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DOC # 2009-0316332



RECORDING REQUESTED BY:
RECORDED AT THE REQUEST OF
CHICAGO TITLE COMPANY
SUBDIVISION DEPT.

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JUN 11, 2009 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER

FEES: 0.00
OC: OC

PAGES: 13

WHEN RECORDED, MAIL TO:
Julian Cuyamaca Fire Protection District
P.O. Box 33
Julian, CA 92036

MAIL TAX STATEMENTS TO:

638

Mail tax statement to
the address listed above



FIDUCIARY'S DEED TO REAL PROPERTY

930014567-50

Grossmont Escrow No. 1004000-K

The undersigned Transferor declares:

Documentary Transfer Tax is \$-0-, NO CONSIDERATION-GIFT DEED

unincorporated area City of _____

computed on the full value of the interest or property conveyed, or is

computed on the full value less the value of liens or encumbrances remaining at the time of sale.

Assessors Parcel Number: APN 292-011-15-00 (a portion)

This deed is made by Claudia Powell, the Trustee of the Frances H. Mosler Trust, hereinafter called "Transferor," pursuant to authority having been granted by the laws of the State of California, the Trust document and pursuant to that certain *Order on Petition to Approve Trustee's Discretionary Distribution of Remainder Interest and Personal Property*, dated June 3, 2009, in SDSC Case No. P37-2009-00151189-PR-TR-CTL, a copy of which is attached hereto as Exhibit "B."

The Transferor hereby conveys to the Julian-Cuyamaca Fire Protection District, an organization formed and organized under the California Fire Protection District Law of 1987 or its predecessor statute, hereinafter called "District," without any representation, warranty or covenant of any kind, express or implied, all right, title and interest of the Transferor and all right, title and interest that the Trust estate may have subsequently acquired in the real property situated in the County of San Diego, California, commonly known as 3404 Highway 79, Julian California, and more particularly described as follows:

Legal description: SEE EXHIBIT "A" ATTACHED HERETO AND FULLY INCORPORATED HEREIN BY THIS REFERENCE.


SUBJECT TO all conditions, restrictions, and reservations of record; this conveyance being made without any representation, warranty, covenant or other assurance of any kind, expressed or implied, the Transferor further disclaiming all personal or individual liability or responsibility therein, responsibility being only in the capacity as Trustee, and as such, only to the extent of the assets of said trust estate in possession as said Trustee.

THIS CONVEYANCE is made to District for and shall be used by District for a public purpose, being a fire station.

PROVIDED; HOWEVER, that District shall construct a fire station on the subject property including any structures necessary or incidental to the use of the property for a fire station, and use the property for a fire station and incidental uses. If construction of a fire station has not commenced within three (3) years of the date of this deed, title to the property shall automatically vest in the Native American Land Conservancy, hereinafter "Conservancy," or the Conservancy's assignee of this right of reverter; provided however, that if the date to commence construction is delayed due to factors beyond the reasonable control of District, that date shall be extended accordingly. If District permanently abandons the fire station, title to the subject property shall automatically vest in the Conservancy or the Conservancy's assignee of this right of reverter.

639

Dated: June 5, 2009



CLAUDIA POWELL, Trustee of the
Frances H. Mosler Trust

CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 27281

This is to certify that the interest in real property conveyed by the deed or grant dated June 5, 2009, from Claudia Powell, the Trustee of the Frances H. Mosler Trust to Julian-Cuyamaca Fire Protection District, a political corporation and/or governmental agency, including without limitation the reverter provisions set forth therein, is hereby accepted by order of the Board of Directors of Julian-Cuyamaca Fire Protection District, pursuant to authority conferred by Resolution of the Board of Directors of Julian-Cuyamaca Fire Protection District adopted on 06-08-09, and the grantee consents to recordation thereof by its duly authorized officer.

