for a termination point of Los Angeles County; thence South 21' 02" West 132.63 feet; thence South 10' 02" West 125.43 feet; thence South 14' 01" West 243.07 feet; thence South 67' 21" West 113.43 feet; thence South 20' 41" West 190.41 feet; thence South 34' 18" West 181.87 feet to the Southeastern line of the land described in Certificate of Title No. 29-49468 on file in the office of said Registrar of Title; thence along last mentioned Southeastern line, North 21' 20' 10" West 872.48 feet to the Southern line of the land described in Certificate of Title No. 22-43701 on file in the office of said Registrar of Title; thence along last mentioned Southern line South 11' 23' 10" East 21.31 feet to the Southeastern corner of last mentioned land, thence along the Eastern line of last mentioned land, North 21' 11' 50" West 390.33 feet to the Western line of said land described in Certificate of Title No. 26-59113; thence along last mentioned Western line North 21' 02" East 1221.11 feet to a point in the Southeastern prolongation of the Northwestern line of said Tract 24- 2723; thence Southwesterly thence 220 71 feet to a two inch iron pipe at the most westerly corner of said Tract No. 2723; thence North 45' 14" East 226.71 feet to the point of beginning.

EXCEPT the right of way of the Southern California Edison Company, Ltd., 110 00 feet wide, as described in Certificate of Title No. 62-02223 on file in the office of said Registrar of Title and shown on map filed in Book 11, Page 43; Record of Surveys, and also in Book 10, Page 13, Record of Surveys.

PAGE 13 (TRANScribing) 2501-7-16, 18, 19, 21, 22

The South half of Lot 96 and all of Lot 97 of Masterpiece, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 6, Pages 124 and 125 of Miscellaneous Records, in the office of the County Recorder of said County, and also portions of the highway created by an order of the Board of Supervisors of said County, on file in said Book 13, Page 44, in the office of the said

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Know of Supervisors, adjoining said lots 96 and 97 on the East and
lying westerly of the Western Taylor Tract, as per map recorded in Book
18, Pages 142 and 143 of Maps, in the office of the County Recorder of
said County.

EXCEPT from said lot 96 that portion thereof described in deed to Southern
California Edison Company, Ltd. dated August 16, 1910 and filed September
27, 1910, as Document No. 193129, in the office of the Registrar of
Titles of Los Angeles County, and described in Certificate of Title No.
67-43667, in the office of said Registrar.

ALSO EXCEPT one fourth of all oil, minerals, gas, hydrocarbons and allied
substances in and under said land, but without right of entry on said
land as reserved by Ray L. West and Nancy G. West, husband and wife, in
deed recorded January 25, 1937, in Book 18117, Page 377, Official Records.

ALSO EXCEPT one half of all oil, minerals, gas, hydrocarbons and allied
substances in and under said land, but without the right of entry on
said land, as reserved by Kate Franklin, a married woman, as her separate
property, by deed recorded March 16, 1946, as Instrument No. 1474, in
Book 61211, Page 47, Official Records.

EXCEPT 14 (744). 2562-3 15

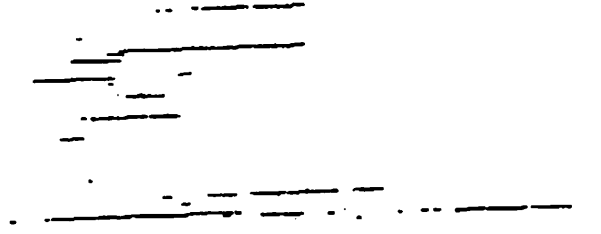
That portion of lot 25b of the Western Taylor Tract, in the City of Los
Angeles, in the County of Los Angeles, State of California, as per map
recorded in Book 18, Pages 142 and 143 of Maps, in the office of the
County Recorder of said County, bounded by the following described
lines:

Beginning at a point in the West line of said lot that is distant 1123.35
feet South therefrom from the Northwest corner of said lot, said point
being the east Southerly Southwesterly corner of the land described in
Tract 1, of the deed to Harold W. Abbott and wife, recorded on July
19, 1935, as Instrument No. 621, in Book 18128, Page 144, Official
Records. East 201.49 feet thence North 81.0 feet to the Southwesterly
corner of the land described in Parcel 1 of the deed to Ray L. Taylor,
recorded on July 12, 1951, in Book 48321, Page 130, Official Records;
thence along the Southerly line of said lot thence along as follows:

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Page 17

South 70° 34' 10" East 79.24 feet to the beginning of a tangent curve
concave Southeast having a radius of 100.33 feet Southeast
along said curve, through a central angle of 10° 11' 20", an arc distance
of 19.18 feet, South 68° 01' 40" East 46 feet to the beginning of a
tangent curve concave Southeast having a radius of 111.14 feet;
Southeast along said curve, through a central angle of 14° 48' 40"
an arc distance of 14.94 feet; South 67° 49' 00" East 50 feet to the
beginning of a tangent curve concave Southeast having a radius of 74
feet; Southeast along said curve, through a central angle of 60° 44'
40", an arc distance of 79.44 feet, South 7° 03' 00" East 124.14 feet to
the beginning of a tangent curve concave Southeast having a radius
of 10 feet and thence Southeast along said curve to the East line of
said Lot 228, thence North along said East line, Westerly along the
Southern line and North along the West line of said Lot 228, to the
point of beginning.

EXCERPT that portion enclosed with the 150 foot wide right of way of the
Southern California Edison Company, Ltd., as described in former
Certificate No. 29-62885, now on file in the office of the County Recorder,
of said County.

PAGE 15 (MILLER/DAVIS). 2562 5/22

These portions of Lots 1 and 3 of Fractional Section 24, Township 2
North, Range 11 West, 4th Meridian, in the City of Los Angeles,
in the County of Los Angeles, State of California, described as follows:

Beginning at the intersection of the Northern line of said Fractional
Section 24, with the Northwesterly line of the Williams Tract, as per
map recorded in Book 73, Page 13 and 14 of maps, in the office of the
County Recorder of said County, thence along said Northwesterly line
South 14° 16' West 14.73 feet to a stake point thereon, thence continuing
along said Northwesterly line South 1° 11' West 24.10 feet; thence South
1° 10' West 70.99 feet; thence South 31° 31' West 172.84 feet; thence
South 17° 01' East 77.03 feet; thence South 41° 14' East 81.71 feet;
thence South 14° 34' West 48 feet to the Northwesterly line of the
property described in Certificate of Title to 40-72041 on file in the
office of the Recorder of said County, thence along said Northwesterly
line, North 17° 11' West 1040.31 feet to the Northern line of said
Fractional Section 24; thence along said Northern line North 81° 33'
East 1103.70 feet to the point of beginning.

