

*Cover page for:*

# **Preliminary Title Insurance Report (with copies of recorded exceptions\*)**

**\* Copies included with this preliminary title package do not include deeds of trust which are to be removed at closing.**

*Preliminary title insurance report prepared by:*

**Old Republic Title Company**

**(File Number: 1421001725-DB)**

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## **Auction Tract 1 (Fresno County, California)**

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*For August 10, 2022 auction to be conducted on behalf of:*

**West Fresno Holdings, LLC and The Waterford Foundation**



## PRELIMINARY REPORT

ASSEMI GROUP  
1396 West Herndon Avenue, Suite 110  
Fresno, CA 93711

Attention: ADRIANA HOPPER

Our Order Number 1421001725-DB

Customer Reference WEST FRESNO HOLDINGS LLC

When Replying Please Contact:

Donna Brown  
(559) 440-9249

Property Address:

Apn: 512-050-89, Fresno, CA 93723  
[Unincorporated area of Fresno County]

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of January 31, 2022, at 8:00 AM

**OLD REPUBLIC TITLE COMPANY**  
For Exceptions Shown or Referred to, See Attached

**OLD REPUBLIC TITLE COMPANY**  
**ORDER NO. 1421001725-DB**

The form of policy of title insurance contemplated by this report is:

ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

West Fresno Holdings, LLC, a California limited liability company

The land referred to in this Report is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

Parcel "A" of Parcel Map No. 8021, in the County of Fresno, State of California, as per Map recorded in [Book 70, of Parcel Maps, Pages 17 and 18](#), in the Office of the County Recorder of said County.

APN: 512-050-89

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2022 - 2023, a lien, but not yet due or payable.

2. Taxes and assessments, general and special, for the fiscal year 2021 - 2022, as follows:

Assessor's Parcel No	:	512050-89	
Code No.	:	062-015	
1st Installment	:	\$4,104.94	Marked Paid
2nd Installment	:	\$4,104.94	NOT Marked Paid
P.P. Value	:	\$560,000.00	

3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

**OLD REPUBLIC TITLE COMPANY**  
**ORDER NO. 1421001725-DB**

4. Said land lies within the Fresno Metropolitan Flood Control District and is subject to Drainage Fees and/or Requirements to Construct Planned Local Drainage Facilities, as disclosed by instrument:

Entitled : Resolution No. 1816 – The Board of Directors of the Fresno Metropolitan Flood Control District  
By : The Board of Directors of the Fresno Metropolitan Flood Control District  
Recorded : July 31, 1995 as Series Number 95092128  
Returned to : 5469 E. Olive Avenue, Fresno, CA 92727  
Address

5. Assessment No. 6805 for Fresno Metropolitan Flood Control District payable with the real property taxes.

THE FOLLOWING MATTERS AFFECT TRACT ONE:

6. Rights of the public, County and/or City, in and to that portion of said land lying within the lines of North Bryan Avenue.
7. Any easements or lesser rights which may be claimed as to a portion of said land by the owners or users, including any rights incidental thereto which may be ascertained by making inquiry of such owners or users,

Of : Power poles and wires  
Affects : North Boundary  
As Disclosed By : Off Record Information

8. The effect of an instrument entitled "Before the Board of Directors of the Fresno Metropolitan Flood Control District Resolution providing for the Recordation of a Map Identifying Areas Subject to Payment of Drainage Fees and/or Requirements to Construct Planned Local Drainage Facilities", executed by Fresno Metropolitan Flood Control District and City of Fresno, recorded July 31, 1995 as Instrument [No. 95092128](#) of Official Records.

9. Terms and provisions as contained in an instrument,

Entitled : Covenant and agreement  
Executed By : County of Fresno and Ricahrd Bopp and Eric R. Bopp and Brian L. Gumm and Laura R. gumm  
Recorded : November 12, 2009 in Official Records under Recorder's Serial Number 2009-0155231

**OLD REPUBLIC TITLE COMPANY**  
**ORDER NO. 1421001725-DB**

10. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$ [REDACTED]  
Trustor/Borrower : West Fresno Holdings, LLC, a California limited liability company  
Trustee : Old Republic Title Company  
Beneficiary/Lender : U.s. Bank National Association d/b/a Housing Capital Company  
Dated : April 27, 2018  
Recorded : May 3, 2018 in Official Records under Recorder's Serial Number  
2016-0052625  
Loan No. : 2360L

Affects this and other property.

11. Terms and provisions as contained in an instrument,

Entitled : Third Modiciation Agreement  
Executed By : U.S. Bank National Assciation  
Dated : June 15, 2021  
Recorded : [June 29, 2021 in Official Records under Recorder's Serial Number 2021-0105565](#)

12. Water rights, claims or title to water, whether or not shown by the public records.

13. Prior to the issuance of any policy of title insurance, the Company requires the following with respect to West Fresno Holdings, LLC, a California Limited Liability Company:

1. A copy of any management or operating agreements and any amendments thereto, together with a current list of all members of said LLC.
2. A certified copy of its Articles of Organization (LLC-1), any Certificate of Correction (LLC-11), Certificate of Amendment (LLC-2), or Restatement of Articles of Organization (LLC-10).
3. Recording a Certified copy of said LLC-1 and any "amendments thereto".

