

LOP - RECORD CHANGE REQUEST FORM

printed:  
06/25/93

Mark Out What Needs Changing and Hand to LOP Data Entry  
(Name/Address changes go to Annual Programs Data Entry)

AGENCY # : 10000      SOURCE OF FUNDS: F      SUBSTANCE: 8006619  
 StID : 3787  
 SITE NAME: Henry Shirek Estate      DATE REPORTED : 12/07/89  
 ADDRESS : 3425 -0 Ettie St.      DATE CONFIRMED: 12/07/89  
 CITY/ZIP : Oakland      94608      MULTIPLE RPs : N

SITE STATUS

CASE TYPE: G      CONTRACT STATUS: 8      EMERGENCY RESP: -0-  
 RP SEARCH: S      DATE COMPLETED: 03/12/92  
 PRELIMINARY ASMNT: C      DATE UNDERWAY: 08/25/89      DATE COMPLETED: 03/02/90  
 REM INVESTIGATION: C      DATE UNDERWAY: 03/02/90      DATE COMPLETED: 10/25/91  
 REMEDIAL ACTION: C      DATE UNDERWAY: 03/02/90      DATE COMPLETED: 10/25/91  
 POST REMED ACT MON:C      DATE UNDERWAY: 03/02/90      DATE COMPLETED: 10/25/90

ENFORCEMENT ACTION TYPE: 1      DATE ENFORCEMENT ACTION TAKEN: 03/12/92  
 LUFT FIELD MANUAL CONSID: 3H *SCAWG* ✓  
 CASE CLOSED: Y      DATE CASE CLOSED: 06/25/93  
 DATE EXCAVATION STARTED : 06/27/89      REMEDIAL ACTIONS TAKEN: ED-

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: R N Stefan Executor  
 COMPANY NAME: Golden, Stefan, Etal  
 ADDRESS: 7677 Oakport, Ste 460  
 CITY/STATE: Oakland, Ca 94621-1967

INSPECTOR VERIFICATION:

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DATA ENTRY INPUT:

Name/Address Changes Only			Case Progress Changes	
ANNPMS _____	LOP _____	DATE _____	LOP _____	DATE _____

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION  
2101 WEBSTER STREET, SUITE 500  
OAKLAND, CA 94612  
(510) 286 1255



Allied Painters Inc.  
3425 Ettie Street  
Oakland, CA 94608  
Attention: Mr. Anthony Silva

June 9, 1993  
File: 01-1387(UST)  
and 2198.17

RE: **Case Closure for Underground Storage Tank Site, Formerly  
Henry Shirek Estate, 3425 Ettie Street, Oakland, Alameda  
County**

Dear Mr. Silva,

The Alameda County Department of Environmental Health (ACHD) has submitted a letter which recommends the closure for your site involving the removal of one 5000 gallon diesel tank, one 2,000 gallon gasoline tank, and one 500 gallon gasoline tank. Regional Board staff have reviewed the file for your site and concur with this recommendation. Therefore based on the available information for the above site, it appears that further investigation and cleanup of petroleum hydrocarbons are not necessary. Further work could be required if conditions change or a water quality threat is discovered at the site.

Please contact Richard Hiett from my staff at (510) 286-4359 if you have any questions regarding the contents of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "S. Ritchie".

Steven R. Ritchie  
Executive Officer

cc: ACHD, 80 Swan Way, Suite 200, Oakland, CA 94621  
Attn: Ms. Susan Hugo

Mr. George Rogers - Golden, Stefan, Ellenberg and Toby  
7677 Oakport, Suite 460, Oakland, CA 94621-1967

rch/ust

JUN 11 1993

LAW OFFICES OF  
GOLDEN, STEFAN, ELLENBERG & TOBY  
A PROFESSIONAL CORPORATION

THEODORE GOLDEN (1907-1971)  
MARVIN B. ELLENBERG  
BARRY J. TOBY  
GEORGE C. ROGERS  
MICHAEL R. HERMAN

OF COUNSEL  
R. N. STEFAN

7677 OAKPORT  
SUITE 460  
OAKLAND, CALIFORNIA 94621-1967  
FAX (510) 568-4253  
TEL (510) 568-3030

March 25, 1993

Ms. Susan Hugo  
Alameda County Department of Environmental Health  
Hazardous Materials Division  
80 Swan Way, Room 200  
Oakland, CA 94621

*allied printing inc  
3425 Ettie St  
658-4315*

Re: Estate of Henry M. Shirek, deceased  
3425 Ettie Street, Oakland, California 94608

Dear Ms. Hugo:

This will acknowledge receipt of a copy of your letter dated March 22, 1993 to Mr. Hiatt at the Regional Board, recommending case closure. Thank you for your prompt attention to our request for closure. Hopefully, we will soon be hearing that the Regional Board has issued a signoff letter.

Very truly yours,

GOLDEN, STEFAN, ELLENBERG & TOBY,  
A Professional Corporation

*George C Rogers*

By: GEORGE C. ROGERS

GCR/tly

cc: R. N. Stefan (w/encl.)

