



TOWN OF LOOMIS

6140 Horseshoe Bar Rd, Suite K
Loomis, CA 95650
(916) 652-1840 FAX (916) 652-1847

For Town Use

File Number #14-11

Application Fee(s) # 2495
Receipt # 22495 Date 10/23/14 OCT 23 2014
Date Received 10/23/14
Paid \$ 2495

TOWN OF LOOMIS

PLANNING DEPARTMENT

Planning Application

1. Project Title: Justice Minor Land Division
2. Street Address/ Location: 6639 Wishing Well Lane Town of Loomis
3. APN(s): 045-071-064-000 Acreage: 18.15 acres
 Zoning: RA General Plan Designation: Residential Agriculture
 Current Site Use: Residential
 Surrounding Land Use(s): North, East, and South = Residential, West = Residential and Golf Course
4. Property Owner: Larissa Amber Justice and David Clay Justice
 Address: 5321 Brookcrest Court, Rocklin, Calif. 95677
 Telephone: 916-626-0500 City Rocklin State CA Zip 95677
 email: larissarouen@gmail.com
5. Project Applicant: Owner
 Address: _____ City _____ State _____
 Telephone: _____ email: _____
6. Project Engineer/Architect: William E. Mitchell Land Development Services Inc.
 Address: 2571 Warren Drive Rocklin Ca. 95677
 Telephone: 916-624-1629 City Rocklin State CA Zip 95677
 email: ldseng@pacbell.net

7. What actions, approvals or permits by the Town of Loomis does the proposed project require?

- | | | | |
|--------------------------|-----------------------------|-------------------------------------|---------------------------|
| <input type="checkbox"/> | Appeal | <input type="checkbox"/> | Miscellaneous Permit |
| <input type="checkbox"/> | Certificate of Compliance | <input type="checkbox"/> | Planned Development |
| <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Second Unit Permit |
| <input type="checkbox"/> | Design Review | <input type="checkbox"/> | Sign Review |
| <input type="checkbox"/> | Development Agreement | <input type="checkbox"/> | Tentative Review |
| <input type="checkbox"/> | Environmental Review | <input checked="" type="checkbox"/> | Minor Land Division |
| <input type="checkbox"/> | General Plan Amendment | <input type="checkbox"/> | Subdivision |
| <input type="checkbox"/> | Hardship Mobile Home Permit | <input type="checkbox"/> | Variance |
| <input type="checkbox"/> | Lot Line Adjustment | <input type="checkbox"/> | Zoning Amendment (Rezone) |
| <input type="checkbox"/> | Other | | |

8. Does the proposed project need approval by other governmental agencies?

[] Yes [X] no if yes, which agencies? _____

9. Which agencies/utilities provide the following services to the project? (Please note if not hooked up to sewer or water)

Electricity PGE Natural Gas _____
Fire Protection Loomis Fire Dist Water/Well PCWA
Sewer/Septic Septic Telephone ATT
High School Loomis Unified Elem. School Loomis Unified
Other _____

10. The Town had informed me of my responsibilities pursuant to California Government Code, Section 65962.5(f), regarding notifying the Town of hazardous waste and/or hazardous substance sites on the project site. I have consulted the lists consolidated by the State Environmental Protection Agency dated 9-29-2014 and find: Regulatory identification number (none) _____

Date of list 2-26-2014 No problems identified (none)

Type of problem (none)

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated _____ Applicant x _____ Applicant x _____

11. Project Description (Describe the project so that a person unfamiliar with the project would understand the purpose, size, phasing, duration, required improvements, duration of construction activities, surrounding land uses, etc. associated with the project. Attach additional pages as necessary.)

Divide The 18 acres into 2each 5 acre parcels and 1 each 8 acre parcel

Owner Authorization:

I hereby authorize Larissa A. Justice and David C. Justice, the above-listed applicant / Engineer, to make applications for project approvals by the Town of Loomis, regarding the above-described project and to receive all notices, correspondence, etc., from the Town regarding this project. I also hereby authorize the town staff to place a noticing board (approximately 4' x 3') on my property, visible from the street, at least ten (10) days prior to the first hearing on my project, and for subsequent hearings as determined necessary by the Planning Director.