14. Any claim of lien for services, labor or material arising from an improvement or work under construction or completed at the date hereof.

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15. Note: It appears that Old Republic National Title Insurance may be asked to insure against the rights of Mechanics Lien claimants. The Company may require the following:
- A. Signed indemnities by all parties.
  - B. A copy of the construction cost breakdown.
  - C. Appropriate financial statements from all Indemnitors.
16. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
17. Any unrecorded and subsisting leases.
18. The requirement that the Company be provided with a copy of the "rent roll" and "tenant estoppel certificates" for its review.
- The Company may have different and/or additional requirements after its review.
19. The requirement that this Company be provided with a suitable Owner's Declaration (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Declaration.

----- **Informational Notes** -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 2.2.

**OLD REPUBLIC TITLE COMPANY**  
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- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land vacant land known as Apn: 512-050-89, Fresno, CA 93723.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

NONE

- C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument

Entitled : Grant Deed

By/From : Brian L. Gumm and Laura R. Gumm, husband and wife and Eric R. Bopp, a single man and Richard Bopp, as to a life estate

To : Meacci Holdings, LCC, a California limited liability company

Dated : October 10, 2011

Recorded : [October 18, 2011 in Official Records under Recorder's Serial Number 2011-0140481-00](#)

**NOTE:**

The following statement is deemed attached as a coversheet to any declaration, governing document, or deed identified in the above exceptions:

**If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.**

Information for processing a "Restrictive Covenant Modification" form:

1. Print a complete copy of the document in question. Strike out what you believe to be unlawful restrictive language in the document.
2. Print and complete the "Restrictive Covenant Modification" ("RCM") form. Note that the signature on the form must be acknowledged by a notary public or other qualified officer.
3. Submit the completed RCM form and the document with your strike-outs to the County Clerk-Recorder's Office for the county where the property is located. No fee is required for this service.
4. The County Clerk-Recorder's Office will forward the RCM form and the document with your strike-outs to the Office of the County Counsel, who will determine whether the document contains any unlawful restrictions.
5. The Office of the County Counsel will return the RCM form and the document with your strike-outs to the County Clerk-Recorder's Office along with its determination. If approved, a Deputy County Counsel will sign the RCM, and the County Clerk-Recorder's Office will record, image and index it. If the Office of the County Counsel determines that the document does not contain an unlawful restriction, the County Clerk-Recorder's Office will not record the RCM.
6. The approved RCM will be returned to the submitter by mail.

The "Restrictive Covenant Modification" form is linked below:

[Restrictive Covenant Modification form](#)



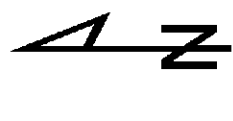
## EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

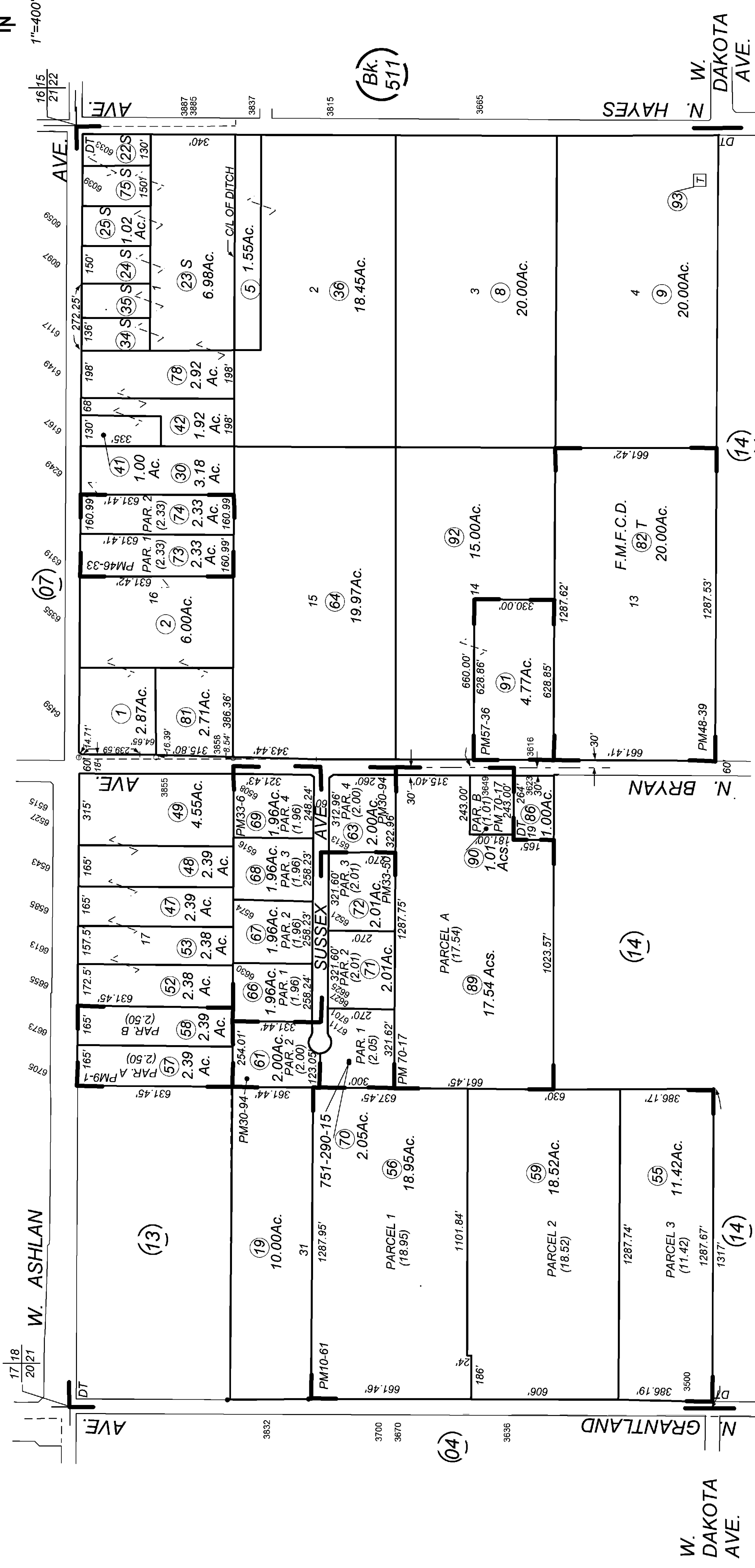
Parcel "A" of Parcel Map No. 8021, in the County of Fresno, State of California, as per Map recorded in [Book 70, of Parcel Maps, Pages 17 and 18](#), in the Office of the County Recorder of said County.