JULIAN-CUYAMACA FIRE PROTECTION DISTRICT
an organization formed and organized under the California
Fire Protection District Law of 1987 or its predecessor statute

Dated 06-09-09

By 
KEVIN DUBLER
District Fire Chief

ACKNOWLEDGMENT

640

STATE OF CALIFORNIA)

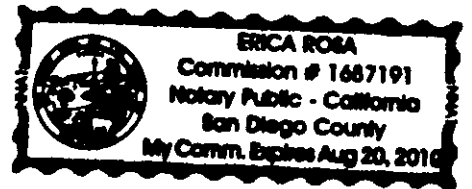
COUNTY OF SAN DIEGO)

On June 5, 2009, before me, ERICA ROSA,
Notary Public, personally appeared, Claudia Powell who proved to me on the basis of satisfactory
evidence to be the person(s) whose name 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



ACKNOWLEDGMENT

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

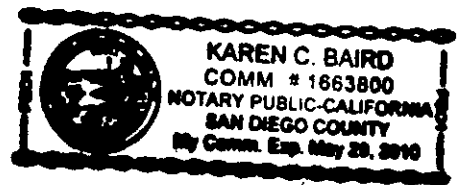
On June 9, 2009, before me, Karen C. Baird,
Notary Public, personally appeared, Kevin Dubler who proved to me on the basis of satisfactory
evidence to be the person(s) whose name is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same in his/her/their authorized 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature: Karen C. Baird] (Seal)

Karen C. Baird



LEGAL DESCRIPTION

641

THAT PORTION OF PARCEL 2, OF PARCEL MAP 2450, RECORDED IN BOOK OF PARCEL MAPS AT PAGE 2450 ON MARCH 14, 1974 AS FILE NO. 74064587 AT THE SAN DIEGO COUNTY RECORDERS, SAN DIEGO, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWEST BOUNDARY OF SAID PARCEL 2, SAID POINT BEING NORTH 39° 26' 51" WEST 821.09 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL 2; THENCE NORTH 50° 31' 24" EAST 131.33 FEET; THENCE NORTH 81° 58' 54" EAST 522.82 FEET TO A POINT ON THE EAST BOUNDARY OF SAID PARCEL 2, THENCE ALONG THE BOUNDARY OF SAID PARCEL 2 AS FOLLOWS: SOUTH 02° 52' 26" WEST 168.67 FEET; SOUTH 02° 19' 08" WEST 568.28 FEET TO THE SOUTHEAST CORNER, SOUTH 50° 34' 36" WEST 85.36 FEET TO THE SOUTHWEST CORNER, AND NORTH 39° 26' 51" WEST 821.09 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

EXHIBIT "A:

EXHIBIT "B"

643

JUN 03 2009

CLERK SUPERIOR COURT
SAN DIEGO COUNTY CA

1 KENT C. THOMPSON SBN 64662
2 SHOWLEY & THOMPSON, LLP
3 Attorneys at Law
4 530 "B" Street, Suite 1550
5 San Diego, California 92101
6 Telephone Number: (619) 231-7922
7 Facsimile Number: (619) 231-0596
8 Attorney for Petitioner, Claudia Powell

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN DIEGO

11 In the Matter of)
12)
13)
14 THE FRANCES H. MOSLER TRUST)
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Case No. 37-2009-001511⁸⁹68-PR-TR-CTL

ORDER ON PETITION TO APPROVE
TRUSTEE'S DISCRETIONARY
DISTRIBUTION OF REMAINDER
INTEREST AND PERSONAL PROPERTY

16 Petitioner, Claudia Powell, Trustee of the Frances H. Mosler Trust, has filed her "*Petition*
17 *to Approve Trustee's Discretionary Distribution of Remainder Interest and Personal Property.*"
18 Said Petition came on regularly for hearing on May 11, 2009, at 9:30 a.m. in PC-2, the Honorable
19 Julia C. Kelety, Judge presiding. The matter having been pre-approved by the Court, no appearances
20 were made.

21 Documentary evidence having been introduced, the Court finds:

- 22 1. Notice of hearing on the Petition has been regularly given as prescribed by law.
- 23 2. On or about June 23, 2003, Frances Mosler, as Settlor, signed the Frances H. Mosler
24 Trust (the "Trust"), a true and correct copy of which is attached to the Petition on file.
- 25 3. The Settlor appointed Claudia Powell as the Trustee of the Trust and on June 24, 2003,
26 Ms. Powell accepted appointment as Trustee of the Trust. At all times since June 24, 2003,
27 Petitioner has been and now is the duly appointed Trustee of the Trust.
- 28 3. Frances Mosler died in San Diego County, California on December 30, 2007.