Signature(s) of Owner(s)

Printed Name(s)

x Larissa Justice

Larissa A Justice _____

10/17/14

Date

x David C. Justice

David C. Justice _____

10-17-14

Date

12. Applicant and/or Owner Hold Harmless:

Owner, and Applicant (if different from Owner), agrees to hold Town harmless from all injuries, damages, costs and expenses, including attorney's fees resulting from the negligence of owner, and Applicant (if different from Owner), and their employees, contractors, subcontractors and agents, in connection with any proceeding brought in any State or Federal court with respect to the applicant's project.

Signature(s) of Owner(s)

Printed Name(s)

x Larissa Justice

Larissa A Justice _____

10-17-14

Date

x David C. Justice

David C. Justice _____

10/17/14

Date

13. Applicant and/or Owner Acknowledgment:

Owner/Applicant expressly agree they are solely responsible for assuring compliance with all applicable laws, rules, regulations, and practices required to implement this development, and that Town staff's errors or omissions in explaining what is required, whether on this application form or otherwise, do not establish a basis for Owner/Applicant failing to comply with all such laws, rules, regulations and practices.

Signature(s) of Owner(s) and/or Applicant

Printed Name(s)

x Larissa Justice

Larissa A Justice _____

10/17/14

Date

x David C. Justice

David C. Justice _____

10-17-14

TOWN OF LOOMIS
PLANNING DEPARTMENT

RECEIVED

OCT 23 2014

ENVIRONMENTAL REVIEW APPLICATION

I. LAND USE AND PLANNING TOWN OF LOOMIS

1. Project Name (same as on Planning Application) Justice Minor Land Division
2. What is the general land use category for the project? Residential

(residential, commercial, industrial, etc.)
3. What are the number of units or gross floor area proposed? 3 Parcels
4. Are there existing facilities on the site? (buildings, wells, septic systems, parking, etc.) Yes [] No []
If yes, show on the site plan and describe. See attached Tentative Map Mobile Home , septic system, PCWA Water
5. Is adjacent property in common ownership? Yes [] No [] If yes, Assessor's Parcel Number (s) and acreage(s). _____
6. Describe previous land use(s) of the site over the last 10 years. Residential
7. Will the project require or provide storage for vehicles, equipment, materials, etc.? Yes [] No []
If yes, describe the location, size and type of storage (secured, covered, etc.) proposed. _____

II. POPULATION AND HOUSING

1. How many new residents will the project generate? 5
2. Will the project displace or require the relocation of any residential units? Yes [] No [] If yes, the number. _____
3. What changes in character of the neighborhood would result from project development? (surrounding land uses such as residential, agricultural, commercial, etc.) None
4. Will the project create or destroy job opportunities? Create [] Destroy [] Describe Possible Construction of two new Homes
5. Will the proposed project displace any currently productive use? Yes [] No [] If yes, describe. _____

III. GEOLOGY AND SOILS

1. Are there any potential geologic hazards (soil settlement, steep slopes, slides, faults, etc.) associated with the project property or on surrounding properties? Yes [] No [x] If yes, describe. _____

2. Will grading on the site be required? Yes [] No [x] If yes, describe the grading anticipated for the project (locations, maximum depths/slopes of excavations and fills). _____

Estimate the grading area/quantities. _____ 0 _____ acres 0 _____ cubic yards
3. Will site excavation and fill quantities balance? Yes [] No [x] If no, describe the source(s) or disposal site(s), transport methods and haul routes required for grading materials. _____

4. Are retaining walls proposed? Yes [] No [x] If yes, describe location(s), type(s), height(s), etc. _____

5. Describe the erosion potential of the project site and the measures that will be utilized to reduce erosion.
No Grading activities are Proposed