APN: 512-050-89

-NOTE-  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision. law.



1"=400'



Agricultural Preserve  
 Duncan Tract - R.S. Bk. 3, Pg. 38  
 Parcel Map No. 1588 - Bk. 9, Pg. 1  
 Parcel Map No. 1771 - Bk. 10, Pg. 61  
 Parcel Map No. 4427 - Bk. 30, Pg. 94  
 Parcel Map No. 5165 - Bk. 33, Pg. 6

Parcel Map No. 5164 - Bk. 33, Pg. 50  
 Parcel Map No. 6924 - Bk. 46, Pg. 33  
 Parcel Map No. 8021 - Bk. 70, Pgs. 17 & 18  
 Record of Survey - Bk. 48, Pg. 39  
 Record of Survey - Bk. 57, Pg. 36

Note - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

# PARCEL MAP No. 8021

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN JULY, 2007 BY BRET A. GIANNETTA  
CONSISTING OF TWO SHEETS  
SHEET ONE OF TWO SHEETS

### NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }  
COUNTY OF FRESNO }  
ON July 10, 2011, BEFORE ME, Cristina G. Lopez, Notary Public  
PERSONALLY APPEARED Richard Bopp WHO  
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE  
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT  
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT  
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON  
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA  
THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE Cristina G. Lopez  
NAME Cristina G. Lopez  
COUNTY OF Fresno  
MY COMMISSION EXPIRES Feb 12, 2013  
MY COMMISSION NUMBER 1831837

### NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }  
COUNTY OF FRESNO }  
ON July 10, 2009, BEFORE ME, Cristina G. Lopez, Notary Public  
PERSONALLY APPEARED Eric R. Bopp WHO  
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE  
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT  
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT  
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON  
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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NAME Cristina G. Lopez  
COUNTY OF Fresno  
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### NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }  
COUNTY OF FRESNO }  
ON July 10, 2009, BEFORE ME, Cristina G. Lopez, Notary Public  
PERSONALLY APPEARED Brian L. Gumm and Laura R. Gumm WHO  
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE  
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT  
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT  
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON  
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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WITNESS MY HAND

SIGNATURE Cristina G. Lopez  
NAME Cristina G. Lopez  
COUNTY OF Fresno  
MY COMMISSION EXPIRES Feb. 12, 2013  
MY COMMISSION NUMBER 1831837

### PREPARED BY:

**GARY G. GIANNETTA**  
CIVIL ENGINEERING & LAND SURVEYING

1119 "B" STREET  
FRESNO, CA 93721  
(559) 264-3590 FAX (559) 264-0896

### LEGAL DESCRIPTION:

LOT 19 OF DUNCAN TRACT, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING  
TO THE MAP THEREOF RECORDED IN BOOK 3, PAGE 38 OF RECORD OF SURVEYS, FRESNO  
COUNTY RECORDS.

EXCEPTING THEREFROM THE EAST 264.00 FEET OF THE SOUTH 165.00 FEET THEREOF.

### SUBDIVIDER'S STATEMENT

THE UNDERSIGNED BEING PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN  
THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

Richard Bopp  
RICHARD BOPP

Eric R. Bopp  
ERIC R. BOPP

Brian L. Gumm  
BRIAN L. GUMM

Laura R. Gumm  
LAURA R. GUMM

### THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

- 1: THE EFFECT OF AN INSTRUMENT ENTITLED "BEFORE THE BOARD OF DIRECTORS OF THE  
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT RESOLUTION PROVIDING FOR THE  
RECORDATION OF A MAP IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES  
AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES" EXECUTED BY  
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND CITY OF FRESNO, RECORDED JULY 31,  
1995 AS INSTRUMENT NO. 95092128, OFFICIAL RECORDS OF FRESNO COUNTY.
2. COVENANT AND AGREEMENT PROHIBITING RESIDENTIAL DEVELOPMENT UNTIL SAID PROPERTY IS  
ANNEXED INTO THE CITY OF FRESNO, RECORDED 7/10/11, 2009 AS  
DOC. NO. 2009-0155231, OFFICIAL RECORDS OF FRESNO COUNTY.
3. AN IRREVOCABLE OFFER OF CONVEYANCE RECORDED 09/24/ 2009 AS DOC. NO.  
2009-0131970 OFFICIAL RECORDS OF FRESNO COUNTY.

### SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED  
UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE  
SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RICHARD  
R. BOPP ON JULY 16, 2007. I HEREBY STATE THAT THIS PARCEL MAP  
SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED  
TENTATIVE MAP, IF ANY. ALL MONUMENTS ARE OF THE CHARACTER AND IN  
THE LOCATIONS SHOWN HEREON AND ARE SUFFICIENT TO ENABLE THE  
SURVEY TO BE RETRACED.



Bret A. Giannetta  
BRET A. GIANNETTA P.L.S. 8177  
EXP. 12/31/10

9/09/09  
DATE

### COUNTY SURVEYORS STATEMENT:

I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS  
SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND  
ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE  
SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF  
APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I  
AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.



ALAN WEAVER, DIRECTOR  
DEPARTMENT OF PUBLIC WORKS AND PLANNING

BY: Augustine C. Ramirez  
AUGUSTINE C. RAMIREZ P.L.S. 8500  
DEPUTY COUNTY SURVEYOR

9-24-09  
DATE

### RECORDER'S CERTIFICATE:

DOCUMENT NO. 20090155234 FEE: \$ 10.00  
FILED THIS 12th DAY OF November 2009 AT Fresno IN BOOK 20  
OF PARCEL MAPS, AT PAGES 47 AND 48, AT THE REQUEST OF  
FIRST AMERICAN TITLE COMPANY

FRESNO COUNTY RECORDS  
ROBERT C. WERNER, COUNTY RECORDER

BY: Donita Skinnell  
DEPUTY COUNTY RECORDER



95092128

RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL TO:

FRESNO METROPOLITAN  
FLOOD CONTROL DISTRICT  
5469 E. Olive Avenue  
Fresno CA 92727

RECORDED IN OFFICIAL RECORDS OF  
FRESNO COUNTY, CALIFORNIA  
AT 1 MIN PAST 9A M

JUL 31 1995

FRESNO COUNTY, CALIFORNIA  
WILLIAM C. GREENWOOD County Recorder

REYNA RODRIGUEZ  
BY DEPUTY RECORDER

FEE
\$

RESOLUTION NO. 1816

BEFORE THE BOARD OF DIRECTORS OF THE  
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

RESOLUTION PROVIDING FOR THE RECORDATION OF A MAP  
IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR  
REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES

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WHEREAS, the City of Fresno, the County of Fresno, and the City of Clovis have each adopted ordinances pertaining to the construction of planned local drainage facilities and the payment of drainage fees to defray the actual or estimated cost of such construction; and

WHEREAS, the FRESNO METROPOLITAN FLOOD CONTROL DISTRICT "District" has adopted and bears responsibility for implementation of the Storm Drainage and Flood Control Master Plan for the Fresno County Stream Group area; and

WHEREAS, it is the desire of the Board of Directors of the District to create a public record such that parties acquiring or having an interest in property within the areas affected by such ordinances be made aware of the potential for the requirement of construction of facilities and/or payment of drainage fees mandated as a condition of development, reconstruction, additions, or alterations associated with such property; and

WHEREAS, this Board adopted Resolution No. 1565 on October 30, 1990, which Resolution identified those areas which could be subject to payment of drainage fees and/or requirements to construct local drainage facilities at the time of such adoption; and

WHEREAS, the additional area identified as Area No. 2 on the attached Exhibit "B" has been added to the area which may be subject to such payment or requirements; and

WHEREAS, Exhibit "A" attached hereto identifies those areas which may be subject to payment of drainage fees and/or requirements to construct planned local drainage facilities (including Area No. 2).

WHEREAS, this Resolution supersedes said Resolution No. 1565 recorded November 19, 1990, as document number 90142632.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The above recitals are true and correct and this Board so finds and determines.

2. The County Recorder of the County of Fresno is hereby authorized to cause a certified copy of this Resolution to be placed on record in the Official Records of the County of Fresno.

