

WRITER'S E-MAIL:
pcliff@lobbcliff.com

April 18, 2011

Via Overnight Mail and
E-Mail - chagan@waterboards.ca.gov

Catherine Hagan
Senior Staff Counsel
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Re: FAIRWAY HILLS ESTATES: STATE WATER BOARD

Our File No.: 7535.000

***Administrative Civil Liability Complaint No. R-2010-0084 issued to Jack Eitzen
38175 Via Vista Grande, Murietta, CA Pursuant to the Revised Final Hearing
Procedure Served April 7, 2011***

Dear Ms. Hagan:

Submission of Evidence and Policy Statements

1. Jack Eitzen would like the San Diego Water Board to consider the evidence in Attachment 1, as well as evidence identified in accordance with the Complaint on file herein and its Exhibits.
2. For technical arguments or analysis, see Attachment 2. Otherwise, please note that Mr. Eitzen is the owner of 38175 Via Vista Grande, and as noted above, the assessment of a violation which extended for 211 days without a discharge as "moderate" potential for harm and being a "major" deviation from requirement is excessive, and the correct potential harm and deviation from requirement factors were both minor, leading to a numerical factor of 0.1. Similarly, the culpability of 1.5 is inappropriate for a landowner who imposed what were at worst unorthodox erosion control measures and who has worked to correct them at severe financial hardship to himself. Therefore, the appropriate penalty assessment should have been at most \$9,000.00.
3. For legal analysis consider the following witnesses:
 - (a) Jack Eitzen – Mr. Eitzen will testify with respect to physical configuration of his property, the nature of his erosion control efforts, and his expenditures thereon, and the extent of his financial abilities. Estimated testimony: 1 hr.

Catherine Hagan

Re: Jack Eitzen: Fairway Hills Estates

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- (b) Reggie Ragsdale – Mr. Ragsdale will testify with respect to physical configuration of his property, the nature of his erosion control efforts, and his expenditures thereon, and the extent of his financial abilities. Estimated testimony: 30 minutes
 - (c) Joe Cota – Mr. Cota will provide expert testimony with respect to the erosion control measures in comparison to applicable standards. Estimated testimony: 1 hr.
 - (d) Rudy Nunez – Mr. Nunez will testify as to the grading design and initial control plan. Estimated testimony: 30 minutes.
4. Joe Cota's qualifications are certified engineering geologist and registered environmental assessor.
 5. Jack Eitzen is in dire personal financial circumstances and intends to argue an inability to pay the civil liability proposed in the Complaint (or an increased or decreased amount as may be imposed by the San Diego Water Board), and submits supporting evidence in Attachment 5.

If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

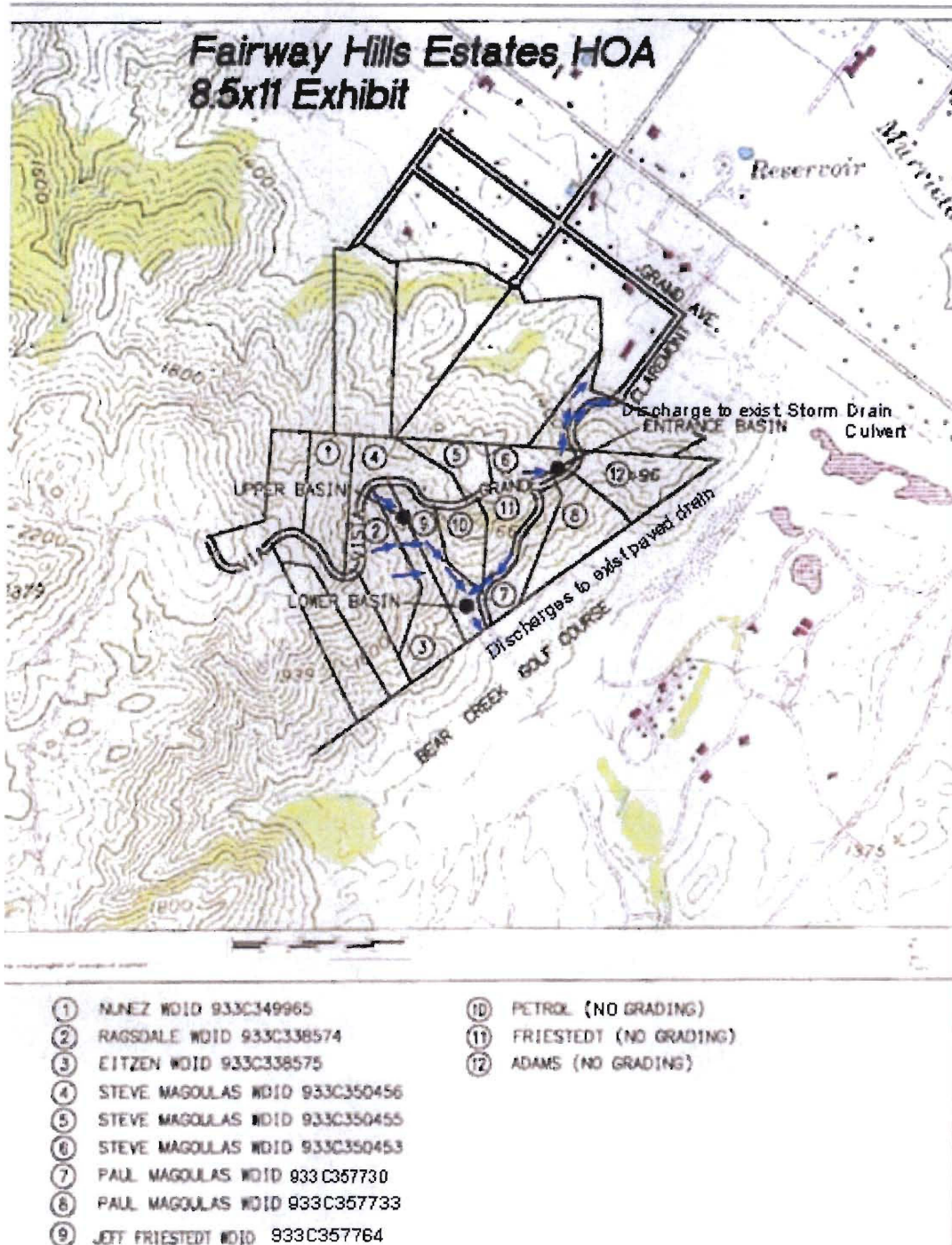
Cordially,



Paul Cliff
Lobb & Cliff, LLP

PC/kas
Enclosures

Attachment 1



Site Map- Figure 1



Photo 1. View of Paved Drainage Swale behind 22408 Montes Court



Photo 2. Completed Lower basin. Graded areas to be planted with native vegetation



Photo 3. Stabilized Construction Entrance.



Photo 4. Gravel Chevrons and slope protection, Via Vista Grande.



Photo 4. Looking down unnamed drainage to Lower basin. Kamzi Residence in background.

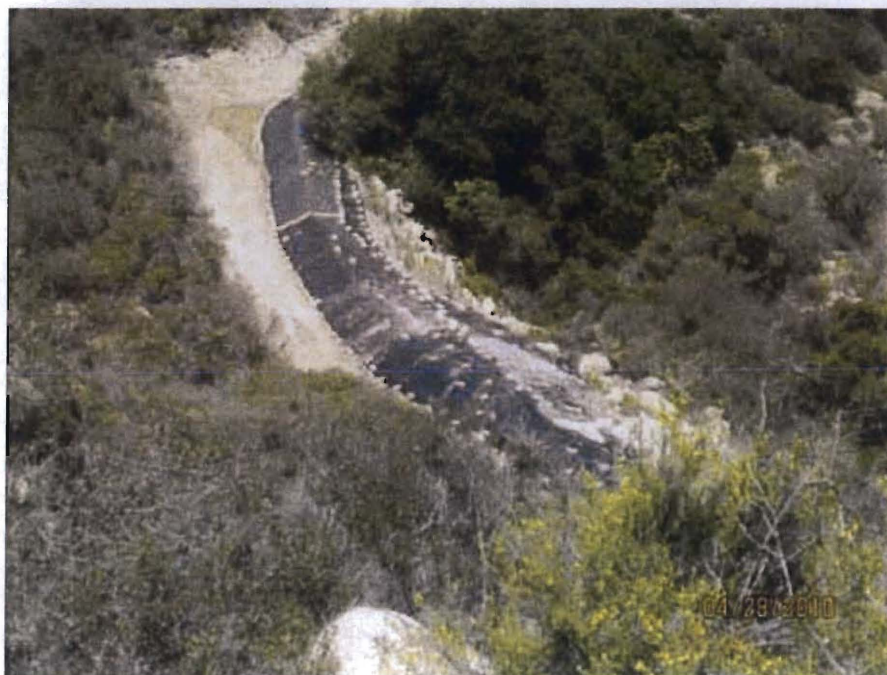


Photo 5. Another view of Lower Basin and watercourse from above

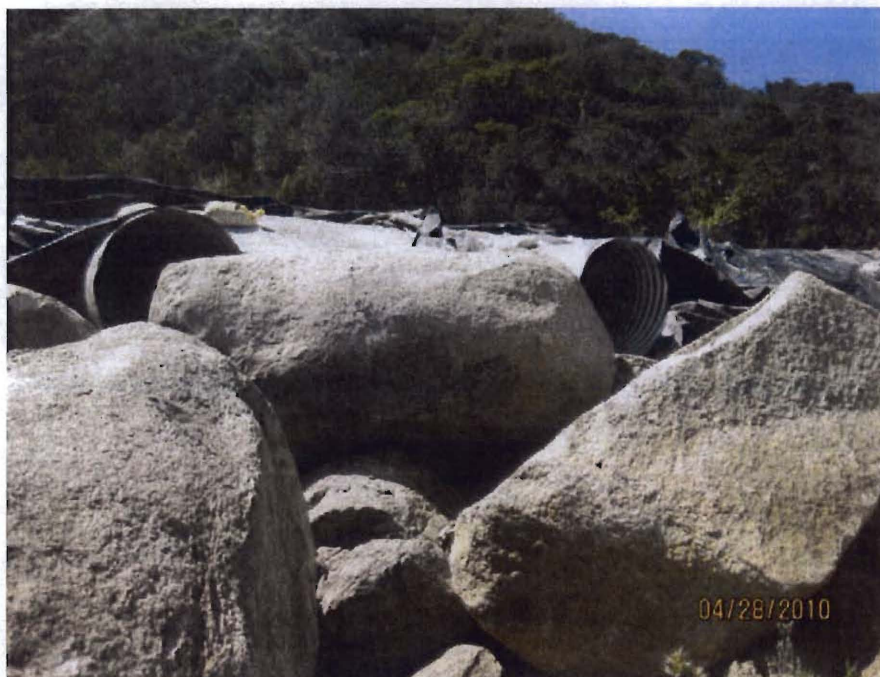


Photo 5. Dissipation Rip-rap below Lower basin outlets



Photo 6. Completed Upper basin looking down from above.



Photo 7. Riser pipe in completed Entrance basin



Photo 8. Looking downstream at the outlet and rip-rap below the Entrance Basin. Note jute netting on slope and undisturbed canyon below



Photo 9. Culvert inlet at Claremont Street which collects Via Vista Grande run off water



Photo 10. Another view of the end of Via Vista Grande and Claremont St.

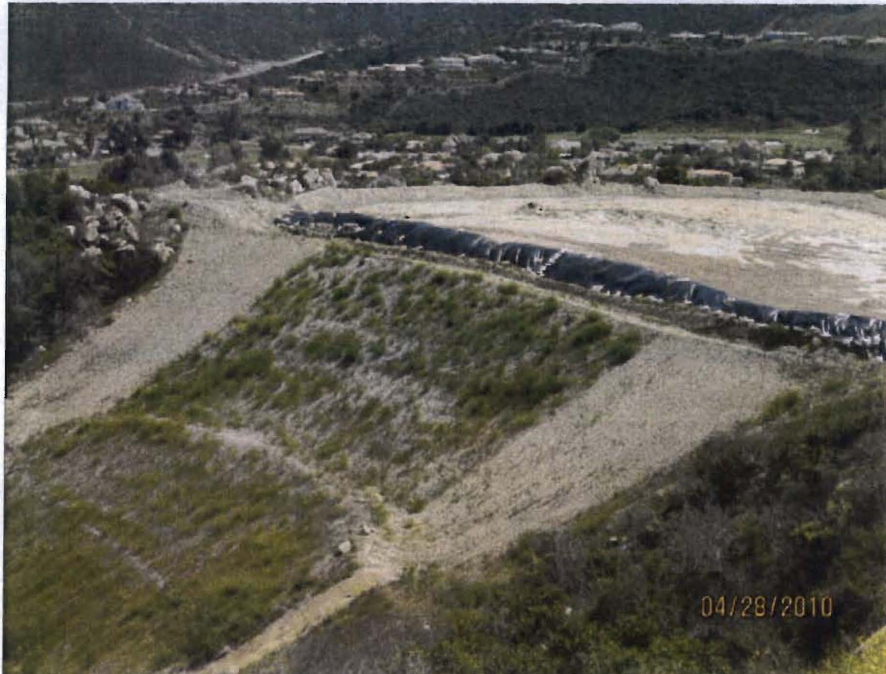


Photo 11. Graded Eitzen pad (no. 3 on the Site Map). Note temporary detention berm covered with Visqueen at edge of pad.



Photo 12. Eitzen driveway. Note temporary erosion control mat and Visqueen down drain BMP where swale crosses drive.



Photo 13. Nunez driveway BMPs

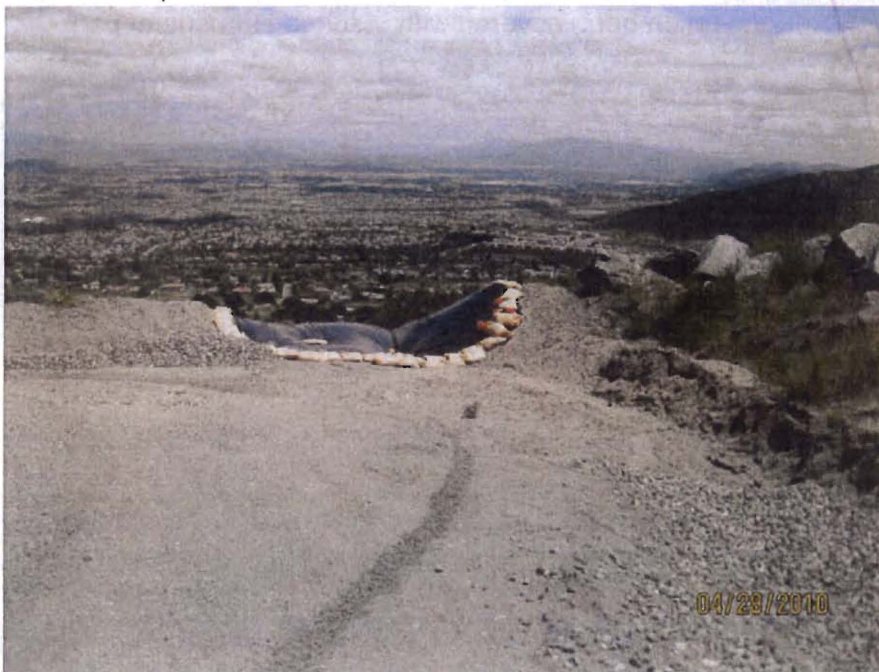


Photo 14. Nunez pad drainage toward temporary Visqueen-lined outlet.



Photo 15. Looking up Cheeks Road across Lower Basin



Photo 16. Looking down Cheeks Road to Lower Basin. Note erosion control mat and sandbags on inside of road



Photo 17. Looking down driveway to Ragsdale pad (pad 2 on the Site Map)



Photo 18. Slope descending from Ragsdale pad. Note temporary down-drain with Visqueen protection.