6. Will blasting be required during project construction? Yes [] No [x] If yes, describe. _____

7. Are there any known natural economic mineral resources on the project site? (sand, gravel, mineral deposits, etc.) Yes [] No [x] If yes, describe. _____

IV. HYDROLOGY AND DRAINAGE

1. Is there any body of water within or on the boundaries of the project site? (lake, pond, stream, canal, etc.) Yes [] No [x] If yes, name/describe the body of water and show on the site plan. _____

2. If there is a body of water within or on the boundaries of the project site, will water be diverted from this water body? Yes [] No [] If yes, describe. Stock Pond man made , Seasonal drainage swale

3. If water will be diverted, does the project applicant have an appropriative or riparian water right? Yes [] No [x] If yes, describe. _____

4. Where is the nearest off-site body of water such as a waterway, river stream, pond, canal, irrigation ditch or drainageway? Include the name of this water body, if applicable. Secret Ravine Creek about 1 mile away

5. What area/percentage of the project site is presently covered by impervious surface? 2%
What will be the area/percentage of impervious surface coverage after development? 6%%

6. Will any runoff from the project site enter any off-site body of water? Yes [] No [x] If yes, identify the destination of the runoff. _____

7. Will there be a discharge to surface waters of wastewater other than stormwater runoff? Yes [] No [x] If yes, identify/describe the materials/contaminants present in this runoff. _____

8. Will the project result in the physical alteration of a body of water? Yes [] No [x] If yes, describe. _____

9. Will the drainage or runoff from this project cause or exacerbate downstream flooding? Yes [] No [x] If yes, describe. _____

10. Are there any areas of the project site that are subject to flooding or inundation? Yes [] No [x] If yes, describe. _____

11. Will the project alter existing drainage channels and/or drainage patterns? Yes [] No [x] If yes, describe. _____

V. AIR QUALITY

Note: Specific air quality studies may be required to be conducted as part of the project review/approval process. Such specific studies may be included with the submittal of this questionnaire.

1. Are there currently any known sources of air pollution such as an industrial use or major roadway in the vicinity of the project? Yes [] No [x] If yes, describe. _____

2. Describe the following emissions sources related to project development:
 Construction emissions - Extent and duration of site grading activities: _____

 Stationary source emissions - Are woodstoves proposed in residential projects? Yes [] No [x]
 Mobile source emissions - Vehicle activities related to residential, commercial and/or industrial uses:

3. Based on proposed use, will the project significantly contribute to the violation of ambient air quality standards? Yes [] No [x] If yes, describe (may require the results from specific air quality studies). _____

4. Are there any sensitive receptors to air pollution (such as schools or hospitals) located in the vicinity of the project? Yes [] No [x] If yes, describe. _____

5. Describe measures that are proposed by the project to reduce stationary and mobile source emissions? _____

6. Will vegetation be cleared from the project? Yes [] No [x] If yes, describe the method of disposal.

VI. TRANSPORTATION/CIRCULATION

Note: Detailed traffic studies prepared by a qualified traffic consultant may be required, following review of the information presented below. Such studies may be included with the submittal of this questionnaire.

1. Does the project front on a local roadway? Yes [x] No [] If yes, what is the name of the roadway?
Wishing Well Lane

If no, what is the name and distance of the nearest roadway?

2. Will new entrances onto local roadways be constructed. Yes [] No [x]
If yes, describe.

3. Would any non-automobile traffic result from the development of the project? Yes [] No [x] If yes, describe.

4. If applicable, what road standards are proposed within the project? Local Drive way

(Show typical street sections(s) on the site plan.)

5. Will a new entrance(s) onto local roadways be constructed? Yes [] No [x]
If yes, show location(s) on site plan.

6. Describe any frontage improvements to the local roadway(s). None

7. Describe the traffic that will be generated by the project (average daily traffic [ADT], peak hour volumes and peak hour times/days). 20 ADT

8. Will this traffic affect the service levels at an existing major street intersection or freeway interchange?
Yes [] No [x] If yes, describe.