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Exhibit 12A
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Exhibit 12A (07/21/12) 2402-8-2

Exhibit 12A (07/21/12) 2402-8-2
The name is both a historical location, in the City of Los Angeles, in the County of Los Angeles, State of California, as follows:

Beginning at the intersection of the southeasterly line of the property described in Certificate of Title No. 77-7161 on file in the office of the Registrar of Titles of said County with the southeasterly line of the Hillhaven Tract, as shown on map recorded in Book 12, Pages 48 and 49 of Maps, to the office of the County Recorder at said County thence along the southeasterly line of said Hillhaven Tract, South 10° 45' East 23.18 feet to an angle point therein; thence continuing along said line mentioned southeasterly line South 81° 14' East 150.14 feet to an angle point therein; thence along the northerly line of said Hillhaven Tract, South 48° 14' East 10.00 feet to an angle point therein, being the most northerly corner of the property described in Certificate of Title No. 77-7161 on file in the office of said Registrar of Titles, thence South 19° 10' East 127.14 feet to the Northwest corner of Lot 15 of said Hillhaven Tract, being also an angle point on the boundary of said Hillhaven Tract, and the West Vesterly corner of the property described in Certificate of Title No. 77-7161; thence along said boundary line, South 19° 10' East 124.00 feet to the West Vesterly corner of Lot 27 of said Hillhaven Tract, being marked by a 2 inch iron pipe; thence continuing along said boundary line South 19° 10' East 145.70 feet to the most northerly corner of said Lot 27 being an angle point to said boundary line; thence continuing along said boundary line South 79° 20' West 125.17 feet to an angle point therein; thence continuing along said boundary line South 8° 05' East 68.00 feet; thence leaving said boundary line North 81° 45' 10" West, 1109.00 feet to a point on the Vesterly line of said Lot 2, as shown on said Licensed Surveyor's Map distant therefrom North 19° 10' West 151.00 feet from the Southeast corner of Lot 2 of said Fractional Section 24, being marked by a 2 inch iron pipe set in concrete, thence along said Vesterly line, North 0° 19' 10" West, 1070.00 feet to an intersection with the southeasterly line of the property described in said Certificate of Title No. 77-7161; thence along said last mentioned southeasterly line South 72° 17' East 1315.87 feet to the point of beginning.

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PARTIAL 11 (Continued): 3404-33-7 2561-33-1

Lot 1 of Section 26, Township 3 North, Range 14 West, San Bernardino Meridian, in the City of Los Angeles, County of Los Angeles, State of California, according to the Official Plat of said land filed in the Director Land Office on July 18, 1904.

EXCEPT the East 150 feet thereof.

ALSO EXCEPT therefrom that portion thereof described as Parcel 11A as endorsed by Final Order entered in Case No. 72915, Superior Court, a certified copy thereof being recorded December 18, 1963, as Instrument No. 1444, in Book D1794, Page 179, Official Records.

ALSO EXCEPT therefrom that portion thereof later described as the southerly 1/4 of that certain strip of land 84 feet wide described in deed to the City of Los Angeles, recorded on February 8, 1968, as Instrument No. 1879, in Book 69, Page 673, Official Records.

PARTIAL 12 (Continued): 3404-33-7 2561-33-1

Lots 13 to 21 inclusive of Tract No. 8159, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 127, Page 18 of Maps, in the office of the County Recorder of said County.

PARTIAL 13 (Continued): 3404-33-7 2561-33-1

Lot 3 of Section 26, Township 3 North, Range 14 West, San Bernardino Meridian, in the City of Los Angeles, County of Los Angeles, State of California, according to the Official Plat thereof.

PARTIAL 10A (DE VELT):

Those portions of Sections 24 and 25, in Township 3 North, Range 14 West, in the San Bernardino Meridian, in the City of Los Angeles, County of Los Angeles, State of California, included within the lines of V. Seabury's Map, in said City, County and State, as per map recorded in Book 76, Pages 67 to 77 inclusive of Miscellaneous Records, in the office of the County Recorder of said County.

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Page 20

ALSO Lot 1, and the southwest one-quarter of the southeast one-quarter,
all in Section 11, Township 1 North, Range 1 West, San Bernardino
Meridian, in said City, County and State, according to the Official Plat
thereof.

ALSO Lots 2, 3 and 4 in Section 14, Township 1 North, Range 1 West, San
Bernardino Meridian, in said City, County and State, according to the
Official Plat thereof.

EXCEPT from said above portion of Fractional Section 11, those portions
described in the Partial Decree, recorded on March 1, 1943, in
Book 1111, Page 644, Official Records, in the office of the County
Recorder of said County.

ALSO EXCEPT one-fourth of all over all, overflows, gas, brine, aquifers
and all kindred substances and other minerals, under and to said land
without right of entry, to the Los Angeles Shrine Hospital for Crippled
Children, a California corporation, as provided in deed from J. De Bell,
also known as Joseph D. Bell, also known as Joseph A. De Bell, who
acquired title as J. De Bell, a single man, to Verdugo Mountains, Inc.,
a corporation, recorded August 8, 1943, in Book 1111, Page 114, Official
Records.

ALSO EXCEPT that portion of the southeast one-quarter of Fractional
Section 11, Township 1 North, Range 1 West to V. Verdugo's Mountains,
in the City of Los Angeles, County of Los Angeles, State of California,
as previously recorded in Book 11, Page 47 to 51 inclusive of Miscellaneous
Records, in the office of the County Recorder of said County, described
as follows:

Beginning at a point in the Norwesterly line of a strip of land 84.00 feet
wide, described in the deed to the City of Los Angeles, recorded on
February 1, 1918, as Instrument No. 28, described in Parcel C1813-1
owned in the First-Trust of Colonization entered in Superior Court of
Los Angeles County, Case No. 1427878, a certified copy of which was
recorded on May 1, 1918, as Instrument No. 1143 of Official Records in
the office of said County Recorder, thence North 15° 54' 10" West,
111.78 feet, thence South 1° 11' 54" East, 270.88 feet, thence North 61°
42' 20" East, 211.10 feet, thence North 70° 18' 32" East, 26° 01' East, to
the east line of said 23, thence along said east line South 6° 31' 17"
East, 141.06 feet to the Northerly line of said strip of land 84.00 feet
wide, thence along said last mentioned Northerly line, South 71° 11' 19"
West, 1,120.00 feet to the point of beginning.

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EXCEPTED therefrom, that portion lying southerly of the Northerly line of La Tuna Canyon Road 60.66 feet wide as shown on County Surveyor's Map No. 8-121, on file in the office of the County Engineer of said County.

PARCEL 21 (SANDERS). 2941-7-5, 10, 6, 12, 16

Lots 7 and 8 the North half of the Southwest quarter of the Southwest quarter and the Northeast quarter of the Southwest quarter of the Southwest quarter all in Fractional Section 23, Township 2 North, Range 14 West, San Bernardino Meridian, to the City of Los Angeles, in the County of Los Angeles, State of California, according to the Official Plat thereof.

EXCEPT from the said Lot 8 and the Northeast quarter of the Southwest quarter of the Southwest quarter of said section, that portion thereof described as follows:

Beginning at a point in the West line of said Northeast quarter of the Southwest quarter of the Southwest quarter, distant North 1° 5' 10" East 34.10 feet from the line the Southwest corner thereof thence North 44° 14' 10" East, 148.70 feet to a 1 inch iron pipe; thence North 31° 35' 10" East, 11.10 feet to a 1 inch iron pipe; thence North 21° 41' 30" East, 314.10 feet to a 1 inch iron pipe; thence North 48° 0' East 103.24 feet to a point in the Northerly prolongation of the Westerly line of the said Northeast quarter of the Southwest quarter of the Southwest quarter thence along said line, South 1° 5' 30" West, 601.13 feet to the point of beginning.

