



**JAY-PHARES CORPORATION**

Commercial Real Estate  
 Telephone: (510) 523-0450  
 Fax: (510) 523-5686  
 E-mail: [hko@jayphares.com](mailto:hko@jayphares.com)

## FAX TRANSMITTAL

DATE: 9-24-2004  
 TO: Barney Chan  
 TO: Amir Gholami  
 FIRM: Alameda County Health Care Services Agency  
 FAX: 1-510-337-9335  
 CC: Alec Merriam, MacArthur Boulevard Associates  
 FROM: Hugh K. ("Ken") Phares, Jay-Phares Corporation  
 RE: (1) 10700 MacArthur Boulevard (Foothill Square Center), Oakland, Calif.  
 (2) 10605 Foothill Blvd., Oakland, Calif. (Former Exxon Site #7-4121;  
 Record ID: R0002836.

WE ARE TRANSMITTING A TOTAL OF 15 PAGES, INCLUDING THIS COVER SHEET. IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL ME AT (510) 523-0450 or (510) 812-9137.

### COMMENTS:

Amir - Thank you for your helpful comments on what we need to do to substitute the owner of these two sites for Jay-Phares Corporation, who is merely the property manager.

Jay-Phares Corporation was never in the chain of title as an owner, nor was it ever an operator of either the former Exxon gas station site referenced above or the adjacent Foothill Square Center, or the former "Young's Cleaners" which operated as one of the many retail tenants in Foothill Square shopping center.

The sole role of Jay-Phares Corporation was, and still is, to act as a real estate broker in handling the purchase and management of these two properties for its client, MacArthur Boulevard Associates, a California limited partnership (MBAR).

To document this, we enclose the following:

1. Corporation Grant Deed recorded July 31, 1998 under Instrument No. 98-267258, conveying the 13.52 acre Foothill Square shopping center to MacArthur Boulevard Associates, a California limited partnership.
2. Grant Deed recorded March 12, 1999 under Instrument No. 99-105768, Alameda County Records, conveying the former Exxon Site to MacArthur Boulevard Associates, a California limited partnership.
3. Photocopy of "Real Property Management Agreement" dated July 31, 1998 between MacArthur Boulevard Associates, as "Owner", and Jay-Phares Corporation, as "Agent." [NOTE: THIS WILL FOLLOW BY SEPARATE FAX FROM JOHN JAY AT OUR BUSINESS OFFICE].

NOTE: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER IS NOT THE INTENDED RECIPIENT OR A PERSON RESPONSIBLE FOR DELIVERY TO THE INTENDED RECIPIENT, DO NOT DISSEMINATE, DISTRIBUTE OR COPY THIS COMMUNICATION. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE.

10700 MacArthur Blvd., Suite 200, Oakland, California 94605-5260

Mr. Barney Chan  
Mr. Amir Gholami  
September 24, 2004  
Page 2

Thank you for your assistance in helping us correct the records in this matter. As before, Jay-Phares shall continue to work with you and MBA's environmental consultant (AEI Consultants) with respect to all environmental matters.

At the time of the sale of the former Exxon site to MBA, an indemnity agreement was entered whereby Exxon agreed to indemnify MBA with respect to remediation or monitoring, if any, which might be required by regulatory agencies.

As you know, Barney, AEI and Stratus Environmental (the environmental consultant of former Foothill Square tenant USA Gasoline Company) have presented to you a proposed well closure and relocation plan to accommodate the proposed redevelopment of Foothill Square.

Please advise if either of you would like further information regarding the above.

Sincerely yours,



Hugh K. Phares, III  
Real Estate Broker

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS Agency Director

Certified Mail # 7002 2030 0006 9574 0719  
September 7, 2004

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 200  
Alameda, CA 94502-6677  
(510) 567-6700  
FAX (510) 337-9335

Notice of Responsibility

Record ID: R00002635  
Exxon #7-4121  
10605 Foothill Blvd.  
Oakland, CA 94605

SITE

Date First Reported: 4/22/04  
Substance: Gasoline  
Funding (Federal or State): F  
Multiple RPs?: Y

Ken Phares  
Jay-Phares Corporation  
10700 MacArthur Blvd.  
Oakland, CA 94605

Responsible Party (RP) #2  
(list of all RPs attached)

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified Jay-Phares Corporation as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5700.