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 22, 1993  
STID 3787

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. Rich Hiett  
California Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, California 94612

**SUBJECT: RECOMMENDATION FOR CASE CLOSURE**  
**Henry Shirek Estate**  
**3425 Ettie Street, Oakland, CA 94608**

Dear Mr. Hiett:

The Alameda County Department of Environmental Health, Hazardous Materials Division has completed review of the case file and the Summary Report - Tank Removal, Soil Remediation, and Soil & Groundwater Investigation Activities for the referenced site dated December 28, 1992 and prepared by Streamborn.

Based on the information provided to this department regarding the site investigation and cleanup associated with the three underground storage tanks ( 5,000 gallon diesel, 2,000 gallon gasoline and 500 gallon gasoline; removed in 1989), it appears that further monitoring, investigation and remedial actions are not necessary at this time. Therefore, this office recommends that RWQCB formally close this case with a signoff letter. With RWQCB's concurrence, this department will send a letter to the Responsible Party to inform them of the site's certification of closure.

Attached is a copy of the "Summary Report - Tank Removal, Soil Remediation, and Soil & Groundwater Investigation Activities" prepared by Streamborn for your review.

If you have any questions or require further information, please give me a call at (510) 271-4530.

Sincerely,

*Susan L. Hugo*

Susan L. Hugo  
Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
Edgar B. Howell, Chief, Hazardous Materials Division - files  
Mr. George Rogers - Golden, Stefan, Ellenberg and Toby  
7677 Oakport, Suite 460, Oakland, CA 94621-1967

DAVIS, GRAHAM & STUBBS

ATTORNEYS AT LAW

WASHINGTON D.C. OFFICE  
SUITE 500  
1200 NINETEENTH STREET, N.W.  
WASHINGTON, D.C. 20036-2402  
TELEPHONE 202-822-8660  
FACSIMILE 202-293-4794

SUITE 4700  
370 SEVENTEENTH STREET  
DENVER, COLORADO 80202

MAILING ADDRESS  
POST OFFICE BOX 185

DENVER, COLORADO 80201-0185

TELEPHONE 303-892-9400      TELEX 413726 DGS DVR UD  
FACSIMILE 303-893-1379      CABLE DAVGRAM, DENVER

LONDON OFFICE  
BROOK HOUSE  
98/99 JERMYN STREET  
LONDON SW1Y 6EE  
TELEPHONE 071-930-2308  
FACSIMILE 071-839-8550

KENT E. SUTHERLAND  
892-7488

January 13, 1993

Ms. Susan Hugo  
Alameda County Department of  
Environmental Health  
Hazardous Materials Division  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 3425 Ettie Street, Oakland - Property  
Estate of Henry M. Shirek

Dear Ms. Hugo:

We represent the National Jewish Center for Immunology and Respiratory Medicine in Denver, Colorado. National Jewish Center is one of the residuary beneficiaries of the Estate of Henry M. Shirek.

On behalf of the National Jewish Center, we join in the request of Dennis K. Bromley in his letter to you dated January 4, 1993, in connection with the property at 3425 Ettie Street in Oakland. As Mr. Bromley explained in his letter, the Estate is awaiting environmental clearances in connection with the sale of the property. Distributions from the Estate to the charitable beneficiaries will be delayed until those clearances have been granted.

We join in Mr. Bromley's request that you give prompt attention to and take prompt action on the Summary Report relating to this property.

Sincerely,

  
Kent E. Sutherland  
for

DAVIS, GRAHAM & STUBBS

KES/jlw

cc: Mr. Bernard Fellner - National Jewish Center  
Dennis K. Bromley, Esq. - Pillsbury Madison & Sutro

MANATT, PHELPS, PHILLIPS & KANTOR

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

TELEPHONE (310) 312-4000

FAX (310) 312-4224

TELEX 215663

CABLE MPRT UR

11355 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90064-1614

WASHINGTON, D.C. OFFICE  
1200 NEW HAMPSHIRE AVE., N.W.  
WASHINGTON, D.C. 20036-6889  
(202) 463-4200  
FAX (202) 463-4394

January 8, 1993

Ms. Susan Hugo  
Alameda County Department  
of Environmental Health  
Hazardous Materials Division  
80 Swan Way - Room 200  
Oakland, California 94621

Re: 3425 Ettie Street, Oakland, California  
Estate of Henry M. Shirek

Dear Ms. Hugo:

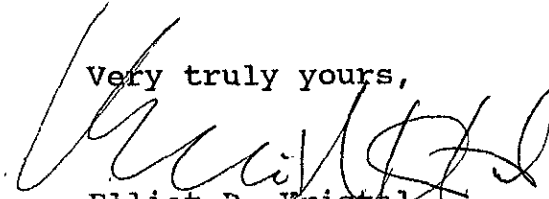
Please be advised that this office acts as legal counsel for City of Hope, one of the residuary beneficiaries of the estate of Henry M. Shirek, deceased. The certain real property at 3425 Ettie Street, Oakland, California is one of the assets of that estate. The property has been sold and the proceeds of the sale (less certain expenses of the estate) are approximately \$300,000.00. The sale of the property was, however, made subject to the estate's obtaining of satisfactory environmental clearances. The estate has diligently pursued resolution of the environmental issues, and on December 28, 1992, it's environmental consultants filed with the Regional WQCB in Alameda County their summary report regarding underground storage tank removal, soil remediation and soil and ground water investigation activities conducted with respect to the property.