PASSED AND ADOPTED this 20th day of June 1995, by the following vote to wit:

- AYES: Boone, Souza, Orman, Pratt, and Franco  
NOES: None  
ABSENT: Marcus and Spina  
ABSTAIN: None

Respectfully Submitted,

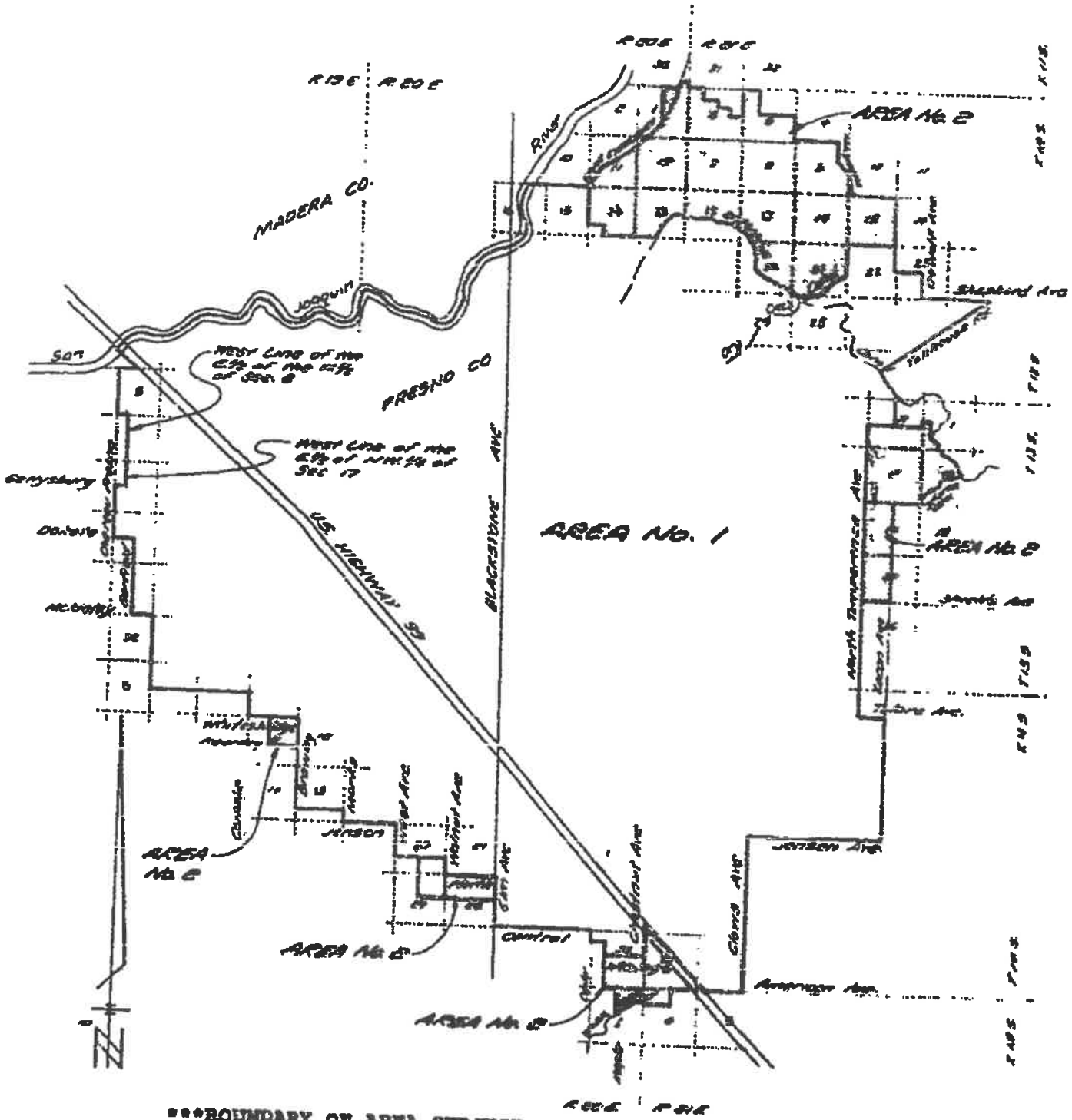
  
Esther Schwandt  
Clerk to the Board

✓

JUL 31 1995

RECORDED

INDEXED



\*\*\*BOUNDARY OF AREA SUBJECT TO PAYMENT  
 OF DRAINAGE FEES AND/OR REQUIREMENTS  
 TO CONSTRUCT PLANNED LOCAL DRAINAGE  
 FACILITIES.

Exhibit "B"

3  
 X

EXHIBIT "A"

All that real property situated in the County of Fresno, State of California, more particularly described as follows:

Beginning at the point of intersection of the South-westerly right-of-way line of U S. Highway 99 and the Northerly Fresno County line, said point lying within Section 31, T.12 S., R.19 E., M.D.B. & M.; thence meandering Easterly and Northeasterly along said Fresno County line to the North Line of Section 16, T.12 S., R.20 E., M.D.B.& M.; thence Easterly along the North line of Sections 16 and 15, T.12 S., R.20 E., M.D.B.& M. to the Southwesterly prolongation of the Northwestery right-of-way line of the Friant Expressway; thence Northeasterly along said right-of-way line through Sections 10, 11, 12 & 1, T. 12 S., R. 20 E., M.D.B. & M., to the most Southeasterly corner of Parcel B of Parcel Map No. 917 as recorded in Book 8, Page 33 of Parcel Maps, Fresno County Records; thence Northerly along the East line of said Parcel B and Parcel C of said Parcel Map and its Northerly prolongation to the North line of Section 1, T. 12 S., R. 20 E., M.D.B. & M.; thence Easterly along said North line to the Northwestery right-of-way line of the Friant Expressway; thence Northerly along said right-of-way line to the North line of the South 545 feet of Section 36, T. 11 S., R. 20 E., M.D.B. & M.; thence Easterly along said North line to the East line of said Section 36; thence Southerly along said East line to the Southeast corner of said section 36 said point also being the Northwest corner of Section 6, T. 12 S., R. 21 E., M.D.B. & M.; thence Easterly along the North line of said Section 6 to the Northwest

