



**NADY SYSTEMS, INC.**

6701 Shellmound Street  
Emeryville, CA 94608 USA  
Tel: 510.652.2411 • Fax: 510.652.5075

please reply to extension 263

February 1, 2010

Mark Detterman  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502

**RECEIVED**

8:41 am, Feb 26, 2010

**Alameda County  
Environmental Health**

RE: SLIC Case RO000548 and Geotracker ID T0600100894  
MRCP Realty Company/Mike Roberts Color Productions 6707 Bay Street,  
Emeryville, CA 94608

Dear Mr. Detterman:

I represent John Nady in the matter of the above referenced SLIC case. I am in receipt of Alameda County Health Care Services Agency, Environmental Health Services, Environmental Protection's December 21, 2009 letter to Mr. Nady regarding the agency's request for an "additional deposit to an oversight account."

Please be advised that ACEH's request should be directed not to Mr. Nady, but to the primary responsible parties: James J. McClay and Talmadge H. Rice, General Partners of MRCP Realty Company.

MRCP Realty Company was the owner of the real property at 6707 Bay Street, Emeryville, CA at the time that the spills and leaks occurred at the property. (The property was later sold to John Nady.) In 1994, ACEH identified MRCP as the *primary responsible party* (and Nady as secondarily liable). See ACEH's June 15, 1994 letter to James J. McClay, MRCP Realty, Mike Roberts Color Productions, Inc., who spilled and leaked the environmental contaminants, was MRCP Realty Company's lessee. See Recorded Lease MRCP Realty Company, a partnership, signed by James J. McClay, "a general partner", and Mike Roberts Color Productions, a corporation, signed by James J. McClay, President. MRCP Realty was paying into ACEH's deposit account in the 1990s before ACEH lost track of MRCP. See ACEH 7/16/98 Billings Worklog 6707 Bay Street, Emeryville, CA.

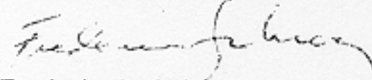
James J. McClay and Talmadge H. Rice are General Partners of MRCP Realty Company, a partnership. See Alameda County Recorder Fictitious Business Name search for MRCP Realty Company, and see May 1991 Substitution of Attorneys in Alameda Superior Court Action #C674227-6 signed by James J. McClay and Talmadge Rice as a General Partners of MRCP Realty Company. According to AT&T's records, James J. McClay's current address is 960 Risa Road #20, Lafayette, CA 94549, telephone (925) 283-9949. See 2/2/10 AT&T directory

Mark Detterman  
February 1, 2010  
Page 2

search for James J. McClay. According to AT&T's records, Talmadge H. Rice's current address is 1710 Stanley Dollar Drive, Walnut Creek, CA 94595, telephone (623) 566-5972. See 2/1/10 AT&T directory search for Talmadge H. Rice.

Thank you for your kind attention to this matter.

Very truly yours,



Frederic D. Schrag  
General Counsel

Encls. ACEH June 15, 1994 letter to James J. McClay.  
Recorded Lease MRCP Realty Company, a partnership, and Mike Roberts  
Color Productions, a corporation.  
ACEH 7/16/98 Billings Worklog 6707 Bay Street, Emeryville, CA.  
Alameda County Recorder Fictitious Business Name search for MRCP  
Realty Company.  
May 1991 Substitution of Attorneys in Alameda Superior Court Action  
#C674227-6.  
2/2/10 AT&T directory search for James J. McClay.  
2/1/10 AT&T directory search for Talmadge H. Rice.

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0548

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

June 15, 1994

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

Mr. James J. McClay  
MRCP Realty  
Scenic Art, Inc.  
6262 Hollis Street  
Emeryville, California 94608

RE: Investigation / Remediation at Nady Systems, Inc.  
(Former MRCP) - 6707 Bay Street, Emeryville, California 94608  
MRCP = Mike Roberts Color Production

Dear Mr. McClay:

This letter documents that the on going investigation / remediation at the referenced site is under the direction of this agency since 1989. After cleanup is complete, the site will be evaluated for a no further action and if the findings support closure of the case, this office will recommend site closure to Regional Water Quality Control for concurrence.

In addition, MRCP is identified as the responsible party under the Corrective Action Regulations (23 CAC, Chapter 16, Article 11). The current landowner, Nady Systems, Inc. is named as secondarily liable.

If you have any questions concerning this letter, please contact me at (510) 271-4530.

Sincerely,

Handwritten signature of Susan L. Hugo in cursive.

Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division / file  
Sumadhu Arigala, RWQCB, San Francisco Bay Region  
Charles Tsou, Nady Systems, Inc., 6701 Bay Street  
Emeryville, California 94608  
Brian F. Berger, Egs., Petit & Martin, 101 California Street  
San Francisco, California 94111  
Robert L. Wainess, Petit & Martin, 101 California Street  
San Francisco, California 94111

003084

RECORDING REQUESTED BY:

FOOTHILL CAPITAL CORPORATION

AND WHEN RECORDED, MAIL TO:

FOOTHILL CAPITAL CORPORATION  
9911 West Pico Boulevard  
Suite #600  
Los Angeles, California 90035  
Attention: Documentation Dept.

RECORDED IN OFFICIAL RECORDS  
OF ALAMEDA COUNTY, CALIF.  
RENE C. DAVIDSON, County Recorder

785 JAN 2 1985

700/4

524014 SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHORT FORM OF LEASE

THIS SHORT FORM OF LEASE is made and entered into this 28 day of December, 1984 by and between MRCP REALTY COMPANY, a partnership (herein called "Lessor") and MIKE ROBERTS COLOR PRODUCTIONS, INC., a corporation (herein called "Lessee").

1. Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the following described property attached hereto as Exhibit "A" and incorporated herein by this reference.
2. The term of this Lease is for twenty-five years commencing on March 22, 1979 and ending on April 21, 2004.
3. Nothing on this SHORT FORM OF LEASE shall be deemed to amend, alter, modify or change any of the terms, covenants and conditions contained in that certain unrecorded Lease by and between Lessor and Lessee dated March 19, 1979 and reference is made to said Lease for all of the terms, covenants and conditions therein contained.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first hereinabove written.

LESSOR:

MRCP REALTY COMPANY, a partnership

By James J. McClay  
James J. McClay, a general partner  
By Robert Zirkel  
Robert Zirkel, a general partner

LESSEE:

MIKE ROBERTS COLOR PRODUCTIONS, INC., a corporation

By James J. McClay  
James J. McClay, President  
By Robert Zirkel  
Robert Zirkel, Secretary

3002 (6/82) - (Corporation) First American Title Insurance Company

STATE OF CALIFORNIA San Francisco 196  
COUNTY OF San Francisco  
On December 22, 1984 before me, the undersigned, a Notary Public in and for  
said State, personally appeared James J. McClay and  
Robert Zirkel personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the persons who executed the within instrument as  
President and Secretary, on behalf of  
**MIKE ROBERTS COLOR PRODUCTIONS, INC., a corporation**

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.  
Signature Betty A. Kolwyck



(This area for official notarial seal)

15-000004

3003 (8/82) (Partnership) First American Title Company

STATE OF CALIFORNIA San Francisco 196  
COUNTY OF San Francisco  
On December, 1984 before me, the undersigned, a Notary Public in and for  
said State, personally appeared James J. McClay and Robert Zirkel

personally known to me (or proved to me on the basis of satis-  
factory evidence) to be the person that executed the within  
instrument as general partner(s),  
on behalf of MRCP REALTY COMPANY,  
a partnership the partnership  
therein named and acknowledged to me that the partnership  
executed it.

WITNESS my hand and official seal.  
Signature Betty A. Kolwyck



(This area for official notarial seal)

## LEGAL DESCRIPTION:

REAL PROPERTY in the Cities of Berkeley and Emeryville, County of Alameda, State of California, described as follows:

## PARCEL 1:

Commencing at a point on the Western line of Bay Street, as said street is shown on the Map of Maxwell Tract, filed September 19, 1872, Map Book 5, Page 21, Alameda County Records, at the Northern extremity of that certain curve having a radius of 32.00 feet, which connects the said line of Bay Street with the Northern line of 65th Street, as set forth in the Deed to State of California, recorded December 11, 1953, Series No. AH/108381, Book 7203 Official Records, Page 513, containing 4.589 acres; thence along the said line of Bay Street North  $10^{\circ} 40' 15''$  West 395.18 feet to the Southern extremity of that certain course designated as "South  $10^{\circ} 40' 15''$  East 297.16 feet" in said Deed to the State of California; thence along the exterior boundary line of the said 4.589 acre parcel of land Northerly along the arc of a curve to the left, with a radius of 4970.00 feet, from a tangent which bears North  $10^{\circ} 40' 15''$  West a distance of 137.99 feet to a point on a line drawn parallel with the Northern boundary line of that certain parcel of land designated as Parcel 1 in Deed of Trust made by Henry Shapiro, et al., to Alameda County-East Bay Title Insurance Company, a Corporation, Trustee, recorded October 26, 1956, Series No. AL/112672, Book 8188 Official Records, Page 307, distant 170.00 feet Northerly therefrom, measured at right angles thereto, said last mentioned point being the actual point of beginning; thence along the exterior boundary line of the said 4.589 acre parcel of land the five following courses and distances: Northerly along the arc of said curve to the left, with a radius of 4970.00 feet, a distance of 83.44 feet, thence North  $13^{\circ} 12' 53''$  West 186.31 feet, thence Northerly, Northwesterly and Westerly along the arc of a curve to the left, with a radius of 45.00 feet, tangent to the said last mentioned course, a distance of 77.84 feet, thence South  $67^{\circ} 40' 58''$  West 232.70 feet, and thence Southwesterly along the arc of a curve to the left, with a radius of 640.00 feet, from a tangent which bears South  $54^{\circ} 30' 18''$  West, a distance of 267.23 feet, to a point on said parallel line so drawn; thence along the said parallel line so drawn North  $88^{\circ} 51' 33''$  East 516.63 feet to the actual Point of Beginning.

