

Wickham, Jerry, Env. Health

From: Kendall, James A [James.Kendall@bankofthewest.com]
Sent: Tuesday, September 29, 2009 5:52 PM
To: Wickham, Jerry, Env. Health
Subject: RE: Fuel Leak Case No. RO0002949 and GeoTacker Global ID T0619758441, Markus Supply Hardware, 632-638 wnd Street, Oakland, CA 94607
Attachments: Tok-SBC-UCB Merger Cert.pdf; UCB-BOW Merger Cert.pdf

Mr. Wickam:

That explains why I can't find anything. We are not the correct successor in interest to United California Bank.

The following information is taken from the National Information Center of the Federal Reserve System, which you can access at <http://www.ffiec.gov/nicpubweb/nicweb/nichome.aspx>. A search for "United California Bank" will result in two matches with the following histories:

2/24/1961 California Bank renamed United California Bank
6/1/1981 United California Bank renamed First Interstate Bank of California
4/1/1996 First Interstate Bank of California acquired by Wells Fargo Bank, NA

First Interstate Bank and Wells Fargo Bank failed to protect the name "United California Bank."

7/2/2001 Sanwa Bank California renamed United California Bank
4/1/2002 United California Bank acquired by and merged into Bank of the West

Bank of the West is the successor to Sanwa Bank California which was renamed United California Bank in 2001 and maintained that name only until it was acquired 9 months later by Bank of the West. Any ownership interest in the name of United California Bank created during a period other than that 9 month period relates back to what became First Interstate Bank of California which was succeeded by Wells Fargo Bank, NA. Any interest succeeding from an interest created in the 1960s would now be Wells Fargo Bank, NA's, not Bank of the West's.

Attached are Certificates of Merger showing the mergers from Sanwa Bank California to Bank of the West that evidence what I've described above.

Please let me know what more I can do to show that Bank of the West is NOT an appropriate party to this proceeding and has neither the right nor the obligation to participate in the development or execution of a plan as you have requested.

I hope to hear from you soon.

James A. Kendall
Vice President & Lit. Mgr
Bank of the West
Legal Department - South (SC-CAL-06-D)
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-----Original Message-----

From: Wickham, Jerry, Env. Health [mailto:jerry.wickham@acgov.org]
Sent: Tuesday, September 29, 2009 5:26 PM
To: Kendall, James A
Subject: RE: Fuel Leak Case No. R00002949 and GeoTacker Global ID T0619758441, Markus Supply Hardware, 632-638 wnd Street, Oakland, CA 94607

Mr. Kendall:

United California Bank was identified as a responsible party because they owned the property from sometime after 1961 until January 28, 1964. The Alameda County Environmental Health online case files contain a Phase I report dated 03/03/2006 that includes a copy of a "Deed" dated January 28, 1964 in Appendix G that identifies United California Bank.

Regards,

Jerry Wickham
Senior Hazardous Materials Specialist
Alameda County Environmental Health
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Alameda, CA 94502-6577
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Online case files are available at the following website <http://www.acgov.org/aceh/index.htm>

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-----Original Message-----

From: Kendall, James A [mailto:James.Kendall@bankofthewest.com]
Sent: Tuesday, September 29, 2009 12:44 PM
To: Wickham, Jerry, Env. Health
Subject: Fuel Leak Case No. R00002949 and GeoTacker Global ID T0619758441, Markus Supply Hardware, 632-638 wnd Street, Oakland, CA 94607

Dear Mr. Wickham:

With respect to your September 18, 2009 letter regarding the Fuel Leak Case No. R00002949, I remember very well searching for how Bank of the West or one of its predecessors in interest was involved in this, but I can't now locate the original notice or who I directed it to. I'm hoping you may have our earlier correspondence and that it might shed some light on Bank of the West's interest in the property in question. I will continue to search for a connection to the properties at 632-638 2nd Street, Oakland, but any additional information you can provide would be most helpful.

James A. Kendall
Vice President & Lit. Mgr
Bank of the West
Legal Department - South (SC-CAL-06-D)
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STATE OF CALIFORNIA
DEPARTMENT OF FINANCIAL INSTITUTIONS

CERTIFICATE OF MERGER

Pursuant to Financial Code section 4891, I, DONALD R. MEYER, Commissioner of Financial Institutions of the State of California, do hereby certify that Tokai Bank of California (the disappearing depository corporation) merged into Sanwa Bank California (the surviving depository corporation), with the surviving depository corporation having the name United California Bank, pursuant to the Agreement of Merger dated April 2, 2001, and that, under Financial Code section 4887(b), the merger became effective at 12:01 a.m., July 2, 2001.

Given under my hand and official seal on this 3rd day of April, 2002, in San Francisco, California.



DONALD R. MEYER
Commissioner of Financial Institutions

By

A handwritten signature in black ink, appearing to read "James M. Patten", with a long horizontal line extending to the right.

JAMES M. PATTEN
Staff Counsel

STATE OF CALIFORNIA

DEPARTMENT OF FINANCIAL INSTITUTIONS

CERTIFICATE OF MERGER

Pursuant to Financial Code section 4891, I, DONALD R. MEYER, Commissioner of Financial Institutions of the State of California, do hereby certify that United California Bank (the disappearing depository corporation) merged into Bank of the West (the surviving depository corporation), with the surviving depository corporation having the name Bank of the West, pursuant to the Agreement of Merger dated March 22, 2002, and under Financial Code section 4887(b), the merger become effective at 12:01 a.m., April 1, 2002. I do further certify that the merger above referred to was approved by me in the manner required by law and that such merger has been fully completed and consummated.

Given under my official seal on this 12th day of August, 2002, in Los Angeles, California.

DONALD R. MEYER
Commissioner of Financial Institutions

By



WALLACE M. WONG
Staff Counsel