4

\*



corner of Parcel Map No. 3615 as recorded in Book 27, Page 7 of Parcel Maps, Fresno County Records; thence Southerly along the West line of said Parcel Map and it's Southerly prolongation to the Northwest corner of Parcel Map No. 3601 as recorded in Book 27, Page 1 of Parcel Maps, Fresno County Records; thence continuing southerly along the west line of said Parcel Map to the South line of said Parcel Map; thence Easterly along said South line and its Easterly prolongation to the Northwest corner of Parcel Map No. 3351 as recorded in Book 22, Page 70 of Parcel Maps, Fresno County Records; thence Southerly along the West line of said Parcel Map to the Southwest corner of said Parcel Map; thence Easterly along the South line of said Parcel Map to the Southeast corner of said Parcel Map said point also being on the Northwesterly right-of-way line of Auberry Road; thence continuing Easterly along the Easterly prolongation of the South line of said Parcel Map to the most Northwesterly corner of Parcel 2 of Parcel Map No. 2705, as recorded in Book 17, Page 95 of Parcel Maps, Fresno County Records, said point also being on the Southeasterly right-of-way of Auberry Road; thence Southwesterly along said right-of-way to the West line of said Parcel Map No. 2705; thence Southerly along said West line to the Southwest corner of said Parcel Map; thence Easterly along the South line of said Parcel Map to the Southeast corner of said Parcel Map; thence Northerly along the East line of said Parcel Map to the Northeast corner of said Parcel Map, said point also being on the West line of Parcel Map No. 6552, as recorded in Book 45, Page 2 of Parcel Maps, Fresno County Records; thence continuing Northerly along the West line of said Parcel Map No.

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X

6552, to the Northwest corner of said Parcel Map, said point also being the Southwest corner of Parcel Map No. 2503 as recorded in Book 18, Page 65 of Parcel Maps, Fresno County Records; thence Northerly along the West line of said Parcel Map to the Northwest corner of said Parcel Map, said point also being the Northwest corner of Section 5, T. 12 S., R. 21 E., M.D.B. & M.; thence Easterly along the North line of said Section 5 to the East line of the West half of said Section 5; thence Southerly along said East line to the South line of the North half of said Section 5; thence Easterly along said south line to the East line of said Section 5; thence Southerly along said East line to the Southeast corner of said Section 5 also being the Northwest Corner of Section 9, T. 12 S., R. 21 E., M.D.B. & M.; thence Easterly along the North line of said Section 9 to the centerline of Armstrong Avenue; thence Southerly along the centerline of Armstrong Avenue to a point on the South line of Section 10, T. 12 S., R. 21 E., M.D.B. & M. also being the intersection of Armstrong and Copper Avenues; thence Easterly along said south line to the Southeast corner of said Section 10 also being the Northeast Corner of Section 15, T. 12 S., R. 21 E., M.D.B. & M.; thence Southerly along the East line of said Section 15 to the Southeast corner of said Section 15 also being the Northeast corner of Section 22, T. 12 S., R. 21 E., M.D.B. & M.; thence Southerly along the East line of said Section 22 to the North line of the South 1/2 of Section 23, T. 12 S., R. 21 E., M.D.B. & M.; thence Easterly along said North line to the centerline of North DeWolf Avenue; thence Southerly along the centerline of North DeWolf Avenue to the centerline of East

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Shepherd Avenue; thence Easterly along the centerline of East Shepherd Avenue to the centerline of Tollhouse Road; thence Southwesterly along the centerline of Tollhouse Road to the centerline of the Enterprise Canal; thence Southeasterly along the centerline of the Enterprise Canal to the North line of Section 2, T. 13 S., R. 21 E., M.D.B. & M.; thence Westerly along said North line to the East line of the West 1/2 of said Section 2; thence Southerly along said East line to the South right-of-way line of East Escalon Avenue Dun-Rovin No. 1, Tract No. 2861 as recorded in Plat Book 36, Page 33, Fresno County Records; thence Easterly along said South line to the North line of Parcel Map No. 4781, as recorded in Book 32, Page 44 of Parcel Maps, Fresno County Records, continuing Easterly along said North line and the North line of Parcel Map No. 4024, as recorded in Book 27, Page 30 of Parcel Maps, Fresno County Records, to the centerline of North DeWolf Avenues; thence Northerly along said centerline to the Westerly prolongation of the North line of DeWolf Estates, Tract No. 3971, as recorded in Plat Book 52, Pages 59 60, Fresno County Records; thence Easterly along said North line to the Northeast corner of said Tract No. 3971; thence Southerly along said East line and its Southerly prolongation to the centerline of the Enterprise Canal; thence meandering Southeasterly along the centerline of the Enterprise Canal through Sections 1 & 12, T. 13 S., R. 21 E., M.D.B. & M. to the centerline of the Jefferson Canal; thence meandering Southwesterly along the centerline of the Jefferson Canal, through said Section 12, to the West line of said Section 12; thence Southerly along said west line to the Northeast corner