## PARCEL 2:

A non-exclusive, perpetual easement, appurtenant to and for the use of the owner or owners of Parcel 1 herein described, and any subsequent subdivision of subdivisions thereof, with the right and privilege to construct, repair, replace, maintain and use a sewer over, across and under a strip of land 5.00 feet wide, together with the right of ingress thereto and egress therefrom, as granted to Harold F. Baruh, et al., by Deed recorded December 4, 1958, Series No. AP/127664, Book 8865 OR, Page 291, over the following described parcel of land:

A portion of that certain parcel of land designated as Parcel 1 in Deed to Saroni Properties, Inc., a Corporation, recorded December 4, 1958, Series No. AP/127666, Book 8865 Official Records, Page 301, described as follows:

ES-00004

Beginning at the Northwestern corner of said Parcel 1; thence along the Northwestern boundary line thereof the two following courses and distances: Southwesterly along the arc of a curve to the left with a radius of 640.00 feet, from a tangent which bears South 30° 34' 38" West, a distance of 2.75 feet, and thence South 30° 20' West tangent to the said last mentioned arc, 191.98 feet to a point on the Southern boundary line thereof; thence along the said last mentioned line South 88° 51' 33" East 5.72 feet to a point on a line drawn parallel with the said Northwestern boundary line and distant 5.00 feet Southeasterly therefrom, measured at right angles thereto; thence along the said parallel line so drawn the two following courses and distances: North 30° 20' East 189.19 feet, and thence Northeasterly along the arc of a curve to the right with a radius of 635.00 feet, tangent to the said last mentioned course 5.04 feet, more or less, to a point on the Northern boundary line of said Parcel 1; thence along the said last mentioned line North 88° 51' 33" West 5.72 feet, more or less, to the Point Of Beginning.



Printed: 07/16/98

\*\*\*\*\* Alameda County Department of Environmental Health \*\*\*\*\*  
 BILLING's WORKLOG: Total Deposit/Refund History for All Accounts at Site

## \*\* SITE INFORMATION \*\*

Site#: 1209 -- StID: 414 NADY SYSTEMS, INC.  
 Date Open: 09/29/92 6707 BAY STREET  
 Date Closed: EMERYVILLE CA 94608

## \*\* PAYOR INFORMATION \*\*

> Project # --1209A for Payor # 671 M.R.C.P. REALTY  
 P.O. BOX 24510  
 OAKLAND CA 94623

## \*\* DEPOSIT HISTORY \*\*

Proj#	Deposit Date	Receipt#	Amount Received
--1209A	09/29/92	668809	\$ 500.00
--1209A	09/23/94	740521	\$ 3,000.00
			<u>\$ 3,500.00</u>

## \*\* WORKLOG HISTORY \*\*

Proj#	Work Date	Activity Description	Insp	Time (hrs)	Amount Charged
--1209a	09/17/92	Meetings, Consultations	bo	0.25	\$17.75
--1209a	09/29/92	Investigation in Office	bo	1.	\$71.00
--1209a	09/29/92	SITE VISIT/FILE REVIEW		1.75	\$124.25
--1209a	09/29/92	Meetings, Consultations	bo	0.75	\$53.25
--1209a	09/30/92	REPORT REVIEW		0.75	\$53.25
--1209a	09/30/92	Review Plans/Reports	bo	0.5	\$35.50
--1209a	10/01/92	Review Plans/Reports	bo	0.5	\$35.50
--1209a	11/16/92	Investigation in Office	sh	1.	\$71.00
--1209a	03/24/93	Review Plans/Reports	bo	0.5	\$37.50
--1209a	04/26/93	Review Plans/Reports	sh	1.	\$75.00
--1209a	05/04/93	Review Plans/Reports	bo	1.5	\$112.50
--1209a	05/10/93	Letter		1.75	\$131.25
--1209a	05/10/93	Write Letters	bo	1.75	\$131.25
--1209a	05/24/93	call w/Subsurface		0.5	\$37.50