9. Are pedestrian, bicycle, equestrian and/or transit facilities proposed with the project? Yes [] No [X]
If yes, describe.

10. Will the project require provisions for parking? Yes [] No [X] If yes, describe the number, size, location and access of the parking facilities proposed.

11. Will there be company vehicles associated with the project? Yes [] No [x] If yes, describe the number and type of vehicles and the parking that will be provided for these vehicles (see 10, above).

VII. BIOLOGICAL RESOURCES

Note: Detailed studies or exhibits (e.g., tree survey, wetlands delineation) may be required, following a review of the information presented below. Such studies or exhibits may be included with the submittal of this questionnaire.

1. Briefly describe site vegetation. The site is slightly barren with native Grasses and Scattered Oak tree. The project does not propose to do any grading other than a private driveway to each lot, road shall be All weather Aggregate road. The site has been used for animal pasture and grazing in the past. No significant change is proposed.
2. Will any trees of 6-inches diameter breast height (dbh) or greater be removed as a result of project development? Yes [] No [x] If yes, describe the number of trees to be removed, tree species, tree inches and the percentage of the trees on the site that the removals represent. No trees are proposed to be removed. _____
3. Briefly describe wildlife typically found in the area. The site is a Typical Loomis Rural Site with various Species of wild life common to the region wich can include Wild Turkey, Deer, various species of birds Snakes and other small wild life.
4. Describe changes to site habitat(s) resulting from development of the project. The habitat of the site Will remain as is except two additional home will be added no extensive changes are proposed.
5. Are any rare or endangered species (as defined in Section 15380, CEQA Guidelines) found in the project area? Yes [] No [x] If yes, describe. _____
6. Are any federally-listed threatened species, or candidates for listing, found in the project area? Yes [] No [x] If yes, describe. _____
7. Is there a rare natural community (monitored by the DFG Natural Diversity Data Base) present on the project site? Yes [] No [x] If yes, describe. _____
8. Are there wetlands (i.e., seasonal wetlands, wetland swales, riparian corridor, etc.) on the project site? Yes [] No [] If yes, describe (type, acreage, etc.). There is on seasonal drainage swale on the site. This swale is not proposed to be disturbed or graded or redirected.
9. If yes, will project development affect these wetland areas? Yes [] No [x] If yes, describe. _____
10. If yes, will a Corps of Engineers permit be required for disturbing site wetlands? Yes [] No [x]

VIII. HAZARDOUS MATERIALS

Hazardous material are defined as any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste and any material (including oils, lubricants and fuels) which a handler or administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

1. Will the proposed project involve the handling, storage or transportation of hazardous materials? Yes [] No [x]

If yes, attach a list of all hazardous materials to be handled/stored at the project site. The list needs to include (but is not limited to) fuels, chemicals, cleaners, lubricants, coolants, biocides, etc. A description needs to be included explaining how these materials will be managed, used, stored, disposed/recycled.

Describe any hazardous wastes that will be generated and detail how/where they will be stored and disposal of. Include an outline of the proposed chemical emergency spill response plan.

If yes, will the project involve the handling, storage or transportation of more than 55 gallons, 500 pounds or 200 cubic feet (STP) at any one time of a product or formulation containing hazardous materials or will any of these materials be stored in underground storage tanks? Yes [] No []

If yes, please contact the Placer County Environmental Health Division at 889-7335 for an explanation of additional requirements.

IX. NOISE

Note: Projects located near a major noise source and/or projects that will result in increased noise generation or exposure may require a detailed noise study (with any proposed mitigations) prior to environmental determination.

1. Is the project located near a major noise source? Yes [] No [x] If yes, describe. _____
2. Describe the noise that will be generated by this project, both during construction and following project development. There may be minor noise during the construction of the proposed houses and driveways. After development normal residential noise associated with automobiles and rural farm equipment may occur.