Photo 19. Bonded fiber matrix protection of slope descending from pad 7



Photo 20. Graded pad 5



Photo 21. Looking down driveway to pad 8

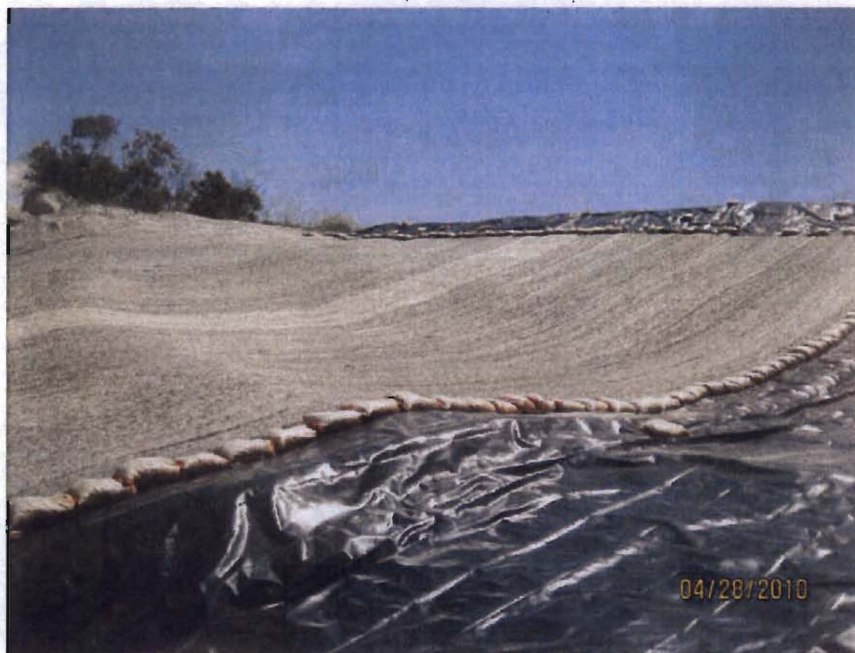


Photo 22. Jute net slope protection and temporary down drain on slope descending from pad 8

APPENDIX C

Receipts for BMP Implementation and Maintenance

And

Letter from Mr. & Mrs. Kaami

Attachment 2



May 18, 2010
W.O. 2340

Fairway Hills Estates HOA
[REDACTED]
[REDACTED]

Attention: Mr. Jack Eitzen

Subject: **Required Technical Report (RTR) and Technical Response
Notice of Violation No. R-9-2010-0059
by SWRCB San Diego Region 9 dated March 24, 2010
Fairway Hills Estates HOA
Via Vista Grande Road westerly of Claremont St.
Murietta, California 92562**

Reference: **App. IDs: 288214, 288215, 339509, 339514, 337595**

INTRODUCTION

As requested, Earth Resources, Inc. has prepared this technical response to the subject Notice of Violation No. R-9-2010-0059 (NOV) issued by the San Diego Region of the California Regional Water Quality Control Board to Fairway Hills Estates, dated March 24, 2010. The purpose of this response was to assist Fairway Hills Estates HOA in complying with SWPPP issues identified by an inspector for the Regional Board site visits on December 16, 2008, December 23, 2008, and January 28, 2009. A copy of the NOV is included in Appendix A of this report for convenience of reference. This technical response to the NOV constitutes the Required Technical Report (RTR) and should be considered as an amendment to each of the SWPPPs for the Fairway Hills Estates HOA. This RTR is organized in two parts. Part I addresses items in the Water Board's Request for RTR (cover

letter for the NOV) and Part II addresses specific issues identified in the NOV Summary of NPDES and SWRCB Violations.

Part I. REQUIRED TECHNICAL REPORT and TECHNICAL RESPONSE
TO NOTICE OF VIOLATION

The following is an itemized Technical Report addressing the issues identified in the NOV.

Item 1

An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System and/or waters of the United States and State, and what immediate steps were taken to stop the illegal discharge.

Response to Item 1- IMMEDIATE ACTIONS SECTION

The County of Riverside Flood Control maintains rainfall records from automated rain gauges in proximity to the Fairway Hills Estates HOA properties. Mr. Robert Lagg of the Riverside County Flood Control provided rainfall records for the three automated rain gauges closest to the site for the period of July 2008 through June 2009. The data indicates that a very intense, multi-day storm event impacted the region during the four day period from December 15-18, 2008.

The total rainfall recorded from this storm event at each of the nearby stations was 4.54 inches to 4.9 inches. This single event represents over one third the total rainfall for the 2008-2009 rain season. The rainfall was particularly intense during the morning of December 15, the day prior to Mr. Felix's site inspection. Available hourly rainfall data from approximately 6:30 AM until 12:30 PM on December 15, 2008 shows that 1.59 inches to 2.06 inches of precipitation recorded at these three stations. The average rainfall intensity for this 6-hour peak storm period was 0.255 to 0.344 inches per hour. A summary of the available rainfall records is presented in Table 1 below.

Table 1- Rainfall Data Summary

Station and elevation	Direction and Distance from site	Season Total for Station (inches)	Date of Selected Storm event	Rainfall amount During storm event (inches)	Rainfall intensity (inches/hr for 6-hr peak period)	Storm event percentage of season total for station
Wildomar No. 246 1230' MSL	0.8 miles north	11.8"	12/15-18/08	4.61"	0.265 in/hr (on 12/15)	39%
La Cresta No. 274 2305' MSL	2.1 miles west-northwest	13.0"	12/15-18/0	4.54"	0.255 in/hr (on 12/15)	35%
Sylvan Meadows No. 326 1881' MSL	3.6 miles south	14.9"	12/15-18/0	4.9"	0.344 in/hr (on 12/15)	33%

Immediate actions taken by the contractor-both during and following- this storm event included cleanup of the sediment from the pavement at the end of Claremont Street, cleanup of the concrete drainage structure above 22408 Montes Court, and placement/replacement of sand bags.

As indicated in the Facility Inspection Report (FIR) by the Regional Board Inspector dated December 16, 2008 the inspection was initiated by a telephone complaint by Gertie Kazmi of 22408 to the Regional Board. Reference is also made regarding a complaint made to the City of Wildomar and Riverside County to a complaint by a resident at the Clairmont Road entrance to the project, also in December 2008.

The December 16, 2008 FIR states the following "cleanup of the sediment was almost completed upon my arrival at the site", providing evidence that immediate corrective actions were indeed taken by the contractor during the December 15-18 storm event. In addition to cleanup of the sediment from the intense storm event, the Contractor implemented additional erosion control measures. A bulldozer, loader, and water truck were rented on December 19 and December 20 for cleanup and repair of the erosion on Via Vista Grande. Receipts for this work are included in Appendix C. Slopes along Via Vista Grande and elsewhere throughout the site were hydroseeded with bonded fiber matrix and native seed mix on October 31, 2008, November 3, 2008, January 1, 2009, and April 17, 2009. Receipts for this work and other erosion control work from September 2008 through December 2008 are also included in Appendix C.

The following is a summary provided by the Fairway Hills Estates HOA of erosion control and SWPPP BMP work conducted from the months prior to the December 2008 storm event through the present 2009-2010 rain season:

Via Vista Grande Erosion Control Work

12-10-04	Kazmi Clean –up This work was prior to Fairway Hills grading	\$10,000.00
12-6-07	Erosion/Road	\$3,500.00
12-21-07	gravel bags slit fence	\$610.00
12-22-07	gravel bags slit fence	\$532.50
1-2-08	Kazmi clean up labor	\$3,000.00
1-28-08	Kazmi clean up	\$10,500.00
1-26-08	Corrected all Erosion	4-4-08 PD
1-27-08	Reestablish correct drainage	4-4-08 PD
2-1-7-08	County approved Erosion (Zack Zachos)	\$342.50
2-1-08	Installed additional Erosion Wattles	\$2,408.75
2-4-08	Maintain Road /	\$1,500.00
2-4-08	Maintain Road gravel Bags (150 man hrs)	\$1,500.00
2-5-08	EMC Erosion supplies	\$3,551.25
2-5-08	Meet County Michael Malone inspector	
2-7-08	Meet County Michael Malone	
2-9-08	HOA Via Vista Erosion Control	\$3,000.00
2-19-08	Maintain Rd. Access during rainy period 4-4-08 PD	
2-20-08	County Approved installed erosion measures	
4-4-08	HOA Paid Erosion	\$30,900.00
4-17-08	install slit fence 2 lots	\$400.00
5-15-08	Magoulas slit fence	\$1,500.00
6-10-08	Magoulas slit fence	\$1,400.00
6-18-08	FST Sand & Gravel, rock gravel bags	\$1,200.00
7-15-08	Chris Zachos Erosion monitors	\$150.00
8-14-08	Ethan Archbold V ditch Work	\$897.28
8-27-08	Via Vista Erosion, / paid labor	\$700.00
9-22-08	BCB Erosion	\$5,000.00
9-25-08	Retention pond pipe	\$3,026.52
9-30-08	Via Vista Erosion, Gravel bags/ paid	\$400.00
10-10-08	Ron Erosion work	\$60.00
10-10-08	BCB erosion	\$1,000.00
10-21-08	BCB retention ponds	\$8,400.00
10-31-08	Creative Hydro 65,340 sq ft	\$1,960.20
11-3-08	Creative Hydro 21,780 sq ft	\$653.40
11-5-08	Creative Hydro 108,900 sq ft	\$3,136.32
11-6-08	Creative Hydro 43,560 sq ft	\$1,306.80
11-25-08	Via Vista Erosion, Gravel bags/ paid	\$900.00
12-9-08	Ron Erosion work	\$820.00
12-18-08	Ron Erosion work Labor	\$1220.00
12-19-08	BCB Equipment	\$3,800.00
12-23-08	White Capp Black Plastic/Jute	\$784.45

1-5-09	Creative Hydro seed 65,000 sq. ft	\$1,872.00
1-6-09	Ron Erosion work	\$140.00
1-19-09	Erosion Control	\$5,000.00
1-30-09	HOA Erosion	\$3,000.00
2-12-09	BCB invoice Erosion	\$1,958.90
4-15-09	4 rolls jute net	\$1,055.95
4-16-09	Hydro seed 20,000 sq ft.	\$600.00
4-17-09	Hydro seed 129,360 sq. ft	\$3,725.00
4-17-09	HOA Group Erosion	\$5,000.00
5-4-09	HOA Group Check	\$2,200.00
5-4-09	Horizon 4,000 sq ft jute Netting	\$289.00
4-8-09	BCB invoice Erosion work	\$1,951.52
5-28-09	Gravel Bags 1000	\$1,400.00
6-2-09	Horizon Jute net/stakes	\$1,372.50
6-9-09	FST delivered 300 ton Rock	\$6,000.00
6-15-09	BCB invoice Erosion/Rock/Rd	\$5,350.00
6-19-09	HOA paid Erosion	\$2,200.00
6-19-09	Horizon Jute net/stakes	\$2,268.00
6-22-09	BCB invoice Erosion/Rock/Rd	\$2,400.00
6-25-09	Rolls jute net	\$1,160.00
10-22-09	FST rock 175 ton	\$2,028.87
11-13-09	FST rock 225 tons	\$3,276.71
12-25-09	FST ¼ rock 25 ton	\$411.12
3-11-10	Temecula Valley Erosion Coco Mat	\$ 940.00
3-15-10	HOA Paid Inland Erosion work	\$56,000.00
3-15-10	Erosion work on 8 Lots	\$35,000.00
3-31-10	Creative Hydro seed	\$1,254.53

It should be noted that since the initial sedimentation that occurred in December 2008, there have been no additional releases of sediment beyond the project boundary. The Lower basin that was under construction during the December 2008 has now been completed. The slopes are presently protected with Visqueen plastic and permanent landscaping of the disturbed areas with approved native vegetation mix is scheduled to be conducted this spring.

A letter from Mr. & Mrs. Kazmi dated April 30, 2010 states that the V-ditch behind their house was cleaned of sediment and sandbags replaced as necessary to their satisfaction

and that they have experienced no further sediment problems in the ditch behind their house. A copy of the Kazmi letter is also included in Appendix C. Photos of this area were taken on April 28, 2010 (see Photos 1 and 2 in Appendix B, the Photos section of this report)

Since the December 2008 rains, extensive erosion control BMPs and drainage corrections have been implemented on Via Vista Grande and the slopes along its alignment. Sandbag chevrons and crushed rock have been placed to minimize erosion potential until the roadway has been paved. A rock and rumble-plate Stabilized Construction Entrance have been constructed where the gravel road meets the pavement at Claremont Street (see Photos 3 and 4 in Appendix B).

Item 2

Provide verification of all documents for construction activities that required permit enrollment with the State Water Resources Control Board (State Water Board).

Response to Item 2

Grading permits for work done on the site for various owners are presented in Appendix D. The grading of these sites done for the various owners required filing of Notices of Intent (NOIs). Copies of the Receipts for the NOIs issued by the SWRCB are also included in Appendix D.

Item 3

A Storm Water Pollution Prevention plan (SWPPP) Status Report Section including:

- a) **an 8.5 X 11 Site Map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), and direct discharge (if applicable) to a water of the state**
- b) **A statement giving the exact date construction began.**

- c) Photocopies of all BMP implementation/maintenance/inspection records (to date).
- d) Photocopies of all annual Compliance Certifications.
- e) A Photocopy of the SWPPP Signatory Requirement Page.
- f) If necessary, copies of newly completed Notices of Intent (NOIs). Please note: if any information provided on the current NOIs has changed, a NOI change of information, filed with the State Water board in Sacramento, is required,
- g) A completed "SWPPP and Monitoring program Review Sheet" (copy enclosed), with preparers name, included in the RTR as Attachment A.

Response to Item 3- SWPPP Status Report

- a) The requested 8.5 X 11 Site Map is presented herein as Figure 1. A copy of this Site Map is also included in the Sampling and Analysis Plan prepared for this project by ERI under separate cover.
- b) Construction of various pad areas for individual homeowners began at different times under individual grading permits. Based on these permits, grading for parcels owned by Eitzen and Ragsdale began in March 2007. Grading for parcels owned by Magoulas began in April 2008. Grading of the Nunez property began in May 2008. Improvements to Via Vista Grande began in June 2007. The County did not require a grading permit for Via Vista Grande improvements.
- c) Records of site BMP maintenance prior to April 28, 2010 consist of receipts for work done by various subcontractors, such as sand bag placement, hydro mulching/bonded fiber matrix, equipment rental for erosion and drainage corrections, etc. similar to those presented in Appendix C. Beginning April 28, 2010 a Construction Site Self Inspection Checklist was completed by Mr. Rudy Nunez. A copy of the completed Inspection Checklist, as well as, a blank Inspection Checklist to be copied for future use by the HOA and its members are presented in Appendix E. The Checklist will be used to record future site BMP inspections and maintenance. Similar blank Inspection Checklists are also contained in the SWPPPs

for each of the sites prepared by others. Copies of future completed Checklists will be kept on site with the project SWPPP documents.

- d) Annual Compliance Certifications were not completed in 2008 or 2009. The HOA is in the process of obtaining copies of Annual Compliance Certifications for each of the WDID holders for 2010.
- e) The required SWPPP Signatory Pages are included in the copies of the various SWPPP reports submitted by Fairway Hills Estates HOA under separate cover.
- f) Copies of the SWRCB Receipts for NOIs are presented in Appendix D.
- g) As discussed with Mr. Tony Felix on the phone, a copy of the "SWPPP and Monitoring Program Review Sheet" was not enclosed with the NOV as strated in this comment. Per Mr. Felix's request, in reply to this item we have included herein in Appendix F (not Attachment A) a copy of the ***BMP Implementation Schedule*** and ***BMPs Maintenance Inspection and Repair*** sheets from the SWPPP for Fairway Hills Estates HOA prepared by RenCivil dated April 30, 2008. A full copy of the SWPPP signed and certified is being submitted by the HOA to RWQCB under separate cover.

Item 4

A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the NOV.

Response to Item 4

The status of each violation is addressed herein, on an individual basis, in the order in which they are presented in the NOV. Photos of the implementation of the SWPPP BMPs to correct violations, as well as, overall site photos showing BMP conditions are presented in Appendix B of this report.

