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R. KINGSBURY LANE, INC.
Robert K. Lane - CBN: 51934
1 Kaiser Plaza - Suite 301
Oakland, CA 94612-3603
Telephone: (510) 465-1933

ENDORSED
FILED
ALAMEDA COUNTY

JAN 13 1995

RONALD C. OVERHOLT, Exec. Off./Clerk
By Ed Cranston

Attorney for Defendants Grand Avenue
Development, Patrick T. Ellwood,
Leonard W. Kraft, and Elwood I.
Lentz, Jr., Trustee of the Brockbank/Huish
1990 Trust

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Case No. 739 773-0

vs.

GRAND AVENUE DEVELOPMENT, a Partnership,
PATRICK T. ELLWOOD,
LEONARD W. KRAFT,
LORRAINE S. KRAFT,
TOM LEWIS,
ELWOOD I. LENTZ, JR., Trustee of the
BROCKBANK/HUISH 1990 TRUST,
and DOES 1 through 10, Inclusive,

Defendants

STIPULATION AND
ORDER

IT IS HEREBY STIPULATED by and between Plaintiff, the People of the State
of California, and Defendants, Grand Avenue Development, a Partnership; Patrick
T. Ellwood; Leonard W. Kraft; and Elwood I. Lentz, Jr., Trustee of the
Brockbank/Huish 1990 Trust (hereinafter "Defendants") through their respective
counsel, Lawrence C. Blazer and Robert K. Lane, as follows:

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(1) From the date of the Superior Court's notice to the parties that this action has been remanded from the Bankruptcy Court:

a. Defendants shall have Sixty (60) days to file with this Court a First Amended Answer. Plaintiff shall have Thirty (30) days from the filing of such First Amended Answer, if any is filed, in which to bring a Motion to Strike all or part of the affirmative defenses set forth in said Answer;

b. Plaintiff shall have Ninety (90) days to file such a Motion to Strike in the event no Amended Answer is filed by Defendants;

c. Plaintiff shall only have the right to file any such Motion to Strike after the passage of Sixty (60) days;

d. Defendants will, within fifteen (15) days, submit a "work plan" for further testing on the property to determine the extent, if any, to which any alleged hydrocarbon releases may have migrated to groundwater. Said plan will be submitted to the Alameda County Health Care Services Agency (hereinafter "ACHCSA) for review and comment.

(2) ACHCSA shall respond expeditiously, not to exceed fifteen (15) days.

(3) Defendants will thereafter respond in good faith to any comments or requests for changes in the work plan submitted by ACHCSA and ACHCSA will entertain in good faith any reasonable requests for changes in the work plan proposed by Defendants.

(4) Defendants will implement field investigations within Thirty (30) days of ACHCSA approval of the work plan.

(5) Defendants will report the results of the investigation to ACHCSA and the

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District Attorney's office within Twenty-One (21) days of receipt of the laboratory results.

(6) Except as otherwise stipulated in this action, Defendants reserve all their rights and defenses; including, but not limited to, rights of indemnity and cross-complaint, which they may have in connection with the instant action and the Plaintiff reserves all rights and defenses it may have in pursuing its claim(s) or cross-complaints.

(7) Notwithstanding the above stipulations as to time, in the event a work plan is fully agreed to between Plaintiff and Defendants within Forty-Five (45) days of the notice referred to hereinabove, then the time within which action may be taken under sub-paragraphs (1)(a) and (c) shall be extended by Sixty (60) days and extended Thirty (30) days under sub-paragraph (1)(b).

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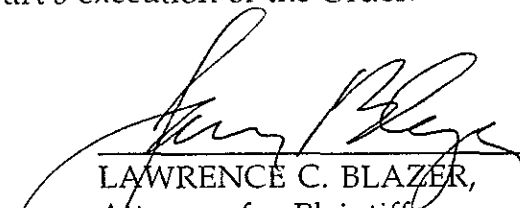
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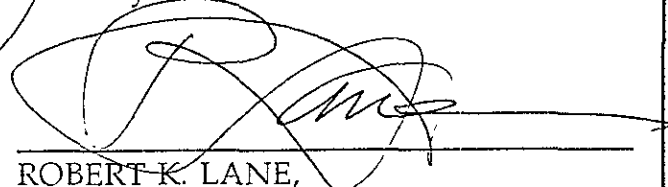
(8) This Stipulation shall be contractual in nature until such time as the Superior Court resumes jurisdiction herein at which time Plaintiff shall file this Stipulation and Order for the Court's execution of the Order.

Dated: November 30, 1994



LAWRENCE C. BLAZER,
Attorney for Plaintiff

Dated: November 21, 1994



ROBERT K. LANE,
Attorney for Grand Avenue Development;
Patrick T. Ellwood; Leonard W. Kraft; and
Elwood I. Lentz, Jr., Trustee of the
Brockbank/Huish 1990 Trust

ORDER

IT IS SO ORDERED.

Dated: 1-17-95

SANDRA MARGULIES

JUDGE OF THE SUPERIOR COURT