1 4. The principal place of Administration of the Trust is Ms. Powell's business office in La
2 Mesa, California. Jurisdiction is properly in the Superior Court of the State of California in and for
3 the County of San Diego and venue is properly in the Central Probate Division thereof.

4 5. The dispositive provisions of the Trust provide:

5 C. Distribution. *The Trustee shall hold, administer and distribute the balance of the*
6 *Trust Estate as follows.*

7 (1) *Care of Pets. If Settlor is survived by any pets, the Trustee shall select a person*
8 *to receive such pets who will provide a suitable and loving home for them. Settlor declares that it*
9 *is her wish that all of her pets be kept together in one household until all of them are deceased. The*
10 *Trustee shall distribute to the person selected by the Trustee to care for such pets a sum which is,*
11 *in the sole discretion of the Trustee, sufficient to provide for the care and feeding of such pets for*
12 *the balance of their lives in the manner in which Settlor has cared for them. Such sum shall not*
13 *exceed \$10,000.00.*

14 (2) *Cash Bequest. The Trustee shall distribute the sum of \$10,000.00 to LOUIS*
15 *MALL, if he survives Settlor.*

16 (3) *Residue. The Trustee shall distribute the entire residue of the Trust Estate to*
17 *one or more charitable non-profit organizations qualified as such under Internal Revenue Code*
18 *Section 501(c)(3) (or any successor provision) selected by the Trustee whose purposes and goals*
19 *are to provide for open space for public use. The Trustee shall determine the amounts or*
20 *portions of the Trust Estate to be distributed to each such organization. The Trustee may consult*
21 *with any suitable persons in determining the organization(s) to which distributions under this*
22 *provision should be made. The Trustee shall consult with the City of Julian regarding this*
23 *matter. It is Settlor's desire that her real property located at 3404 Highway 79, Julian,*
24 *California 92036 be dedicated for use as open space and the Trustee shall be mindful of this*
25 *desire in selecting the non-profit organization(s) to which such property shall be distributed. If,*
26 *because of governmental restrictions or other legal barriers, such property cannot be dedicated*
27 *for use as open space, then such property may be sold and the proceeds shall be distributed to*
28 *the non-profit organization(s) selected by Trustee to be applied by such organization(s) to*
support other open space projects.

20 6. The Trust's, Article IV, C.(1), Care of Pets, provisions have been fully
21 complied with, as the one dog that survived Ms. Mosler, died shortly after Ms. Mosler's
22 death.

23 7. The Trust's, Article IV, C.(2), Cash Bequest of \$10,000, has been paid to
24 Louis Mall, who survived Ms. Mosler.

25 8. The within Petition is in compliance with Article IV, C.(3) of the Trust,
26 wherein pursuant to Petitioner's discretion, Petitioner has selected distributees,
27 consistent with Ms. Mosler's direction.

28 ///

1 9. The remainder of the Trust includes:

- 2 A) Cash, as of January 31, 2009 in the sum of \$450,935.35; and
 3 B) Two (2) parcels of land, described as:

4 Real property located at 3404 Highway 79, Julian, CA 92036, in the
 5 County of San Diego, State of California, described as:

- 6 • PORTION OF SOUTHWEST QUARTER OF SECTION 4-13-4E,
 7 PARCEL 1, SHOWN ON PARCEL MAP NO. 02450; PARCEL
 8 MAP RECORDED 3/14/74. (ASSESSOR PARCEL NO. 291-
 9 390-19-00)
- 10 • PORTION OF NORTHWEST QUARTER OF SECTION 9 AND
 11 OF SOUTHWEST QUARTER OF SECTION 4-13-4E, PARCEL
 12 2, SHOWN ON PARCEL MAP NO. 02450; PARCEL MAP
 13 RECORDED 3/13/74.(ASSESSOR PARCEL NO. 292-011-15-00)