AND EXCEPT therefrom that portion of said Lot 7 included within the land as described in Parcel 263 in the Final Decree of Condemnation entered in Los Angeles Superior Court Case No. C 954078, a certified copy of which was recorded April 20, 1976, as Instrument No. 2371, in Book D7048, Page 175 of Official Records of said County.

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PARCEL 22 (REITCHER)

THE WEST 110.00 FEET, MEASURED AT RIGHT ANGLES, OF THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 14 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THROWN IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, LYING NORTH OF THE NORTH LINE OF LA TUNA CANYON ROAD, AS DESCRIBED IN THE DEED RECORDED IN BOOK 7415 PAGE 284, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT FROM PARCELS 1-22 INCLUSIVE THAT PORTION OF SAID LAND INCLUDED WITHIN THE LAND AS DESCRIBED IN PARCEL 47877-1 (AMENDED) IN THE FINAL DECREE OF CONDEMNATION ENTERED IN THE LOS ANGELES COUNTY SUPERIOR COURT CASE NO. KC C 87879, A CERTIFIED COPY OF WHICH WAS RECORDED MAY 3, 1976, AS INSTRUMENT NO. 2743, IN BOOK 67865 PAGE 531, OFFICIAL RECORDS OF SAID COUNTY.

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07/24/12

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Exhibit B

07/24/12

001388



UNITED STATES BANKRUPTCY COURT
Central District of California

I hereby attest and certify that on 02/09/12 the attached reproduction(s),
containing 12 pages, is a full, true and correct copy of the complete document
entitled: JUDGMENT

Case #: LA-BA 05672-LE Doc #: 1289

which includes: ☐ Exhibits ☒ Attachments

on file in my office and in my legal custody at the marked location:

☒ 255 E. Temple Street, Suite 940
Los Angeles, CA 90012

☒ 3420 Twelfth Street, Suite 125
Riverside, CA 92501-3819

☒ 411 West 4th Street, Suite 2074
Santa Ana, CA 92701-4593

☒ 1415 State Street
Santa Barbara, CA 93101-2511

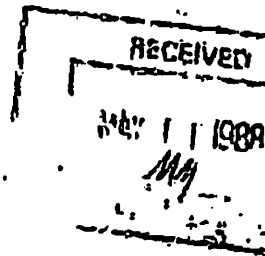
☒ 21041 Burbank Boulevard
Woodland Hills, CA 91367

KATHLEEN J. CAMPBELL
Clerk of Court

By: Sheila J. Mutton
Deputy Clerk

THIS CERTIFICATION IS VALID ONLY WITH THE
UNITED STATES BANKRUPTCY COURT SEAL.

#2007



MM

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

In re

DEL RIO DEVELOPMENT, INC.

Debtor.

DEL RIO DEVELOPMENT, INC.,

Appellant,

v.

LENDER LIMITED PARTNERSHIPS.

Appellee.

BAP No. CC-86-2034JMOV

Bankruptcy No. LA82-05672LF

Adversary No.

JUDGMENT

FILED

OCT 22 1987

Jed G. Weintraub, Clerk
U.S. BKCY. APP. PANEL
OF THE NINTH CIR.

ON APPEAL from the United States Bankruptcy Court for
the CENTRAL District of CALIFORNIA

THIS CAUSE came on to be heard on the record from the
above court and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by
this Panel that the judgment of the Bankruptcy Court is AFFIRMED.

BANKRUPTCY APPELLATE PANEL OF THE NINTH CIRCUIT	
A True Copy	
Attest:	
Jed G. Weintraub, Clerk	
<i>[Signature]</i> Deputy Clerk	<i>[Signature]</i> 7/1/88

FOR THE PANEL,

Jed G. Weintraub
Panel Clerk

[Signature]
By: Carlotta Smith
Deputy Clerk

894

001390

BAP/9

NOT FOR PUBLICATION

FILED

OCT 22 1987

Jed G. Weintraub, Clerk
U.S. BKCY. APP. PANEL
OF THE NINTH CIR.

UNITED STATES BANKRUPTCY APPELLATE

PANEL OF THE NINTH CIRCUIT

In re:

DEL RIO DEVELOPMENT, INC.,

Debtor.

DEL RIO DEVELOPMENT, INC.,

Appellant,

vs.

LENDER LIMITED PARTNERSHIPS,

Appellee.

CHAPTER 7

BAP NO. CC 86-2034 JMoV

M E M O R A N D U M

Argued and Submitted on
June 17, 1987 at Pasadena, California

Filed - October 22, 1987

Appeal from the United States Bankruptcy Court
for the Central District of California

Honorable Lisa Hill Penning, Bankruptcy Judge, Presiding

Before: JONES, MOOREMAN and VOLINN, Bankruptcy Judges

87/24/12

001391

1 The debtor, Del Rio Development ("Del Rio"), appeals the
2 trial court's order vacating a prior order which, in turn, had
3 vacated an order entered November 29, 1984. The latter order
4 dismissed Del Rio's bankruptcy effective April 1, 1985. We
5 AFFIRM.

6 FACTS

7 Prior to 1980, the Lee Mansdorf Family Trust ("Mansdorf
8 Trust"), Lee Mansdorf, Trustee, owned approximately 950 acres of
9 unimproved real property in Los Angeles known as the La Tuna
10 Canyon property ("La Tuna property"). In 1980 Mansdorf met Leon
11 Brukman. They agreed to develop the La Tuna property and in
12 early 1981 Mansdorf deeded the La Tuna property to a newly formed
13 corporation, Del Rio. In exchange, Mansdorf received all the
14 shares of Del Rio. Brukman was the president and sole director
15 of Del Rio and entered into a joint venture agreement with
16 Mansdorf giving Mansdorf the right to approve or disapprove of
17 steps taken toward development including encumbering the La Tuna
18 property. As sole director of Del Rio, Brukman authorized
19 himself to sell, transfer or otherwise encumber the La Tuna
20 property.

21 Del Rio borrowed over three million dollars from certain
22 investors known as Lender Limited Partnerships ("LLP"), giving
23 LLP ten promissory notes secured by first deeds of trust on the
24 La Tuna property. During April and May 1981, Mansdorf learned of
25 the Del Rio-LLP transactions. During the summer of 1981, the
26 loans went into default and LLP initiated foreclosure
27 proceedings.

28 On August 27, 1981 the Mansdorf Trust commenced an action in

1 California Superior Court to obtain a constructive trust over
2 certain proceeds obtained by Brukman and to enjoin the LLP
3 foreclosures. According to Mansdorf's declaration filed in the
4 state court proceeding, Brukman ran a "confidence game" on
5 Mansdorf. Brukman allegedly fraudulently induced Mansdorf to
6 convey the La Tuna property to Del Rio then embezzled the
7 \$3,000,000 Del Rio borrowed from LLP.

8 On September 14, 1981, Mansdorf signed a letter "To whom it
9 may concern" in which he certified both that Del Rio was the
10 owner of the La Tuna property and that Mansdorf was the president
11 and director of Del Rio. On September 15, 1981, Del Rio deeded
12 the La Tuna property to the Mansdorf Trust. On February 16, 1982
13 Mansdorf, as trustee for the Mansdorf Trust, quitclaimed the
14 property back to Del Rio. Then, acting as president of Del Rio,
15 Mansdorf conveyed the property to La Tuna Properties Ltd. On
16 April 6, 1982, with title to the La Tuna property held by La Tuna
17 Properties Ltd., Mansdorf sought a temporary restraining order to
18 prevent LLP's foreclosure on the La Tuna property which was set
19 for the next day. The superior court refused to issue the TRO
20 and denied Mansdorf's application for a preliminary injunction in
21 part because the owner of the property, La Tuna Properties Ltd.,
22 was not a party to the action. (Presumably, the TRO and
23 injunction were sought as part of the previously mentioned state
24 court lawsuit.)