# County Clerk - Recorder

## Fictitious Business Name

*Search Results*

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Criteria: Business Name Like MRCP REALTY COMPANY

Search Results - 5 matches

Displaying Records 1 to 5

Instrument Number	Date Filed	Expiration Date	Status	Business Name	Owner	Abandon Date
161061	01/10/1991	01/10/1996	Expired	MRCP REALTY COMPANY	MCCLAY, JAMES J.	
161061	01/10/1991	01/10/1996	Expired	MRCP REALTY COMPANY	RICE, TALMADGE H.	
161061	01/10/1991	01/10/1996	Expired	MRCP REALTY COMPANY	SCENIC, ART INC.	
161061	01/10/1991	01/10/1996	Expired	MRCP REALTY COMPANY	ZERCHER, B. FRANKLIN	
161061	01/10/1991	01/10/1996	Expired	MRCP REALTY COMPANY	ZIRKEL, FAMILY TRUST	

For issues with this software, please check the FAQ.

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PETTIT & MARTIN  
JOHN L. BOOS  
CATHERINE W. JOHNSON  
BRIAN F. BERGER  
101 California Street, 35th Floor  
San Francisco, California 94111  
Telephone: (415) 434-4000

Attorneys for Plaintiff  
MRCP REALTY COMPANY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

MRCP REALTY COMPANY,  
a partnership,  
  
Plaintiff,  
  
v.  
  
JOHN NADY, an individual;  
NADY SYSTEMS, INC., a corporation;  
WELLS FARGO BANK, N.A.,  
a corporation; and  
DOES 1 through 50, inclusive,  
  
Defendants.

No. C 674 227-6  
  
SUBSTITUTION  
OF ATTORNEYS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT effective upon full execution  
of this Substitution of Attorneys, the law firm of Pettit &  
Martin shall be, and by this substitution hereby is, sole  
attorneys of record for plaintiff MRCP Realty Company in the  
above-captioned action and on that same date the law firm of  
Erskine & Tulley shall no longer be attorneys of record for the

. . .

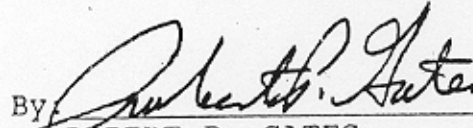
. . .

1 aforesaid plaintiff. All pleadings and other papers directed to  
2 plaintiff shall henceforth be served on:

3 Catherine W. Johnson, Esq.  
4 PETTIT & MARTIN  
5 101 California Street, 35th Floor  
6 San Francisco, California 94111  
7 Telephone: (415) 434-4000

8 Dated: May 21, 1991

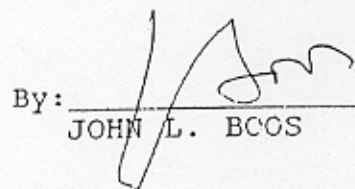
9 ERSKINE & TULLEY  
10 580 Market Street, Sixth Floor  
11 San Francisco, California 94104

12 By:   
13 ROBERT P. GATES

14 On behalf of Pettit & Martin, I hereby consent to  
15 substitute in for Erskine & Tulley as attorneys of record in the  
16 above-captioned action for plaintiff MRCP Realty Company.

17 Dated: May 21, 1991

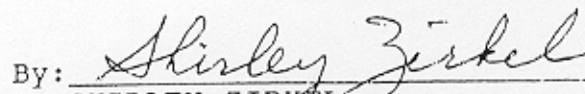
18 PETTIT & MARTIN  
19 101 California Street, 35th Floor  
20 San Francisco, California 94111

21 By:   
22 JOHN L. BCGS

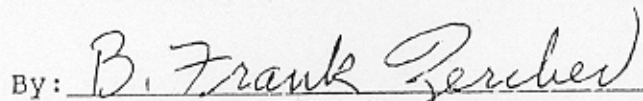
23 On behalf of plaintiff MRCP Realty Company, we hereby  
24 consent to the above substitution of counsel.

