

Regarding Exception #4 of the First American Preliminary Title Report

See the attached annotated tax map. The orange highlighted boundary is the “dominant tenement” (3152 OR 238) of the access easement from exception no 4 in the PTR. When the TR 2742 was created, access was maintained to the dominant tenement via Knickerbocker Lane. When the property was subdivided southwesterly of Crossroads Reservoir, access was maintained via a 25’ wide roadway easement between APN 273-232-03 and APN 273-232-03 (reference 25 PM 45 and 5090 OR 119). Therefore all adjoining parcels created that are subdivisions of 3152 OR 238 have access via a public road, or a roadway easement.

You may ask the title company if they will remove the exception on the grounds that public roads and roadway easement constitute “routes... mutually agreed upon by the grantor and grantee” and that none of these routes cross the Crossroads Reservoir property. Seeing that our property has been fenced for a number of years, any access to the property cited in 3152 OR 238 has not been across EBMUD’s property.

Seeing that the TR 2742 was created very shortly after 3158 OR 205 was recorded, one could infer that the intention was to ensure that the new subdivision would maintain access to the remainder parcel (3152 OR 238) which was granted with Knickerbocker Lane. Again, this is for the title company to determine.

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

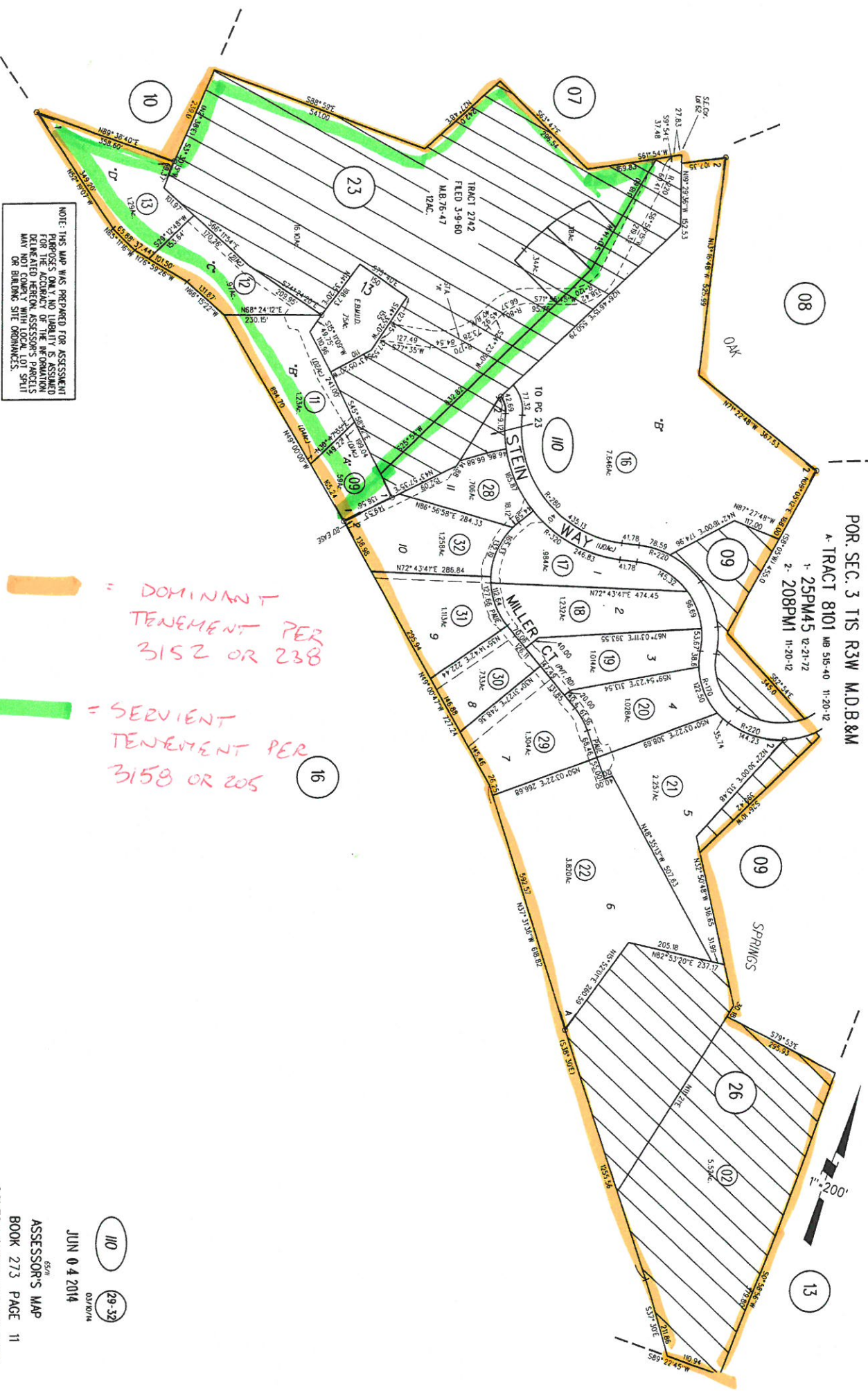
= DOMINANT TENEMENT PER 3152 OR 238

= SERVIENT TENEMENT PER 3158 OR 205

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POR. SEC. 3 T1S R3W M.D.B. & M.
A- TRACT 8101 MB 515-40 11-20-12
1- 25PM45 02-21-72
2- 208PM1 11-20-12

200'