14 10. One requirement of the Settlor/Trust, limiting the Trustee's discretion is that:

15 *"The Trustee shall consult with the City of Julian regarding this matter."* could not be
 16 satisfied, as there is no City of Julian. Julian is an unincorporated area of the County of
 17 San Diego. In order to comply with the Settlor's direction as much as possible,
 18 Petitioner consulted with several community leaders in the Julian area on the subject of
 19 the Mosler real property. Petitioner was contacted by several Julian "civic leaders" to
 20 discuss the distribution of the Mosler real property. As a result of those consultations,
 21 Petitioner learned that there was substantial interest in the Mosler Trust real property, or a
 22 portion thereof, as an ideal location for a new fire station. Petitioner proceeded to meet
 23 with representatives of the local fire department, the Julian Cuyamaca Fire Protection
 24 District.

25 11. After investigation and research, Petitioner sent Requests for Proposals to
 26 land conservancies and other non-tax paying entities that Petitioner believed would be
 27 qualified and interested in a parcel of 37.03 acres or partial ownership thereof.

28 12. While Petitioner received several responses to the request for proposals, one
 response, from the Native American Land Conservancy, in conjunction with the
 Kumeyaay-Digueno Land Conservancy, appeared to be the proposal with the best plans
 for retaining and maintaining the Mosler real property *"dedicated for use as open space."*

///

1 13. Petitioner has confirmed that Native American Land Conservancy, c/o Kurt
2 Russo, Ph.D.P.O. Box 3074, Indio, CA 92201-3074, is a qualified charitable non-profit
3 organization qualified as such under Internal Revenue Code Section 501(c)(3). A true
4 and correct copy of the Section 501(c)(3) determination letter from the IRS is on file.

5 14. The Julian Cuyamaca Fire Protection District is not an entity qualified as a
6 Internal Revenue Code Section 501(c)(3). However, Petitioner is informed and believes
7 that the Julian Cuyamaca Fire Protection District is a non-tax paying governmental
8 entity, which status is consistent with the direction set forth in the Trust. The Julian
9 Cuyamaca Fire Protection District was formed and is organized under the Fire Protection
10 District Law of 1987 or its predecessor statute. (Health and Safety Code section 13801 et.
11 seq.).

12 15. It is consistent with Francis Mosler's desires, as set forth in the Trust at
13 Article IV, C.(3), to distribute, and this Court should authorize the Trustee to distribute,
14 the remainder of the Trust, as follows:

15 A. To the Native American Land Conservancy

- 16 1. Sixty (60%) per cent of the net distributable cash of the Trust, to be
17 used for the real property described below;
18 2. Personal property located in, on and over the real property described
19 immediately below; and
20 3. Real property consisting of approximately 30.63 acres, legally
21 described as:

22 PORTION OF SOUTHWEST QUARTER OF SECTION 4-13-4E,
23 PARCEL 1, SHOWN ON PARCEL MAP NO. 02450; PARCEL MAP
 RECORDED 3/14/74. (PARCEL NO. 291-390-19-00)

24 PORTION OF NORTHWEST QUARTER OF SECTION 9 AND OF
25 SOUTHWEST QUARTER OF SECTION 4-13-4E, PARCEL 2, SHOWN
 ON PARCEL MAP NO. 02450; PARCEL MAP RECORDED 3/13/74.
26 (PARCEL NO. 292-011-15-00)

27 EXCEPTING THEREFROM THAT PORTION OF PARCEL 2, OF
28 PARCEL MAP 2450, RECORDED IN BOOK OF PARCEL MAPS AT
 PAGE 2450 ON MARCH 14, 1974 AS FILE NO. 74064587 AT THE
 SAN DIEGO COUNTY RECORDERS, SAN DIEGO, CALIFORNIA,