25 On the following day, April 7, 1982, the La Tuna property
26 was transferred from La Tuna Properties Ltd. back to Del Rio
27 which promptly filed the bankruptcy petition that originally
28 commenced these proceedings. The bankruptcy petition was signed

1 by Mansdorf as president of Del Rio and listed the La Tuna
2 property as an asset of Del Rio. The automatic stay halted the
3 LLP foreclosures.

4 After two years without confirmation of a reorganization
5 plan, LLP sought relief from the automatic stay. By an order
6 entered June 26, 1984, the court granted LLP relief from the stay
7 allowing it to foreclose on the La Tuna properties. The June 26
8 order left the stay intact until July 17, 1986 so Del Rio could
9 try to submit a plan of reorganization or to refinance the La
10 Tuna properties allowing it to pay its secured creditors in full.
11 The order also recited that the court would hold a continued
12 hearing to determine the validity of foreclosure sales previously
13 conducted on behalf of LLP. The latter issue, however, was
14 resolved by a stipulation and order (dated June 24, 1986)
15 pursuant to which the foreclosures were found invalid under
16 Bankruptcy Code section 544(a)(3). The order called for
17 rescission of all deeds executed as part of the foreclosures,
18 reinstatement of all deeds of trust, and left in effect the June
19 26 order lifting the automatic stay.

20 On October 3, 1984, Del Rio filed a motion to dismiss the
21 Chapter 11 proceeding. Del Rio's counsel declared in the motion
22 that "all of the automatic stays protecting [the La Tuna
23 property] have been vacated, and foreclosure of sales have been
24 ratified, and most of the real estate constituting the assets of
25 this corporation have been foreclosed upon by certain secured
26 creditors." LLP and other parties opposed the motion fearing
27 that if the case was dismissed, Del Rio would initiate another
28 proceeding to try to block foreclosure. LLP therefore asked the

1 court to make the dismissal effective April 1, 1985; which the
2 court, per Judge Elliott, did by an order entered November 29,
3 1984.¹

4 On September 18, 1985, LLP moved for summary adjudication of
5 issues in the state proceeding on the grounds that the plaintiff,
6 the Mansdorf Trust, did not have standing to assert title to the
7 La Tuna property. The superior court granted the motion for
8 summary adjudication and on March 19, 1986, the court granted
9 LLP's motion to convert the summary adjudication into summary
10 judgment. Accordingly, judgment was entered in favor of the
11 defendant, LLP, and against the Mansdorf Trust. The Trust
12 appealed and that appeal is now pending.

13 Meanwhile, Del Rio sought to reopen the bankruptcy
14 proceedings. On January 22, 1986, Del Rio filed an Application
15 to Vacate Order of Dismissal and to Reopen Chapter 11 Estate. The
16 application was not served on LLP. The application asserted that
17 dismissal of the case had been sought "based upon the mistake and
18 belief [sic] by this debtor that all of said property had been
19 foreclosed upon by all of the holders of notes and deeds of trust
20 . . ." but that certain foreclosures had not yet occurred and
21 might be preventable. After a hearing on the application, the
22 court, per Judge Fanning, entered an order vacating the Elliott
23 order and reopening the bankruptcy proceeding.²

24 ¹ This order will hereinafter be referred to as the
25 "Elliott order."

26 ² It appears that Del Rio wants its bankruptcy case
27 activated so that a trustee could reexamine the loan transactions
28 through which the LLP obtained the deeds of trust and determine
whether the LLP transactions involving the La Tuna property may
be unwound.

when LLP learned that Del Rio's application had been granted, it filed a motion to dismiss the "reopened" proceeding. LLP argued that the court lacked jurisdiction to vacate the Elliott order pursuant to FRCP 60(b) because Del Rio's motion to vacate that order was filed more than one year after November 26, 1984 when the order was entered. The bankruptcy court agreed and vacated its prior order which had vacated the Elliott order. Del Rio timely appealed.

STANDARD OF REVIEW

The sole question before the Panel is whether the bankruptcy court properly interpreted the Elliott order. This is analogous to the interpretation of statutes, contracts, and consent decrees, all of which are questions of law and subject to de novo review. See Chrysler Credit Corp. v. First Nat'l Bank and Trust Co., 746 F.2d 200, 202 (3rd Cir. 1984) (statutory construction is question of law reviewable de novo); Vertex Dist. Co. v. Falcon Foam Plastics, Inc., 689 F.2d 885, 892-93 (9th Cir. 1982) (construction of contracts and consent decrees is question of law reviewable de novo) (quoting United States v. ITT Continental Baking Co., 420 U.S. 223, 236-37 (1975)). In the case at bar, moreover, the judge construing the order is not the same judge who issued it. Thus, we need not give additional weight to the court's interpretation of the order. Cf. Oldham v. Pritchett, 599 F.2d 274, 281 (8th Cir. 1979) (trial court's conclusion that collateral estoppel applied was entitled to great weight because the same judge presided at both proceedings).

DISCUSSION

Bankruptcy Rule 9024 makes Rule 50 of the Federal Rules of

1 Civil Procedure ("FRCP 60"): applicable to bankruptcy proceedings
2 with two exceptions not relevant to the instant case.³ FRCP
3 60(b) allows a court to provide relief from a final judgment or
4 order when the reason for the relief is mistake, inadvertence,
5 surprise or excusable neglect. A motion seeking such relief must
6 be made within a reasonable time not more than one year after the
7 judgment or order is entered.

8 The Elliott order was entered on the docket November 29,
9 1984, but stated that Del Rio's bankruptcy was dismissed
10 effective April 1, 1985. Del Rio did not seek relief from the
11 order until January 22, 1986, more than one year after the
12 Elliott order was entered but less than one year after the April
13 effective date of the dismissal. The only question is whether
14 the one year period for seeking relief from the order pursuant to
15 FRCP 60(b) began to run when the Elliott order was entered or on
16 the effective date of the dismissal.

17 In its October, 1986 order vacating its February 1986 order,
18 the bankruptcy court stated that it "was under the
19 misapprehension, created by the Debtor's Application, that Judge
20 Elliott's order had been entered not on November 29, 1984, but
21 rather on April 1, 1985." Having reviewed the Elliott order and
22 the docket, which revealed that no other order relating to
23 dismissal had been entered, the court concluded that the Elliott

24
25 ³ One of the exceptions is that a motion to reopen a case
26 is not subject to the one year time limitation of FRCP 60(b).
27 The Elliott order dismissed the case pursuant to Bankruptcy Code
28 section 1112 and Bankruptcy Rule 1017(a). A dismissal order is
not an order closing a case, and FRCP 60(b)'s one year limitation
therefore applies when relief from such an order is sought. See
In re Income Property Builders, Inc., 699 F.2d 963, 965 (9th Cir.
1982).

1 order was the dismissal order from which Del Rio sought relief.
2 Because that order was entered more than one year before FRCP
3 60(b) relief was sought, the court concluded that it did not have
4 jurisdiction to vacate the Elliott order. Accordingly, the court
5 vacated the order that had vacated the Elliott order.