Item 5

A Hydrologic Study Section certified by a Registered Civil Engineer, for each sediment basin serving any tributary area as erosion control. Include:

- a) Site Map delineating topographic tributary area (scaled) with flowlines.**
- b) Basin dimensions and calculated maximum volume.**
- c) Outlet and filtration calculations and specifications.**
- d) Hydrologic calculations based on one of the prescribed methods specified in order No, 99-08-DWQ.**
- e) All supporting documentation.**

Response to Item 5

RENCivil has prepared a hydrology study for the project titled ***Hydrology Study for the Via Vista Grande Road Construction project Detention/Desilting Basins***. This report is signed and stamped by a Registered Civil Engineer and included the Site Map, basin dimensions, calculations, and specifications as outlined in the request. This report covers the three detention/desilting basin design and construction. These are permanent structures which will remain following completion of construction. A copy of the RENCivil hydrology report has been submitted to Mr. Felix via email, and a printed copy is being submitted by to RWQCB by the Fairway Hills Estates HOA under separate cover.

Item 6

A Pollutant Sampling Program Section including the following:

- a) Site map delineating topographic tributary area (scaled with flowlines) of area(s) to be sampled for pollutants and area(s) to be sampled as background (free of pollutants).**
- b) A list of all pollutants to be tested which are not visually detectable in storm water discharges as specified in Section B.8 of the permit.**
- c) Copies of all qualifications and training certifications for the laboratory or staff who will be sampling.**

- d) **A copy of all protocol measures to be employed, including, at a minimum, Quality Assurance/Quality Control (QA/QC) and Chain of Custody.**

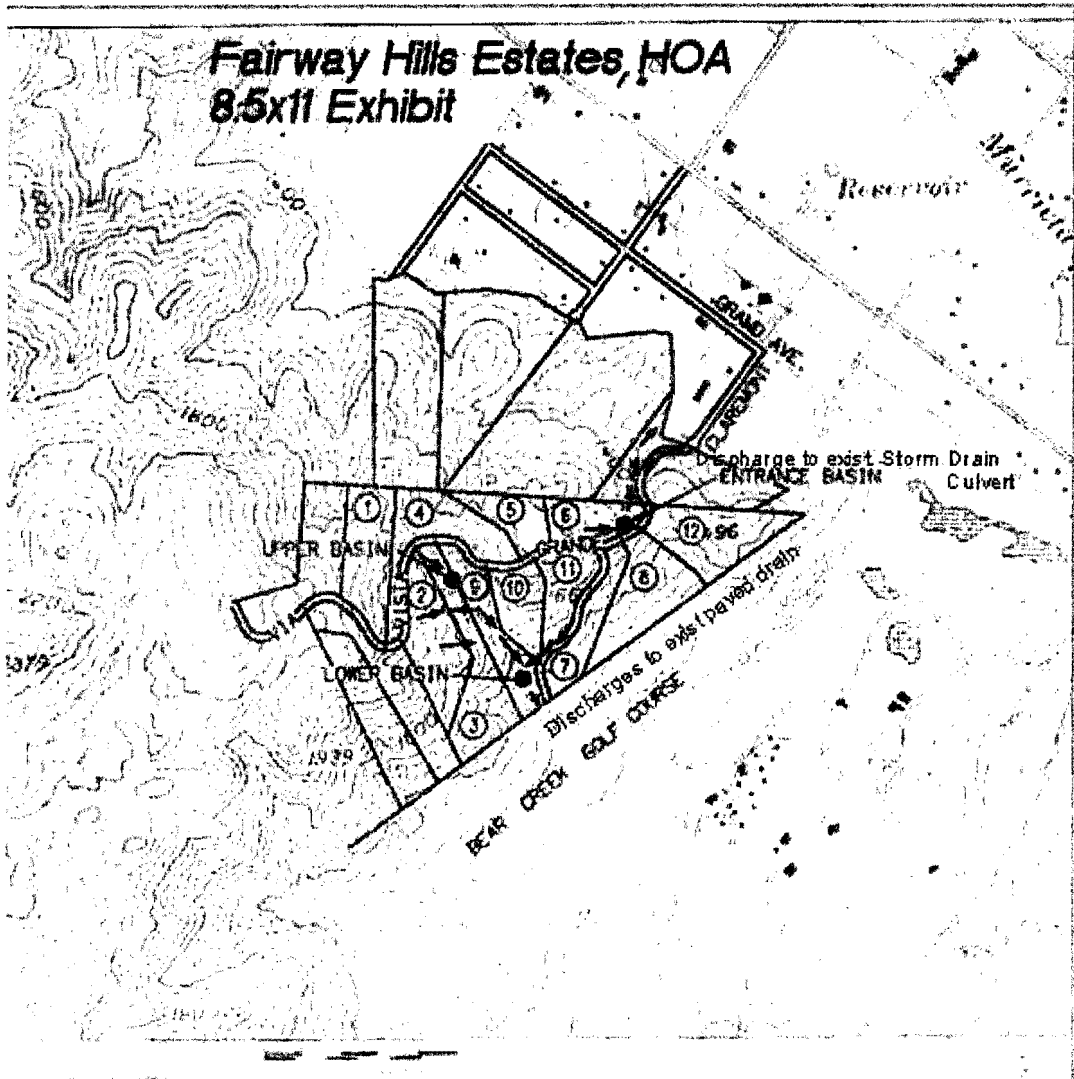
Response to Item 6

Earth Resources Inc. has prepared a ***Storm Water Sampling and Analysis Plan for the Fairway Hills HOA*** dated May 3, 2010. This SAP was prepared by a Certified Engineering Geologist and Registered Environmental Assessor and applies to all of the parcels located within the HOA. The SAP is intended to be an amendment to each of the existing SWPPPs for the various members of the HOA. The SAP was submitted to Mr. Felix for review by ERI via email on May 5, 2010. A printed copy will be submitted to RWQCB under separate cover by the HOA at the time this RTR and technical response is submitted to the Regional Board.

Item 7

A discussion of the filling of all unnamed drainages within the subject site including, at a minimum, the following:

- a) **A full delineation of the entire subject site, including a map, depicting all on-site water of the United States and/or State.**
- b) **The amount and locations of fill placed in waters of the State and, where appropriate, waters of the United States. Fill must be reported in acres and linear feet.**
- c) **A timeline of activities related to fill placement into each drainage.**
- d) **A full description of the pre-construction condition of the drainages.**
- e) **Proposing to discharge waste or fill to waters of the State requires the filing of Waste Discharge Requirements containing the information required by the appropriate Water Board.**



- | | |
|-----------------------------------|--------------------------|
| ① NANCY WOOD W/DID 933C349665 | ⑩ PSTRON (NO GRADING) |
| ② RAGSDALE W/DID 933C338674 | ⑪ FRIESTEDT (NO GRADING) |
| ③ EITZEN W/DID 933C338575 | ⑫ ADAMS (NO GRADING) |
| ④ STEVE MASON/AS W/DID 933C350456 | |
| ⑤ STEVE MASON/AS W/DID 933C350455 | |
| ⑥ STEVE MASON/AS W/DID 933C350458 | |
| ⑦ PAUL MASON/AS W/DID 933C357730 | |
| ⑧ PAUL MASON/AS W/DID 933C357733 | |
| ⑨ JEFF FRIESTEDT W/DID 933C357764 | |

Site Map- Figure 1

Response to Item 7

As discussed with Mr. Felix on the phone, there are no USGS “blue-line” streams on the site, and site drainage does not directly discharge to a USGS “blue-line” stream (see Site Map, Figure 1). It is our understanding that it is the responsibility of the local agency, in this case the County of Riverside, to notify a developer during the environmental screen check and/or plan check process whether or not a project will modify or impact jurisdictional waters of the United States and whether or not a wetlands delineation study will be required. Typically, if a project is found to have an impact to waters of the United States, an Army Corps of Engineers 404 permit will be requested by the local agency, and that, in turn, will typically trigger a SWRCB 401 permit requirement. The County of Riverside has reviewed and approved the grading and drainage plans for pad and driveway grading of the parcels as indicated by the Grading Permits (copies included herein in Appendix D). A grading permit was not required by the County for the improvements to the pre-existing dirt road, Via Vista Grande. Grading for the basins is in plan check. Therefore it appears at this time that neither a 401 nor a 404 permit was required. A wetland delineation study for the site has not been requested by the County.

Additional information regarding the hydrology, size and shape of the basins, description of the pre- and post-construction drainage conditions, etc. are included in the RenCivIl Hydrology Study submitted under separate cover.

Item 8

A list of all applicable federal, State and local permits, licenses and agreements that were obtained for fill activities to waters of the United States and/or State.

Response to Item 8

As indicated in Item 7 above, 401 and 404 permits were not required by the County or SWRCB at the time the Grading permits were approved and the WDID numbers for each of

the projects were designated. Copies of the Grading Permits and receipts of Notices of Intent are presented in Appendix D.

Item 9

The status of the California Environmental Quality Act (CEQA) review for the work that resulted in the discharges of fill and, if available. A copy of the final or draft CEQA document.

Response to Item 9

To the best of our knowledge, there was no CEQA document required by the County or prepared for these projects. It is unknown to ERI at this time whether or not the County of Riverside staff has conducted any internal CEQA review for these projects.

Item 10

A time line and an implementation and monitoring plan for the restoration of all impacted waters of the State on-site.

Response to Observation 10

Based upon the County of Riverside's approval of the grading and road improvements, it is doubtful that they consider the project as having a significant environmental impact to waters of the State. However, the Fairway Hills Estates HOA plans to re-vegetate the graded slope areas of the three detention/desilting basins with a native seed mix prior to the next rainy season.

Note: as requested, the owner certification and signature page is present at the end of this report.

Part II. TECHNICAL RESPONSE TO NOTICE OF VIOLATION

A. Summary of NPDES General Permit No. CAS000002, SWRCB Order 99-08-DWQ

Violations:

- I. **Observation: You failed to file a NOI for new grading of the fire road. Additionally, six of the construction projects do not have NOIs for coverage under the statewide general Construction permit, Order No. 99-08-DWQ.**

Response to Observation A.I

It is presumed that the "the fire road" refers to Via Vista Grande, a pre-existing private dirt access road to the site. Via Vista Grande is a 2900 lineal feet private access road, a segment of which traverses each of 12 existing parcels within the Fairway Hills Estates HOA (i.e. the road is commonly owned by each of the 12 property owners but is collectively maintained by the HOA). It is our understanding that the County of Riverside did not require a grading permit for the roadway improvements. Therefore, the Fairway Hills Estates HOA has not filed a NOI for the road improvements, but rather has filed NOIs for each of the lots. Via Vista Grande also passes through several of the properties that have not yet been graded and the area of roadway through these lots is less than one acre.

The Fairway Hills Estates HOA consists of 12 privately-owned, irregularly-shaped hillside parcels ranging from approximately 5 to 10 acres in size. Some of the owners own more than one parcel. The locations of each parcel are shown on the attached Site Map, Figure 1. As of the date of this report, eight of the parcels have been rough graded and have active WDID numbers. Building pads for three of the parcels have not been graded and do not have WDID numbers. These are parcels 10, 11 and 12 as shown on the Site Map, Figure 1 below. A NOI was submitted to SWRCB for parcel 9 on March 15, 2010 but has not yet been assigned a WDID number. Copies of the receipts for the 8 active NOIs, as well as, the NOI submittal form and copy of the submittal fee check for parcel 9, are included herein in Appendix D.

- II. **Observation: We photo-documented large quantities of sediment and silt which were deposited at the Claremont Street entrance, into waters of the State, and the hardened channel which abuts the Bear Creek Community.**

Response to Observation A.II

Acknowledged. As explained in Item I of the RTR above, this sediment was the result of very intense rainfall which occurred during the grading of the road improvements and construction of the Lower Basin. Those areas were immediately cleaned up and as stated in the RWQCB, the cleanup had been mostly completed by December 13, when the RWQCB inspector visited the site. The Lower Basin has been completed and effective erosion and sediment control BMPs for Via Vista Grande have been implemented. Since December 2008 there has been a lack of sediment in these areas. Photos of these areas taken on April 28 are included in Appendix B (see Photos 1, 2, 3, and 4).

- III. **Observation: From the time of the initial inspection to the present you have not produced a SWPPP that complies with the General Construction Permit requirements, including a fully developed monitoring program for pollutants not visibly detectable in storm water.**

Response to Observation A.III

SWPPPs for the various projects have been developed by RENCivil and CLE Engineering Inc. Copies of these SWPPPs are being submitted to RWQCB by the HOA. A copy of the **BMP Implementation Schedule** and **BMPs Maintenance Inspection and Repair** sheets from the SWPPP for Fairway Hills Estates HOA prepared by RENCivil dated April 30, 2008 is included herein in Appendix F. Earth Resources Inc. has prepared a Sampling and Analysis Plan for non-visible pollutants covering all of the construction sites within the HOA

as discussed in Item 6 of the RTR above. The SAP was emailed to Mr. Felix for review on May 5, 2010 and a printed copy is submitted herewith under separate cover.

IV. Observation(s):

- (a) Your site lacked the appropriate and necessary erosion and sediment controls for most disturbed areas. Your site lacked sediment controls (i.e. silt fences or fiber rolls) for the outside slopes (see photos 06, 09, 10, 11, 12, 13, 18, and 26).**
- (b) There was no SWPPP available for inspection to review to insure there was a specific construction phase/ BMP sequencing schedule**
- (c) Three sediment basins at the site lacked the proper design and placement requirements. One had failed resulting in a discharge and the other two were placed directly within waters of the State (see photos 12, 13, 14, 17, 21, 22, and 23).**
- (d) Your vehicle and equipment and storage area lacked the proper controls to minimize the exposure of spilled oil, grease, and other vehicle maintenance fluids to stormwater (see photos 27 and 28).**
- (e) Your site had inadequately maintained entrance/exit BMPs, which caused significant sediment tracking at the Claremont Street entrance/exit (see photo 04).**

Response to Observation A.IV (a)

Extensive erosion and sediment control BMPs have been implemented throughout all graded areas of the site following the intense storm of December 2008. The attached Master Erosion Control Plan for the Fairway Hills Estates HOA by RENCivil (included herein as Plate 1) shows the locations of the BMPs implemented to improve erosion and sediment control. Graded slopes have been treated with hydroseed, bonded fiber matrix and

hydroseed. Thousands of sand bag chevrons have been placed on the road, private drives, and pad areas. Silt fencing has been placed in appropriate areas. A partial list of BMPs implemented both before and after the December 2008 storm event provided by the HOA representative is presented above in "Response to Item 1", pages 5 and 6. Representative photos of the improved site BMPs are presented in Appendix B.

Response to Observation A.IV (b)

As previously mentioned, copies of the SWPPPs for the various projects and the road are being provided to RWQCB for review. Additionally a Master Erosion Control Plan covering the entire site and roadway has been prepared by RENCivil (see Plate 1). Site construction is presently idle. When construction resumes on any of the sites, the appropriate SWPPP for that active WDID number will be kept in the construction site trailer and/or a designated mailbox-type lock box during construction. The name, phone number, and contact information for the responsible SWPPP contact person will be displayed in a prominent location so that subcontractors and County or State inspectors may review the SWPPP documents upon request.

Response to Observation A.IV (c)

The sediment basins were under construction at the time. Since then, these basins have been completed. Photos of the completed basins are presented in Appendix B. The basins were designed by RENCivil for a 100 year storm event. The hydrology study by RENCivil is presented under separate cover as discussed in Item 5 of the RTR above.

Response to Observation A.IV (d)

Rough grading has been completed and equipment required for erosion and sediment control BMP maintenance is generally brought on the site on an as-needed basis. If equipment is to be parked on the site, the presently designated area is the graded pad on building pad 5. Drip pans under equipment should be used to collect any oil, grease, or hydraulic fluids. When construction is resumed on any of the lots, the SWPPP shall be amended to show the appropriate locations for hazardous construction materials storage,

equipment parking/staging/fueling area, concrete washout area, portable toilets, and trash collection areas. Appropriate BMPs for each activity which could potentially cause non-visible pollutants should be shown accordingly on the amended SWPPP map. The locations of these areas and BMPs may change as necessary throughout the duration of the project, but changes must accordingly be made to the SWPPP.

Response to Observation A.IV (e)

A stabilized construction entrance consisting of 1" to 3" crushed rock over filter fabric and a steel rumble plate have been added to the entrance where Via Vista Grande meets the existing end of the Claremont Street asphalt. See Photos 3 and 4 in Appendix B.