1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2 BEGINNING AT A POINT ON THE SOUTHWEST BOUNDARY OF
 3 SAID PARCEL 2, SAID POINT BEING NORTH 39°26'51" WEST
 4 821.09 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL
 5 2; THENCE NORTH 50°31'24" EAST 131.33 FEET; THENCE NORTH
 6 81°58'54" EAST 522.82 FEET TO A POINT ON THE EAST
 7 BOUNDARY OF SAID PARCEL 2, THENCE ALONG THE
 8 BOUNDARY OF SAID PARCEL 2 AS FOLLOWS: SOUTH 02°52'26"
 9 WEST 168.67 FEET; SOUTH 02°19'08" WEST 568.28 FEET TO THE
 10 SOUTHEAST CORNER, SOUTH 50°34'36" WEST 85.36 FEET TO
 11 THE SOUTHWEST CORNER, AND NORTH 39°26'51" WEST 821.09
 12 FEET TO THE POINT OF BEGINNING.

13 This distribution will be subject to an express Agreement in the transfer deed
 14 stating, in effect, that the Native American Land Conservancy or any successor in interest
 15 will retain the land as open space.

16 B. To Julian Cuyamaca Fire Protection District

- 17 1. Forty (40%) per cent of the net distributable cash of the Trust, to be
 18 used for the real property described below;
- 19 2. Personal property located in, on and over the real property described
 20 immediately below; and
- 21 3. Real property consisting of approximately 6.4 acres, legally described
 22 as:

23 THAT PORTION OF PARCEL 2, OF PARCEL MAP 2450, RECORDED
 24 IN BOOK OF PARCEL MAPS AT PAGE 2450 ON MARCH 14, 1974
 25 AS FILE NO. 74064587 AT THE SAN DIEGO COUNTY RECORDERS,
 26 SAN DIEGO, CALIFORNIA, BEING MORE PARTICULARLY
 27 DESCRIBED AS FOLLOWS:

28 BEGINNING AT A POINT ON THE SOUTHWEST BOUNDARY OF
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 SOUTHEAST CORNER, SOUTH 50°34'36" WEST 85.36 FEET TO
 THE SOUTHWEST CORNER, AND NORTH 39°26'51" WEST 821.09
 FEET TO THE POINT OF BEGINNING.

This distribution will be subject to an express reverter clause in the
 transfer deed stating, in effect, that if Julian Cuyamaca Fire Protection District fails to

1 construct on the real property or to use the real property as a fire station, the ownership of
 2 the land will automatically vest in the Native American Land Conservancy or its
 3 successor in interest. Any reversion interest will be subject to an express Agreement that
 4 the Native American Land Conservancy or any successor in interest will retain the land as
 5 open space.

6 16. The proposed distribution to the Native American Land Conservancy and to
 7 the Julian Cuyamaca Fire Protection District will carry out the desires of the Settlor,
 8 Francis Mosler, will benefit the Julian community and will preserve the vast majority of
 9 Mosler real property as open space.

10 17. The Julian Cuyamaca Fire Protection District and the American Land
 11 Conservancy have each confirmed acceptance of the proposed distribution.

12 18. Apart from the personal property distributed in ¶15. above, there is personal
 13 property of the Decedent that requires distribution. Much of said personal property
 14 appears to be family mementoes that should reasonably be passed to the decedent's
 15 family. Petitioner removed said family personal property from the rural residence for
 16 safeguarding and has had the property stored at La Mesa Van and Storage. None of the
 17 personal property in storage appears to be of any significant or substantial value, rather
 18 the value is sentimental. Louis Mall, the decedent's nephew is a pecuniary beneficiary of
 19 the Trust. This Court should authorize Petitioner to distribute and deliver to Louis Mall,
 20 at the expense of the Trust, all Trust personal property currently in storage at La Mesa
 21 Van and Storage.