The summary report finds no remaining unacceptable environmental problems and recommends case closure by the Regional WQCB and the County Department of Environmental Health. As soon as these agencies have closed the case as to the property, the residue of the estate of Henry M. Shirek may be distributed to the residual charitable beneficiaries.

Ms. Susan Hugo  
January 8, 1993  
Page 2

I hereby request on behalf of City of Hope that you move expeditiously on the summary report in order that if it is found adequate, the estate's funds may be distributed to the charitable beneficiaries. Your prompt attention to this request will be appreciated.

Very truly yours,



Elliot B. Kristal  
Manatt, Phelps, Phillips & Kantor

EBK:jac  
cc: Ms. Sharon Shum

LAW OFFICES OF  
PILLSBURY MADISON & SUTRO

LOS ANGELES  
SAN JOSE  
WASHINGTON, D.C.  
SAN DIEGO

POST OFFICE BOX 7880  
SAN FRANCISCO, CALIFORNIA 94120

TELEPHONE (415) 983-1000  
TELECOPIER (415) 398-2096

ORANGE COUNTY  
SACRAMENTO  
MENLO PARK  
TOKYO

WRITER'S OFFICE AND  
DIRECT DIAL NUMBER  
225 Bush Street  
(415) 983-1156

January 4, 1993

Ms. Susan Hugo  
Alameda County Department of  
Environmental Health  
Hazardous Materials Division  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 3425 Ettie Street, Oakland - Property - Estate of  
Henry M. Shirek

Dear Ms. Hugo:

I represent French Hospital Foundation and French Hospital and Health Plan Corporation, related charities in San Francisco. French Hospital and two other charities, City of Hope (Los Angeles) and the National Jewish Hospital (Denver) are the residuary beneficiaries of the estate of Henry M. Shirek, deceased. One of the assets of the estate, the 3425 Ettie Street property, has been sold, and the proceeds of the sale (less certain expenses of the estate) are approximately \$300,000. The sale of the property was made subject to the estate's obtaining satisfactory environmental clearances. The estate has diligently pursued resolution of the environmental issues, and on December 28, 1992 its environmental consultants filed with your agency and the Regional W.Q.C.B. their Summary Report regarding underground storage tank removal, soil remediation, and soil and groundwater investigation activities conducted with respect to the property.

The Summary Report finds no remaining unacceptable environmental problems, and recommends case closure by the Regional W.Q.C.B. and the County Department of Environmental Health. As soon as these agencies have closed the case as to this property, the residue of the estate may be distributed to these three charities.

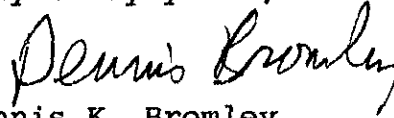
On behalf of French Hospital, I request that you give prompt attention to and take prompt action on the Summary Report, so that if it is found adequate, the estate's funds may



Ms. Susan Hugo  
January 4, 1993  
Page 2

be distributed to these worthy charities as soon as possible. I  
am sure the other two charities join me in this request.

Very truly yours,

A handwritten signature in cursive script that reads "Dennis K. Bromley". The signature is written in dark ink and is positioned above the printed name.

Dennis K. Bromley

LAW OFFICES OF  
GOLDEN, STEFAN, ELLENBERG & TOBY  
A PROFESSIONAL CORPORATION

THEODORE GOLDEN (1907-1971)  
MARVIN B. ELLENBERG  
BARRY J. TOBY  
GEORGE C. ROGERS  
MICHAEL R. HERMAN

OF COUNSEL  
R. N. STEFAN

7677 OAKPORT  
SUITE 460  
OAKLAND, CALIFORNIA 94621-1967  
FAX (510) 568-4253  
TEL (510) 568-3030

920-...-...-90  
STIP 3787  
10/30/92  
3425 ETTIE ST.

To: All persons and entities receiving the enclosed Notice of Hearing

From: George C. Rogers

Re: Estate of Henry M. Shirek, deceased  
Petition for Waiver of Preliminary Distributees' Bond  
Notice of Reset Hearing

Date: October 29, 1992

Dear Sirs and Mesdames:

As you can see from the enclosed Notice of Hearing, the executor's Petition for Waiver of Preliminary Distributees' Bond was not granted at the October 20, 1992 hearing. The probate commissioner who presided at that hearing is an interim replacement for the former probate commissioner, who has transferred to a different position. The former probate commissioner was the one who approved the March 12, 1990 order for preliminary distribution, which required a bond to be furnished by all distributees, and the interim commissioner was unwilling to amend the prior order without giving notice to the governmental agencies involved in the Ettie Street project.