B. Summary of Clean Water Act Section 401 Violations:

- I. **Observation: The San Diego Water Board to date has not received a RoWD for the discharge of fill to the unnamed drainages associated with construction of the subject site and associated (access) roads (see photos 11, 13, 15, 16, and 17).**

Response to Observation B.I

It appears that the referenced photos 11, 17, and 18 are photos of the Lower basin under construction, and not fill dumped into a water course. It is our opinion that the compacted earthen fill structure to create the three basins constitutes planned grading, and not "dumped fill". Recent photos of the completed basins are presented in Appendix B.

Referenced photos 15 and 16 appear to show sediment within or behind the sediment basins. The main purpose of construction of the basins is to collect sediment and detain surface runoff to minimize the potential for sediment to migrate from the site. It should be noted that the canyon in which the Lower Basin has been constructed is a steep natural canyon that has a long history of erosion and sediment deposition before any present site grading occurred. It is our understanding that the Kazmi property at 22408 Montes Court experienced sedimentation, similar to that which occurred in December 2008, in 2004 and

in previous years. The 2004 sedimentation was cleaned up at the expense of the Fairway Hills Estates property owners. Therefore it was the decision and engineering judgment of the project Civil Engineer to design a detention/desilting basin in this canyon, as well as to the areas of the site to protect downstream properties.

Since the completion of the designed Lower Basin construction, the Kazmi's have not experienced additional sedimentation problems (see Kazmi letter dated April 30, 2010 in Appendix C.

- II. **Observation: The San Diego Water Board to date has not received an application for CWA Section 401 Water Quality Certification for the discharge of fill to any unnamed drainages that are waters of the United States associated with the subject site and associated roads (see photos 15, 16, and 17).**

Response to Observation B.II

As noted in the item B.1 response above, it does not appear that referenced photos 15, 16, and 17 depict discharge of fill into the water course. To the contrary, photos 15 and 16 appear to show sediment in the canyon behind the Lower Basin, and design and construction of this basin is intended to intercept this sediment and prevent it from impacting the paved swale behind the Kamzi Residence. Referenced photo 17 appears to depict the initial grading for the lower basin. Recent photos of the canyon both above and below the Lower Basin are presented in Appendix B.

- III. **Observation: The discharge of fill to streams has the potential to result in alteration or elimination of the beneficial Uses associated with the water body. The unnamed drainages within the project area are tributary to Murrieta Creek. Beneficial Uses assigned to Murrieta Creek and its tributaries include MUN [municipal and domestic supply], AGR [irrigation, agricultural supply], IND [industrial service supply], PROC [industrial**

processes], GRW, REC2 [other non-contact recreation], WARM [freshwater habitat-warm] and WILD [wildlife habitat]. Construction of the project in and over the unnamed drainages has eliminated the Beneficial Uses of these drainages in each location. The fill of each unnamed drainage has fragmented upstream and downstream reaches and was observed to have resulted in alteration of the hydrologic characteristics of each drainage, which has led to erosion throughout the property. Alteration of hydrologic characteristics results in diminished quality of in-stream and riparian habitat for flora and fauna in the unnamed drainages and downstream. Furthermore, construction of the Project has resulted in the discharge of pollutants to the remaining portion of the unnamed drainages, resulting in the degradation of downstream Beneficial Uses.

Response to Observation B.III

Grading for the house pads, access road, and private driveways was approved by the County of Riverside. These types of approved development activities typically increase the quantity of runoff water during storm events. Increased runoff is known to generally result in increased channel erosion in many instances, which presents the potential to degrade downstream waters. It is standard engineering practice to construct detention basins to hold and collect increase in runoff water due to site development and then release it slowly in a controlled manner to simulate the natural flows within a waterway. Detention basins generally do not prevent the downstream flow of water, but rather slows it down to protect against downstream channel erosion.

While erosion of poorly protected slopes may have occurred during the intense December 2008 storm event, it is our professional opinion that the construction of the basins did not lead "to erosion throughout the property" as alleged, especially in the reaches above these basins. Erosion experienced on the then recently-graded slopes, building pads, access road, and driveways are unrelated to construction of the basins. The Project Civil Engineer

designed these basins to mitigate the increased flow from the approved development as outlined in the RENCivil hydrology report.

It is our professional opinion, that it is very unlikely that “construction of the Project has resulted in the discharge of pollutants to the remaining portion of the unnamed drainages, resulting in the degradation of downstream Beneficial Uses” as stated in the NOV for the following reasons.

The sediment at two specific locations was the main source of the initial complaint.

The first location is the existing concrete drainage swale behind the Kazmi Residence. This structure includes a paved drainage swale and concrete block debris wall (see Photo 1 in Appendix B). This structure is obviously a debris protection device constructed during the development of the Bear Creek Community to protect the homes along Montes Court from water, sediment, and debris potential from the natural canyons and slopes to the north. It has been documented by both the RWQCB and the homeowners that the sediment that was deposited during this December 2008 storm event was quickly removed by Fairway Hills Estates HOA. Therefore, it is apparent that the concrete drainage device performed satisfactorily for its intended purpose and no degradations of downstream waters appears to have resulted. The Lower Basin, now completed, provides additional protection for the homes on Montes Court.

The second location is at the end of Via Vista Grande, where the road meets the pavement at the end of Claremont Street. The sediment at this location was deposited onto the pavement. Vehicle tracking of mud onto the pavement was also noted. The sediment removal, implementation of erosion control BMPs for the roadway and associated slopes, and placement of a stabilized construction entrance was expedited by the HOA and its contractor. It is apparent that the sedimentation observed at this location is not within any of the drainage areas of the three basins in question, and therefore is not a result of construction of these basins.

The surface flow from the end of Via Vista Grande enters an existing 24" culvert for a private driveway, then exits the culvert and flows along the surface, following Claremont Street toward the northeast. Sediment beyond the terminus of Claremont was not noted, except for the aforementioned vehicle tracking. Because the sediment was removed by the HOA, it is highly unlikely that the sediment could have resulted in degradation of the beneficial uses of Murrieta Creek, which is located more than one-half mile down gradient of the terminus of Claremont Street. There were no reports of sedimentation of Murrieta Creek from this event.

OWNER'S CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Jack Eitzen, Fairway Hills Estates HOA Representative

APPENDIX C

Receipts for BMP Implementation and Maintenance

And


Letter from Mr. & Mrs. Kaami

Invoice

Erosion Control Materials Corp
 P.O. BOX 3529
 RIVERSIDE, CA 92519

Date	Invoice #
2/6/2008	1217

Bill To
EITZEN CONSTRUCTION Jack Eitzen

Ship To


P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Inv Mail Date
			2/6/2008			

Quantity	Item Code	Description	U/M	Price Each	Amount
1,000	GB	Gravel Bags Sales Tax	ea	0.15 7.75%	150.00T 11.63

Thank you for your business.	Total	\$161.63
	Payments/Credits	\$-0.01
	Balance Due	\$161.62

Erosion Control Materials Corp appreciates your business.
 Our Federal Tax ID is 

Sales Phone #	Sales Fax #	Sales E-mail	Accounting Phone: 951-686-6004
951-571-3213	951-571-3201	ecm@erconusa.com	Accounting Fax: 951-686-6115

BCB Equipment Rental, LLC

32802 Willow Bay Road
Wildomar, CA 92595

Invoice

Date	Invoice #
12/30/2008	1172

Bill To
Eitzen, Jack [REDACTED] [REDACTED]

Job Site
Erosion Via Vista Grande

Terms

Due on receipt

Truck #	Date	Hours/Qty	Description	Rate	Amount
	12/19/2008	4	CAT D8L Dozer	175.00	700.00
		4	CAT 824B Wheel Dozer	175.00	700.00
	12/20/2008	4	CAT D8L Dozer	175.00	700.00
		4	CAT 824B Wheel Dozer	175.00	700.00
			H2O Truck Rental	1,000.00	1,000.00

NOTICE: Under the Mechanics' Lien Law (California Code of Civil Procedure, Section 1181 et seq.), any Contractor, Subcontractor, Laborer, Supplier or other person who helps to improve your property but is not paid for his work or supplies, has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own Contractor in full, if the Subcontractor, Laborer or Supplier remains unpaid."

Total	\$3,800.00
--------------	------------



INVOICE



PACIFIC CORRUGATED PIPE COMPANY

909-829-4235 800-338-5858

REMIT TO →

P.O. BOX 2488, NEWPORT BEACH, CALIFORNIA 92660-2472

ORIGINAL

INVOICE NUMBER

Customer P.O. Number	Date Shipped	SA No.	Ship Via	Invoice Date	Terms
VERBAL	09/25/08	92358	JIMMY	09/25/08	CASH ON DEL

10000 EITZEN CONSTRUCTION 40275 VIA CABALLOS MURRIETA CA 92562	SHIP TO	CLINTON KEITH EITZEN CONSTRUCTION ON VIA VISTA GRANDE, CROSS ST GRAND/CLAREMONT HWY 15 TO CLINTON KEITH MURRIETA
---	---------	--

Order Date	Prod. No.	Tax Status	Salesperson	Customer Name	Insp. Dept.	State Contract Number
09/18/08	86725	RIVERSI	9/KAY		NO	

QTY	UNIT	DESCRIPTION	PRICE	AMOUNT	TOTAL
1	EACH	36" CSP .109 INLET H=9'	1.0	617.82	617.82
		TO INCLUDE:			
2	9.0'	36"(900mm) CSP .109	9.0		
3	2.0'	24"(600mm) CSP .064	2.0		
4	EACH	LABOR CHARGE TEE	1.0		
5	20	EACH FABRICATION 2" HOLES	20.0		
6	EACH	36" CONE GRATE PAINTED	1.0	269.10	269.10
7	EACH	36" CSP .109 INLET H=9'	1.0	591.18	591.18
		TO INCLUDE:			
8	9.0'	36"(900mm) CSP .109	9.0		
9	2.0'	18"(450mm) CSP .064	2.0		
10	EACH	LABOR CHARGE TEE	1.0		
11	20	EACH FABRICATION 2" HOLES	20.0		
12	EACH	36" CONE GRATE	1.0	269.10	269.10
13	20.0'	24"(600mm) CSP .064	20.0	15.05	301.00
14	8.0'	24"(600mm) CSP .064	8.0	15.05	120.40
15	2	EACH 24"(600mm) DIMPLE B/C 12" WIDE	2.0	17.05	34.10
16	20.0'	18"(450mm) CSP .064	20.0	11.14	222.80
17	8.0'	18"(450mm) CSP .064	8.0	11.14	89.12
18	2	EACH 18"(450mm) DIMPLE B/C 12" WIDE	2.0	14.85	29.70
19	EACH	PREPAY & ADD FREIGHT	1.0	285.00	285.00
		RIVERSIDE @ 7.750 %			197.20
		TOTAL			3026.52

PAID
CREDIT

PLEASE PAY FROM THIS INVOICE -- NO STATEMENT WILL BE SENT

THIS IS A SALE ON CREDIT - SERVICE CHARGES OF 1 1/2% PER MONTH (3% MINIMUM) WILL BE ADDED ON ALL ACCOUNTS NOT PAID WITHIN 30 DAYS.

BUYER'S ATTENTION IS DIRECTED TO THE TERMS OF SALE SET FORTH ON THE REVERSE SIDE HEREOF, TOGETHER WITH ANY SPECIAL PROVISIONS HEREAFTER INCORPORATED, CONSTITUTE THE SOLE AND ENTIRE AGREEMENT OF SALE.

SAFETY DATA SHEETS (SDS) FOR ALL PRODUCTS ARE AVAILABLE UPON REQUEST.

TEMECULA
 (951) 694-5414
 28065 DIAZ ROAD
 TEMECULA CA 92590



INVOICE NO. 6025805

REMIT TO: WHITE CAP CONST. SUPPLY
 DEPT 0088
 LOS ANGELES, CA
 90088-0988

TERRITORY: SCAS

SOLD TO: 88081000
 EITZEN CONSTRUCTION

SHIP TO:
 CUSTOM HOME
 40275 VIA CABALLOS LA
 CRESTA
 MURRIETA CA 92562
 JOB#

PAGE: 001

1ml ORD BY: JACK EITZEN TERMS: NET 30DAYS TAKEN BY: BOULD LOC: 6

ORDER NO	ORDER DATE	ACCT NO	INVT DATE	SHIP VIA/ROUTING	CUSTOMER IP	NO	ISSUE
6025810	08/25/08	88081001	9/25/08	O:WELL CALL			14

LN	PART NUMBER	QTY	DESCRIPTION	PRICE	QTY	AMOUNT
10	262581	1000	14"X28" 1600HR UV POLYPRO SANDRA	.25 EA	1000	250.00
20	104PLWATERDP	1	24PK .8L NESTLE PL WATER W/ DEPO 72 CASES PER PALLET.	6.89 CAS	1	6.89
			TOTAL GROSS			256.89
			TOTAL TAX 7.750%			19.92
			TOTAL FREIGHT			.00
			TOTAL INVOICE			276.81

Received By: JACK

Signature Copy On File

Firma/Nombre _____ Your opinion matters to us!
 Call 877-817-1807 and be entered for a chance at a \$1000 shopping spree.

NO REFUNDS OR EXCHANGES ON NON STOCK MERCHANDISE
 SEE REVERSE SIDE FOR TERMS AND CONDITIONS

CREATIVE HYDRO SEED, INC.
41891 KALMIA STREET, SUITE A
MURRIETA, CALIFORNIA 92562
(951) 461-9745 1-800-973-3346
License No. # 580206

INVOICE

DATE	QUANTITY	DESCRIPTION	PRICE
11-5-08			

Jack Eitzer
Via Vista Grande

QUANTITY	DESCRIPTION	PRICE
	Hydroseed Native Mix	4,000.00
	PK CK # 1055	
		400.00

Thank You

CREATIVE HYDRO SEED, INC.

41891 Kalmia St., Suite A
 Murrieta, Ca. 92562
 951-461-9745/800 973-3346
 FAX 951-461-0964 LIC.#580206

Invoice

DATE	INVOICE #
11/6/2008	12848

BILL TO
 Jack Elzen

SHIP TO
 Jack Elzen
 Via Vista Grande
 La Cresta

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
	Due on receipt		11/6/2008			Jack Elzen, La Cresta
QUANTITY	ITEM CODE	DESCRIPTION			PRICE EACH	AMOUNT
189,500	Slopes	Hydroseed			0.0288	5,458.80
50,000	Slopes	Hydroseed Wren Civil Engineering			0.0288	1,440.00
	Payment	Wren Civil Engineering				-4,000.00
	Payment					-1,440.00
Total						\$1,458.80

TEMECULA
 (951) 694-5414
 28065 DIAZ ROAD
 TEMECULA CA 92590



INVOICE NO. 6029092

REMIT TO: WHITE CAP CONST. SUPPLY
 DEPT 0000
 LOS ANGELES, CA
 90008-0000

SOFT COPY: 88081000
 EITZEN CONSTRUCTION
 40275 VIA CABALLOS
 MURRIETA CA 92562

TERRITORY: SCA3

SHIP TO:
 CUSTOM HOME
 40275 VIA CABALLOS LA
 CRESTA
 MURRIETA CA 92562
 JOB#

PAGE: 001

ORD BY: JACK EITZEN TERMS: NET 30DAYS TAKEN BY: BOLD LOC: 6

ORDER NO	ORDER DATE	ACCT. NO. NO	INV. DATE	SHIP VIA/ROUTING	CUSTOMER P.O. NO	SLIP
6031012	11/10/08	88081001	11/10/08	O-WILL CALL	VIA VISTA	14
LN	PART NUMBER	QTY	DESCRIPTION	PRICE	QTY SHIP	AMOUNT
10	19710817	10	3'X100' SILT FENCE W/STAKES @ 10'	22.65 ROL	10	226.50
20	262581	200	14"X26" 1800HR UV POLYPRO SANDBA	.28 EA	200	56.00
TOTAL GROSS						276.50
TOTAL TAX 7.750%						21.44
TOTAL FREIGHT						.00
TOTAL INVOICE						297.94

Received By: JACK EITZEN

Signature Copy On File

Firma/Nombre _____ Your opinion matters to us!
 Call 877-817-1807 and be entered for a chance at a \$1000 shopping spree.

