

## *1244 2nd Ave, LLC*

2655 Van Ness Ave Suite 2, San Francisco CA 94109

Phone: (415) 359.2400

Fax: (415) 359.2401

August 30, 2016

Ms. Dilan Roe  
Ms. Anne Jurek  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

**RECEIVED**

By Alameda County Environmental Health 3:20 pm, Sep 06, 2016

Re: ACEH Fuel Leak Case No. RO00003216

Dear Ms. Dilan Roe and Ms. Anne Jurek:

Thank you for all your efforts thus far to help pursue closure of my Fuel Leak Case No. RO00003216, 1244 2nd Avenue, Oakland, California, 94606. Tomorrow my consultant, Pangea Environmental Services, Inc, will be providing the required Revised Data Gap Assessment Report to address your recent request for additional information. I understand that as long as the additional information in the revised report meets your needs, your agency plans to close the case in the very near future. Due to my dire financial situation and my upcoming mediation with the former property owner on September 8, 2016 (detailed below), I respectfully urge you to provide written correspondence at your earliest convenience (but no later than Tuesday, September 6, 2016) that your agency plans to close the case in the near future following the required public notification period. Such correspondence will help me resolve the mediation and commence efforts to sell the property. Again, I am in financial dire straits due to my open case, so encouraging correspondence from your agency will help tremendously.

### Hard Money Loans Due

My open tank case prevents me from either selling the property or refinancing the debt. On March 15th, 2016, I defaulted on a \$100,000 hard money loan from Chuck and Mike Eggert. I began to incur interest at 13% (nearly 10% above current commercial rates). Following months of demands by the lender, I was forced to repay the loan in June of this year (See Attachment B: Ledger, Check, and Wire Transfer).

In addition, I defaulted on an original loan of \$600,000 on March 15th, 2016. On a daily basis, I get demands to pay off the \$707,750 owed (the exorbitant interest is due to the 13% default rate). Please see attached the demand to pay off the loan (See Attachment C).

Lastly, I am now paying over \$18,000 per month to cover the money to pay the first defaulted loan and to service the exorbitant debt to a third lender (See Attachment D: Ledger of Loan Payments to Ray Choy).

## Mediation with Former Property Owner

Attachment A is a Letter from Mediator, John F. Barg regarding the mediation scheduled for September 8, 2016. Knowing the corrective action is essentially completed will allow the Seller and I to reach an agreement.

When we discovered the tank late last year, the Sellers initially stated that they would make me whole with respect to the leaky tank. Instead, they stonewalled me. I had to engage an environmental attorney, Jeff Lawson, Silicon Valley Law Group. We have been delayed for months as we have attempted to get the Sellers and Brokers to a mediation. The attorneys for both the Seller and Broker insisted on delaying the mediation until there was movement by ACEH to close the case. My attorney and I understood that the case would be moved to closure by now. Any money from the mediation could buy me another few months of servicing the debt on the property. The mediation will be fruitless without movement to closure by ACEH.

## Plea for Closure

I am a small operator with a wife and two young children. I have done my best to move as quickly as possible and push my consultant, Bob Clark-Riddell of Pangea, to move as quickly as possible to get this case closed so I could avoid financial disaster. I am out of time.

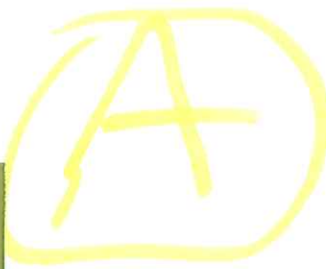
Please move to close my case at your earliest convenience. I understand that once you agree case closure is merited, ACEH will issue an 'intent to close' letter, which will be forwarded to the public for a comment period. If you do not have sufficient information to issue the "intent to close' letter by September 6, 2016, please provide alternative correspondence indicating that case closure is very near.

Thank you in advance for any assistance you can provide to alleviate my dire situation.