Pursuant to section 25299.37(c) (7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact Amir Gholami, Hazardous Materials Specialist, at this office at (510) 567-6876 for further information about the site designation process.

Date: 9/14/04  
Arzu Lewi, Chief  
Contract Project Director

Please Circle One  Add  Delete  Change  
Reason: NEW CASE

c: Jennifer Jordan, SWRCB  
Amir Gholami, Hazardous Materials Specialist

**BARNEY CHAN**  
**567-6765**

ALAMEDA COUNTY - DEPARTMENT OF ENVIRONMENTAL PROTECTION  
HAZARDOUS MATERIALS DIVISION

September 7, 2004

LIST OF RESPONSIBLE PARTIES FOR

SITE

Record ID: R00002635  
Exxon #7-4121  
10605 Foothill Blvd.  
Oakland, CA 94605

Date First Reported: 04/22/04  
Substance: Gasoline  
Petroleum (X) Yes  
Source: F

Gene Ortega  
Exxonmobil  
2300 Clayton Rd., Suite 1250  
Concord, CA 94520

Responsible Party #1  
Tank Owner  
Tank Operator

Ken Phares  
Jay-Phares Corporation  
10700 MacArthur Blvd.  
Oakland, CA 94605

Responsible Party #2  
Property Owner

Recorded in Official Records of Alameda Co.  
Patrick O'Connell Clerk-Recorder

16.00

90287256 1:36pm 07/31/98

094 422022 30 10 000005  
MS 4 7.00 8.00 8.00 8.00 8.00 8.00 8.00 8.00  
20.00

RECORDING REQUESTED BY  
FIRST AMERICAN TITLE

Recording requested by,  
and when recorded, mail to:

MacArthur Boulevard Associates  
c/o LMT Properties  
550 Hamilton Avenue  
Palo Alto, CA 94301

*per  
7/24  
R*

Mail tax payments as above

SP 851101

Space above this line for Recorder's use only

TRANSFER TAX NOT PAID

**CORPORATION GRANT DEED**

DRAKE BUILDERS, a California corporation, Grantor, hereby GRANTS to  
MACARTHUR BOULEVARD ASSOCIATES, a California limited partnership, Grantee, that  
certain real property situated in the County of Alameda, State of California, and more particularly  
described in Exhibit "A," attached and by this reference incorporated herein.

This grant is made subject to easements, covenants, conditions, reservations and restrictions  
of record.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 27<sup>th</sup> day  
of July, 1998.

GRANTOR: DRAKE BUILDERS  
a California corporation

By: *Anto G. ...*

Title: *President*

Attest: *Joy ...*

Title: *Secretary*

222287272/127452.1

98267256

ALL-PURPOSE ACKNOWLEDGMENT

State of Texas }  
County of Harris }

On July 29<sup>th</sup> 1998 before me, M. Linda Sanchez, Notary Public

(Name, title of office), personally appeared Richard V. Gilcrease and Jay Gilcrease

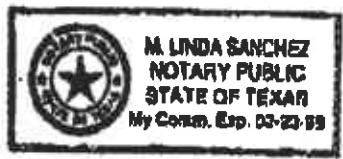
personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)

is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized

capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)

acted, executed the instrument.

WITNESS my hand and official seal.