NO REFUNDS OR EXCHANGES ON NON STOCK MERCHANDISE
 SEE REVERSE SIDE FOR TERMS AND CONDITIONS

CREATIVE HYDRO SEED, INC.
 41891 KALMIA STREET, SUITE A
 MURRIETA, CALIFORNIA 92562
 (909) 461-9745 1-800-973-3346
 License No. # 580206

INVOICE

DATE	SALESPERSON	CUSTOMER NO.	TERMS
11-5-08	Scott		

JACK EITZEN

Via Vista Grande

LA Cresta

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
8MPT 20P 105,900	BEC	.0288	
21,780	BEC + flowers	.0288	
130,680			
105,900			

Thank You

CREATIVE HYDRO SEED, INC.
 41891 KALMIA STREET, SUITE A
 MURRIETA, CALIFORNIA 92562
 (909) 461-9745 1-800-973-3346
 License No. # 580206

INVOICE

DATE	SALESPERSON	CUSTOMER NO.	TERMS
H-6-08	BOB		

JACK EITZEN

VIA VISTA GRANDE

LA Cresta

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
21,780	BEC	.0288	
21,780	BEC + Shrubs	.0288	

Thank You

CREATIVE HYDRO SEED, INC.
 41891 KALMIA STREET, SUITE A
 MURRIETA, CALIFORNIA 92562
 (909) 461-9745 1-800-973-3346
 License No. # 580206

INVOICE
 12646

DATE	SALESPERSON	CUSTOMER NO.	TERMS
10-31-08	Steve		

JACK EITZEN
 Via Vista Grande
 La Cresta

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
65,340	One Vial My	.0288	

Thank You

CREATIVE HYDRO SEED, INC.
 41891 KALMIA STREET, SUITE A
 MURRIETA, CALIFORNIA 92562
 (909) 461-9745 1-800-973-3346
 License No. # 580206

INVOICE

DATE	SALESPERSON	CUSTOMER NO.	TERMS
11-3-08	SCOTT		

JACK EITZEN
 Via Vista Grande
 La Cresta, CA

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
PEARCE	HAL-DEC + FIGURERS	.0288	
21,700	NATIVE MIX		

Thank You

DATE OF

CREATIVE HYDRO SEED, INC.
41891 KALMIA STREET, SUITE A
MURRIETA, CALIFORNIA 92562
(909) 461-9745 1-800-973-3346
License No. # 580206

INVOICE
12564

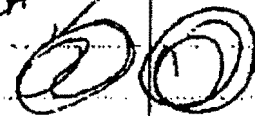
2009

DATE OF

DATE	BUYER/PERSON	CUSTOMER NO.	TERMS
1-5-09	Steve		

Jack Fitzen
Via Vista Grande
LA CRESTA

DATE OF

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
65,000	B Native Mix	.0288	
Jack # 1099 			

Thank You

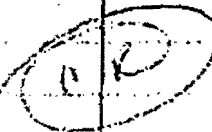
DATE OF

INVOICE

CREATIVE HYDRO SEED, INC.
41891 KALMIA STREET, SUITE A
MURRIETA, CALIFORNIA 92562
(909) 461-9745 1-800-973-3346
License No. # 580206

DATE	BUYER/PERSON	CUSTOMER NO.	TERMS
4-17-09	Steve		

Jack Fitzen
Via Vista Grande
LA CRESTA

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
106,900			\$3,725.
129,360	Ⓞ .0288		
Check # 1094 			

Thank You

BCB Equipment Rental, LLC

32802 Willow Bay Road
Wildomar, CA 92595

Invoice

Date	Invoice #
12/30/2008	1172

Bill To
Eitzen, Jack [REDACTED]

Job Site
Erosion Via Vista Grande

Terms

Due on receipt

Tractor #	Date	Hours/Qty	Description	Rate	Amount
	12/19/2008	4	CAT D8L Dozer	175.00	700.00
		4	CAT 824B Wheel Dozer	175.00	700.00
	12/20/2008	4	CAT D8L Dozer	175.00	700.00
		4	CAT 824B Wheel Dozer	175.00	700.00
			H20 Truck Rental	1,000.00	1,000.00

NOTICE"Under the Mechanics' Lien Law (California Code of Civil Procedure, Section 1181 et seq.), any Contractor, Subcontractor, Laborer, Supplier or other person who helps to improve your property but is not paid for his work or supplies, has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your own Contractor in full, if the Subcontractor, Laborer or Supplier remains unpaid."

Total	\$3,800.00
--------------	------------

ROUND-UP FEED

Alfalfa • Oat Hay
Timothy • Bermuda • Straw

20651 Palomar Rd. • Wildomar, CA 92595
Ph. (951) 674-5154 • Fax (951) 674-7535

Sold To: _____ Date: 11/24/08
 Phone: _____ Cash Charge
 Address: _____ Check # _____
 _____ CC # _____

Qty.	Description				Price	Total
	Alfalfa	Prem.	#2	Outside		
	Bermuda					
	Orchard					
	Timothy					
	Shavings					
<u>15</u>	<u>Straw</u>				<u>6.50</u>	<u>97.50</u>



I hereby certify that I am engaged in the production of products of animal life which are food for human consumption and that this food is purchased for use in the production of such products.

Delivery Charge 12.00

Tax _____

Total 105.06

Or Resale # _____
 Received By _____

EITZEN

GRADING PERMIT

PERMIT #: BGR051516
Job Address: 38175 VIA VISTA GRANDE MURR

Status: ISSUED
Issued: 02/08/20
Expires: 08/07/20

Work Desc: GRADING SF RES LOT
Parcel No: 928-230-015
Location: 2005 TG 927 C3
Tract/Lot: LLA03192 PM19367 LOT 2 POR

Zoning: R-A-10

APPLICANT BROWN MINDI/CLE ENGINEERING Phone: 951-698-183
dba. S & A SURVEYING, 41601 DATE STREET, MURR
CONTRACTOR OWNER / BUILDER
OWNER EITZEN JACK Phone: 408-656-200
P O BOX 998, SARATOGA CA 950710000

FEE INFORMATION

Plan Check Fees..	1,171.98	Transfer Fee.....	.0
Permit Fees.....	829.26	Renewal Fee.....	.0
		Addl Inspections:	.0
		Microfilm Fees..	20.0
		Addl LMS Surchg.:	.4
Total Calculated Fees:		2,021.64	
Additional Fees:		1,305.60	
Total Permit Fees:		3,327.24	

CALL FOR INSPECTION

Requests for inspection shall be made at least
24 hours in advance by telephone at (951) 600-6100

Additional info at www.tlma.co.riverside.ca.us/lms/lms.htm

RAGSDALE

GRADING PERMIT

PERMIT #: BGR051518
Job Address: 38155 VIA VISTA GRANDE MURR
Work Desc: GRADING SF RES LOT
Parcel No: 928-230-016
Location: 2005 TG 927 C3
Tract/Lot: PM19367 LOT 2 POR

Status: ISSUED
Issued: 02/08/2007
Expires: 08/07/2007

Zoning: R-A-10

APPLICANT BROWN MINDI/CLE ENGINEERING

Phone: 951-698-1830

CONTRACTOR OWNER / BUILDER
OWNER EITZEN JACK

Phone: [REDACTED]

[REDACTED] 0000

FEE INFORMATION

Plan Check Fees.:	1,171.98	Transfer Fee.....	.00
Permit Fees.....:	829.26	Renewal Fee.....:	.00
		Addl Inspections:	.00
		Microfilm Fees...:	17.50
		Addl LMS Surchg.:	.35
Total Calculated Fees:	2,019.09		
Additional Fees:	1,218.00		
Total Permit Fees:	3,237.09		

CALL FOR INSPECTION

Requests for inspection shall be made at least
24 hours in advance by telephone at (951) 600-6100

Additional info at www.tlma.co.riverside.ca.us/lms/lms.htm



EARTH RESOURCES INC.

STORM WATER CONSTRUCTION SITE SELF-INSPECTION CHECKLIST

Project Fairway Hills Estates Date 4/28/10
 Work Order # _____ Time of Inspection 3:00 P.M.
 WDID No. 933C349965, 933C338574, 933C338575, 933C350456, 933C350455
 Inspected By RUDY NUÑEZ Title _____ 933C350453
 Contractor _____

Weather Information

- Best estimate of beginning of storm event: Time 4:00 AM
- Estimated duration of storm event: 1 Hours — Minutes
- Approximate time elapsed since the end of the previous storm: 3 Days — Hours
- Estimated amount of rain from the current event: 0.01 Inches

Check "Yes" or "No" or "N/A" if not applicable.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Has there been an absence of rain since the last inspection?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Are all sediment barriers (e.g., sandbags, straw wattles, and silt fences) in place in accordance with the Local SWPPP or ECP and are they functioning properly? <i>Need to clean one chevron AT MIDDLE OF ENTRANCE ROAD</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. If present, are all exposed slopes protected from erosion through the implementation of acceptable soil stabilization practices?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. If present, are all sediment traps/basins installed and functioning properly?

Page 2
 Date: 4/28/10
 W.O. _____

- | YES | NO | N/A | |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Are all material handling and storage areas reasonably clean and free of spills leaks, or other deleterious materials? <i>CALLING CLEANUP TO REMOVE MINOR LITTER ON ONE PAD</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Are all equipment storage and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious materials? <i>NO EQUIPMENT ON SITE</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Are all materials and equipment properly covered and paints, thinners, and other hazardous liquids in roll offs or other covered containers? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. Are all external discharge points (i.e., outfalls) reasonably free of any noticeable pollutant discharges? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Are all internal discharge points (i.e., storm drain inlets) provided with inlet protection? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. Are all external discharge points reasonably free of any significant erosion or sediment transport? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. Are all BMPs identified on the Plan installed in the proper location and according to the specifications for the plan (based on current site conditions)? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 12. Are existing BMPs being maintained properly? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 13. Are all on-site traffic routes, parking, and storage of equipment and supplies restricted to areas designated in the Plan for those uses? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. Are all locations of temporary soil stockpiles or construction materials in approved areas? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 15. Are all seeded or landscaped areas properly maintained? |

Earth Resources, Inc.

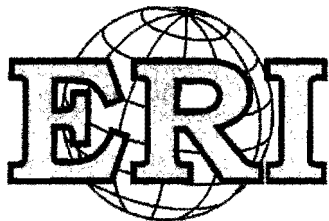
- | YES | NO | N/A | | |
|-------------------------------------|-------------------------------------|-------------------------------------|-----|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16. | Are sediment treatment controls in place at discharge points from the site? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17. | If present, are slopes free of significant erosion? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 18. | Are all points of ingress and egress from the site provided with stabilized construction entrances (including access to washout and storage areas)? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 19. | Is sediment, debris, or mud being cleaned from public roads at intersections with site access roads? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. | Are all lime, cement, fertilizer, gypsum, and other bagged products adequately covered on pallets or placed inside covered garages or roll offs?
<i>no construction on site</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. | Are all portable toilets located off streets and sidewalks?
<i>no work on site</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. | Are there any BMP's or concerns on the project that are not covered by the above?
Explain _____ |

If you answered "no" to any of the questions on the previous pages, except Number 1, describe any corrective action(s) that have been performed, or that must be taken, to remedy the problem and when the corrective action is to be completed:

• Contracting w/ cleanup crew to remove very minor LITTER
ON ONE LOT

• need to CLEAN OUT ONE CHEVRON NEAR ENTRANCE

Additional Comments



EARTH RESOURCES INC

STORM WATER CONSTRUCTION SITE SELF-INSPECTION CHECKLIST

Project _____ Date _____

Work Order # _____ Time of Inspection _____

WDID No. _____

Inspected By _____ Title _____

Contractor _____

Weather Information

- Best estimate of beginning of storm event: Time _____
- Estimated duration of storm event: _____ Hours _____ Minutes
- Approximate time elapsed since the end of the previous storm: _____ Days _____ Hours
- Estimated amount of rain from the current event: _____ Inches

Check "Yes" or "No" or "N/A" if not applicable.

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Has there been an absence of rain since the last inspection?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Are all sediment barriers (e.g., sandbags, straw wattles, and silt fences) in place in accordance with the Local SWPPP or ECP and are they functioning properly?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. If present, are all exposed slopes protected from erosion through the implementation of acceptable soil stabilization practices?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. If present, are all sediment traps/basins installed and functioning properly?

Date: _____

W.O. _____

YES	NO	N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5.	Are all material handling and storage areas reasonably clean and free of spills leaks, or other deleterious materials?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6.	Are all equipment storage and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious materials?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7.	Are all materials and equipment properly covered and paints, thinners, and other hazardous liquids in roll offs or other covered containers?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8.	Are all external discharge points (i.e., outfalls) reasonably free of any noticeable pollutant discharges?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.	Are all internal discharge points (i.e., storm drain inlets) provided with inlet protection?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10.	Are all external discharge points reasonably free of any significant erosion or sediment transport?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.	Are all BMPs identified on the Plan installed in the proper location and according to the specifications for the plan (based on current site conditions)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12.	Are existing BMPs being maintained properly?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13.	Are all on-site traffic routes, parking, and storage of equipment and supplies restricted to areas designated in the Plan for those uses?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14.	Are all locations of temporary soil stockpiles or construction materials in approved areas?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15.	Are all seeded or landscaped areas properly maintained?

Date: _____
W.O. _____

YES	NO	N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.	Are sediment treatment controls in place at discharge points from the site?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.	If present, are slopes free of significant erosion?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18.	Are all points of ingress and egress from the site provided with stabilized construction entrances (including access to washout and storage areas)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19.	Is sediment, debris, or mud being cleaned from public roads at intersections with site access roads?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20.	Are all lime, cement, fertilizer, gypsum, and other bagged products adequately covered on pallets or placed inside covered garages or roll offs?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21.	Are all portable toilets located off streets and sidewalks?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22.	Are there any BMP's or concerns on the project that are not covered by the above? Explain _____ _____ _____

If you answered "no" to any of the questions on the previous pages, except Number 1, describe any corrective action(s) that have been performed, or that must be taken, to remedy the problem and when the corrective action is to be completed:

Date: _____

W.O. _____

Additional Comments

Attachment 15- BMP Implementation Schedule

BMP Implementation Schedule			
BMP	BMP Description	Installation	Removal
Erosion Control BMP's			
EC-1	Scheduling	Throughout construction	n/a
EC-2	Preservation of Existing Vegetation	Throughout construction	n/a
EC-3	Hydraulic Mulch	After grading of and prior to rainy season or at all times during the rainy season	n/a
EC-4	Hydroseeding	After grading and prior to rainy season or at all times during the rainy season	n/a
EC-5	Soil Binders	After grading of and prior to rainy season or at all times during the rainy season	n/a
EC-6	Straw Mulch	After grading of and prior to rainy season or at all times during the rainy season	n/a
EC-7	Geotextiles & Mats	After grading of and prior to rainy season or at all times during the rainy season	After slopes have been 70% stabilized
EC-8	Wood Mulching	After grading of and prior to rainy season or at all times during the rainy season	n/a
EC-9	Earth Dikes and Drainage Swales	After grading of slopes	After paving
EC-10	Velocity Dissipation Devices	After grading of slopes	After paving
EC-11	Slope Drains	After grading of slopes	After paving
EC-12	Streambank Stabilization	After grading of slopes	After paving
EC-13	Polyacrylamide	After grading of slopes	After paving
Sediment Control BMP's			
SE-1	Silt Fence	Throughout construction	After paving