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of Section 14, T. 13 S., R. 21 E., M.D.B. & M.; thence Westerly  
along the North line of said Section 14, to the West line of Parcel  
Map No. 2524 as recorded in Book 16, Page 72 of Parcel Maps, Fresno  
County Records; thence Southerly along said West line to the South  
line of said Parcel Map; thence Easterly along said South line to  
the Northwest corner of Parcel Map No. 4980, as recorded in Book  
31, Page 16 of Parcel Maps, Fresno County Records; thence  
Southerly along the West line of said Parcel Map to the Southwest  
corner of said Parcel Map, also being the point of intersection of  
E. Gettsburg Avenue and N. Locan Avenue; thence Southerly along  
the centerline of N. Locan Avenue to the centerline of East Shields  
Avenue; thence Westerly along said centerline to the centerline of  
North Temperance Avenue; thence Southerly along said centerline to  
the centerline of East Tulare Avenue; thence Easterly along the  
centerline of East Tulare Avenue to the centerline of North Locan  
Avenue; thence Southerly along the centerline of North and South  
Locan Avenue and the Southerly prolongation thereof to the  
centerline of East Jensen Avenue; thence Westerly along the  
centerline of East Jensen Avenue to the centerline of South Clovis  
Avenue; thence Southerly along the centerline of South Clovis  
Avenue to the centerline of East American Avenue; thence Westerly  
along the centerline of East American Avenue to the East line of  
the West 1/2 of Section 6, T. 15 S., R. 21 E., M.D.B. & M.; thence  
Southerly along said East line to the South line of the North 1/2  
of the North 1/2 of said Section 6; thence Westerly along said  
South line to the centerline of South Chestnut Avenue; thence  
Northerly along said centerline to the centerline of the Washington

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Colony Canal; thence Southwesterly along said centerline to the  
centerline of South Maple Avenue; thence Northerly along said  
centerline to the centerline of East American Avenue; thence  
Westerly along said centerline to the centerline of the Atchison,  
Topeka and Santa Fe Railroad; thence Northerly along the  
centerline of the Atchison, Topeka and Santa Fe Railroad to the  
South line of Lot 70 of the Malaga Tract, Tract No. 1795 as  
recorded in Plat Book 2, Page 17 of Fresno County Records; thence  
Westerly along said South line and the Westerly prolongation  
thereof to the centerline of South Cedar Avenue; thence Northerly  
along the centerline of South Cedar Avenue to the centerline of  
East Central Avenue; thence Westerly along the centerline of East  
Central Avenue to the centerline of South Elm Avenue; Thence  
Northerly along the centerline of South Elm Avenue to the South  
line of the North 1/2 of Section 28, T. 14 S., R. 20 E., M.D.B. &  
M.; thence Westerly along said South line and the South line of  
Section 29, T. 14 S., R. 20 E., M.D.B. & M. to the centerline of  
South Fruit Avenue; thence northerly along said centerline to the  
South line of the North 1/2 of the North 1/2 of the South 1/2 of  
Section 20 T.14 S., R. 20 E., M. D. B. & M.; thence Westerly along  
said South line to the centerline of South West Avenue; thence  
Northerly along the centerline of South West Avenue to the  
- centerline of West Jensen Avenue; thence Westerly along the  
centerline of West Jensen Avenue to the centerline of South Marks  
Avenue; thence Northerly along the centerline of South Marks  
Avenue to the North line of the South 1/2 of the South 1/2 of  
Section 13, T. 14 S., R. 19 E., M.D.B. & M.; thence Westerly along

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said North line to the centerline of South Brawley Avenue; thence Northerly along the centerline of South Brawley Avenue to the centerline of West Kearney Boulevard; thence Westerly along said centerline to the West line of the East 1/2 of Section 11, T. 14 S., R. 19 E., M.D.B. & M.; thence Northerly along said West line to the centerline of West Whitesbridge Avenue; thence Westerly along the centerline of West Whitesbridge Avenue to the centerline of North Cornelia Avenue; thence Northerly along the centerline of North Cornelia Avenue to the South line of the North 1/2 of Section 3, T. 14 S., R. 19 E., M.D.B. & M.; thence Westerly along said South line of the North 1/2 of said Section 3, and the South line of the North 1/2 of Section 4, T. 14 S., R. 19 E., M.D.B. & M., to the centerline of North Grantland Avenue; thence North along the centerline of North Grantland Avenue to the centerline of West McKinley Avenue; thence Westerly along the centerline of West McKinley Avenue to the centerline of North Garfield Avenue; thence Northerly along the centerline of North Garfield Avenue to the centerline of West Dakota Avenue; thence Westerly along the centerline of West Dakota Avenue to the centerline of North Chateau Fresno Avenue; thence Northerly along the centerline of North Chateau Fresno Avenue to the centerline of West Gettysburg Avenue; thence Easterly along the centerline of West Gettysburg Avenue to

- the West line of the East 1/2 of the Northwest 1/4 of Section 17, T. 13 S., R. 19 E., M.D.B. & M.; thence Northerly along said West line and the West line of the East 1/2 of the West 1/2 of Section 8, T. 13 S., R. 19 E., M.D.B. & M., to the South line of Section 5, T. 13 S., R. 19 E., M.D.B. & M.; thence Westerly along said South

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line to the Southwest corner of said Section 5; thence Northerly along the West line of said Section 5 to the Northwest corner of said Section 5; thence Easterly along the North line of said Section 5 to the Southwesterly right-of-way line of U.S. Highway 99; thence Northwesterly along the Southwesterly right-of-way line of U.S. Highway 99 to the point of intersection with the Northerly Fresno County line, said point being the point of beginning.