Sincerely,



Trent Moore



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tel 415/228-5400 fax 415/228-5450  
[www.bargcoffin.com](http://www.bargcoffin.com)

August 1, 2016

***By Email and U.S. Mail***

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**Re: *Mediation In Re 1244 2nd Avenue, Oakland***

Dear Counsel:

This will confirm that we will convene a half-day mediation in my office on **Thursday, September 8, 2016 at 10:00 a.m.**

Please send me and serve on each other your mediation statements, along with any documents you believe I should read, by close of business **Thursday, September 1, 2016**. If you wish to provide me with confidential information or documents, please do so by side letter clearly marked "Confidential." Please email your mediation statement and documents to my assistant, Joan Flaherty, at ([jflaherty@bargcoffin.com](mailto:jflaherty@bargcoffin.com)).

Please let me know if you have any questions.

Very truly yours,



JOHN F. BARG

JFB/jf



**General Ledger**

Properties: 1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606

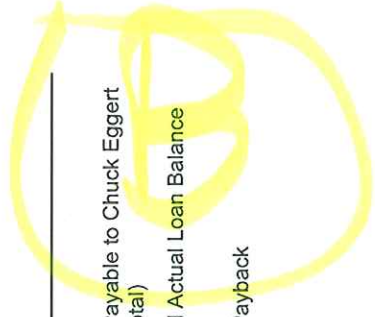
GL Accounts: 2566: Loan Payable to Michael Eggert and 2567: Loan Payable to Chuck Eggert

Exclude Zero Dollar Receipts From Cash Accounts: No

Date Range: 08/01/2013 to 08/30/2016

Show Reversed Transactions: No

Property	Date	Payee / Payer	Type	Reference	Debit	Credit	Balance	Description
<b>2566 - Loan Payable to Michael Eggert</b>								
Starting Balance							0.00	
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	07/14/2015	Michael Eggert	Receipt	Check # 1001		50,000.00	-50,000.00	Loan from Michael Eggert
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	06/06/2016	Michael Eggert	Check	3389	50,000.00		0.00	Loan Payback
Net Change					50,000.00	50,000.00	0.00	
<b>2567 - Loan Payable to Chuck Eggert</b>								
Starting Balance							0.00	
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	11/19/2015	Chuck Eggert	Receipt			49,880.00	-49,880.00	Loan Payable to Chuck Eggert (50K total)
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	11/19/2015		JE			120.00	-50,000.00	Record Actual Loan Balance
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	06/06/2016	Chuck Eggert	Payment	Wire Payment	50,000.00		0.00	Loan Payback
Net Change					50,000.00	50,000.00	0.00	
<b>Total</b>					<b>100,000.00</b>	<b>100,000.00</b>	<b>0.00</b>	



**General Ledger**

Properties: 1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606

GL Accounts: 7650: Interest Expense

Exclude Zero Dollar Receipts From Cash Accounts: No

Date Range: 06/06/2016 to 06/06/2016

Show Reversed Transactions: No

Property	Date	Payee / Payer	Type	Reference	Debit	Credit	Balance	Description
<b>7650 - Interest Expense</b>								
Starting Balance							23,250.00	
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	06/06/2016	Chuck Eggert	Payment	Wire Payment	6,426.39		29,676.39	Loan Payback
1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606	06/06/2016	Michael Eggert	Check	3389	6,426.39		36,102.78	Loan Payback to Michael Eggert
Net Change					12,852.78	0.00	36,102.78	
<b>Total</b>					12,852.78	0.00	36,102.78	

FIRST REPUBLIC BANK  
2001 VAN NESS AVENUE  
SAN FRANCISCO, CA 94109

3389

11-81662210

CHECK NUMBER  
18

6/6/11

SHAMROCK REAL ESTATE CO.  
TRUST ACCOUNT  
2655 VAN NESS AVE SUITE 2  
SAN FRANCISCO, CA 94109

Mike Eggert

PAY TO THE  
ORDER OF

Fifty six thousand four hundred and thirty nine

\$56,426.39

DOLLARS

MEMO 1244 2nd AVE



AUTHORIZED SIGNATURE

⑆003389⑆ ⑆321081669⑆ 800069853⑆

Security Features Included  
Details on Back

*Wm. A. Egan*

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06/08/2016	Withdrawal - Inclearing Check	3377	\$2,405.00
06/08/2016	Withdrawal - Inclearing Check	3388	\$82.12
06/08/2016	Deposit - Branch		
06/08/2016	Deposit - Branch		
06/08/2016	SHAMROCK REAL ES-SETTLEMENT ACH Credit		
06/07/2016	Withdrawal - Inclearing Check	3380	\$900.00
06/07/2016	Wire Transfer Fee		\$35.00
06/07/2016	CHUCK EGGERT Domestic Wire Funds-Debit		\$56,426.39
06/07/2016	SHAMROCK REAL ES-SETTLEMENT ACH Credit		