22 GOOD CAUSE APPEARING, IT IS ORDERED THAT:

23 1. Petitioner is authorized and directed to distribute of the remainder corpus of
 24 Mosler Trust, as follows:

25 A. To the Native American Land Conservancy

26 1. Sixty (60%) per cent of the net distributable cash of the Trust, to be
 27 used for the real property described below;

28 2. Personal property located in, on and over the real property described

1 immediately below; and

2 3. Real property consisting of approximately 30.63 acres, legally
3 described as:

4 PORTION OF SOUTHWEST QUARTER OF SECTION 4-13-4E,
5 PARCEL 1, SHOWN ON PARCEL MAP NO. 02450; PARCEL MAP
6 RECORDED 3/14/74. (PARCEL NO. 291-390-19-00)

7 PORTION OF NORTHWEST QUARTER OF SECTION 9 AND OF
8 SOUTHWEST QUARTER OF SECTION 4-13-4E, PARCEL 2, SHOWN
9 ON PARCEL MAP NO. 02450; PARCEL MAP RECORDED 3/13/74.
10 (PARCEL NO. 292-011-15-00)

11 EXCEPTING THEREFROM THAT PORTION OF PARCEL 2, OF
12 PARCEL MAP 2450, RECORDED IN BOOK OF PARCEL MAPS AT
13 PAGE 2450 ON MARCH 14, 1974 AS FILE NO. 74064587 AT THE
14 SAN DIEGO COUNTY RECORDERS, SAN DIEGO, CALIFORNIA,
15 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

16 BEGINNING AT A POINT ON THE SOUTHWEST BOUNDARY OF
17 SAID PARCEL 2, SAID POINT BEING NORTH 39°26'51" WEST
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25 THE SOUTHWEST CORNER, AND NORTH 39°26'51" WEST 821.09
26 FEET TO THE POINT OF BEGINNING.

17 This distribution will be subject to an express Agreement in the transfer
18 deed stating, in effect, that the Native American Land Conservancy or any
19 successor in interest will retain the land as open space.

20 B. To Julian Cuyamaca Fire Protection District

21 1. Forty (40%) per cent of the net distributable cash of the Trust, to be
22 used for the real property described below;

23 2. Personal property located in, on and over the real property described
24 immediately below; and

25 3. Real property consisting of approximately 6.4 acres, legally described
26 as:

27 THAT PORTION OF PARCEL 2, OF PARCEL MAP 2450, RECORDED
28 IN BOOK OF PARCEL MAPS AT PAGE 2450 ON MARCH 14, 1974

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AS FILE NO. 74064587 AT THE SAN DIEGO COUNTY RECORDERS, SAN DIEGO, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWEST BOUNDARY OF SAID PARCEL 2, SAID POINT BEING NORTH 39°26'51" WEST 821.09 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL 2; THENCE NORTH 50°31'24" EAST 131.33 FEET; THENCE NORTH 81°58'54" EAST 522.82 FEET TO A POINT ON THE EAST BOUNDARY OF SAID PARCEL 2, THENCE ALONG THE BOUNDARY OF SAID PARCEL 2 AS FOLLOWS: SOUTH 02°52'26" WEST 168.67 FEET; SOUTH 02°19'08" WEST 568.28 FEET TO THE SOUTHEAST CORNER, SOUTH 50°34'36" WEST 85.36 FEET TO THE SOUTHWEST CORNER, AND NORTH 39°26'51" WEST 821.09 FEET TO THE POINT OF BEGINNING.

Said distribution to be subject to a reverter clause in the transfer deed stating, in effect, that if Julian Cuyamaca Fire Protection District fails to construct on the real property or to use the real property as a fire station, the ownership of the land will automatically vest in the Native American Land Conservancy or its successor in interest. Any reversion interest will be subject to an express Agreement that the Native American Land Conservancy or any successor in interest will retain the land as open space; and

C. To Louis Mall

- 1. All Trust personal property currently in storage at La Mesa Van and Storage, delivered at the expense of the Trust.

Dated: JUN 03 2009

JULIA CRAIG KELETY
JUDGE OF THE SUPERIOR COURT



CLERK'S CERTIFICATE

The foregoing document, consisting of 8 page(s), is a full, true, and correct copy of the original copy on file in this office.

Clerk of the Superior Court
Date 6/3/09 by A. Calderon-Jimenez
Deputy

A. CALDERON-JIMENEZ

ORDER ON PETITION TO APPROVE TRUSTEE'S DISCRETIONARY DISTRIBUTION OF REMAINDER INTEREST AND PERSONAL PROPERTY