I did not anticipate that giving notice to those agencies would be required, inasmuch as the previous probate commissioner had never required that those agencies receive notice of any of the prior probate hearings. I believe that the interim commissioner was acting out of an overabundance of caution, because the current petition clearly alleges that if the pertinent distributions are made, as requested, without requiring distributees' bonds, the value of the property remaining in the estate will be sufficient to secure the payment of any remaining taxes and costs and expenses of administration, which include the costs and expenses associated with the Ettie Street project.

The interim commissioner did not express any other objections

October 29, 1992

Page Two

to the petition, and therefore, as long as there are no other unanticipated problems, he should be willing to grant the petition at the November 17 hearing.

As before, your attendance at the hearing is not required, although you may attend if you wish.

Very truly yours,

GOLDEN, STEFAN, ELLENBERG & TOBY  
A Professional Corporation

*George C Rogers*

By: GEORGE C. ROGERS

GCR/tly  
Enclosure

cc: R. N. Stefan, Executor

*P.S. Ms. Hugo - Please call if you have any questions.*

*George C Rogers*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): George C. Rogers GOLDEN, STEFAN, ELLENBERG & TOBY A Professional Corporation 7677 Oakport, Suite 460 Oakland, CA 94621-1967 ATTORNEY FOR (Name): R. N. STEFAN	TELEPHONE NO.: (510) 569-3030	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Northern Division		
ESTATE OF (NAME): HENRY M. SHIREK DECEDENT		
NOTICE OF HEARING (Probate)		CASE NUMBER: 232460-9

**This notice is required by law. This notice does not require you to appear in court, but you may attend the hearing if you wish.**

1. NOTICE is given that (name): R. N. STEFAN

(representative capacity, if any): Executor

has filed (specify):\* PETITION FOR WAIVER OF PRELIMINARY DISTRIBUTEES' BOND.

(NOTE: This is the same petition that was considered at the October 20, 1992 hearing in this court. The hearing on this petition has been reset for the following date, time and place so that certain governmental agencies can be served with this notice of the hearing as required by the court at the October 20, 1992 hearing.)

2. You may refer to the filed documents for further particulars. (All of the case documents filed with the court are available for examination in the case file kept by the court clerk.)

3. A HEARING on the matter will be held as follows:

Date: 11-17-92	Time: 9:30 A.M.	Dept.: 24	Room:
Address of court <input checked="" type="checkbox"/> shown above <input type="checkbox"/> is:			

..... GEORGE C. ROGERS .....  Attorney or party George C Rogers  
 (TYPE OR PRINT NAME) (SIGNATURE)

Date: October 27, 1992  Clerk, by \_\_\_\_\_, Deputy

4. This notice was mailed on (date): October 29, 1992 at (place): Oakland, California

(Continued on reverse)

ESTATE OF (NAME): HENRY M. SHIREK		CASE NUMBER 232460-9
DECEDENT		

**CLERK'S CERTIFICATE OF  POSTING  MAILING**

I certify that I am not a party to this cause and that a copy of the foregoing Notice of Hearing (Probate)

1.  was posted at (address):

on (date):

2.  was served on each person named below. Each notice was enclosed in an envelope with postage fully prepaid. Each envelope was addressed to a person whose name and address is given below, sealed, and deposited with the United States Postal Service at (place): \_\_\_\_\_, California,

on (date):

Date:

Clerk, by \_\_\_\_\_, Deputy

**PROOF OF SERVICE BY MAIL**

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.

2. My residence or business address is (specify): 7677 Oakport, Suite 460  
Oakland, CA 94621-1967

3. I served the foregoing Notice of Hearing (Probate) on each person named below by enclosing a copy in an envelope addressed as shown below AND

a.  depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

b.  placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date mailed: October 29, 1992

b. Place mailed (city, state): Oakland, California

5.  I served with the Notice of Hearing (Probate) a copy of the petition or other document referred to in the notice. \*\*\*

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

Date:

TERI L. YEATES

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

SEE ATTACHED SERVICE LIST

\*\*\* I served a copy of the petition referred to in the notice with the Notices of Hearing (Probate) served on the Alameda County Department of Environmental Health and the San Francisco Bay Regional Water Quality Control Board.

1 George C. Rogers  
2 GOLDEN, STEFAN, ELLENBERG & TOBY  
3 A Professional Corporation  
4 7677 Oakport, Suite 460  
5 Oakland, California 94621-1967  
Telephone: (510) 569-3030

Attorneys for Executor  
ROBERT N. STEFAN

ENDORSED  
FILED  
ALAMEDA COUNTY

SEP 2 1992

RONALD G. OVERTON, Inc. Clerk  
By LYON A. HODGSON

SET F-6

DATE 7-10-92

9:30 AM SALE

10:30 AM APPEAL

UNCONTESTED  
ORANGE/CONTESTED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

9  
10 Estate of

NO. 232460-9

11 HENRY M. SHIREK,

PETITION FOR WAIVER  
OF PRELIMINARY  
DISTRIBUTEES' BOND

12 Deceased.

13  
14 Petitioner ROBERT N. STEFAN is the duly appointed, qualified  
15 and acting executor of the will of HENRY M. SHIREK, deceased.