6 Del Rio argues that the Elliott order contemplated a second
7 order, to be entered April 1, 1985, that would actually dismiss
8 the bankruptcy.¹ The Elliott order states: "It is hereby
9 ordered, that the Motion of Debtor be granted effective April 1,
10 1985, and, as of said date, that the within Chapter 11 proceeding
11 be ordered dismissed." Del Rio asserts that the inclusion of the
12 underscored language "demonstrates the clear intent that the
13 Elliott order was not to be the order dismissing the bankruptcy."

14 We disagree. The tenor of the Elliott order is that Del
15 Rio's motion is granted, but that the dismissal is not effective
16 until April 1, 1985. Moreover, if a second order was to be
17 entered April 1, then the Elliott order is essentially
18 meaningless. According to Del Rio, the Elliott order grants the
19 relief, but only announces that another order granting the relief
20 will be entered at a later date.

21 Del Rio further argues that the notice of dismissal issued
22 by the clerk's office² supports its contention. That notice
23 stated: "Notice is hereby given that an order was entered on
24

25 Del Rio makes a second argument that rests upon its first
26 argument. Del Rio asserts that the order that was to be entered
27 on April 1, 1985 was not entered because of a clerical error,
28 which, pursuant to FRCP 60(a), may be corrected at any time.
Del Rio asserts that the court can now correct the clerical error
thereby making its motion for relief timely. This argument makes
sense only if the Elliott order is interpreted to contemplate a
second order and need not be separately analyzed.

#2016

1. 1985, dismissing the above-entitled proceeding." Del Rio claims that the notice caused it to believe that a second order had actually been entered.

Del Rio cannot claim prejudice because of the language in the notice of dismissal. Del Rio filed the motion to dismiss; its attorney attended the hearing on the motion; and, as the prevailing party, Del Rio's attorney drafted and submitted the Elliott order. The notice of dismissal is simply a form document designed to inform interested parties of the dismissal. The deputy clerk completing the form merely filled in the effective date of the dismissal. An outside third party arguably could assert that it relied on the notice to its detriment, but Del Rio is in no position to make such a claim.

As a further note, the record does not contain the transcript of the hearing on Del Rio's motion to dismiss. Without the transcript, however, there is simply no evidence that a second order was intended. Accordingly, we AFFIRM.

**OFFICE OF THE CLERK
United States Bankruptcy Appellate Panel
of the Ninth Circuit**

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered in this case as of the file stamp date on the attached decision of the Panel.

Motions for Rehearing

A motion for rehearing may be filed within 10 days after entry of the judgment. (Bankruptcy Rule 8015). A motion should not be filed to reargue the case, but only to direct attention to material facts, or points of law which in the opinion of the moving party the Panel has overlooked or misapprehended.

The motion shall be submitted on 8 1/2 by 11 inch paper, shall not exceed 15 pages in length, and shall comply with rules governing service and signature. An original and three copies shall be filed.

A motion for rehearing does not toll the time for filing a notice of appeal to the Court of Appeals. See In re Lovitt, 757 P.2d 1035 (9th Cir. 1985).

Bill of Costs

Bankruptcy Rule 8014 provides that costs on appeal shall be taxed by the Clerk of the Bankruptcy Court. Cost bills should be filed with the Clerk of the Bankruptcy Court from which the appeal was taken. Also see Rule 39, Federal Rules of Appellate Procedure.

Issuance of the Mandate

The mandate, a certified copy of the judgment addressed to the Clerk of the Bankruptcy Court from which the appeal was taken, will be issued 21 days after entry of the judgment unless otherwise ordered by the Panel. A timely motion for rehearing will stay the mandate until disposition of the motion, unless otherwise ordered. See Bankruptcy Rule 8017 and Rule 41, Federal Rules of Appellate Procedure.

Appeal to Court of Appeals

An appeal to the Court of Appeals is initiated by filing a notice of appeal with the Clerk of this Panel. See the Federal Rules of Appellate Procedure and the Rules of the United States Court of Appeals for the Ninth Circuit for specific requirements.

100-270000-7
JUL 11 1988
111

PROOF OF SERVICE OF MANDATE

Angie Brimmer
I, ~~Carolyn Smith~~, sent a certified copy of the attached judgment
to Clerk _____

_____ U.S. Bankruptcy Court _____

at 312 North Spring Street, Ninth Floor
(address)

_____ Los Angeles, CA, 90012 _____

on *May 11, 1988*
(date)

Angie Brimmer
~~Carolyn Smith~~
Deputy Clerk

07/24/12

001401

Exhibit C

07/24/12

001402

UNITED STATES BANKRUPTCY COURT
Central District of California

I hereby attest and certify that on 07/10/12 the attached reproduction(s),
containing 35 pages, is a full, true and correct copy of the complete document
entitled: STIPULATION ORDER TO REOPEN

Case #: LA 92-05672-JA Doc #: 12

which includes: ☐ Exhibits ☒ Attachments

on file in my office and in my legal custody at the marked location:

☒ 255 E. Temple Street, Suite 940
Los Angeles, CA 90012

☒ 3420 Twelfth Street, Suite 125
Riverside, CA 92501-3819

☐ 411 West 4th Street, Suite 2074
Santa Ana, CA 92701-4593

☐ 1415 State Street
Santa Barbara, CA 93101-2511

☐ 21041 Burbank Boulevard
Woodland Hills, CA 91367

KATHLEEN J. CAMPBELL
Clerk of Court

By: Shirley Moulton
Deputy Clerk

**THIS CERTIFICATION IS VALID ONLY WITH THE
UNITED STATES BANKRUPTCY COURT SEAL.**

ABERT E. DARBY
GEORGE R. PITTS
PAUL, HASTINGS, JANOFFSKY & WALKER
555 South Flower Street
Twenty-Second Floor
Los Angeles, California 90071
(213) 489-4000

Attorneys for Plaintiffs
FIRST LIBERTY FINANCIAL, INC.,
PROTECTED EQUITY TRUSTS, and
GENERAL SECURITY CORPORATION

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE
DEVELOPMENT, INC.,
a California corporation,

Debtor.

Case No. LA 82-05672-JA,
(Chapter 11)
Ref. No. M4-00088JA

STIPULATION; ORDER THEREON

FIRST LIBERTY FINANCIAL, INC.,
a California corporation,
PROTECTED EQUITY TRUST NO. 92,
a limited partnership,
PROTECTED EQUITY TRUST NO. 93,
a limited partnership,
PROTECTED EQUITY TRUST NO. 94,
a limited partnership,
PROTECTED EQUITY TRUST NO. 95,
a limited partnership,
PROTECTED EQUITY TRUST NO. 96,
a limited partnership,
PROTECTED EQUITY TRUST NO. 97,
a limited partnership,
PROTECTED EQUITY TRUST NO. 104,
a limited partnership,
PROTECTED EQUITY TRUST NO. 105,
a limited partnership,

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001404

GENERAL SECURITY CORPORATION,
California corporation,

Plaintiffs,

VS.

DEL RIO DEVELOPMENT, INC.,

Defendant.

