



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JAN 22 2015

Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Pauma Band of Luiseno Mission Indians (Tribe) to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

Applicant:

Pauma Band of Luiseno Mission Indians of California

Legal Land Description/Site Location:

PARCEL 1: APN 131-060-25

THAT PORTION OF THE PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ATTACHED TO THE RECORD OF THE PATENT IN BOOK 1, PAGE 67 OF PATENTS, RECORDS OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF BLOCK 2 OF RIVER TRACT NO. 1, ACCORDING TO MAP THEREOF NO. 1451, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 10, 1912; THENCE ALONG THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID BLOCK 2, NORTH 58° 15' 00" EAST 2970.00 FEET TO THE MOST EASTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED TO W. O. LEWIS, ET AL, RECORDED APRIL 28, 1947, AS DOCUMENT NO. 44909 IN BOOK 2392, PAGE 214 OF OFFICIAL RECORDS BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LAND, NORTH 31° 45' 00" WEST, 330.00 FEET; THENCE NORTH 58° 15' 00" EAST, 1040.00 FEET TO THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN PARCEL NO. 1 OF DEED TO HOWELL N. TYSON AND WIFE, RECORDED JULY 6, 1951, AS DOCUMENT NO. 83248 IN BOOK 4160, PAGE 128 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHWESTERLY LINE AND THE PROLONGATION THEREOF SOUTH 31° 45' 00" EAST, 330.00 FEET; THENCE SOUTH 58° 15' 00" WEST, 1040.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2: APN 131-09-03

ALL THAT PORTION OF PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ATTACHED TO THE RECORD OF THE PATENT IN BOOK 1, PAGE 67 OF PATENTS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF A PARCEL OF LAND CONVEYED BY TITLE INSURANCE AND TRUST COMPANY TO NELLIE S. HAYES, BY DEED DATED JANUARY 22, 1915 AND RECORDED IN BOOK 676, PAGE 129 OF DEEDS, RECORDS OF SAID COUNTY; THENCE NORTH 31° 45' WEST 386 FEET TO A POINT; THENCE SOUTH 58° 15' WEST 610 FEET; THENCE SOUTH 31° 45' EAST 386 FEET TO A POINT IN THE NORTHWESTERLY LINE OF HAYES LAND, DISTANT THEREON NORTH 58° 15' EAST 710 FEET FROM THE MOST WESTERLY CORNER THEREOF; THENCE NORTH 58° 15' EAST ALONG SAID NORTHWESTERLY LINE, 610 FEET TO THE POINT OF BEGINNING.

PARCEL 3: APN 131-090-11

PARCEL B OF CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 27, 2004 AS INSTRUMENT NO. 2004-0157626, BEING

ALL THAT REAL PROPERTY CONVEYED IN THE DEEDS TO VERNE F. MAYNARD AND JOYCE E. MAYNARD, TRUSTEES OF THE MAYNARD 1984 TRUST DATED SEPTEMBER 17, 1984, RECORDED JULY 11, 1991 AS DOC #1991-0341001 AND DOC #1991-0341003, ALSO SHOWN ON RECORD OF SURVEY NO. 17438 IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, DESCRIBED/ BELOW FOR CLARITY AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER CONVEYED BY SAID DEEDS; THENCE ALONG THE BOUNDARIES CONVEYED IN SAID DEEDS THE FOLLOWING BEARINGS AND DISTANCES;

THENCE NORTH 58° 10' 14" EAST 709.74 FEET;
THENCE SOUTH 31° 46' 29" EAST 386.21 FEET;
THENCE NORTH 58° 10' 52" EAST 139.52 FEET;
THENCE SOUTH 31° 49' 08" EAST 773.02 FEET;
THENCE SOUTH 39° 44' 29" WEST 193.47 FEET;
THENCE SOUTH 84° 33' 45" WEST 195.76 FEET;
THENCE NORTH 32° 01' 07" WEST 747.24 FEET;
THENCE SOUTH 58° 10' 52" WEST 338.00 FEET;
THENCE NORTH 31° 44' 08" WEST 250.00 FEET;
THENCE SOUTH 58° 10' 52" WEST 150.00 FEET;
THENCE NORTH 31° 44' 08" WEST 136.08 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE ONE INCH STEEL PIPE DESIGNATED #1 ON RECORD OF SURVEY MAP NO. 17438, FILED JUNE 21, 2002 IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY;