16 HENRY M. SHIREK died testate on December 5, 1987 in Alameda  
17 County, California and was domiciled in that county.

18 The decedent's will dated May 17, 1983 was admitted to probate  
19 by order of this court on January 8, 1988. Petitioner qualified as  
20 executor of the will and Letters Testamentary were issued to  
21 petitioner on January 15, 1988. At all times since then, petitioner  
22 has been, and now is, the duly qualified executor of the decedent's  
23 will.

24 On January 15, 1988, petitioner was granted authority by order  
25 of this court to administer the estate without court supervision  
26 under the Independent Administration of Estates Act with full

1 authority. This authority has not been revoked.

2 Petitioner has performed all duties required to date as  
3 executor of the will.

4 Notice of Death has been published for the period and in the  
5 manner prescribed by law, the first publication being made on  
6 December 28, 1987. Within 30 days after completion of publication,  
7 on January 5, 1988, an affidavit showing due publication in the  
8 manner and form required by law was filed with the clerk of this  
9 court. More than four (4) months have elapsed since the issuance  
10 of letters. Reasonable efforts were made to identify creditors of  
11 the estate, and notice of administration has been sent to all known  
12 creditors of the estate. The time for filing creditors' claims  
13. expired on May 15, 1988.

14 Written notice of rejection of the following claim was served  
15 on August 16, 1988 in conformity with the law. No action was begun  
16 on said claim within three (3) months after the date of service of  
17 the notice of rejection. More than three (3) months has elapsed  
18 since service of the notice of rejection, and more than three (3)  
19 months has elapsed since the rejected claim became due:

<u>Claimant</u>	<u>Description</u>	<u>Amount</u>	<u>Date Rejected</u>
21 Yolande Y. Shirek	Funeral expenses	\$2,904.93	August 16, 1988

22 All debts of the decedent and of the estate, including  
23 publication charges, and all incurred expenses of administration  
24 have been paid, except:

25 1. Commissions of petitioner as executor of the will,  
26 attorneys' fees and fiduciary income taxes, and

1           2.   Fees and costs payable to certain environmental  
2 consultants and governmental agencies in connection with obtaining  
3 permits for the closure of the soil remediation and groundwater  
4 monitoring program at the real property commonly known as 3425 Ettie  
5 Street, Oakland, California, and otherwise making said property  
6 ready for delivery to its legal owner, Allied Painters, Inc., as  
7 provided in the contract for the sale of that property by the  
8 petitioner to Allied Painters, Inc.

9           Partial inventories and appraisements of the estate were filed  
10 on February 2, 1989, April 14, 1988, and February 15, 1989, showing  
11 the value of the estate to be \$969,619.96. Petitioner alleges that  
12 such inventory and appraisal totalling \$969,619.96 contains all  
13 of the assets of the estate that have come to petitioner's knowledge  
14 or into his possession.

15           The California and federal estate tax returns for this estate  
16 have been filed, showing that no federal or California estate tax  
17 is due. The federal estate tax return has not been audited, and  
18 the petitioner has not been released from personal liability for the  
19 federal estate tax. In any event, under the provisions of Article  
20 NINTH of the decedent's Will, all death taxes imposed because of the  
21 decedent's death are to be paid from the residuary estate.  
22 Accordingly, petitioner proposes to make the distribution that is  
23 the subject of this petition in full without proration of or  
24 reduction for any estate or other death taxes.

25           All California and federal income taxes due and payable by the  
26 estate have been paid or are adequately secured.



1           There are no personal property taxes due or payable by the  
2 estate.

3           The estate consists entirely of the decedent's separate  
4 property.

5           The names, addresses, relationships, and ages of the devisees  
6 and legatees named in the will are listed in Attachment 1, attached  
7 hereto and made a part of this petition.

8           The Order for Preliminary Distribution in this estate dated  
9 March 12, 1990 authorized the petitioner to distribute to the  
10 following individuals cash in the amounts set forth below in  
11 accordance with Article SEVENTH of the decedent's Will; provided,  
12 however, that in view of the estate's contingent liabilities as set  
13 forth in the petition for said preliminary distribution, each of the  
14 distributions set forth below were conditioned on the execution and  
15 delivery to the executor of a bond by each of the distributees in  
16 the full amount of the distribution made to him, her or them, the  
17 bond to be payable to the executor and to be conditioned on the  
18 payment, whenever required, of the proportion of the debts due from  
19 the estate, not exceeding the respective amounts of the  
20 distributions; the bond to be with corporate surety, licensed to do  
21 business in the State of California.

22           Said authorized distributions were as follows:

23           A.    Group I

24                i.   Twenty Thousand Dollars (\$20,000.00) to be divided  
25 equally among VIOLET A. NICKERSON (also known as Violet Stewart-  
26 Nickerson) of Rio Dell, California, EDWARD G. WEBER of Clearlake

1 Oaks, California, and MARY L. HALL of San Leandro, California,  
2 pursuant to Section 13100 of the California Probate Code. Said  
3 persons collectively are the "successors of the decedent," as  
4 defined in Section 13006 of the California Probate Code, with  
5 respect to HESTER M. SILVA, deceased, of San Lorenzo, California.