IT IS HEREBY STIPULATED by and between DEL RIO
DEVELOPMENT ("Del Rio"), the debtor-in-possession herein, and
LA TUNA PROPERTIES, LTD., on the one hand, and FIRST LIBERTY
FINANCIAL, INC. ("First Liberty"), GENERAL SECURITY CORPORATION
("General Security") and PROTECTED EQUITY TRUSTS NOS. 92, 93, 94,
95, 96, 97, 104 and 105 (collectively, "Protected Equity Trusts"),
by and through their attorneys, that:

1. The foreclosure sales conducted on or about
November 23, 1982, by First Liberty and General Security of
certain parcels of the real property commonly known as the La Tuna
Canyon property and scheduled by Del Rio as an asset of its
bankruptcy estate, were invalid against the debtor-in-possession
pursuant to Bankruptcy Code Section 544(a)(3). Copies of the deeds
of trust pursuant to which the above sales were conducted, with
legal descriptions of the parcels of the La Tuna Canyon property to
which they pertain are attached hereto as Exhibit "A" and are
incorporated herein by this reference. This conclusion is based
solely on the finding that trustee's deeds with respect to the

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referenced sales were recorded after the debtor-in possession had obtained a stay pending appeal of the court's prior order dismissing the case. The document numbers of these trustees' deeds, all of which were recorded in the Los Angeles County Recorder's office on January 18, 1983, together with the corresponding loan numbers, deed of trust document numbers, notice of default document numbers, names of beneficiaries and recording dates for the deeds of trust and notices of default appear in Exhibit "B" attached, which is incorporated herein by this reference.

10

11 2. This Court's order of June 21, 1984 lifting the
12 automatic stay with respect to the above property remains in effect.

13

14 3. The above trustees' deeds may be rescinded, and the
15 deeds of trust pursuant to which the above foreclosure sales were
16 conducted and hereby reinstated. These trustees' deeds and deeds
17 of trust are specifically listed on Exhibit "B" hereto.

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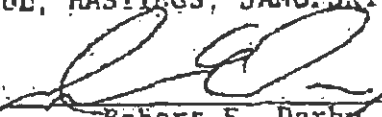
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4. The original notices of default, pursuant to which
the above sales were conducted and which are listed in Exhibit "B"
above, remain valid.

DATED: October 19, 1984.

ROBERT E. DARBY
GEORGE R. PITTS
PAUL, HASTINGS, JAMOFESKY & WALKER

By: 

Robert E. Darby
Attorneys for Plaintiffs
FIRST LIBERTY FINANCIAL, INC.,
GENERAL SECURITY CORPORATION,
and PROTECTED EQUITY TRUSTS

DATED: October 11, 1984.

WILLIAM STOCKER
BEAR KOTOB, RUBY & GROSS

By: 

~~WILLIAM STOCKER~~ Henry L. Bear
Attorneys for
DEL RIO DEVELOPMENT, INC.
and LA TUNA PROPERTIES, LTD.

O R D E R

IT IS SO ORDERED.

DATED: OCT 22 1984


UNITED STATES BANKRUPTCY JUDGE

PARCEL 2 (MEVEL):

That portion of Lot 229 of the Western Empire Tract, Sheet No. 4, in the City of Los Angeles, in the County of Los Angeles, State of California; as per map recorded in Book 13, Pages 167, et seq., of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Southwest corner of said Lot 229; thence Easterly along the Southerly line of said Lot 229, to the Westerly line of the land first described in the deed to Edward C. Knauer and wife, filed as Document No. 16153-V on August 31, 1933 in the office of the Registrar of land titles of said County; thence along the Westerly and Northerly boundary line of said land of Knauer, North 7°30'53" East 771.977 feet; thence South 78°41'50" East 109.16 feet; thence North 51°24'30" East 91.78 feet; thence South 61°37'33" East 64.08 feet; thence North 75°19'59" East 55.31 feet to an angle point in the Westerly boundary line of the Hillhaven Tract, as per map recorded in Book 71, Page 48 of Maps, in the office of the County Recorder of said County; thence along the boundary line of said Hillhaven Tract, North 73°06' East 80.75 feet; thence South 10°21' West 48.22 feet; thence South 9°50' East 81.05 feet; thence South 62°23' East 50.44 feet; thence North 9°56' West 107.51 feet; thence North 10°21' East 115.46 feet; thence South 64°19' West 30 feet; thence leaving the boundary line of said Hillhaven Tract, shown 21°02'40" West 11.21 feet; thence South 79°49'30" West 72.07 feet; thence South 67°01'30" West 63.23 feet; thence North 61°37'30" West 71.10 feet; thence South 51°23'30" West 70.70 feet; thence North 25°45'30" West 162.99 feet; thence North 8°20'34" East 147.29 feet, more or less, to a point in the Southerly line of the land described in Parcel 1 of the deed to Sally M. Britton, recorded August 3, 1951 as Document No. 71966-T, in the office of the Registrar of land titles of said County; thence Westerly and Northerly along the Southerly and Westerly lines of said land to Britton to the Southerly line of Tract No. 8959, as shown on map recorded in Book 122, Page 18 of Maps, in the office of the County Recorder of said County; thence Westerly following the Southerly boundary line of said Tract No. 8959, to the most Easterly corner of the land described in the deed to George C. Glade and wife, recorded March 24, 1949 as Document No. 3479-A, in the office of the Registrar of land titles of said County; thence along the Southerly and Westerly line of said land of Glade, South 32°17'24" West 44 feet; thence South 67°02'57" West 178.36 feet; thence North 22°55'56" West 131 feet; thence North 15°18'46" West 131.25 feet; thence North 1°18'34" East 25 feet to the Northwest corner of said land of Glade; thence North 85°41'04" West 24.47 feet; thence South 52°53'30" West 82.18 feet to the beginning of a tangent curve concave Southeasterly, and having a radius of 80 feet; thence Southwesterly along said curve, through an angle of 105°47'15" a distance of 156.48 feet; thence South 22°53'25" East 86.46 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 90 feet; thence Southwesterly along said last mentioned curve, through an angle of 96°12'45" a distance of 151.13 feet; thence South 73°39' West 232.42 feet; thence South 83°18'13" West 39.93 feet to the beginning of a

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QUALITY OF ORIGINAL DOCUMENT

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Page 4

tangent curve concave Northerly, and having a radius of 100 feet; thence Westerly along said last mentioned curve, through an angle of $46^{\circ}31'35''$ a distance of 51.79 feet; thence North $49^{\circ}50'10''$ West 122.18 feet; thence North $34^{\circ}08'50''$ West 70.08 feet to the beginning of a tangent curve concave Southerly and having a radius of 100 feet; thence Westerly along said curve, through an angle of $61^{\circ}08'10''$ a distance of 106.70 feet; thence South $84^{\circ}43'00''$ West 105.43 feet to the beginning of a tangent curve concave Northerly, and having a radius of 100 feet; thence Westerly along said curve, through an angle of $72^{\circ}32'00''$ a distance of 39.33 feet; thence North $72^{\circ}43'00''$ West 139.60 feet to the beginning of a tangent curve concave Northeasterly having a radius of 100 feet; thence Northwesterly along said curve through an angle of $25^{\circ}08'30''$ a distance of 43.88 feet; thence North $47^{\circ}36'30''$ West 47.06 feet to the beginning of a tangent curve concave Southwesterly, having a radius of 53 feet; thence Westerly along said curve, through an angle of $29^{\circ}55'15''$ a distance of 38.72 feet to a point, a radial line to said point bears North $12^{\circ}28'15''$ East; thence South $0^{\circ}54'30''$ East 27.73 feet, more or less, to the centerline of the 50 foot strip of land described in Parcel 5 of the deed to Carl E. Gorman, et ux., filed as Document No. 13786-W, on August 26, 1954, in the office of the Registrar of Land Titles of said County; thence along said centerline, North $65^{\circ}13'40''$ West to a point in that course in the Easterly line of the land described in Parcel 1 of said deed to Carl E. Gorman, et ux., having a bearing and length of, South $6^{\circ}00'$ West 155 feet, said point being distant North $6^{\circ}00'$ East along said Easterly line, 30.90 feet from the Southeasterly corner of said last mentioned Parcel 1; thence along the boundary line of said land of Gorman, et ux., South $6^{\circ}00'$ West 30.90 feet; thence North $67^{\circ}08'$ West 85 feet to the beginning of a curve concave Southerly, having a radius of 150 feet; thence Westerly along said curve to the Westerly line of said Lot 229; thence Southerly along said Westerly line to the point of beginning.