X. PUBLIC SERVICES

FIRE AND EMERGENCY MEDICAL SERVICES

1. Describe the nearest fire protection facilities (location, distance, agency). Loomis Fire District station is located about 3.5 miles from the site.
2. Describe the nearest emergency water source for fire protection purposes (type, location, distance, agency). There are PCWA lines in Wishing Well Lane and two Stock ponds are on site if needed.
3. Describe the fire hazard and fire protection needs created as a result of project development. Two additional residential homes will be needing structural protection.
4. Describe the on-site fire protection facilities proposed with this project. None

If this is a single access project, what is the distance from the project to the nearest through roadway/name of roadway? Laird Road is the nearest Through Road way. Laird Road lies 900 feet Easterly of the Site.

5. Describe parking area access, number of spaces and entry/exit for emergency vehicles. The project is 18 acres mostly open access to Emergency Vicheles can be accommodated, _____
7. Are there any site limitations that will limit accessibility by emergency service vehicles? Yes [] No [x] If yes, describe. _____

8. Estimate the number of persons on-site (residents or employees/visitors) 9

LAW ENFORCEMENT

1. Describe the access to the site and entrance features (gates, etc.). Access to site is via Wishing Well lane
There are no Gates or entry features.

2. Describe the security protection that will be provided on the site, if any. none

3. Describe the location, visibility and lighting of vehicle and equipment storage areas. none

WATER

1. Is the project within a public domestic water system district or service area? Yes [] No [] If yes, describe the district/area. PCWA

2. Can the district serve the project? Yes [] No []

3. What will be the water source(s) for the project? PCWA

4. What is the estimated usage and peak usage of the project? 50 gpd/ 100 gpd

5. Are there any existing or abandoned wells on the site? Yes [] No [] If yes, describe (location, depth, yield, contaminants, etc.)

WASTEWATER

1. Is wastewater presently disposed on the site? Yes [] No [] If yes, describe the method(s) and quantities (gpd). 1 residential septic system with leach fields.

2. Is the project located within a sewer district? Yes [] No [] If yes, describe.

If yes, can the district serve the project? Yes [] No []

Is there sewer service in the area? Yes [] No [] If yes, what is the distance to the nearest collector line?

3. What are the projected wastewater quantities (gpd) generated by the project and the proposed method of disposal? 150 gpd Septic and leach fields.

4. Will there be any unusual characteristics associated with project wastewater? Yes [] No [x] If yes, describe any special treatment processes that may be necessary for these wastes. _____

5. During the wettest time of year, is the groundwater level on the project site less than 8 feet below the surface of the ground? Yes [] No [x]

SOLID WASTE

1. Describe the type(s) of solid waste and estimate the quantities of waste per day/month that will be produced by the project. Specify if there are any special wastes (chemicals, infectious waste, oils, solvents, recyclables, etc.) Domestic Waste only 3 ea 90 gallon Containers per week

2. Describe the disposal method of this waste material. Franchise Trash Provider Recology

3. Describe the access that will be provided to refuse removal vehicles and the location and design of recycling and refuse storage equipment. Road side Pick up at each Resident.

PARKS AND RECREATION

1. What is the distance from the project to the nearest public park or recreation area? 1 mile _____
What is the name of this facility? Loomis Park , adjacent to Indian Creek Golf Course.

2. Are any park or recreation facilities proposed as part of the project? Yes [] No [x] If yes, describe.

SCHOOLS

1. What are the nearest elementary and high schools to the project? Loomis Elementry and Del Oro High.

What are the distances to these schools from the project? Are located about 4 miles from site.