6 ii. Ten Thousand Dollars (\$10,000.00) to the decedent's  
7 niece, MARY HALL, of San Leandro, California;

8 iii. Ten Thousand Dollars (\$10,000.00) to the decedent's  
9 niece, VIOLET STEWART-NICKERSON, of Rio Dell, California;

10 iv. Ten Thousand Dollars (\$10,000.00) to the decedent's  
11 nephew, EDWARD G. WEBER, of Clearlake Oaks, California.

12 v. Three Thousand Three Hundred Thirty-Three and 33/100  
13 Dollars (\$3,333.33) to each of the three grandchildren of the  
14 decedent's sister, HESTER M. SILVA, living at the time of the  
15 decedent's death, who are LAVINA SHIRELL of Albuquerque, New Mexico,  
16 DARNELL SILVA of Hayward, California, and ROBIN HANSEN of  
17 Bellingham, Washington.

18 B. Group II

19 i. Ten Thousand Dollars (\$10,000.00) to LOLA JEAN NEILSON  
20 of Eureka, California, having survived her husband, ROB ROY NEILSON,  
21 SR., deceased;

22 ii. Five Thousand Dollars (\$5,000.00) to ROBIN NEILSON  
23 ZEIGLER, of Eureka, California;

24 iii. Five Thousand Dollars (\$5,000.00) to ROBIN NEILSON  
25 ZEIGLER, AS CUSTODIAN FOR DULCE ADA ZEIGLER UNDER THE CALIFORNIA  
26 UNIFORM TRANSFERS TO MINORS ACT, pursuant to Section 3906(a) of the

1 California Probate Code;

2           iv. Five Thousand Dollars (\$5,000.00) to ROB ROY NEILSON,  
3 JR., of Gresham, Oregon.

4           C. Group III

5           i. Ten Thousand Dollars (\$10,000) to GEORGE A. MASSIE and  
6 his wife, BETTY MASSIE, or to the survivor of them, of Oakland,  
7 California.

8           D. Group IV

9           i. Five Thousand Dollars (\$5,000.00) to SYDNEY LEUNG and  
10 ELENA LEUNG;

11           ii. Five Thousand Dollars (\$5,000.00) to MRS. JULIANA L.  
12 VAUGHAN;

13           iii. Five Thousand Dollars (\$5,000.00) to MRS. POLLYANNA  
14 L. HOLLAND;

15           iv. Five Thousand Dollars (\$5,000.00) to MR. SIMON LEUNG;

16           v. Five Thousand Dollars (\$5,000.00) to MS. MARGARET  
17 LEUNG.

18           E. Group V

19           i. Ten Thousand Dollars (\$10,00.00) to ANTHONY L. SILVA,  
20 of Castro Valley, California;

21           ii. Ten Thousand Dollars (\$10,00.00) to RICHARD P. SMITH,  
22 of San Leandro, California.

23           Pursuant to said Order for Preliminary Distribution dated  
24 March 12, 1990, the following preliminary distributions from this  
25 estate have been made:

26

<u>Date of Distribution</u>	<u>Distributee</u>	<u>Amount of Distribution</u>
March 27, 1990	Rob Roy Neilson, Jr.	\$5,000.00
March 27, 1990	Robin Neilson Zeigler	\$5,000.00
March 27, 1990	Robin Neilson Zeigler, as Custodian for Dulce Ada Zeigler	\$5,000.00
March 28, 1990	Lola Jean Neilson	\$10,000.00
April 3, 1990	Harry W. Bergland, Jr. as Trustee f/b/o Yolande Y. Shirek	\$500,000.00
August 26, 1991	Violet Stewart Nickerson	\$16,666.66
August 26, 1991	Edward G. Weber	\$16,666.66

9           No other prior distributions from this estate have been made.

10           Although the estate is not now in a condition to be closed,

11 petitioner is informed and believes, and therefore alleges, that

12 there may be distributed at this time, without loss to creditors or

13 injury to the estate or anyone interested in it, all of the

14 remaining as yet undistributed cash bequests described in paragraphs

15 A through E above in accordance with the will. After the

16 distribution of said remaining bequests described in paragraphs A

17 through E above, the approximate value of the property remaining in

18 the estate will be \$260,000.00. Petitioner also is informed and

19 believes, and therefore alleges, that if said remaining bequests

20 are distributed, the value of the property remaining in the estate

21 subsequent to the distribution will be sufficient to secure the

22 payment of any remaining taxes and costs and expenses of

23 administration. The petitioner therefore respectfully requests that

24 the court dispense with the condition set forth in the prior order

25 for preliminary distribution requiring the furnishing of a bond by

26 each distributee named in paragraphs A through E above.

