

Alvin & Aracely Selk
184 Basinside Way
Alameda, CA 94502
(510) 521-9759

July 14, 2008

Ms. Donna Drogos
Alameda County Health Care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: 757 Santa Clara Avenue, Alameda, CA 94502, - ACEH Case # RO0002957

Dear Ms. Drogos,

We are writing you to request a change of priority for closure review for our property located at 757 Santa Clara Avenue in Alameda CA from "Low" to "High", and are requesting an expedited closure review of the above site. This is based on our understanding, based on information provided by Mr. Plunkett, that our property has been deemed a "Low" priority. **Please be aware that the subject property is currently in escrow and time is of the essence.** Our property has been in escrow since September of last year as we work through the contamination issues.

We have asked our real estate broker to provide a letter supporting our assertion that "time is of the essence" and any further delay, such as a review period beginning in September, will likely negatively affect the current real estate transaction. You will find this letter attached which also includes a chronology of events relating to the real estate transaction, as well as contamination removal and remediation efforts.

Finally, based upon our understanding of a discussion between our son, Fred Selk, and Mr. Plunkett relating to the soil sample taken and the depth of the soil samples post tank removal, you will also find a letter from Golden Gate Environmental which should address Mr. Plunkett's concern relating to the depth of the soil samples taken.

We understand that your office is responsible for the health and safety of the people of Alameda County, and as such, probably has a significant case load. During the course of the contamination removal, and remediation, we have tried to be sensitive to this fact and are cognizant that you do have a large case load and have asked our son to take on a collaborative approach.

However, given our age (we are both currently retired), it is becoming more and more of a challenge to maintain the apartment building and extending out the review period to begin in September will cause us undue hardship. This property has been in escrow for very close to a year, at a time when escrows usually close within 45 – 60 days.

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Again, we request an expedited site closure review and a change of case priority on our behalf, as well as that of Mr. Plunkett, to "High" as opposed to "Low".

We thank you in advance for your cooperation. If you have any question, please feel free to contact our son, Fred, at 510-484-7992. You may also contact us directly at 510-521-9759. We will try contacting you on July 17, 18 or 22nd to see if you can accommodate this request.

Sincerely,

Alvin L. Selk
Aracely Selk
Alvin & Aracely Selk

CC: Steven Plunkett
Frederick Selk, Esq.
David Wolfe, Marcus & Millichap
Brent Wheeler, Golden Gate Environmental
Eugenio Diaz, Golden Gate Environmental

202957

Mr. Levi,

*Any efforts to help expedite
this matter will be greatly
appreciate it.*

Thank you
Alvin Selk

7/9/08

Fred,

As you requested here is a letter for the county officials explaining the timeline of the sale for 757 Santa Clara Ave, Alameda, Ca.

TIMELINE OF EVENTS AND CONTRACTUAL OBLIGATIONS FOR THE SALE OF 757 SANTA CLARA AVE., ALAMEDA, CA

September 4th, 2007

Dave Wolfe (the agent representing Alvin and Aracely Selk for the sale of their property located 757 Santa Clara Ave, Alameda, Ca) received an offer from "Tex-Lago Investments" (Buyer).

September 5th, 2007

The purchase agreement was ratified by both buyer and seller; escrow was then opened the same day with Old Republic Title. The ratified purchase agreement contractually had the "Close of Escrow" scheduled for November 4th 2007.

September 10th, 2007

Dave Wolfe contacted Golden Gate Tank Removal on the behalf of Alvin and Aracely Selk to inspect whether or not there was a storage tank at 757 Santa Clara, Alameda, Ca.

September 21st, 2007

Dave Wolfe received a proposal from Golden Gate Tank Removal which outlined the scope of the work as well as the cost of the work that was to be preformed at 757 Santa Clara, Alameda, Ca.

September 25th, 2007

Alvin and Aracely Selk retained Golden Gate Tank Removal to remove the 1,500 gallon tank located on their property.

October 16th, 2007

Golden Gate Tank Removal pulled the tank and collected soil samples to determine if there was any soil contamination.

November 2007

The soil samples contained low levels of contamination and the site could not pass.

Marcus & Millichap

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November 13th, 2007

On the request of the Selk family Golden Gate Environmental conducted a site reconnaissance to determine appropriate locations for the proposed soil borings as required by Alameda County.

November 26th, 2007

Mr. Fred Selk contracted Golden Gate Environmental to prepare the requested work plan and implement the proposed work plan activities upon approval by the ACHCSA. In order to expedite the preliminary site characterization, Mr. Selk contacted the ACHCSA requesting authorization to submit a draft work plan for regulatory review.

December 7, 2007

Golden Gate Environmental submitted the "Draft Work Plan Preliminary Site Characterization".

February 13th, 2008

The Alameda County Health Care Services Agency sent a letter to the Selk family saying that they "generally agree with the proposed scope of the work as recommended in the Work Plan."

March 5th, 2008

Golden Gate Environmental started work and drilled the test holes at 757 Santa Clara

April 14th, 2008

Golden Gate Environmental submitted the soil report for county review

May 2007

The Selks contacted ACHCA asking for when the review of the report might be completed. The Selks were advised by Mr. Plunkett to call on June 19, and the Mr. Plunkett would be meeting with his program manager (Donna Drogos) on June 19 to review the report and determine next steps

June 24th 2007

Via telephone conversation, the Selk family was advised by ACHCA (Steven Plunkett) that the site was deemed a low priority and the review date had been pushed to September 2008. Mr. Plunkett suggesting contacting his program manager and advising her of the "Time Critical" nature of the review given that the property is currently in escrow and the real estate transaction was on hold subject to anticipated site closure proceedings. Given the time critical nature of the transaction, his program manager (Donna Drogos) might then be able to elevate the priority for this site from low to high to expedite review of the site findings in anticipation of site closure proceedings.

Marcus & Millichap

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POINTS THAT SPEAK TO THE URGENCY OF EXPEDITING THE REVIEW OF THE "SITE CLOSURE REQUEST"

When the Selks originally hired Dave Wolfe to represent them in the sale of their building, after thirty years of ownership, the main reasons they stated for selling were that due to health and age they could no longer service the building and the tenants.

The purchase agreement called for a sixty day Close of Escrow instead of the more industry standard ninety day timeframe. This was done to support the Selks need to retire from the heavy workload of income property.

The buyers are unable to obtain the loan they need to purchase the property until the "Site Closure Request" has been reviewed by the county and the site has been closed.

The buyers have been financially negatively affected by the delay in Close of Escrow. They would have been able to obtain a loan at a significantly lower interest rate last fall than they could obtain today. Further delays increase the probability of interest rates on commercial loans going up thus affecting the economic feasibility of the buyer's desire to purchase the building.

The prospective buyers plan to improve the exterior of the building and restore the original art deco charm which would be of direct benefit to the surrounding neighborhood. The improvements would increase the city taxes.

Regards,



Justin Holstlaw
Assistant to David Wolfe