XI. AESTHETICS

1. Is the proposed project consistent/compatible with adjacent land uses and densities? Yes [x] No []
Describe the consistencies/compatibilities or inconsistencies/incompatibilities. Rural Agriculture

2. Is the proposed project consistent/compatible with adjacent architectural styles? Yes [x] No []
Describe the consistencies/compatibilities or inconsistencies/incompatibilities. _____

3. Describe the signage and/or lighting proposed by the project. None _____

4. Is landscaping proposed? Yes [] No [x] If yes, describe. _____

XII. CULTURAL RESOURCES

Note: If the project site is located on or near an archaeological, historical or paleontological site, specific studies may be required.

1. Does the project site support any archaeological, historical or paleontological features (e.g., Native American habitation sites, old foundations or structures, etc.)? Yes [] No [x] If yes, describe.

2. What is the nearest archaeological, historical or paleontological site? Loomis Park area and other sites along secret ravine.

June 24, 2016

Town of Loomis Planning Department
Attn: Robert King
3665 Taylor Road
Loomis CA 95650

SUBJECT: #14-11 Justice Minor Land Division

Dear Bob –

As requested by the Town of Loomis we have documented our efforts to contact the neighbors of which we have the fence line dispute with. As we have adamantly stated over the past several months all we can do is try to get the neighbors to take action on this matter, we cannot force them to do anything. Below is a short iteration of our progress with each parcel:

APN# 045-071-026: I sent a certified letter to the owner explaining the issue and requesting action by June 24, 2016. We have been communicating with the owners and their title insurance company for the past two years. Their title company has worked out an agreement with us and our surveyor to have the title company prepare a deed conveying Area D to the Lehnrs with the legal description of Area D prepared by our surveyor. Attached are emails from the Title Officer and myself.

APN# 045-071-0125: I sent a certified letter to the owner explaining the issue and requesting action by June 24, 2016. The owner of this property contacted and filed a claim with their title company, Placer Title, on June 9 2016. I also sent a letter to the title company explaining the situation and asked to open a claim. Attached are emails between myself and Placer Title.

APN# 045-071-015: I sent a certified letter to the owner explaining the issue and requesting action by June 24, 2016. I also sent the letter to Fidelity Title, however I received a letter back stating they deny my claim as I can't show proof of title for this property. The only way a claim can be opened is if the owner contacts his title company and files a claim. The owner of the property contacted my surveyor and told him that he is willing to work with us however he is not going to pay for anything. Attached are emails between myself and Fidelity as well as the letter from Fidelity denying opening the claim.

APN#045-071-011: I sent a certified letter to the owner explaining the issue and requesting action by June 24, 2016. The owner contacted me and told me his title company was Placer Title and that due to his age he would like me to open a claim on his behalf. I contacted Placer Title and they looked into it. They denied the claim because Placer Title did not handle his transaction. Apparently Western Land Title recorded his deed, and they are out of business. I am not sure how to proceed with this one.

APN#045-071-008: I sent a certified letter to the owner explaining the issue and requesting action by June 24, 2016. The owner contacted me and told me his title company was Placer Title and that he would like me to open a claim on his behalf. I contacted Placer Title and they are looking into it. Attached are emails between myself and Placer Title.

We hope that you find our due diligence in trying to amicably solve this fence line dispute satisfactory and will grant us the land split. We have worked very hard over the past two years and invested a lot of time and money into making this happen. We wish that we didn't have this legal description problem with our land currently but we feel that we have done all we can in attempts to get the issue resolved.

Sincerely,

Larissa and David Justice



Fidelity National Title[®]

Insurance Company

June 16, 2016

VIA U.S. MAIL & ELECTRONIC MAIL

Larissa Justice
6639 Wishing Well Way
Loomis, California 95650
larissarouen@gmail.com

RE: Claim No.: 552305
Claimant: Larissa Justice (the "Claimant")
Property: 6935 Brooks Lane,
Loomis, California 95650 (the "Property")

Dear Ms. Justice,

This letter is to inform you that Fidelity National Title Insurance Company (the "Company") has reviewed the documents you submitted and completed its initial investigation of this claim. As discussed below, the Company respectfully denies coverage for this claim.