1           The following persons have filed a request for special notice  
2 in this proceeding:

3           French Hospital Foundation  
4           c/o Pillsbury, Madison & Sutro  
5           Dennis K. Bromley  
6           Jacob A. Smith  
7           P.O. Box 7880  
8           San Francisco, CA 94120-7880  
9           (substituted in for O'Gara & McGuire)

10          Eskanos & Adler  
11          A Professional Corporation  
12          5500 Redwood Road  
13          Oakland, CA 94619

14          Elliot B. Kristal, Esq.  
15          Manatt, Phelps, Rothenberg & Phillips  
16          11355 W. Olympic Boulevard  
17          Los Angeles, CA 90064

18          WHEREFORE, petitioner requests this court to order:

19          1. That petitioner be authorized to distribute the remaining  
20 as yet undistributed cash bequests described in Paragraph A through  
21 E above in accordance with the will, without requiring the  
22 distributees thereof to furnish a bond to petitioner, as required  
23 by the prior order for preliminary distribution in this estate dated  
24 March 12, 1990;

25          2. With respect to distributions listed in Paragraphs A  
26 through E above that already have been made, that the distributees  
thereof not be required to maintain in force the bonds they have  
heretofore furnished to petitioner pursuant to said prior order for  
preliminary distribution; and

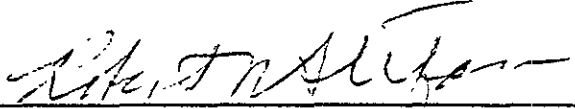
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1           3. That such further orders be made as this court deems just  
2 and proper.

3 DATED: September 22, 1992.

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5   
6 ROBERT N. STEFAN  
Petitioner

7 GOLDEN, STEFAN, ELLENBERG & TOBY  
8 A Professional Corporation  
9 Attorneys for Executor

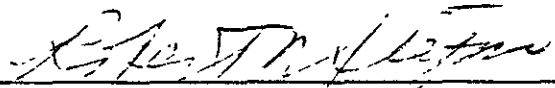
10 By: George C Rogers  
11 GEORGE C. ROGERS

12 VERIFICATION

13 I, ROBERT N. STEFAN, the petitioner in this matter, declare  
14 that I have read the petition and know its contents, which are true  
15 to my own knowledge except for those matters stated on my  
16 information and belief, and as to those matters I believe the  
17 petition to be true.

18 I declare under penalty of perjury under the laws of the State  
19 of California that the foregoing is true and correct.

20 DATED: September 22, 1992.

21   
22 ROBERT N. STEFAN  
23 Petitioner

ATTACHMENT 1

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>RESIDENCE OR MAILING ADDRESS</u>
YOLANDE YVETTE SHIREK	Spouse	Over 18	3770 Avansino Street San Leandro, CA 94578
HESTER M. SILVA	Sister	Deceased	
MARY HALL	Niece	Over 18	120 N. Cottonwood St., #19 Woodland, CA 95695
VIOLET STEWART-NICKERSON	Niece	Over 18	505 Gunnerson Lane Rio Dell, CA 95562
EDWARD G. WEBER	Nephew	Over 18	P.O. Box 706 Clearlake Oaks, CA 95423
LAVINA SHIRELL	Great niece	Over 18	4690 Tompkins Avenue Oakland, CA 94619
DARNELL SILVA	Great niece	Over 18	87 Sand Point Dr. Woodland, CA 95695
ROB ROY NEILSON, SR.	Brother-in-law	Deceased	
LOLA JEAN NEILSON	Sister-in-law	Over 18	1506 H Street Eureka, CA 95501
ROBIN NEILSON ZEIGLER	Niece	Over 18	267 Hillside Street Eureka, CA 95501
DULCE ADA ZEIGLER	Great Niece	Born 10/28/78	267 Hillside Street Eureka, CA 95501
ROB ROY NEILSON, JR.	Nephew	Over 18	1920 N.E. View Court Gresham, OR 97030
ROBIN HANSEN	Great niece	Over 18	3270 Mt. Baker Highway Bellingham, WA 98228
GEORGE A. MASSIE	Stranger	Over 18	3491 Morcom Avenue Oakland, CA 94619
BETTY MASSIE	Stranger	Over 18	3491 Morcom Avenue Oakland, CA 94619
SYDNEY LEUNG	Stranger	Over 18	4371 Norton Avenue Oakland, CA 94602
ELENA LEUNG	Stranger	Over 18	4371 Norton Avenue Oakland, CA 94602
JULIANA L. VAUGHAN	Stranger	Over 18	4519 Edgewood Place Riverside, CA 92506
POLLYANNA L. HOLLAND	Stranger	Over 18	4371 Norton Avenue Oakland, CA 94602