**Storm Water Pollution Prevention Plan
For Fairway Hills Estates HOA**

BMP Implementation Schedule			
BMP	BMP Description	Installation	Removal
SE-2	Sediment Basin	At the onset of grading and prior to rainy season or at all times during the rainy season	n/a
SE-3	Sediment Trap	After grading of and prior to rainy season or at all times during the rainy season	After Project Completion
SE-4	Check Dams	After grading and prior to rainy season or at all times during the rainy season	After paving
SE-5	Fiber Rolls	After grading of and prior to rainy season or at all times during the rainy season	After paving
SE-6	Gravel Check Dams	After grading and prior to rainy season or at all times during the rainy season	After paving
SE-7	Street Sweeping and Vacuuming	After paving	After Project Completion
SE-8	Sandbag Barrier	After grading of and prior to rainy season or at all times during the rainy season	After paving
SE-9	Straw Bale Barrier	Throughout construction	After paving
SE-10	Storm Drain Inlet Protection	After outlets have been constructed	After Project Completion
Wind Erosion Control BMP's			
WE-1	Wind Erosion Control	Throughout construction	After Project Completion
Tracking Control BMP's			
TC-1	Stabilized Construction Entrance/Exit	Throughout construction	After Project Completion
TC-2	Stabilized Construction Roadway	Throughout construction	After Project Completion
TC-3	Entrance/ Outlet Tire Wash	Throughout construction	After Project Completion
Non-Stormwater Management BMP's			
NS-1	Water Conservation Practices	Throughout construction	After Project Completion
NS-2	Dewatering Operations	Throughout construction	After Project Completion

**Storm Water Pollution Prevention Plan
For Fairway Hills Estates HOA**

BMP Implementation Schedule			
BMP	BMP Description	Installation	Removal
NS-3	Paving and Grinding Operations	Throughout construction	After Project Completion
NS-4	Temporary Stream Crossing	After grading of slopes	After paving
NS-5	Clean Water Diversion	Throughout construction	After Project Completion
NS-6	Illicit Connection/ Discharge	Throughout construction	After Project Completion
NS-7	Potable Water/ Irrigation	Throughout construction	After Project Completion
NS-8	Vehicle and Equipment Cleaning	Throughout construction	After Project Completion
NS-9	Vehicle and Equipment Fueling	Throughout construction	After Project Completion
NS-10	Vehicle and Equipment Maintenance	Throughout construction	After Project Completion
NS-11	Pile Driving Operations	Throughout construction	After Project Completion
NS-12	Concrete Curing	Throughout construction	After Project Completion
NS-13	Concrete Finishing	Throughout construction	After Project Completion
NS-14	Material and Equipment Use	Throughout construction	After Project Completion
NS-15	Demolition Adjacent to Water	Throughout construction	After Project Completion
NS-16	Temporary Batch Plants	Throughout construction	After Project Completion
Waste Management & Materials Pollution Control BMP's			
WM-1	Material Delivery and Storage	Throughout construction	After Project Completion
WM-2	Material Use	Throughout construction	After Project Completion
WM-3	Stockpile Management	Throughout construction	After Project Completion
WM-4	Spill Prevention and Control	Throughout construction	After Project Completion
WM-5	Solid Waste Management	Throughout construction	After Project Completion
WM-6	Hazardous Waste Management	Throughout construction	After Project Completion
WM-7	Contaminated Soil Management	Throughout construction	After Project Completion
WM-8	Concrete Waste Management	Throughout construction	After Project Completion
WM-9	Sanitary/ Septic Waste Management	Throughout construction	After Project Completion

Attachment 16- BMPs Maintenance, Inspection and Repair

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP		
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM
TEMPORARY SOIL STABILIZATION BMPs		
EC-2 Preservation of Existing Vegetation	Bi-weekly	<ul style="list-style-type: none"> ■ Inspect protective fencing and repair or replace as necessary ■ Repair or replace damaged vegetation per SS-1 working detail ■ Repair damaged roots or compacted soils in the root zone
EC-3 Hydraulic Mulching EC-4 Hydroseeding EC-5 Soil Binders EC-6 Straw Mulch EC-7 Geotextiles& Mats EC-8 Wood Mulch EC-9 Earth dikes and drainage swales EC-10 Velocity Dissipation Devices EC-11 Slope Drains EC-12 Streambank Stabilization EC-13 Polyacrylamide	Bi-weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	<ul style="list-style-type: none"> ■ Maintain continuous mulch cover over area to be protected. Re-spray hydraulic mulch as necessary. ■ As soon as weather and soil conditions permit, repair any slope damage and re-spray damaged or exposed areas ■ Replace and dispose torn or missing sections of Geotextiles ,mats, and plastic covers. Replace or supplement anchors as necessary to keep covers in place.
TEMPORARY SEDIMENT CONTROL BMPs		

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP		
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM
SE-1 Silt Fence SE-2 Sediment Basin SE-4 Check Dam SE-5 Fiber Rolls SE-6 Gravel Bag Berm SE-7 Street Sweeping And Vacuuming SE-8 Sandbag Barrier SE-9 Straw Bale Barrier SE-10 Storm Drain Inlet Protection	Bi-weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	<ul style="list-style-type: none"> ■ Remove, dispose, and replace damaged, deteriorated, or otherwise unsuitable BMPs ■ Repair any slope damage as soon as weather conditions permit. ■ Replace torn sand bags as required. ■ Replace torn sections of silt fences. Re-key bottom of fences as needed. ■ Remove retained sediments before they reach 1/3 of the barrier height or 1/2 of the sediment holding capacity ■ Clean and dispose of accumulated sediment deposited in sediment traps around drainage inlets; re-secure silt fence as needed ■ Remove BMPs when no longer needed, as directed by the Engineer. Repair slopes/surfaces damaged by BMP removal

**Storm Water Pollution Prevention Plan
For Fairway Hills Estates HOA**

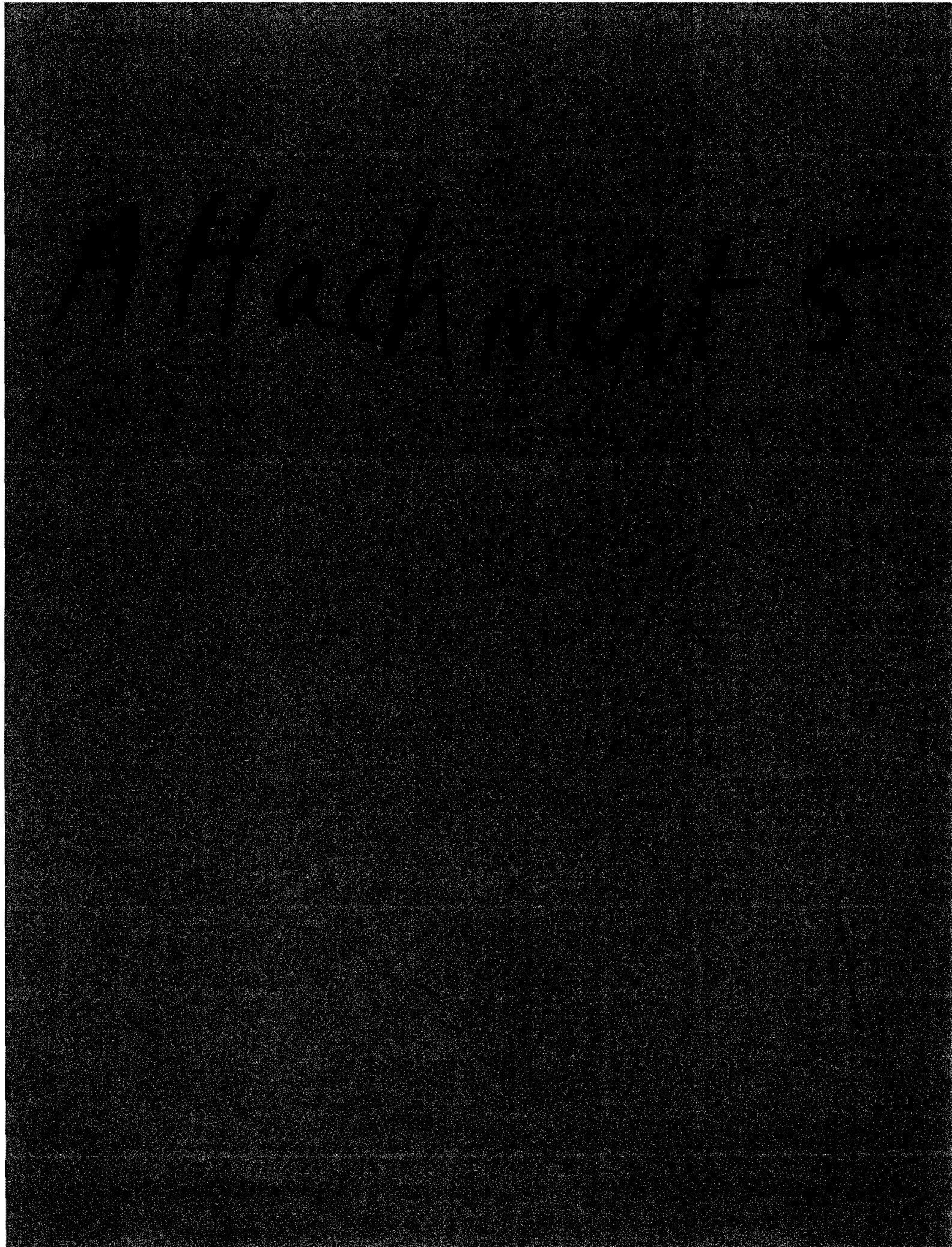
The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP		
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM
SE-3 Sediment Trap	Bi-weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	<ul style="list-style-type: none"> ■ Remove sediment as necessary. ■ Pump and discharge accumulated water. ■ Check outlet structure and spillway for any damage or obstructions. Repair damage and remove obstructions as needed. ■ Check outlet area for erosion and stabilize, if required. ■ Remove sediments when storage zone is one-third full. ■ Examine basin banks for seepage and structural soundness.
WIND EROSION CONTROL BMPs		
WE-1 Wind Erosion Control	Daily	<ul style="list-style-type: none"> ■ Maintain water trucks and water distribution equipment in good order and fix leaks immediately
TRACKING CONTROL BMPs		
TC-1 Stabilized Construction Entrance/ Exit TC-2 Stabilized Construction Roadway TC-3 Entrance/ Outlet Tire Wash	Weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	<ul style="list-style-type: none"> ■ Replace gravel as necessary. ■ Remove excessive soil accumulation. ■ Sweep surrounding areas.
NON-STORM WATER MANAGEMENT BMPs		

**Storm Water Pollution Prevention Plan
For Fairway Hills Estates HOA**

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP		
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM
NS-1 Water Conservation Practices NS-2 Dewatering Operations NS-3 Paving and Grinding Operations NS-4 Temporary Stream Crossing NS-5 Clear Water Diversion NS-6 Illicit Connection/ Discharge NS-7 Potable Water/ Irrigation NS-8 Vehicle and Equipment Cleaning NS-9 Vehicle and Equipment Fueling NS-10 Vehicle and Equipment Maintenance NS-11 Pile Driving Operations NS-12 Concrete Curing NS-13 Concrete Finishing NS-14 Material and Equipment Use NS-15 Demolition Adjacent to Water NS-16 Temporary Batch Plants	Weekly	<ul style="list-style-type: none"> ■ Inspect site during project execution for evidence of illicit discharges or illegal dumping. ■ Observe site perimeter for evidence or potential of illicitly discharged or illegally dumped material which may enter the job site. ■ Notify the Resident Engineer of any illicit discharges or illegal dumping incidents at the time of discovery. ■ Remove, dispose and replace damaged, deteriorated, or otherwise unsuitable BMPs ■ Remove vehicles and/or equipment that leak. ■ Replace drip pans or absorbent materials as needed. Re-stock spill materials. ■ Remove BMPs when no longer needed, as directed by the Engineer. Repair slopes/surfaces damaged by BMP removal
WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL BMPs		

**Storm Water Pollution Prevention Plan
For Fairway Hills Estates HOA**

The contractor shall use the following guidelines for maintenance, inspection, and repair of BMPs identified in the SWPPP/WPCP		
BEST MANAGEMENT PRACTICES (BMPs)	INSPECTION FREQUENCY (all controls)	MAINTENANCE/REPAIR PROGRAM
WM-1 Material Delivery and Storage WM-2 Material Use WM-3 Stockpile Management WM-4 Spill Prevention and Control WM-5 Solid Waste Management WM-6 Hazardous Waste Management WM-7 Contaminated Soil Management WM-9 Sanitary/Septic Waste Management	Weekly Prior to forecast storm After a rain event that causes runoff from the construction site At 24-hour intervals during extended rain events	<ul style="list-style-type: none"> ■ Keep storage areas clean, well organized, and equipped with ample clean-up supplies as appropriate for the materials stored ■ Repair or replace perimeter controls, containment structures, covers and liners as needed to maintain proper function and protection ■ Properly remove and dispose accumulated rainwater from containment facilities ■ Cover any stockpiles with appropriate mats or covers. ■ Maintain waste fluid containers in leak proof condition. Repair or replace dumpsters that leak ■ Provide timely service and removal to prevent dumpsters and sanitary facilities from overflowing. ■ Schedule Refuse Contractor to pick up waste containers weekly.
WM-8 Concrete Waste Management	Weekly	<ul style="list-style-type: none"> ■ Remove accumulated debris from concrete washouts. Replace lining and sand bags as necessary



Jack Eitzen Net Worth

Assets

2002 Chevy Impala	4,000.00
California Valley Lots, four lots valued \$3,000-\$5,000	20,000.00
Via Vista Grande Lot	60,000.00
House in Lathrop	175,000.00
Equipment	5,000.00
Total Assets	264,000.00

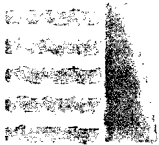
Liabilities

Mortgage Value on House in Lathrop	(535,000.00)
Citibank #XXXX	(22,116.80)
Wells Fargo #XXXX	(15,000.00)
Home Depot	(3,000.00)
Via Vista Grande Lot	(90,000.00)
Lowe's	(1,000.00)
Loan from Mary Eitzen: Associated Recovery Systems #XX	(55,717.33)
FCC Financing on Equipment	(7,142.35)
Temecula Erosion Control, Lake Elsinore	(6,000.00)
Riverside County Taxes	(2,500.00)
La Cresta HOA Dues: Notice of Lien	(3,000.00)
Medical Bills	(4,000.00)
CMRE Financial Services #9405XXXX	(1,025.38)
Bank of America, Financial Recovery Services #XXXX	(59,801.58)
Midland Credit Management #XXXX	(4,050.23)
Mr. Crummie Debt on Property in California Valley	(8,000.00)
Jose Olivia	(1,800.00)
San Luis Obispo Tax Collector Default (coming due)	(7,800.00)
Total Liabilities	(829,253.67)
Net Worth	(565,253.67)

I certify under penalty of perjury under the laws of the state of California that this accurately states the nature and value of all my assets and liabilities as of April 8, 2011.

Jack Eitzen





Temecula Valley Erosion Control, Inc.

Sandbags, Silt Fence, Hydroseed Erosion Control Materials & Services

19011 Murdock Avenue, Lake Elsinore CA 92532

(951) 245-4206 • FAX (951) 245-4216

License #847288

Licensed, Bonded and Insured

JOB PROPOSAL

Quote Number: #1080-1

Date: 12/23/10

CUSTOMER Jack Eitzen		JOB NAME Via Vista Grande/Clairemont	
BILLING ADDRESS [REDACTED]		JOB ADDRESS Private Rd	
CITY, STATE, ZIP [REDACTED]		CITY La Cresta, CA	
PHONE [REDACTED]	FAX [REDACTED]	CONTACT Jack	

We propose to furnish erosion control:

Poly Sand Bags made for emergency rain grent	500	Ea	@	\$1.50	\$750.00
Material Delivery- La Cresta	1	Ea	@	\$200.00	\$200.00
TOTAL					\$ 950.00

Rock and/ or hard digging will be an additional charge.
Placed gravel bags must be within fifteen feet of delivery vehicle.
All billing quantities will be field verified.

Terms and Conditions:

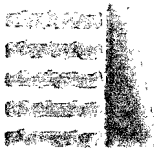
- * This job [X] will not [] will require Certified Payroll.
- * C.O.D. payment is required unless a credit account is established
- * Terms are Net 30 days: Upon approved credit. 2% Finance Charge (18% yearly)
- * Proposal valid for 30 days.
- * Maintenance not included. No cleaning included
- * Price Includes materials, tax, normal truck access, and one (1) move in.

Temecula Valley Erosion Control, Inc.

Acceptance: This contract must be signed
and returned before order can be placed.

Michael Caruso


Signature/Dated 12/23/10



Temecula Valley Erosion Control, Inc.