The facts surrounding the claim, as the Company understands them, are as follows: On or about December 29, 2006, Dale Hudec acquired title to the Property, by means of a Grant Deed. Subsequently, on or about August 1, 2013, the Claimant acquired title to the adjacent property located at 6639 Wishing Well Way, by means of a Grant Deed. Recently, the Claimant has discovered an alleged title defect with respect to the Property. More specifically, the Claimant alleges she was in the process of dividing her land when she discovered a fence line dispute with respect to the Property. The Claimant alleges that per a survey conducted in 2005, the fence line on the Eastern portion of her property was incorrectly placed and is not on the correct property line. Consequently, the Claimant claims that a number of neighbors, including Mr. Hudec, have been using her property. The Claimant further asserts that the Company insured the Property "up to the property line" and not the fence line. The Claimant contends that based on the fence line dispute at hand with Mr. Hudec, the town of Loomis (the "Town") will not allow the Claimant to proceed with dividing her land until the matter is resolved. The Claimant thus submitted this claim to the Company seeking it resolve the purported title defect.

Please note that in order for the Company to have an obligation to defend or indemnify the claimant, the claimant must be an insured under a policy issued by the Company. A claimant bears the burden of proving they are an insured under a Company issued title insurance policy. See *National Am. Ins. Co. v. Certain Underwriters at Lloyd's London*, 93 F.3d 529, 534 (9th Cir.

Cal. 1996); *Searle v. Allstate Life Ins. Co.*, 38 Cal. 3d 425, 438 (1985). Therefore, in order to have your claim honored, you must produce a title insurance policy provided by the Company.

Because you have not produced a title insurance policy issued by the Company, the Company respectfully declines to afford coverage for this matter. Based on the foregoing, it is the position of the Company that you do not have standing to make a claim under a policy or otherwise demand that the Company take action with respect to this matter. However, in the future, if you are able to produce a policy of title insurance on your behalf, underwritten by the Company, please retender this claim. Please note that reference to any particular provision of the Policy in this letter shall not be construed as a waiver of any other term or provision. The Company retains the right to supplement this letter. Also, please be advised that the Company reserves the right to deny this claim based on additional grounds.

Enclosed is a "Notice to Claimant When Your Claim Has Been Denied" for your reference. This notice is provided pursuant to state regulations and contains certain information that may be of assistance to claimants whose claims have been denied.

The Company's position is based upon facts known to it at this time. Should you be in possession of any evidence which would lead to a contrary conclusion, please forward it to me as soon as possible. I will be closing my file 30 days from the date of this letter unless I receive further correspondence from you. Please contact me at (402) 498-7007 or via email at djenita.svinjar@fnf.com. Please include the above-referenced claim number (552305) in all communications with the Company. Thank you.

Very truly yours,



Djenita Svinjar
Associate Claims Counsel

Enclosure.

NOTICE

You have various rights, and limitations upon those rights, as provided in the policy or guarantee, under state or federal law, or under governmental regulations. It is important that you are aware of the following:

ARBITRATION

Your policy or guarantee may give you, and the Company, the right to Arbitration. If the right to Arbitration is contained in the Conditions and Stipulations of the policy or guarantee, then you may request that a neutral Arbitrator hear any coverage decision made by the Company. If you should decide to seek Arbitration, then the Company upon request will provide a copy of the Rules for Arbitration to you.

COMPLAINTS TO THE INSURANCE COMMISSIONER

If you believe all or part of your claim has been wrongfully denied or rejected, you may have the matter reviewed by the California Department of Insurance. The California Department of Insurance may be contacted at 300 South Spring Street, Suite 201, Los Angeles, California 90013. The telephone number is (213) 897-8921.

STATUTE OF LIMITATIONS

California Code of Civil Procedure §339 provides that the aggrieved party must file an action on a guaranty of title or policy of title insurance within two (2) years from the discovery of the loss or damage. The statute of limitations may be longer in other states.