M. Linda Sanchez  
Signature

CAPACITY CLAIMED BY SIGNER

Individual(s) Signing  
for himself/themself/it

Corporate  
Officer(s)

Partner(s)

Attorney-  
in-Fact

Trustee(s)

Other

- \_\_\_\_\_ Title(s)
- Dirks Builders, a California corporation
- \_\_\_\_\_ Company
- \_\_\_\_\_ Partnership
- \_\_\_\_\_ Principal(s)
- \_\_\_\_\_ Trust
- \_\_\_\_\_ Title(s)
- \_\_\_\_\_ Title(s)
- \_\_\_\_\_ Entity(ies) Represented
- \_\_\_\_\_ Entity(ies) Represented

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EXHIBIT A  
LEGAL DESCRIPTION

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

PARCEL ONE:

Blocks 22, 23, 25 and 26, a portion of Block 24, a portion of 107th Avenue, a portion of Ruby Avenue, formerly Hellman Avenue, a portion of McIntyre Street, a portion of Ruby Street, as said Blocks, Avenues and Streets are shown on the Map of "Hollywood, Oakland and San Leandro, Alameda County, California", filed April 21, 1915, in Book 28 of Maps, Page 92, in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Southwestern line of Foothill Boulevard, 70 feet wide, distant thereon North 52° West 19.97 feet from the Northwestern line of 108th Avenue; run thence along said line of Foothill Boulevard, North 52° West 628.92 feet to the Northwest line of said Block 26; thence along the last named line South 54° 06' 30" West 1003.22 feet to the Northeastern line of MacArthur Boulevard 70 feet wide; thence along the last said line, Southeastery on a curve to the left with a radius of 1804.91 feet, a distance of 406.09 feet; thence continuing along the last named line, South 59° 22' East 96.86 feet to said Northwestern line of 108th Avenue; then along the last named line, the three following courses and distances; North 70° 28' 30" East 473.44 feet, Northeastery on a curve to the left with a radius of 340.16 feet a distance of 97.17 feet, and North 54° 06' 10" East 455.88 feet; thence along the arc of a tangent curve to the left with a radius of 15 feet, Northeastery, Northery and Northwestery 27.78 feet to the point of beginning.

Excepting therefrom:

A portion of Block 25, a portion of Block 26, a portion of 107th Avenue, a portion of Ruby Street, formerly Hellman Avenue, a portion of McIntyre Street, as said Street and Blocks are shown on the Map of "Hollywood, Oakland and San Leandro, Alameda County, California", filed April 21, 1915 in Book 28 of Maps, Page 92, in the office of the County Recorder of Alameda County, more particularly described as follows:

Commencing at a point on the Southwestern line of Foothill Boulevard, 70 feet wide, distant thereon North 52° West 19.97 feet from the Northwestern line of 108th Avenue; thence along the Southwestern line of Foothill Boulevard North 52° West 364.41 feet to the true point of beginning; thence South 53° 22' 08" West 189.00 feet; thence South 36° 37' 52" East 138.01 feet; thence South 53° 19' 37" West 240.01 feet; thence North 36° 38' 17" West 169.52 feet; thence South 53° 19' 42" West 92.89 feet; thence North 36° 37' 40" West 179.83 feet; thence North 53° 23' 24" East 152.36

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feet; thence North 35° 53' 30" West 33.56 feet; thence North 54° 06' 30" East 303.19 feet to the Southwestern line of Foothill Boulevard; thence along said Southwestern line South 52° East 248.90 feet to the point of beginning, shown as Parcel One on Parcel Map Waiver 95-34, recorded March 13, 1996, Series No. 96062321, Official Records.

A.P. No.: 047-5589-001-03

**PARCEL TWO:**

Being a portion of Block 25, a portion of Block 26, a portion of 107th Avenue, a portion of Ruby Street, formerly Helman Avenue, a portion of Melnyx Street, as said Streets and Blocks are shown on the Map of "Hollywood, Oakland and San Leandro, Alameda County, California", filed April 21, 1915 in Book 28 of Maps, Page 92, in the office of the County Recorder of Alameda County, more particularly described as follows:

Commencing at a point on the Southwestern line of Foothill Boulevard, 70 feet wide, distant thereon North 52° West 19.97 feet from the Northwestern line of 108th Avenue; thence along the Southwestern line of Foothill Boulevard North 52° West 364.41 feet to the true point of beginning; thence South 53° 22' 08" West 189.00 feet; thence South 36° 37' 52" East 138.01 feet; thence South 53° 19' 37" West 240.01 feet; thence North 36° 38' 17" West 169.52 feet; thence South 53° 19' 42" West 92.89 feet; thence North 36° 37' 40" West 179.13 feet; thence North 53° 23' 24" East 152.36 feet; thence North 35° 53' 30" West 33.56 feet; thence North 54° 06' 30" East 303.19 feet to the Southwestern line of Foothill Boulevard; thence along said Southwestern line South 52° East 248.90 feet to the point of beginning, shown as Parcel Two on Parcel Map Waiver 95-34, recorded March 13, 1996, Series No. 96062321, Official Records.

A.P. No.: 047-5589-001-04

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**EXHIBIT A**





**- METROSCAN PROPERTY PROFILE -**  
**Alameda (CA)**

**OWNERSHIP INFORMATION**

Parcel Number : 047 5594 001 00  
Owner : Macarthur Boulevard Associates  
CoOwner :  
Site Address :  
Mail Address : 10700 Macarthur Blvd #200 Oakland Ca 94605  
Owner Phone :  
Tenant Phone :

**SALES AND LOAN INFORMATION**

Transferred : 03/12/1999  
Document # : 105768  
Sale Price : \$15,000 Full  
Deed Type : Grant Deed  
% Owned : 100  
Loan Amount :  
Lender :  
Loan Type :  
Interest Rate :  
Vesting Type : Partnership

**ASSESSMENT AND TAX INFORMATION**

Land : \$71,671  
Structure :  
Other :  
Total : \$71,671  
% Improved :  
Exempt Type :  
Exempt Amount :  
Incorporated : Yes  
Tax Rate Area : 17045  
03-04 Taxes : \$2,077.60

**PROPERTY DESCRIPTION**

Map Grid : 671 B5  
Census : Tract : 4101.00 Block : 2  
Land Use : 371 Com, Shopping Center

**PROPERTY CHARACTERISTICS**

TotalRms :	Pool :	Lot Acres :	33	Bldg Matl :
Bedrooms :	Units :	Lot SqFt :	14,200	Bldg Shape :
Bathrooms :	Bldg Num :	Bldg SqFt :		Bldg Class :
Stories :	Elevator :	Year Blt :		View Qual :
Unit Flr :	Garage :	Eff YrBlt :		Topography :

Information compiled from various sources. Real Estate Solutions makes no representations or warranties as to the accuracy or completeness of information contained in this report.

MetroScan / Alameda (CA)

Owner	: Macarthur Boulevard Associates	Parcel	: 047 5589 001 04
CoOwner	:	Land	: \$951,026
Site	: Macarthur Bl Oakland 94605	Structure	: \$1,294,618
Mail	: 10700 Macarthur Blvd #200 Oakland Ca 94605	Other	:
Xfered	: 07/31/1998	Doc #	: 267256
Price	: Non-disc	Deed	: Corporation
Loan Amt	: \$5,122,546	Loan	: Airt
Lender	: Seller	Type	:
VestType	: Guardian	IntTy	: Fixed
Land Use	: 371 Com,Shopping Center	% Imprvd	: 58
Map Grid	:	% Owned	: 100
Census	: Tract : Block :	TaxArea	: 17045
		03-04 Tax	: \$33,757.30
		OwnerPh	:

TotalRms	:	Pool	:	Lot Acres	: 3.30	Bldg Mail	:
Bedrooms	:	Units	:	Lot SqFt	: 143,748	Bldg Shape	:
Bathrooms	:	Bldg Num	: 5	Bldg SqFt	: 91,606	Bldg Class	:
Stories	: 1	Elevator	:	Year Blt	: 1963	View Qual	:
Unit Flr	:	Garage	:	Eff YrBlt	: 1963	Topography	:

Owner	: Macarthur Boulevard Associates	Parcel	: 047 5589 001 05
CoOwner	:	Land	: \$2,190
Site	: Macarthur Bl Oakland 94605	Structure	:
Mail	: 10700 Macarthur Blvd #200 Oakland Ca 94605	Other	:
Xfered	: 07/31/1998	Doc #	: 267256
Price	:	Deed	:
Loan Amt	:	Loan	:
Lender	:	Type	:
VestType	:	IntTy	:
Land Use	: 371 Com,Shopping Center	% Imprvd	:
Map Grid	:	% Owned	:
Census	: Tract : Block :	TaxArea	: 17045
		03-04 Tax	: \$4,764
		OwnerPh	:

TotalRms	:	Pool	:	Lot Acres	: .01	Bldg Mail	:
Bedrooms	:	Units	:	Lot SqFt	: 331	Bldg Shape	:
Bathrooms	:	Bldg Num	:	Bldg SqFt	:	Bldg Class	:
Stories	:	Elevator	:	Year Blt	:	View Qual	:
Unit Flr	:	Garage	:	Eff YrBlt	:	Topography	:

Information compiled from various sources. Real Estate Solutions makes no representations or warranties as to the accuracy or completeness of information contained in this report.

**MetroScan / Alameda (CA)**

<b>Owner</b> : Macarthur Boulevard Associates	<b>Parcel</b> : 047 5284 001 06
<b>CoOwner</b> :	<b>Land</b> : \$2,946,243
<b>Site</b> : Macarthur Bl Oakland 94605	<b>Structure</b> : \$3,543,512
<b>Mail</b> : 10700 Macarthur Blvd #200 Oakland Ca 94605	<b>Other</b> : \$34,534
<b>Xfered</b> : 07/31/1998 <b>Doc #</b> : 267256	<b>Total</b> : \$6,524,289
<b>Price</b> :	<b>Exempt</b> :
<b>Loan Amt</b> :	<b>Type</b> :
<b>Lender</b> :	<b>% Imprvd</b> : 55
<b>VestType</b> :	<b>% Owned</b> :
<b>Land Use</b> : 371 <b>Com Shopping Center</b>	<b>Tax Area</b> : 17045
<b>Map Grid</b> :	<b>03-04 Tax</b> : \$99,849.34
<b>Census</b> : Tract <b>Block</b> :	<b>OwnerPh</b> :

<b>TotalRms</b> :	<b>Poc</b> :	<b>Lot Acres</b> : 10.22	<b>Bldg Mail</b> : Ma on
<b>Bedrooms</b> :	<b>Units</b> :	<b>Lot SqFt</b> : 445,288	<b>Bldg Shape</b> :
<b>Bathrooms</b> :	<b>Blk : Num.</b> : 3	<b>Bldg SqFt</b> :	<b>Bldg Class</b> : 6.5
<b>Stories</b> : 1	<b>Elevator</b> :	<b>Year Blt</b> : 1963	<b>View Qual</b> :
<b>Unit Flr</b> :	<b>Garage</b> :	<b>Eff Yr Blt</b> :	<b>Topography</b> :

*Information compiled from various sources. Real Estate Solutions makes no representations or warranties as to the accuracy or completeness of information contained in this report.*

30 RECORDING REQUESTED BY  
First American Title Guaranty Company  
Order No.  
Escrow No. 167824  
Loan No.  
WHEN RECORDED MAIL TO  
MacArthur Boulevard Associates  
a Calif Lmted Partnership  
1844 Newcastle View Drive  
7240000, CA 94920

Recorded in Official Records of Alameda Co.  
Patrice S. Corwell Clerk-Recorder  
16.00  
99185768 00:30am 03/12/99  
994 004050 30 27 000000  
203 4 7.00 0.00 0.00 0.00 71.00 078.00 0.00  
0.00 0.00

157824 @ 65

SPACE ABOVE THIS LINE FOR RECORDERS USE

MAIL TAX STATEMENTS TO:

The undersigned grantor(s) declare(s):  
CITY TRANSFER TAX \$ 078.00  
DOCUMENTARY TRANSFER TAX \$ 71.00  
SURVEY INSTRUMENT FEE \$

SAME AS ABOVE

Computed on the consideration or value of property conveyed OR  
Computed on the consideration or value less item of encumbrances  
remaining of item of sale.