EXCEPT therefrom that portion lying Southerly of the Southerly line of the Rancho Yujunga, as shown on map recorded in Book 1, Pages 361, et seq., of Volumes, in the office of the County Recorder of said County.

ALSO EXCEPT therefrom that portion of said Lot 229, conveyed to Southern California Edison Company, Ltd., described in Document No. 19519, registered September 27, 1930, on Certificate of Title No. GP-62884, in the office of the Registrar of Titles of said County.

ALSO EXCEPT therefrom that portion of said Lot 229, described as follows:

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Beginning at a point in the Southeasterly line of Verdugo Crestline Drive, 50 feet wide, as shown on map of Tract No. 8959, in Book 122, Page 18 of Maps, County of Los Angeles, distant thereon South 42°05' West 12.00 feet from the Northeasterly terminus of that certain course on said Southeasterly line having a bearing of North 42°05' East and a length of 42.61 feet; thence South 87°41'00" East 117.56 feet to the Northerly terminus of that certain course described as having a bearing and length of North 16°45' West 107.49 feet, in the deed registered August 3, 1951 as Instrument No. 21986-T; thence along said last mentioned certain course South 16°45' East 107.59 feet to the Southerly terminus of said last mentioned certain course; thence along the Southerly line of the land first described in said deed to Sally M. Brittan, North 71°17'40" East 8.77 feet; thence along the Westerly line of the land secondly described in said deed to Sally M. Brittan, South 8°20'54" West 155.21 feet to the most Southerly corner of said last mentioned land; thence South 33°05'12" West 69.45 feet; thence North 63°15'00" West 202.77 feet to the Easterly line of said Verdugo Crestline Drive, said Easterly line being also the Easterly boundary of said Tract No. 8959; thence in a generally Northerly direction following along the Easterly boundary of said Tract No. 8959; being along said Verdugo Crestline Drive, to said point of beginning.

PARCEL 2A (NEVEL):

That portion of Lot 206 1/2 of the Western Empire Tract, Sheet No. 4, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 18, Page 162 et seq., of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Southeasterly corner of said Lot 206 1/2; thence Westerly along the Southerly line of said Lot 206 1/2 to the Southwesterly corner of said Lot 206 1/2; thence Northerly along the Westerly line of said Lot 206 1/2 to a point in the Southerly boundary of the land described in Parcel 1 of the deed to Boyd A. Taylor, recorded on July 17, 1953 as Instrument No. 83, in Book 48121, Page 130; Official Records, in the office of the County Recorder of said County; thence in a generally Northeasterly direction following along the Southeasterly boundary of the land described in Parcel 1 of said deed to Taylor, to the most Southerly corner of the land described in Parcel 1 of the deed to Carl E. Gorman, and wife, filed on August 26, 1954, as Document No. 13766-V, in the office of the Registrar of land titles of said County; thence

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Page 6

Northeasterly and Easterly following along the Southeasterly and Southerly boundary of the land described in Parcel 1 of said deed to Gorman, to a point in the Easterly line of said Lot 206 1/2; thence Southerly along said Easterly line to said point of beginning.

EXCEPT that portion of said land included with the 150.00 feet right of way of the Southern California Edison Company, Ltd., described in Document No. 195123 filed on September 27, 1930 entered on Certificate No. GP-62883, in the office of the Registrar of Land Titles of said County.

ALSO EXCEPT any portion of said land lying Southerly of the Southerly line of the Rancho Tujunga, shown on map recorded in Book 1, Pages 151 and 152 of Patents, in the office of the County Recorder of said County.

PARCEL 20 (HEVEL):

That portion of Lot 229 of the Western Empire Tract, Sheet No. 4, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 18, Pages 162 et seq., of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the centerline of the 30 foot strip of land described in Parcel 5 of the deed to Carl E. Gorman, et ux., registered as Document No. 13766-W on August 26, 1954, in the office of the Registrar of Land Titles of said County, with the Southerly prolongation of that portion of the Westerly line of the land described in Parcel 1, of the deed of trust registered as Document No. 16266-V on September 2, 1953, in the office of said Registrar of Land Titles recited therein as having a bearing and length of North 0°52'30" West 180.77 feet; thence North 0°52'30" West along said prolongation to and along said Westerly line, 406.30 feet, more or less, to a point, said point being designated as Point "A" for the purpose of this description, said Point "A" being on a line which bears South 69°33'30" West from a point in the Northwest-erly prolongation of the Southwest-erly line of the land described in Certificate of Title No. HD-56985, on file in the office of said Registrar of Land Titles, distant thereon North 36°41' West 240 feet from the most Southerly corner of said last mentioned land; thence from said Point "A", North 69°33'30" East to the Westerly line of the land described in Parcel 1 of the deed of trust registered as Document No. 6-X, on January 3, 1955 in the office of the said Registrar of Land Titles; thence North 12°23'40" West along the Westerly line of said land described in Document No. 6-X, to the Northwest corner of said land; thence North 87°22'15" East along the

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EXHIBIT "B"

- (a) In the event the property herein described, or any part thereof or any undivided interest in the fee thereof be conveyed or encumbered by the Trustor either voluntarily or by operation of law, or contracted to be conveyed, or be leased for a term longer than one year, without the written consent of Beneficiary, all sums then secured hereby shall at the option of Beneficiary become immediately due and payable without necessity of demand or notice. Waiver of acceleration shall be only by express writing; any failure to exercise, or delay in exercising such right shall not be construed as a waiver of such right. Provided however, no such right of acceleration shall exist by reason of (1) conveyance of the interest of one Trustor to another or others of Trustor, or (ii) the devolution of title caused by death, or other circumstances specified in Section 2924.6 of the California Civil Code.
- (b) Privilege is reserved to pay the within note in full at any time prior to maturity upon payment of a sum equal to three (3) months advance interest of \$22,000.00.
- (c) In the event any payment is not paid by the due date plus ten (10) days, a late charge of \$5.00 or 10% of the payment, whichever is greater, will be assessed.