Sandbags, Silt Fence, Hydroseed Erosion Control Materials & Services

19011 Merrimack Avenue, Lake Elsinore CA 92532
 (951) 245-4206 • FAX (951) 245-4216
 License #847289

Licensed, Bonded and Insured

JOB PROPOSAL

Quote Number: #1097-1

Date: 12/28/10

CUSTOMER Jack Eitzen		JOB NAME Via Vista Grande/Clairemont	
BILLING ADDRESS [REDACTED]		JOB ADDRESS Private Rd	
CITY, STATE, ZIP [REDACTED]		CITY La Cresta, CA	
PHONE [REDACTED]	FAX [REDACTED]	CONTACT Jack	

We propose to furnish erosion control:

Poly Gravel Bags- Installed various locations	600	Ea	@	\$1.00	\$600.00
10 Mil Visqueen- Installed various locations	4 Rts	Ea	@	\$150.00	\$600.00
BMP Repairs (1+4 Group rate)	4 Hrs	Ea	@	\$118.00	\$472.00
Skip Loader w/Operator	1 Day	Ea	@	\$500.00	\$500.00
Material & Equipment Delivery- La Cresta	1	Ea	@	\$350.00	\$350.00

TOTAL \$ 2'522.00

Rock and/ or hard digging will be an additional charge.
 Placed gravel bags must be within fifteen feet of delivery vehicle.
 All billing quantities will be field verified.

Terms and Conditions:

- This job [X] will not [] will require Certified Payroll.
- C.O.D. payment is required unless a credit account is established
- Terms are Net 30 days: Upon approved credit 2% Finance Charge (18% yearly)
- Proposal valid for 30 days.
- Maintenance not included. No clearing included.
- Price includes materials, tax, normal truck access, and one (1) move in

Temecula Valley Erosion Control, Inc.

Acceptance: This contract must be signed and returned before order can be placed.

Michael Caruso

[Signature] 12-28-10

Signature/Dated

County: **SAN JOAQUIN**
 Parcel Number: **181-410-48**
 Tract/Parcel Number: **[REDACTED]**
 Legal Description:
LOT 135

Foreclosure Stage: Auction

Sale Date: **12/14/09** Published Bid: **\$639,831**
 Opening Bid: **\$0**
 Sale Status: **Active** Notice Date: **06/23/09**
 Positioned For: **Mutual Agreement** Document #: **86612**
 Sale Date: **12/14/09** Sale Time: **12:15 PM**
 Prior Date: **11/13/09** Sale Location: **24 HUNTER ST STOCKTON**
 Original Date: **07/29/09**
 Loan Date: **07/26/08** Loan Amount: **\$540,000**
 Loan Doc #: **158425** Loan Position: **1**
 Trustee: **AHMSI DEFAULT SERVICES INC**
1820 E 1ST ST 210
SANTA ANA, CA 92705
714-480-5690
 YE Number: **[REDACTED]**
 Lender: **AMERICAN HOME MTG ASSETS 2005**
6501 IRVINE CENTER DR
IRVINE, CA 92618

Property Details

Year Built: 2006	Zone: [REDACTED]
Type: SFR	Units: 0
Beds: 4	Baths: 3
Sq Ft: 2,554	Lot Size: 5,662
Heating: 0	Stories: 2
Garage: 0	HVAC: [REDACTED]
Pools: 0	Firplaces: 1

Value & Equity

Value: **\$198,470** \$77/sq (10/07/08)
 Loan: **\$540,000** 272%
 Equity: **\$-341,530** -172%
 Rent: **\$1,657** Cap Rate: **0.80%**

Tax Assessment

Assessed Yr: 2009	Annual Taxes: \$5,070
Total: \$286,000	Evil Tax Rate: 2.54%
Land: \$56,000	Delinquent Tax: \$0
Improves: \$180,000	Delinquent Yr: 0

Owner Name & Mailing Address

EITZEN JACK & CAROLINE

[REDACTED]

Transaction History

Type	Date	Doc #	Grantee	Amount
Transfer	06/23/09	87458	EITZEN, JACK & CAROLINE	\$529,800
OOD	07/27/08	140548	EITZEN, JACK	\$0
Loan	07/26/08	158425	CRF. INF. FINANCIAL CORP	\$540,000
MOD	08/27/08	17595	AHMSI DEFAULT SERVICES INC	\$22,130
LNTR	08/23/09	08612	AHMSI DEFAULT SERVICES INC	\$639,831

Notes

January 14, 2011

J Etzen
[REDACTED]
[REDACTED]

Re: **La Cresta POA**
Account #: 1011551
Property Address: 928 230-015 Acr 10.09

Dear J Etzen

This office is acting as debt collector for the Association. Any information obtained will be used for that purpose.

The Board of Directors has offered a payment plan with seven (7) monthly payments of **\$368.00**; and a final payment representing interest at 7% per annum of the total balance due of \$2,573.05. You will receive a final statement for the final interest due. I have enclosed a payment plan detailing a payment schedule for a period of seven (7) months, along with a copy for your files. Please sign the original where indicated and return the executed payment plan to our office by January 31, 2011. Your next payment is due on February 1, 2011 as indicated in the agreement.

If we do not receive your signed agreement by the above date, the payment plan will become void and further action will be taken regarding your account.

Should you have any questions, please feel free to contact me at (951) 296-5640 or via email at jouellette@equitymgt.com.

Sincerely,



Judi Ouellette
At the Direction of the Board

cc: VM File
101-1551

In this case, San Diego Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger is the principal of Eitzen Construction, and owns numerous parcels of land, listed below:

Value	Assessor's Parcel Number	County	Property Address	Assessed Total Value	Assessment Year	
	082-281-037	San Luis Obispo	Great Falls Road	\$19,483	2009	T.C.
	082-121-008	San Luis Obispo	N/A	\$5,620	2009	
	082-201-088	San Luis Obispo	Domis Road	\$17,991	2009	
	082-191-007	San Luis Obispo	11180 Crannel Trail	\$19,872	2008	
	082-211-035	San Luis Obispo	Grassland Road	\$25,000	2008	
neg 30k debit	082-281-051	San Luis Obispo	Gleason Road	\$18,399	2009	
	082-201-033	San Luis Obispo	11320 Del Rosa Road	\$19,872	2009	
5,000	083-461-004	San Luis Obispo	Arrowbear Trail	\$4,496	2009	
5,000	082-291-076	San Luis Obispo	Greybriar Trail	\$19,483	2009	
5,000	082-281-007	San Luis Obispo	Greybriar Trail	\$19,483	2009	
5,000	083-451-041	San Luis Obispo	Lake Road	\$11,243	2009	
Campbell	082-211-036	San Luis Obispo	N/A	\$25,000	2009	
Sold	082-181-044	San Luis Obispo	14155 Diamond Springs Road	\$18,766	2008	
	928-230-015	Riverside	38175 Via Vista Grande (check this on Westlaw)	\$108,242 (value based on vacant lot prior to development)	2008	
90,000	928-230-016	Riverside	38155 Via Vista Grande	\$108,242 (value based on vacant lot prior to development)	2008	
70,000			TOTAL	\$441,192		

Given the above assets, which do not include the value of improvements that have since been made to the properties at 38175 and 38155 Via Vista Grande, it appears the Discharger has the capacity to pay the proposed liability.

debit \$ 50,000



First American Title

1/26/2011

Phone: 925.225.2670

Fax: 925.225.1092

Date	: 1/26/2011	Prepared By	:
Time	: 10:58 AM	Prepared For	:
Report Type	: FAT Home, TIT	Company	:
Sort Type	: PARTIAL	Address	:
Parcels Printed	: 11	City/State/Zip	:

Search Parameters

Sale Price - Full/Partial : 05325
FULL

Transfer Date : 10771
2011-01 (JANUARY 2011) thru 2010-01 (JANUARY 2010)

RADIUS SEARCH

Property Sales 1 year ago - current on sales
Property Value \$3 - 5,000 if you have a buyer
Total Taxes Inc - \$7,800⁰⁰



FIRST AMERICAN TITLE / San Luis Obispo (CA)

OWNERSHIP INFORMATION

Parcel Number : 062 181 044
Owner : Fitzer Jack
CoOwner :
Site Address : 14155 Diamond Springs Rd Santa Margarita 93453
Mall Address : [REDACTED]

SALES INFORMATION

Transferred : 03/25/2004
Document # : 23943
Sale Price : \$2,000 Full
Deed Type : Grant Deed
% Owned : 100
Loan Amount :
Lender :
Loan Type :
Interest Rate :
Vesting Type :

ASSESSMENT AND TAX INFORMATION

Land :
Structure :
Other :
Total :
Exempt Type :
Exempt Amount :
Tax Rate Area : 054061
10-11 Taxes : \$237.70

PROPERTY DESCRIPTION

Zoning : R8
Land Use : 001 Vacant, California Valley
Legal : C/L VLY U 32 LT 75
Map Blk-Pg :
Sub/Plat :

PROPERTY CHARACTERISTICS

Total Rooms :
Bedrooms :
Bathrooms :
Dining Room :
Family Room :
Other Rooms :
Utility Rooms :
Storero :
Units :
Garage Type :
Garage Space :
Patio :
Lot Area : 225
Lot Sqft : 108,900
Lot Dimension :
Bldg Sqft :
Addition SF :
Bldg Style :
1st FlrSF :
2nd FlrSF :
HomeTotSF :
Garage SF :
Roof Type :
Appliances :
SpuffHotTub :
Pool :
CurtHldAC :
Air Cond :
Heat Type :
Fireplace :
Foundation :
Year Built :
Eff Yr Built :

Information compiled from public records. Carelogix makes no representation or warranty as to the accuracy or completeness of information contained in this report.



= FIRST AMERICAN FARM REPORT =

Owner : **Barrerez Richard** Parcel : **083 431 011**
 Site : *no Site Address* Xfer Date : **02/10/2010**
 Mail : [REDACTED] XferAmt : **\$5,000 Full**
 Land Use : **Vacant, California Valley** Zoning :
 Legal : **CAL VLY U 26 LT 150** Census Tract: **23.06** Block: **2**
 Bedrm: Bath: Tot Rm: Garage : Pool: Bldg SF : Acres: **2.50** Yr Blt:
 Loan\$: Doc #: **6561** Assd Val: **\$5,000** %Imp: Units : Exempt:

Owner : **Arriola Andrew E** Parcel : **083 471 058**
 Site : *no Site Address* Xfer Date : **01/14/2010**
 Mail : [REDACTED] XferAmt : **\$7,500 Full**
 Land Use : **Vacant, California Valley** Zoning :
 Legal : **CAL VLY U 27 LT 230** Census Tract: **127.02** Block: **7**
 Bedrm: Bath: Tot Rm: Garage : Pool: Bldg SF : Acres: **2.58** Yr Blt:
 Loan\$: Doc #: **1786** Assd Val: **\$17,002** %Imp: Units : Exempt:

Owner : **Caruana Margaret F. 1996 Trust** Parcel : **082 211 011**
 Site : *no Site Address* Xfer Date : **05/19/2010**
 Mail : [REDACTED] XferAmt : **\$10,000 Full**
 Land Use : **Vacant, California Valley** Zoning :
 Legal : **CAL VLY U 33 LT 19** Census Tract: **127.02** Block: **7**
 Bedrm: Bath: Tot Rm: Garage : Pool: Bldg SF : Acres: **2.56** Yr Blt:
 Loan\$: Doc #: **23180** Assd Val: **\$3,020** %Imp: Units : Exempt:

Owner : **Oseguera Jose** Parcel : **082 211 019**
 Site : *no Site Address* Xfer Date : **02/16/2010**
 Mail : [REDACTED] XferAmt : **\$14,000 Full**
 Land Use : **Vacant, California Valley** Zoning :
 Legal : **CAL VLY U 33 LT 37** Census Tract: **127.02** Block: **7**
 Bedrm: Bath: Tot Rm: Garage : Pool: Bldg SF : Acres: **2.50** Yr Blt:
 Loan\$: Doc #: **7087** Assd Val: \$ %Imp: Units : Exempt:

Owner : **Moock Christopher** Parcel : **082 221 058**
 Site : **Gavilan Trl** Xfer Date : **08/30/2010**
 Mail : [REDACTED] XferAmt : **\$8,000 Full**
 Land Use : **Vacant, California Valley** Zoning : **R**
 Legal : **CAL VLY U 33 LT 202** Census Tract: **101.00** Block: **2**
 Bedrm: Bath: Tot Rm: Garage : Pool: Bldg SF : Acres: **2.55** Yr Blt:
 Loan\$: Doc #: **41778** Assd Val: %Imp: Units : Exempt:

Owner : **Rendon Mateo** Parcel : **083 401 054**
 Site : *no Site Address* Xfer Date : **04/13/2010**
 Mail : [REDACTED] XferAmt : **\$3,500 Full**
 Land Use : **Vacant, California Valley** Zoning :
 Legal : **CAL VLY U 25A LT 227** Census Tract: **23.06** Block: **2**
 Bedrm: Bath: Tot Rm: Garage : Pool: Bldg SF : Acres: **2.46** Yr Blt:
 Loan\$: Doc #: **17156** Assd Val: **\$6,000** %Imp: Units : Exempt:

Information compiled from public records. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.

Home | My Account | My Property | My Information Summary

San Diego County Tax Information Summary



Home | My Account | My Property | My Information Summary | Information for Year 2010/11

San Diego County Tax Information Summary

Property Tax Information Summary

Assessment #: 082,211,005

The Total Due amount to the right is based on the date last updated. Follow the underlined links to see dates due for each bill listed on this summary.

Total Due: \$767.87

Secured Property Taxes

Last Updated: 2/4/2011

Bill Year	Bill Number	Amount Billed	Total Paid	Total Due
2010/11	082,211,005 CITIZEN JACK	\$310.10	\$155.05	\$155.05

[Bill Detail](#)

Prior Years Delinquent Taxes

Last Updated: 2/4/2011

Original Default Date	Total Due
6-30-2009	\$612.82

[Bill Detail](#)

Valid for the month of February 2011

San Diego County Tax Information Summary

San Diego County Tax Information Summary

San Diego County Tax Information Summary

Handwritten signature and date: 2/1/11

Asset Acceptance, LLC

Toll Free 877-768-98 Ex1
PO Box 2036
Warren, MI 48090-2036

First Notice

September 8, 2010

RE: [REDACTED]
Original Acct #: [REDACTED]
Asset Acceptance, LLC Acct #: [REDACTED]
Balance Past Due: \$14803.13

Dear CAROLINE L COCCIARDI:

It is our pleasure to welcome you as a new customer of Asset Acceptance, LLC. Your account with the above mentioned creditor has been purchased and is now owned by Asset Acceptance, LLC. In order to insure proper credit for any payments it is necessary that all future payments and inquiries be made to Asset Acceptance, LLC, PO Box 2036, Warren, MI 48090-2036.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Sincerely,

Phone: Toll Free 877-768-98

Debt Collector
Asset Acceptance, LLC

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

We may report information about your account to credit bureaus. Correspondence concerning inaccuracies and disputes relating to your credit report should be sent to: P.O. Box 1630 Warren, MI 48090-1630.

See Reverse Side for Important Information Regarding Your Privacy Rights

Detach Lower Portion and Return with Payment

CLASSIFIED MAIL



PO Box 2036
Warren MI 48090-2036

ADDRESS SERVICE REQUESTED

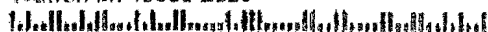
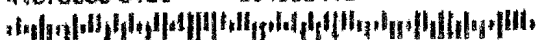
Asset Acceptance, LLC Acct #: 419760
Balance Past Due: \$14803.13

September 8, 2010

ASSET ACCEPTANCE, LLC
PO Box 2036
Warren MI 48090-2036

41976095-6100

394002415



Department # 5996
P.O. Box 1259
Oaks, PA 19456



ASSOCIATED RECOVERY SYSTEMS
A DIVISION OF ARS NATIONAL SERVICES, INC.
P.O. BOX 469046
ESCONDIDO, CA 92046-9046
(800) 900-1178 FAX (866) 422-0765
www.PayARS.com

October 2, 2010

1076 2010

MARY I EITZEN
[Redacted]

ACCOUNT IDENTIFICATION

Re: Bank of America, NA
Account: [Redacted]
ARS Acct No. [Redacted]
Balance: \$55717.33

Dear Sir/Madam

Our client, Bank of America, NA, has hired Associated Recovery Systems. balance due is \$55717.33. We are committed to helping you resolve this & we can stop further collection efforts. We look forward to assisting you.