1	SIMON LEUNG	Stranger	Over 18	1400 S. Second St., #A-103 Minneapolis, MN 55454
2				
3	MARGARET LEUNG	Stranger	Over 18	4371 Norton Avenue Oakland, CA 94602
4	ANTHONY L. SILVA	Stranger	Over 18	19295 Barclay Castro Valley, CA 94546
5	RICHARD P. SMITH	Stranger	Over 18	184 Callan Avenue San Leandro, CA 94577
6	CITY OF HOPE, a National Medical Center			1500 East Duarte Road Duarte, CA 91010 Attn: Kathy A. Marcario
7				
8	NATIONAL JEWISH CENTER FOR IMMUNOLOGY AND RESPIRATORY MEDICINE			1400 Jackson Street Denver, CO 80206
9	FRENCH HOSPITAL FOUNDATION			c/o Pillsbury, Madison & Sutro Dennis K. Bromley Jacob A. Smith P.O. Box 7880 San Francisco, CA 94120-7880
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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(510) 271-4320

28 April 1992

Mr. George Rogers  
7677 Oakport Street  
Suite 416  
Oakland, CA 94621

Subject: Shirek Estate; 3425 Ettie Street, Oakland

Dear Mr. Rogers:

I discussed your project at 3425 Ettie Street with staff of the San Francisco Bay Regional Water Quality Control Board on Wednesday, April 22, 1992. The Board staff member with whom I met concurs with my opinion that closure is appropriate for the Shirek Estate property. Your environmental investigation of contaminated soil discovered during the removal of underground storage tanks at the above-listed site demonstrates that ground water quality was not adversely affected. Your follow-up actions satisfy the requirements of Title 23 of the California Code of Regulations and were conducted in conformance with the Board's Guidelines for addressing fuel leaks. You are under no obligation to collect additional water data.

Enclosed is a recommended format for case review by the Board. Please have your consultant prepare a summary of the work conducted to date, adhering as closely as possible to the Board's suggested format. The information requested is complex and all of it may not apply to your project. Please be aware, however, that the closer your case summary comports with the Board's format, the more rapid the closure review process will be.

On completing the case summary report, please send it to me. In addition, please send a copy of all of the reports that had been prepared during the pursuit of this project. I will then send them to the Board with a cover letter recommending that the case be reviewed for closure.

If you have any questions concerning this matter, please feel free to contact me at (510) 271-4320.

Sincerely,

A handwritten signature in cursive script that reads "Dennis G. Byrne".

Dennis G. Byrne  
Senior Hazardous Materials Specialist

LAW OFFICES OF  
GOLDEN, STEFAN, ELLENBERG & TOBY  
A PROFESSIONAL CORPORATION

THEODORE GOLDEN (1907-1971)  
MARVIN B. ELLENBERG  
BARRY J. TOBY  
GEORGE C. ROGERS  
MICHAEL R. HERMAN

OF COUNSEL  
R. N. STEFAN

7677 OAKPORT  
SUITE 460  
OAKLAND, CALIFORNIA 94621-1967  
FAX (510) 568-4253  
TEL (510) 569-3030

January 2, 1992

Mr. Dennis Byrne  
Alameda County Department of Environmental Health  
Division of Hazardous Materials  
80 Swan Way, Suite 200  
Oakland, CA 94621

Re: Estate of Henry M. Shirek, deceased  
3425 Ettie Street, Oakland, California

Dear Mr. Byrne:

As you may recall, this firm represents R. N. Stefan, the executor of the above-referenced estate. The estate includes the above-referenced property, which has been monitored for evidence of groundwater and soil contamination since March 2, 1990.

Under separate cover, you should have received the Supplemental Site Assessment report dated December 13, 1991, which was prepared by the estate's environmental contractor, Hart Crowser, Inc. regarding the latest round of sampling. If you have not received this report, please notify me and I will have a copy mailed to your attention.

The purpose of this letter is to request authorization for closure of this site from your agency and, by copy of this letter to Mr. Richard Hiett, from the Regional Water Quality Control Board. Closure would seem to be reasonable at this time, given the fact that five (5) rounds of groundwater sampling, taken at approximately quarterly intervals and covering a period of almost twenty-one (21) months, have revealed no evidence of detectable contamination. While it is true that the first four rounds of sampling were conducted in what may have been upgradient wells, the fifth sampling included a new well on the opposite side of the former tank site. Neither the soil sample taken from that new well on October 14, 1991 nor the groundwater samples taken from that well on October 28, 1991 and November 21, 1991 revealed any contamination above detectable limits. We respectfully submit that any current or past contamination emanating from the underground tanks that were removed in June or July of 1989 would have manifested itself in those samples or the ones taken from the other

Mr. Dennis Byrne  
January 2, 1992  
Page Two

wells, and therefore, that little would be gained from further testing of the new well or the old wells.

We would appreciate a response from your agency and the RWQCB as soon as possible regarding whether closure will be permitted at this time. The continuation of this groundwater monitoring program is the only remaining obstacle to winding up the probate administration of this estate and distributing the remaining assets to the various beneficiaries, who have been waiting since Mr. Shirek's death on December 5, 1987.

Thank you and Mr. Hiett for your ongoing courtesy and cooperation.

Very truly yours,

GOLDEN, STEFAN, ELLENBERG & TOBY  
A Professional Corporation



By: GEORGE C. ROGERS

GCR/tly

cc: R. N. Stefan, Executor

Richard Hiett,  
Regional Water Quality Control Board