25 MRCP REALTY COMPANY

26 Dated: May 15, 1991

27 By:   
28 SHIRLEY ZIRKEL,  
Its General Partner

Dated: May 17, 1991

By:   
B. FRANK ZERCHER,  
Its General Partner

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Dated: May 14, 1991

By: Talmadge Rice  
TALMADGE RICE,  
Its General Partner

Dated: May 10, 1991

By: James J. McClay  
JAMES J. McCLAY,  
Its General Partner

5386d



### People Search

First Name	Last Name	State
James	Mcclay	California

Finding People, Places, and Businesses

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- Area Codes

---

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- Email Search
- Social Net Search

#### FIND A PERSON



Last Name <i>Required</i> Mcclay TIP: Use the full name	First Name James TIP: Try just the 1st letter	Street  TIP: Use full street
City lafayette	State CA	ZIP Code

**FIND** [Set](#)

Sponsored Link

#### Background Check

First Name

James

Last Name

Mcclay

City

lafayette

State

California

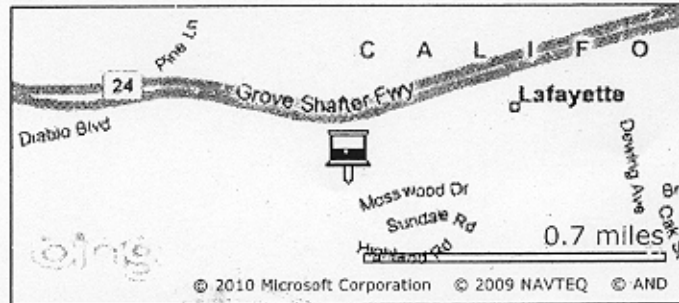
**FIND**

#### James J Mcclay

960 Risa Rd #20  
Lafayette, CA 94549  
**(925) 283-9949**

[Add to Address Book](#) | [Nearby Businesses](#) | [Map](#) | [Driving Directions](#)

[Remove Listing](#)



#### MORE INFORMATION ON James J Mcclay

- (925) 283-9949 is a Land Line phone.
- The local time is 3:26 PM.
- Location: Lafayette, CA

Information provided solely by Intelius

#### Find More Ir

[Email and Find Jame](#)

[Get Detail Run a Bac](#)

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[View Prop What is th](#)

[View Soci Find Jame](#)

[Get Comp Find Jame](#)

[Additional records p](#)

#### Public records found for James Mcclay with current & verified Phone &

First Name	Last Name	City	State
James	Mcclay	Lafayette	California

[Home](#) | [About AnyWho](#) | [Help](#) | [Site Map](#) | [YELLOWPAGES.COM](#) | [YP.COM](#)



**People Search**

First Name	Last Name	State
Talmadge	Rice	California

Finding People, Places, and Businesses

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- [Background Search](#)
- [Email Search](#)
- [Social Net Search](#)

**FIND A PERSON**



Last Name <i>Required</i>	First Name	Street
Rice	Talmadge	
TIP: Use the full name	TIP: Try just the 1st letter	TIP: Use full street
City	State	ZIP Code
walnut creek	CA	
		<b>Q-FIND</b> -> Ser

Sponsored Link

**Background Check**

**First Name**

Talmadge

**Last Name**

Rice

**City**

walnut creek

**State**

California

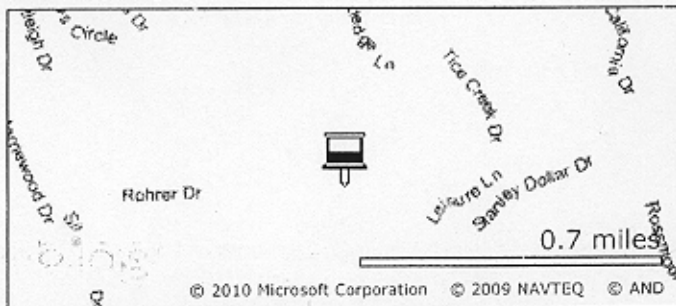
**FIND**

**Talmadge H Rice**

1710 Stanley Dollar Dr  
Walnut Creek, CA 94595  
**(623) 566-5971**

[Add to Address Book](#) | [Nearby Businesses](#) | [Map](#) | [Driving Directions](#)

[Remove Listing](#)



**MORE INFORMATION ON Talmadge H Rice**

- (623) 566-5971 is a Land Line phone.
- The local time is 4:30 PM.
- Location: Walnut Creek, CA

Information provided solely by Intelius

**Find More Ir Rice**

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[Get Detail Run a Ba](#)

[Verify Pul Does Talm](#)

[View Prop What is tl](#)

[View Soci Find Talm](#)

[Get Comp Find Talm](#)

[Additional records p](#)

**Public records found for Talmadge Rice with current & verified Phone**

First Name	Last Name	City	State
Talmadge	Rice	Walnut Creek	California