*Office of Christopher Smith*

2417 Divisadero Street, San Francisco, CA 94115

Phone: (415)533-3137

Email: CSmith03hc@gmail.com

Tuesday, August 30, 2016

Trent Moore  
Manager, 1244 2<sup>nd</sup> Ave., LLC  
2655 Van Ness Avenue, Suite 2  
San Francisco, CA 94109

Re:  
Mike Sarikakis Loan/1244 2<sup>nd</sup> Avenue, Oakland, CA

Trent,

I appreciate your update on the status of the potential sale of 1244 2<sup>nd</sup> Avenue. I have relayed that information to Mike Sarikakis. As you know, the loan with Mike has been in default for nearly 6 months. Mike has been very patient and understanding throughout the process. However, he is now very concerned that there is no timeframe for repayment of the loan principal, interest and significant default interest. Mike is weighing his legal options to collect his money, which is now more than \$700,000.

I have a long standing business relationship with Mike and he has trusted my judgment for nearly 10 years. At this point, the only option I have to hold Mike off is to show him that the property has been listed for sale. Short of that, there is nothing more I can do. I hope you understand where Mike is coming from.

Sincerely,



Chris Smith  
Representative of Lender, Mike Sarikakis

# Check Register

Properties: 1244 2nd Avenue - 1244 2nd Avenue Oakland, CA 94606

Date Range: 08/01/2014 to 08/30/2016

Bank Accounts: All

Payee: Raymond Choy

Payment Type: All

Include Voided Checks: No

Exclude Cleared Checks: No

Bank Account	Check #	Cleared	Check Date	Payee Name	Amount	Check Memo
Shamrock Trust Account	2289	Y	11/20/2014	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2323	Y	12/19/2014	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2376	Y	01/20/2015	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2414	Y	02/19/2015	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2451	Y	03/18/2015	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2506	Y	04/20/2015	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2556	Y	05/21/2015	Raymond Choy	6,958.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd Ave
Shamrock Trust Account	2564	Y	05/28/2015	Raymond Choy	1,250.00	1244 2nd Ave
Shamrock Trust Account	2608	Y	06/15/2015	Raymond Choy	8,958.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd Ave
Shamrock Trust Account	2657	Y	07/20/2015	Raymond Choy	8,958.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	2709	Y	08/20/2015	Raymond Choy	6,458.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	2782	Y	09/15/2015	Raymond Choy	4,333.34	1244 2nd ave
Shamrock Trust Account	2793	Y	09/18/2015	Raymond Choy	11,458.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	2845	Y	10/20/2015	Raymond Choy	11,458.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	2925	Y	11/17/2015	Raymond Choy	11,458.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	2948	Y	11/24/2015	Raymond Choy	500.00	1244 2nd ave
Shamrock Trust Account	3019	Y	12/18/2015	Raymond Choy	12,708.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave

# Check Register

Bank Account	Check #	Cleared	Check Date	Payee Name	Amount	Check Memo
Shamrock Trust Account	3088	Y	01/20/2016	Raymond Choy	14,708.33	1244 2nd ave, 1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	3161	Y	02/18/2016	Raymond Choy	13,958.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	3248	Y	03/22/2016	Raymond Choy	13,958.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	3308	Y	04/18/2016	Raymond Choy	13,958.33	1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	3359	Y	05/16/2016	Raymond Choy	13,958.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	3414	Y	06/15/2016	Raymond Choy	18,875.33	1244 2nd Ave - Monthly Interest Payment, 1244 2nd ave
Shamrock Trust Account	3475		07/19/2016	Raymond Choy	19,146.50	1244 2nd ave, 1244 2nd Ave - Monthly Interest Payment
Shamrock Trust Account	3503		08/19/2016	Raymond Choy	18,125.00	1244 2nd Ave - Monthly Interest Payment
					<b>249,938.44</b>	
<b>Total</b>					<b>249,938.44</b>	