1. THENCE SOUTH 31° 49' 08" EAST 303.00 FEET TO THE ONE INCH STEEL PIPE DESIGNATED #2;
2. THENCE SOUTH 58° 10' 52" WEST 255.00 FEET TO THE ONE INCH STEEL PIPE DESIGNATED #3;
3. THENCE NORTH 31° 49' 08" WEST 171 .50 FEET TO THE ONE INCH STEEL PIPE DESIGNATED #4;
4. THENCE SOUTH 58° 10' 52" WEST 75.27 FEET TO THE ONE INCH STEEL PIPE DESIGNATED #5, BEING ON THE WESTERLY BOUNDARY OF SAID DEED;
5. THENCE ALONG SAID BOUNDARY NORTH 32° 01' 07" WEST 131.50 FEET THE ONE INCH STEEL PIPE DESIGNATED #6, BEING ON THE WESTERLY BOUNDARY OF SAID DEED;
6. THENCE LEAVING SAID BOUNDARY NORTH 58° 10' 52" EAST 330.72 FEET TO THE POINT OF BEGINNING.

Project Description/Proposed Land Use:

The subject property consists of three adjoining parcels totaling 23.32 acres more or less, commonly referred to as Assessor's Parcel Numbers: 131-090-11, 131-060-25 and 131-090-03. The subject

parcels are located in San Diego County, California and are adjacent to the Tribe's Main Reservation. The parcels currently contain orchards, one residence and storage of household and orchard materials.

The purpose of the Pauma Tribe placing the subject parcels into trust is so that the Tribe may rightfully exercise sovereignty over the properties and expand its land base. The three (3) contiguous parcels are owned by the Tribe and located immediately adjacent to the west boundary of the Tribe's Main Reservation. Parcel APN 131-090-11 is currently developed as a citrus orchard and contains one residence. Parcel APN 131-060-25 is a vacant lot that was devegetated by the previous owner. Parcel APN 131-090-03 contains devegetated vacant lands, a driveway and approximately 2.3 acres of citrus producing orchards. The Tribe has no immediate plans for land use changes on these parcels. Long range plans may include Tribal residences and associated improvements.

Current Use/Taxes and Zoning:

Assessed property taxes for 2011-2012:

131-060-25 - \$4,839.82

131-090-03 - \$2,549.92

131-090-11 - \$4,221.56

Transferring the Pauma property into trust will not have significant impact on the State of California or San Diego County's tax revenue because the amount of property taxes assessed on these parcels are small in comparison to the County's annual tax revenue.

Existing Easements/Encumbrances:

See attached Schedule B

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Arvada Wolfen, Supervisory Realty Specialist, at (916) 978-6069.

Sincerely,



Acting Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) - 7013 2630 0001 5557 9491
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95814

Daniel Powell, Legal Affairs Secretary – 7013 2630 0001 5557 9316
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Sara Drake, Deputy Attorney General - 7013 2630 0001 5557 9323
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Office of the Honorable Dianne Feinstein - 7013 2630 0001 5557 9330
750 "B" Street, Suite 1030
San Diego, CA 92101

San Diego County Assessor - 7013 2630 0001 5557 9347
600 Pacific Highway, Suite 162
San Diego, CA 92101

San Diego Treasurer & Tax Collector - 7013 2630 0001 5557 9354
1600 Pacific Highway, Suite 162
San Diego, CA 92101-2480

San Diego County Board of Supervisors - 7013 2630 0001 5557 9361
1600 Pacific Highway, Room 335
San Diego, CA 92101-2480

San Diego County Sheriff's Department - 7016 2630 0001 5557 9378
9621 Ridge Haven Court
San Diego, CA 92120

San Diego County – 7013 2630 0001 5557 9385
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

San Diego County – 7013 2630 0001 5557 9392

Land Use and Environment Group
1600 Pacific Highway, Rm 212
San Diego, CA 92101

Chairperson - 7013 2630 0001 5557 9408
Barona Reservation
1095 Barona Road
Lakeside, CA 92040

Chairperson – 7013 2630 0001 5557 9415
Campo Band of Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906

Chairperson – 7013 2630 0001 5557 9422
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Chairperson – 7013 2630 0001 5557 9439
Inaja-Cosmit Band of Mission Indians
2005 S. Escondido Boulevard
Escondido, CA 92025

Chairperson - 7013 2630 0001 5557 9446
Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

Chairperson - 7013 2630 0001 5557 9453
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061

Chairperson – 7013 2630 0001 5557 9460
La Posta Band of Mission Indians
P.O. Box 1120
Boulevard, CA 91905

Chairperson – 7013 2630 0001 5557 9477
Los Coyotes Band of Cahuilla & Cupeno Indians