NOTE: Underlining indicates portion changed from Resolution 1565.

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1 RECORDING FOR THE  
2 COUNTY OF FRESNO

3 AFTER RECORDING  
4 PLEASE RETURN TO:  
5 DEVELOPMENT SERVICES  
6 DIVISION, MAIL STOP 214  
7 ATTN Derek Chambers  
8 VA 3831



FRESNO County Recorder  
Robert C. Werner  
**DOC- 2009-0155231**  
Acct 5-First American Title Insurance Company  
Thursday, NOV 12, 2009 08:00:00  
Ttl Pd \$0.00 Nbr-0003106238  
DJG/R6/1-4

9 THIS SPACE FOR RECORDER'S OFFICE USE ONLY

10 **COVENANT AND AGREEMENT**

11 THIS AGREEMENT made and entered into this 10<sup>th</sup> day of NOV.,  
12 2009, between the COUNTY OF FRESNO, hereinafter referred to as "COUNTY" and  
13 Richard Bopp and Eric R. Bopp and Brian L. Gumm and Laura R. Gumm, hereinafter  
referred to as "PROPERTY OWNERS."

14 **WITNESSETH:**

15 WHEREAS, PROPERTY OWNERS are the sole owners of all that real property  
16 located in the County of Fresno, State of California, described as follows:

17 *Lot 19 of Duncan Tract, in the County of Fresno, State of California,*  
18 *according to the map thereof recorded in Book 3, Page 38, Record of*  
*Surveys, Fresno County Records;*

19 *Excepting therefrom the following described portion of Lot 19 of Duncan*  
20 *Tract, according to the map thereof recorded in Book 3, of Record of*  
21 *Surveys at Page 38, Fresno County Records (for the purpose of this*  
22 *description the East line of said Lot 19 is taken to coincide with the East*  
*line of the Northwest quarter of Section 21, Township 13 South, Range 19*  
*East, Mount Diablo Base and Meridian):*

23 *The East 264 feet of the South 340 feet of said Lot 19.*

24 WHEREAS, the undersigned, in consideration of being granted approval of  
25 Variance Application No. 3831 by COUNTY to allow the creation of a 1.0-acre parcel, a  
26 1.1-acre parcel, and a 17.45-acre remainder parcel agrees to enter into this Covenant  
and Agreement.

27 NOW THEREFORE, in consideration of their mutual promises as hereinafter set  
28 forth, PROPERTY OWNERS and COUNTY agree as follows:

1. No residential development shall be allowed on the 17.45-acre parcel

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described herein, unless or until said property is annexed into the City of Fresno or the existing RR (Rural Residential, two-acre minimum parcel size) Zone District is amended to a higher density zone district.

2. This Covenant and Agreement is an instrument affecting the title and possession of the real property described above. This Covenant and Agreement shall run with the land and be binding upon all parties and all persons claiming under them and their successors and assigns from the date this Covenant and Agreement recorded. Enforcement may be by proceeding at law or equity against any person or persons violating or attempting to violate this Covenant and Agreement, either to restrain violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have caused this Covenant and Agreement to be executed as of the day and year first above written.

COUNTY OF FRESNO

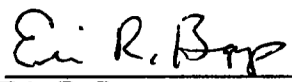
BY:   
Bernard Jimenez, Manager  
Development Services Division

DATED: 6/10/09

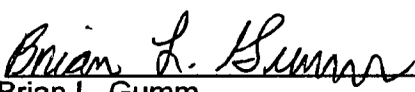
PROPERTY OWNERS

BY:   
Richard Bopp

DATED: 6/26/09

BY:   
Eric R. Bopp

DATED: 6/26/09

BY:   
Brian L. Gumm

DATED: 6/26/09

BY:   
Laura R. Gumm

DATED: 6/26/09

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\3800-3899\3831\VA3831\_Covenant doc

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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Fresno

On June 26, 2009 before me, Cristina G. Lopez, Notary Public

personally appeared Richard Bopp, Eric R. Bopp, Brian L. Gutz  
and Laura R. Gutz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Cristina G. Lopez

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document*

**Description of Attached Document**

Title or Type of Document \_\_\_\_\_

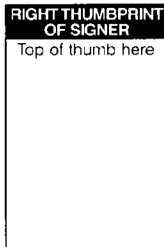
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name \_\_\_\_\_

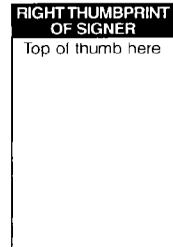
- Individual
- Corporate Officer — Title(s) \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

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STATE OF CALIFORNIA)  
COUNTY OF FRESNO )

On 11/10/09 before me, Michele Carter, Deputy, for VICTOR E. SALAZAR, Fresno County Clerk, personally appeared **BERNARD JIMENEZ**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Michele Carter  
Deputy

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