APN 047-4904-001

### GRANT DEED

FOR A VALUABLE CONSIDERATION receipt of which is hereby acknowledged,  
Per Grantors see exhibit "B" attached hereto and made a part hereof  
herby GRANT(s) to  
MacArthur Boulevard Associates, a California Limited Partnership

The real property in the City of **Oakland**  
County of **Alameda**, State of California, described as

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated February 19, 1999

STATE OF CALIFORNIA  
COUNTY OF Alameda

For Signatures see exhibit "B" attached hereto  
and made a part hereof.

Witness my hand and official seal  
this 21st day of February, 1999  
Patrice S. Corwell, Clerk-Recorder

property interest therein (or interest therein) to be the person(s) whose name(s) shall be  
subscribed to the within instrument and acknowledged in the presence of the undersigned  
notary public and the same in MacArthur Boulevard Associates, and then by the undersigned  
notary public, and then by the undersigned notary public, on the instrument the person(s) or the entity upon behalf of which the  
instrument is executed, executed the instrument.  
WITNESS my hand and official seal.



Signature *[Handwritten Signature]*

40-00000-400

2001 State of Official Record Book

99105768

LEGAL DESCRIPTION

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

Lots 24, 25, 26 and 27 in Block 28, as said Lots and Block are shown on the map of "Inverwood Extension, Oakland, Alameda County, California," filed May 6, 1910, in Book 25 of Maps, Page 58, in the office of the County Recorder of Alameda County.

A.P. No.: 047-3994-001

\*\*\*\*

EXHIBIT A

99105768

ESCROW #159824

EXHIBIT "B"

MARATHON FUND, III, A CALIFORNIA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 50.2317% INTEREST; TED PASION AND DORTHEA PASION, HUSBAND AND WIFE AS TO AN UNDIVIDED 10.0386% INTEREST; JOSEPH L. HINES AND ALBERT J. ANDERSON, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, AS TO AN UNDIVIDED 10.0386% INTEREST; MARTHA D. BOYLE, AS TO AN UNDIVIDED 9.6525% INTEREST; NELLIE WRALSTAD, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF TALLAK WRALSTAD, AS TO AN UNDIVIDED 13.000% INTEREST, AND RAMA KUNDRA, INDIVIDUALLY AND AS A PERSONAL REPRESENTATIVE OF THE ESTATE OF OM KUNDRA, AS TO AN UNDIVIDED 10.0386% INTEREST.

*Marathon Fund III*

*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR MARATHON FUND, III, A CALIFORNIA LIMITED PARTNERSHIP, PURSUANT TO\*

*Ted Pasion*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR TED PASION, PURSUANT TO\*

*Dorthea Pasion*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR DORTHEA PASION, PURSUANT TO\*

*Joseph L. Hines*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR JOSEPH L. HINES, PURSUANT TO\*

*Albert J. Anderson*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR ALBERT J. ANDERSON, PURSUANT TO\*

*Martha D. Boyle*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR MARTHA D. BOYLE, PURSUANT TO\*

*Nellie Wralstad*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR NELLIE WRALSTAD, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF TALLAK WRALSTAD, PURSUANT TO\*

*Rama Kundra*  
*Sg: G. Gary Varga*  
S. GARY VARGA, AS ATTORNEY IN FACT FOR RAMA KUNDRA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF OM KUNDRA, PURSUANT TO\*

\*A IRREVOCABLE POWER OF ATTORNEY ORDERED IN THE JUDGMENT ENTERED MAY 19, 1995, SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY DIVISION,