P.O. Box 189
Warner Springs, CA 92086

Chairperson – 7013 2630 0001 5557 9484
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

Chairperson - 7013 2630 0001 5557 6988
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Chairperson – 7013 2630 0001 5557 6995
Pala Reservation
35008 Pala Temecula Rd. PMB 50
Pala, CA 92059

Chairperson - 7013 2630 0001 5557 7008
Rincon Band of Mission Indians
P.O. Box 68
Valley Center, CA 92082

Chairperson - 7013 2630 0001 5557 7015
Santa Ysabel Band of Mission Indians
P.O. Box 130
Santa Ysabel, CA 92070

Chairperson – 7013 2630 0001 5557 7022
Sycuan Band of Mission Indians
5459 Sycuan Road
El Cajon, CA 92021

Chairperson – 7013 2630 0001 5557 7039
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

Chairperson - 7013 2630 0001 5557 7046
Viejas (Baron Long) Band of Mission Indians
P.O. Box 908
Alpine, CA 91903

Regular Mail:

Superintendent, Southern California Agency, BIA
1451 Research Park Drive, Ste 100
Riverside, California 92507-2154

SCHEDULE B – SECTION II**EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
2. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
5. Property taxes, including any assessments collected with taxes, for the fiscal year 2013 - 2014 that are a lien not yet due.
6. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California.

MATTERS AFFECTING PARCEL 1

7. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Purpose: as stated therein
 Recorded: February 29, 1912 in Book 552, page 38 of Deeds
 Affects: The exact location and extent of said easement is not disclosed of record

8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: The County of San Diego
 Purpose: roads
 Recorded: in Book 255, page 24 of Deeds
 Affects: The exact location and extent of said easement is not disclosed of record

9. The rights of the public in and to that portion of the herein described land lying within Citricado Dr.

10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: Pauma Valley Center Company
 Purpose: right of way

SCHEDULE B – SECTION II
(continued)

~~Recorded: July 18, 1946 in Book 2180, page 351 of Official Records~~
Affects: The exact location and extent of said easement is not disclosed of record

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: Rancho Estates Mutual Water Company
Purpose: water pipes
Recorded: May 25, 1951 in Book 4113, page 213 of Official Records
Affects: The exact location and extent of said easement is not disclosed of record

12. An easement for the purpose shown below and rights incidental thereto, as set forth in a document

Purpose: right-of-way, as granted/reserved by various instruments of record, one of which was recorded May 14, 1951 in Book 4096, page 144 of Official Records

Affects: the easterly portion of said land

13. Easement for the purpose shown below and rights incidental thereto as shown or as offered for dedication on the recorded Map shown below.

Map of : R.O.S. 2618
Purpose: easements reserved for road
Affects: as shown on said map

Easement
Purpose: drainage
Affects: as shown on said map

MATTERS AFFECTING PARCEL 2

14. Provisions and reservations relative to water, rights and development of water and necessary access and appurtenances thereto, as reserved in the deed from Charles Forman, et ux to which reference is hereby made, recorded February 29, 1912 in Book 552, page 38 of Deeds.

15. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: R. D. Middletown
Purpose: easements or rights of way as may now exist
Recorded: May 10, 1913 in Book 609, page 321 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record

16. An easement for the purpose shown below and rights incidental thereto as reserved in a document.

SCHEDULE B – SECTION II
(continued)

- Purpose: road purposes
Recorded: October 9, 1917 in Book 744, page 178 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record
17. An easement for the purpose shown below and rights incidental thereto, as set forth in a document
Purpose: irrigation, telegraph, telephone, power lines, cables, pipelines and mains, pipes for sewers, water, oil, as granted/reserved by various instruments of record, one of which was recorded October 9, 1917 in Book 744, page 178 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record
18. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: December 11, 1947 in Book 2577, page 473 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.
19. An easement for the purpose shown below and rights incidental thereto, as set forth in a document
Purpose: road, drainage and public utility, as granted/reserved by various instruments of record, one of which was recorded May 14, 1951 in Book 4096, page 144 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.
20. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted To: Pauma Valley Water Company
Purpose: water pipeline
Recorded: September 5, 1951 in Book 4224, page 585 of Official Records
Affects: The exact location and extent of said easement is not disclosed of record
21. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted To: Herbert J. Roberts
Purpose: water pipeline
Recorded: July 11, 1956 in Book 6174, page 327 of Official Records
Affects: The exact location and extent of said easement is not disclosed of record

SCHEDULE B – SECTION II
(continued)

~~22. An easement for the purpose shown below and rights incidental thereto, as set forth in a document~~

Purpose: road purposes, as granted/reserved by various instruments of record, one of which was recorded February 25, 1959 in Book 7513, page 360 of Official Records

Affects: The route thereof affects a portion of said land and is more fully described in said document.

23. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company

Purpose: public utilities, ingress, egress

Recorded: April 22, 1960 as Instrument No. 83946 of Official Records

Affects: The route thereof affects a portion of said land and is more fully described in said document.

24. Any boundary discrepancies, rights or claims which may exist or arise as disclosed by a record of survey

Record of Survey No.: 17438

MATTERS AFFECTING PARCEL 3

25. Provisions and reservations relative to water rights and development of water and necessary access and appurtenances thereto, as reserved in the deed from Charles Forman, et ux, to which reference is hereby made.

Recorded: February 29, 1912 in Book 552, page 38 of Deeds

26. Such easements or rights of way as may now exist over any portion of the herein described land as provided in deed to R. D. Middleton, dated March 21, 1913 and recorded May 10, 1913 in Book 609, page 321 of Deeds.

27. An easement for the purpose shown below and rights incidental thereto as reserved in a document.

Purpose: public road

Recorded: February 23, 1915 in Book 676, page 129 of Deeds

Affects: The exact location and extent of said easement is not disclosed of record

28. An easement for the purpose shown below and rights incidental thereto as reserved in a document.

Purpose: for irrigation purposes and for all pipes, etc.

Recorded: February 23, 1915 in Book 676, page 129 of Deeds

SCHEDULE B – SECTION II
(continued)

~~Affects: The exact location and extent of said easement is not disclosed of record~~

29. An easement for the purpose shown below and rights incidental thereto as reserved in a document.

Purpose: road and irrigation
Recorded: October 9, 1917 in Book 744, page 178 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record

30. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: May 28, 1941 in Book 1188, page 289 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

31. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: December 9, 1947 as Instrument No. 127870 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

32. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: December 11, 1947 In Book 2577, page 473 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

33. A document subject to all the terms, provisions and conditions therein contained.

Entitled: Agreement
Recorded: August 27, 1948 as Instrument No. 86448 of Official Records

Reference is hereby made to said document for full particulars.

34. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: County of San Diego
Purpose: county highway
Recorded: August 10, 1949 as Instrument No. 71578 of Official Records

SCHEDULE B – SECTION II
(continued)

~~Affects: The route thereof affects a portion of said land and is more fully described in said document.~~

Said instrument additionally contains the privilege and right to extend drainage structures and excavation and embankment slopes beyond the limits where required for the construction and maintenance thereof

35. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
 Purpose: public utilities, ingress, egress
 Recorded: August 30, 1949 as Instrument No. 79147 of Official Records
 Affects: The route thereof affects a portion of said land and is more fully described in said document.

36. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: Pauma Valley Water Company
 Purpose: water pipelines
 Recorded: September 5, 1951 in Book 4224, page 585 of Official Records
 Affects: The exact location and extent of said easement is not disclosed of record

37. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: Herbert J. Roberts
 Purpose: pipe line
 Recorded: July 11, 1956 in Book 6174, page 327 of Official Records
 Affects: The route thereof affects a portion of said land and is more fully described in said document.

38. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
 Purpose: public utilities, ingress, egress
 Recorded: April 22, 1960 as Instrument No. 83922 of Official Records
 Affects: The route thereof affects a portion of said land and is more fully described in said document.

39. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: Pauma Valley Water Company
 Purpose: water line
 Recorded: April 30, 1965 as Instrument No. 77328 of Official Records
 Affects: The route thereof affects a portion of said land and is more fully described in said document.

SCHEDULE B – SECTION II
(continued)

~~40. An easement for the purpose shown below and rights incidental thereto as set forth in a document.~~

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: May 14, 1965 as Instrument No. 86999 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

41. Any boundary discrepancies, rights or claims which may exist or arise as disclosed by a record of survey

Record of Survey No.: 17438

42. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: Guadalupe A. Monzon, a married woman as her sole and separate property
Purpose: access and private utilities
Recorded: April 13, 2005 as Instrument No. 2005-0306955 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

MATTERS AFFECTING ALL PARCELS

43. Water rights, claims or title to water, whether or not shown by the public records.

44. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

SCHEDULE B – SECTION II
(continued)

~~Note: The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.~~

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06) or ALTA Loan Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

END OF SCHEDULE B