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Page 7

Northerly line of said land to a line which bears North $89^{\circ}33'30''$ East from said Point "A"; thence North $89^{\circ}33'30''$ East, along said last mentioned line to the Northwesterly prolongation of the Southwesterly line of the land described in said Certificate of Title No. HD-56785; thence South $35^{\circ}41'$ East along said prolonged line to the most Westerly corner of the land described in said Certificate of Title No. HD-56985; thence along the Northwesterly lines of said Certificate of Title No. HD-56985, as follows:

North $53^{\circ}19'$ East 191.30 feet and North $84^{\circ}08'$ East 212.22 feet to the most Northerly corner of said land, said most Northerly corner being in the Westerly line of the land described in Certificate of Title No. CX-33926, on file in the office of said Registrar of land titles; thence Northerly along said Westerly line to the Northerly line of said Lot 229; thence Westerly along said Northerly line to the Northwesterly corner of the land described in Parcel 1 on the deed to Peter T. Peterson, et ux., registered as Document No. 13674-V, on August 25, 1934 in the office of said Registrar of land titles; thence along the boundary lines of the land described in Parcel 1 of said deed to Peter T. Peterson, et ux., as follows:

South $5^{\circ}47'63''$ West 241.41 feet, South $53^{\circ}36'47''$ West 453.19 feet, more or less, to an angle point therein and North $62^{\circ}00'$ West to the Southeasterly corner of the land described in Parcel 1 of said deed to Carl E. Gorman, et ux.; registered as Document No. 13756-V on August 26, 1934; thence South $6^{\circ}00'$ West along the Easterly line of said last mentioned Parcel 1, to the centerline of the 50 feet strip of land described in Parcel 3 of said deed to Carl E. Gorman, et ux.; thence South $63^{\circ}15'40''$ East, along said centerline to the point of beginning.

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Southern Cities Escrow Company

RECORDED AT THE REQUEST OF
SAFECO TITLE INSURANCE CO.
AND WHEN RECORDED MAIL TO

First Liberty Financial, Inc.
P. O. Box 12
Carlsbad, Ca, 92008

File Order No. 8109286 Entry No. 3474

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
7 M.H. 1 P.H. MAR 23 1961
DIST

Recorder's Office

FEE \$8

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DEED OF TRUST AND ASSIGNMENT OF RENTS

BY THIS DEED OF TRUST, made this 11th day of March, 1981, between
Del Rio Development, Inc. a California Corporation

(number and street) (city) (state) (zip)
and GENERAL SECURITY CORPORATION, a California corporation, herein called Trustee, and:
Protective Equity Trust #94, a limited partnership

Trusts, grants, transfers, and assigns to trustee, in trust, with power of sale, that property in
 ----- Los Angeles County, California, described as

 Parcels 1, 14, 18 and 22 (property in La Tuna Canyon) as more fully set forth
 in legal description attached hereto marked Exhibit "A" consisting of four (4)
 pages.

For further terms and provisions of the within deed of trust see Exhibit "B" attached hereto consisting of one (1) page.

Trantor also wished to be Secretary at once, because he had profits of this party receiving the right to collect and use the same except during continuance of deficit towards and during continuance of such deficit pertaining Secretary to collect and enforce the same by any lawful means in the course of any party business.

For the purpose of ensuring:

(1) Payment of the contribution by one pro rata vote is the principal sum of \$ 400,000.00

(1) Payment of the consideration for any property sold in the principal sum of \$ 4000; (2) the payment of any money that may be advanced by the said bank hereinafter payable to Securitization, and any advances or moneys thereof; (3) the payment of any money that may be advanced by the Securitization to Trustee, or its successors, with interest thereon, evidenced by additional notes (whether they are or are not) or by endorsement on the original note, assigned by Trustor or his successor; (4) performance of each agreement of Trustor incorporated by reference or contained therein.

Identical duplicate Deeds of Trust were recorded in the office of the County Recorder of the County of the State of California, the first page thereof appearing in the book and in the page of the records of the respective County Recorder on the dates and in the places as follows:

[illegible]

The provisions contained in Section A, including paragraphs 1 through 3, and the provisions contained in Section B, including paragraphs 1 through 9 of said Revised Deeds of Trust are incorporated herein as fully as though set forth in length and in full herein.

The undersigned Trustee requests that a copy of any notice of default and any notice of sale hereunder be mailed to Trustee at the address herein above set forth, being the address designated for the purpose of receiving such notice.

1049,22 104900

prescription

STATE OF CALIFORNIA
COUNTY OF San Diego
March 12, 1981

On March 12, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared LEON BRINKMAN

State, seriously appeared **LEON BRUKMAN**, known to me to be the husband to me to be the Secretary of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

~~Del Rio Development, Inc.~~
~~a California Corporation~~
~~by: _____~~
~~Local Boardman, President~~


 OFFICIAL SEAL
DEBORAH S. BALL
 NOTARY PUBLIC-CALIFORNIA
 PRINCIPAL OFFICE IN
 SAN DIEGO COUNTY
 My Commission Expires Dec. 25, 1984

IN STAMP

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Encrov 3474.

EXHIBIT A

PARCEL 1 (MEVEL):

That portion of Lot 229 of the Western Empire Tract, in the City of Los Angeles, in the County of Los Angeles, State of California, as per map recorded in Book 18, Pages 162 et seq., of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at a point in the Westerly line of Tract No. 8959, as per map recorded in Book 122, Page 18 of Maps, in the office of the County Recorder of said County, distant North 40°11'00" East 25.00 feet from the east Westerly corner of said Tract No. 8959; thence North 76°52'36" West 175.30 feet; thence North 36°41'04" West 89.61 feet; thence South 32°53'30" West 82.18 feet to the beginning of a curve concave to the Southeast having a radius of 35.00 feet and a radial line at that point which bears North 7°06'30" East; thence Westerly along said curve 80.62 feet to a point, a radial line to said point bears North 61°26'52" East; thence along the boundary of the land described in Certificate of Title No. 77-74987, on file in the office of the Registrar of Titles of said County, as follows: North 51°29'20" West 262.84 feet; South 4°59'00" West 208.93 feet; North 85°01'00" West 15.00 feet and South 4°59'00" West 19.47 feet; thence leaving the boundary of the land described in said Certificate, along the boundary of land described in Parcel 1 on the deed of trust registered June 24, 1949 as Document No. 1191-A, and entered on Certificate of Title No. 85-46426, on file in the office of the said Registrar, as follows: North 54°48'00" West 55.97 feet; thence North 65°13'30" West 119.76 feet; thence North 39°41'40" West 118.31 feet and South 9°30'00" West 178.29 feet to the east Westerly corner of the land described in Parcel 1 of said deed of trust; thence along the Westerly continuation of that certain curve described as being concave Southerly, having a radius of 100 feet, a central angle of 33°04'16" and a length of 57.72 feet in the Southwesterly boundary of the land described in Parcel 1 of said deed of trust, Westerly through the angle of 28°03'54" a distance of 48.98 feet; thence South 84°43'00" West 105.45 feet to the beginning of a tangent curve concave Northerly, having a radius of 100 feet; thence Westerly along said curve through an angle of 22°31'00", a distance of 39.33 feet; thence North 72°45'00" West 159.60 feet to the beginning of a tangent curve concave Northeasterly, having a radius of 100 feet; thence Northwesterly along said curve, through an angle of 25°08'30" a distance of 43.88 feet; thence North 47°36'30" West 47.06 feet to the beginning of a tangent curve concave Southwesterly having a radius of 35 feet; thence Westerly along said curve through an angle of

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