To aide with your payment, Associated Recovery Systems offers the follo
"Quick Check" by phone, call us at (800) 900-1178,
Western Union "Quick Collect" (Code City: Warner, CA),
MoneyGram "Express Payment" (Receive Code: 5161),
Or Make your payment online at www.PayARS.com

Please contact this office at (800) 900-1178. Our office hours are Mond:
(Time).

Sincerely,

Account Representative

*I used my
Moms credit
card to help
with cost*

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT
A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Detach And Return With Payment

SH - [Redacted]
Account: [Redacted]

Print address/phone changes below
or call (800) 900-1178

Amount Enclosed \$ _____

HOME () _____
WORK () _____

Inclosing this coupon with your payment will
expdite credit to your account

Make your check or money order payable to:

**NOTICE OF ELECTRONIC CHECK
PROCESSING:**

We reserve the right to process checks electronically
transmitting the routing, account, and check
number to the bank. By submitting a check, you
authorize us to initiate an electronic debit from your
account. A returned check may be collected
electronically if it is returned for insufficient funds.

ASSOCIATED RECOVERY SYSTEMS
PO BOX 463051
ESCONDIDO, CA 92046-3051
[Barcode]

DO NOT DESTROY THIS NOTE:

When paid, this Note and the Deed of Trust securing same, must be surrendered to Trustee for cancellation and retention before reconveyance of the Deed of Trust will be made.

**INSTALLMENT NOTE
(INTEREST ONLY PAYMENTS)**

\$90,000.00

August 20, 2004

File No. RTE-1568635

For value received, all of the undersigned (collectively referred to as "Maker"), jointly and severally promise to pay to **Wyeth W. Cade and Orpha B. Cade, Trustees of the Cade Charitable Remainder Untrust dated December 4, 1995** or order ("Holder"), at **642 Rolling Hills Road, Vista, CA 92083** or as directed otherwise in writing by Holder, the principal sum of **Ninety Thousand and No/100 Dollars (\$90,000.00)**, with interest from the **8th day of September, 2004** on the amounts of principal remaining from time to time unpaid, until said principal sum is paid in full, at the rate of **Six per cent (6.00%)** per annum, payable in monthly installments equal to interest only or more commencing on the **8th day of each and every Month**, beginning on the **8th day of October, 2004**, and continuing until the **8th day of September, 2006**, at which time the entire unpaid principal and any accrued interest is all due and payable in full.

If the Maker shall sell, convey or alienate the property as described in the Deed of Trust (defined below), or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the Holder being first had and obtained, Holder shall have the right, at its option, except as prohibited by law, to declare any indebtedness or obligations secured hereby, irrespective of the maturity date specified in any Note evidencing the same, immediately due and payable.

If this Note requires a balloon payment, this Note may be subject to California Civil Code Section 2966 which provides that the Holder of this Note shall give written notice to the Maker as the trustor of the Deed of Trust, or his/her successor in interest, of prescribed information at least ninety (90) and not more than one hundred and fifty (150) days before any balloon payment is due.

All payments under this Note shall be made in lawful money of the United States of America. Payments shall be credited first against any costs or expenses due under this Note, then to accrued interest, and finally to principal. The principal amount of this Note may be prepaid, in whole or in part, at any time without penalty, in which event, interest shall cease to accrue on the portion of the principal so prepaid. Should any amount under this Note not be paid when due, then all remaining principal and accrued interest shall become immediately due and payable at the option of Holder. In no event shall the interest rate charged under this Note exceed the maximum rate permitted under applicable law.

1st Deed at:

36175 Vista Avenue



P.O. Box 701
Charleston, MO 63005-0701
Forwarding Service Requested

August 7, 2010

CUSTOMER INFORMATION

NARS File #: [REDACTED]
Account #: [REDACTED]
Creditor: Cs Paradise Holdings LLC

Amount Due: \$20130.26

Erizen Kenneth
[REDACTED]



Dear Erizen Kenneth,

This letter is sent on behalf of the creditor listed above, regarding the amount that is now owed on the referenced debt. The amount due is \$20130.26.

National Asset Recovery Services, Inc. would like to resolve this matter. Therefore, we need to discuss your intentions concerning repayment of this account.

Please send the total amount due of \$20130.26 to the address listed at the bottom of this letter, or call an Account Representative at 877-277-4998 to discuss options to resolve this matter. Our hours of operation are Monday - Thursday 7:00 A.M. - 9:00 P.M. CT, Friday 7:00 A.M. - 4:00 P.M. CT, and Saturday 7:00 A.M. - 11:00 A.M. CT.

You may also make a payment online at: www.MakeThisPayment.com/Csi.

Sincerely,

Account Representative

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT
TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

NOTICE

Unless you notify this office within thirty days (30 days) after receiving this notice that you dispute the validity of the debt, or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty days (30 days) after receiving this notice, that you dispute the validity of the debt or any portion thereof, this office will obtain verification of the debt, or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within the thirty days (30 days) after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

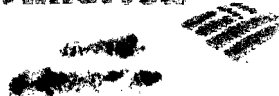
RETURN LOWER PORTION WITH PAYMENT TO THE ADDRESS BELOW

Indicate your method of payment

CUSTOMER INFORMATION



Bank of America



0474 P P
60-2

CD 02/02 1 0000 431 1 738 027672 0001 AV D.335

CAROLINE L FITZLER
JACK FITZLER



Your Bank of America Standard Checking Statement

Statement Period:
December 28, 2010 through
January 26, 2011

Account Number: [REDACTED]

At Your Service
Call: 498.863.0500

Written Inquiries
Bank of America
Saratoga Branch
PO Box 37176
San Francisco, CA 94137-0176

Customer since 2001
Bank of America appreciates your
business and we enjoy serving you!

Our Online Banking service allows you to check balances, track account activity and more. With Online Banking you can also view up to 18 months of this statement online and even turn off delivery of your paper statement. Enroll at www.bankofamerica.com

Summary of Your Standard Checking Account

Beginning Balance on 12/28/10	\$20.00	Number of ATM withdrawals and transfers	0
Ending Balance	\$20.00	Number of purchase transactions	0
		Number of 24 Hour Customer Service Calls	
		Self-Service	0
		Assisted	0

Bank of America News

At Bank of America, if fraud occurs on your debit or credit card, charges will be credited to your account as soon as the next business day pending resolution of claim. To be covered, report fraud charges promptly. Don't share personal or account information. See account agreements or visit www.bankofamerica.com/solutions for details.



Bank of America

Statement Period: December 29, 2010 through January 28, 2011
 Account Number: [REDACTED]

Account Activity Continued

Date	Description	Reference #	Debits	Credits	Daily Balance
					\$398.25
01/14	State Farm Ro 08 DES:Slpp ID:02 S 0351888402 INDN: Eltzen Construction Co ID:9000213001 PPD Ref:011013905888708		\$ 50.13		
01/14	Purchase on 01/14 (Card [REDACTED]), Costco Gas #0129 Santa Clara CA	828645	78.95		
01/14	Purchase on 01/14 (Card [REDACTED]), Costco Whee #0129 Santa Clara CA	438011	84.08		
01/14	Check Card Purchase on 01/13 (Card [REDACTED]), Union 76 00365633 Los Altos CA Ref #24184071013819768401912		31.33		
01/14	Check Card Purchase on 01/13 (Card [REDACTED]), Bruce Bauer True Value Mt View CA Ref #24248511013208002752986		22.58		
					\$131.16
01/18	Purchase on 01/17 (Card [REDACTED]), Zucotto's Willow San Jose CA	242054	\$ 11.03		
01/18	Purchase on 01/17 (Card [REDACTED]), 1338 Flor 1 Saret San Jose CA	349558	21.85		
01/18	Check Card Purchase on 01/15 (Card [REDACTED]), Sur La Table Los Gatos Los Gatos CA Ref #24493921016601003486108		6.00		
01/18	Check Card Purchase on 01/15 (Card [REDACTED]), La Pizzeria Campbell CA Ref #24301371016118000100982		59.35		
					\$30.83
01/18	Check Card Purchase on 01/17 (Card [REDACTED]), Pier 1 00013128 Gilroy CA Ref #24389001018211312362278		\$ 21.85		
					\$9.06
01/20	Deposit			\$ 800.00	
01/20	Deposit			1,500.00	
01/20	Purchase on 01/20 (Card [REDACTED]), Safeway Store 0 Saratoga CA	803285	\$ 19.04		
					\$2,383.04
01/21	Check # 893		\$ 150.00		
01/21	Purchase on 01/21 (Card [REDACTED]), Safeway Store 0 Saratoga CA	124829	16.84		
					\$2,223.20
01/24	Purchase on 01/22 (Card [REDACTED]), Shell Service Sta San Jose CA	118513	\$ 39.98		
01/24	Return Item Chargeback		1,000.00		
					\$1,163.24
01/25	Check Card Purchase on 01/22 (Card [REDACTED]), Lori's Diner - Ghirard San Francisco CA Ref #24071051024158102443830		\$ 27.98		
					\$1,155.26
01/26	Deposit			\$ 1,200.00	
01/26	Check # 888		\$ 43.00		
01/26	Check Card Purchase on 01/24 (Card [REDACTED]), The Home Depot 8835 San Jose CA Ref #24610431025010160411786		8.12		
01/26	Check Card Purchase on 01/25 (Card [REDACTED]), Union 76 00365633 Los Altos CA Ref #24164971025818957670280		28.28		
					\$2,277.85

Total Overdraft Fees and NSF: Returned Item Fees

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$70.00
Total NSF: Returned Item Fees	\$0.00	\$0.00

Statement Period: December 28, 2010 through January 28, 2011
Account Number: [REDACTED]

Account Activity Continued

Date Posted	Description	Reference #	Debits	Credits	Daily Balance
12/31	Purchase on 12/31 (Card [REDACTED]), Beverages & More San Jose CA	887816	30.58		
12/31	Purchase on 12/31 (Card #635433281), Cvs 08834 09634- Saratoga CA	956353	31.11		
01/03	Deposit			\$ 1,000.00	\$713.26
01/03	Online Banking transfer from Chk 7712 Confirmation# 0607815443			100.00	
01/03	Purchase on 01/02 (Card [REDACTED]), Safeway Store 1 Hollister CA	182885	\$ 26.62		
01/03	Purchase on 01/02 (Card [REDACTED]), The Home Depot 66 San Jose CA	004757	74.87		
01/03	Purchase on 01/02 (Card [REDACTED]), Amazon- 3369 455 San Jose CA	203172	96.31		
01/03	Check Card Purchase on 12/31 (Card [REDACTED]), Vikhar Valero Cupertino CA Ref #24427331001120005459078		46.96		
01/04	Purchase on 01/04 (Card [REDACTED]), Safeway Store 0 Saratoga CA	440108	\$ 9.32		
01/04	Purchase on 01/04 (Card [REDACTED]), Arco Paypoint San Jose CA	022803	46.03		
01/04	Online Banking transfer to Chk 7712 Confirmation# 2516407271			100.00	
01/04	Wu Focaterpills DES:Wu/Focater ID:0010017424000 INDN:Etizen, K Jack Co ID:9600628004 WEB Ref:011034008462708		537.71		
01/05	Bill Payment		\$ 38.15		\$869.46
01/05	Verizon Wire'less Bill Payment		262.37		
01/06	Purchase on 01/06 (Card [REDACTED]), Gene's Quilo Mark Saratoga CA	254268	\$ 10.64		
01/06	Purchase on 01/06 (Card #635433281), Safeway Store 0 Saratoga CA	277155	13.30		
01/07	Check Card Purchase on 01/06 (Card [REDACTED]), FedEx Office #2213 San Jose CA Ref #24445001006598483971621		\$ 12.00		
01/07	Check Card Purchase on 01/06 (Card #635433281), FedEx Office #7213 San Jose CA Ref #24445001008598483971604		77.28		
01/10	Purchase on 01/10 (Card [REDACTED]), The Home Depot 66 San Jose CA	036315	\$ 4.80		
01/10	Purchase on 01/06 (Card #635433281), Safeway Store # Saratoga CA	331863	9.85		
01/10	Purchase on 01/10 (Card #635433281), Orchard Supply #2 San Jose CA	958970	23.46		
01/11	Deposit			\$ 503.00	\$486.98
01/11	Check # 867		\$ 275.00		
01/11	West Valley Collection Bill Payment		67.32		
01/12	Purchase on 01/12 (Card [REDACTED]), The Home Depot 66 San Jose CA	414602	\$ 3.58		
01/12	Purchase on 01/12 (Card [REDACTED]), The Home Depot 66 San Jose CA	416401	5.43		
01/13	Purchase on 01/12 (Card [REDACTED]), The Home Depot 66 San Jose CA	476070	\$ 40.87		
01/13	Purchase on 01/13 (Card [REDACTED]), The Home Depot 66 San Jose CA	482784	46.74		
01/13	Check Card Purchase on 01/12 (Card [REDACTED]), FedEx Office #1950 San Marcos CA Ref #24445001013000424841660		28.41		

Continued on next page

2612 P P
EO-3

Your Bank of America Prima Account Statement

Statement Date: December 28, 2010

⑈01/05 1 0000 646 34 433 004262 8931 AT 0.357

At Your Service
Call: 951.676.2095

JACK CITZEN
[REDACTED]

Written Inquiries
Bank of America
02612-West Murrieta
23761 Washington Ave.
Murrieta, CA 92562-2268

Customer since 2006
Bank of America appreciates your
business and we enjoy serving you

Our Online Banking service allows you to check balances, track account activity and more. With Online Banking you can also view up to 18 months of this statement online and even turn off delivery of your paper statement. Enroll at www.bankofamerica.com.

Summary of Your Deposit Accounts

Account	Account Number	Your Balance
Prima Interest Checking	[REDACTED]	\$ 34.23
Cash Maximizer	[REDACTED]	110.04
Total Balances		\$ 144.27

*Combined balances in these accounts may be used to eliminate monthly checking account service charges.

Your Prima Interest Checking Account

Account Number: [REDACTED]
Statement Period: November 27 through December 28, 2010

Beginning Balance on 11/27/10	\$34.23
Ending Balance	\$34.23

Number of ATM withdrawals and transfers	0
Number of purchase transactions	0
Number of 24 Hour Customer Service Calls	
Self-Service	0
Assisted	0

Your Cash Maximizer Account

Growth Cash Maximizer - 1.830,346.7612 - Customer Service

Account Number: 26123-67712
Statement Period: November 27 through December 28, 2010

Beginning Balance on 11/27/10	\$88.03
Total Deposits	+ 12.00
Interest Paid	1.21
Ending Balance	\$110.04

Annual Percentage Yield earned this period	0.50%
Interest paid year-to-date	\$ 09
Number of ATM withdrawals and transfers	0
Number of purchase transactions	0
Number of 24 Hour Customer Service Calls	
Self-Service	0
Assisted	0

Account Activity

Date Posted	Description	Reference Number	Amount
12/08	Deposits and Credits November Service Charge Refund		\$12.00
12/29	Interest Paid Interest Paid from 11/27/10 Through 12/29/10		01

Daily Balance

Date	Amount	Date	Amount	Date	Amount
12/06	\$ 110.03	12/29	110.04		

Bank of America: In Balance

To assist you in reconciling your account, we have provided the following summary information. A reconciliation worksheet is printed on the reverse of this page.

* Your ending balance from this statement	\$110.04
* Add interest paid to your checkbook register	0.01

FACTS - FDIC Insured Account Disclosure Information

New choices for Overdraft Protection. Now you can link your checking account to a checking or a Money Market Savings account for Overdraft Protection. Transfers are made for the amount required to cover the overdraft and the applicable transfer fee, which is \$10.00 for each transfer (transfers occur once per day). If you haven't signed up or want to know about other Overdraft Protection options, call the number on your statement or visit your nearby banking center. U.S. Trust Clients: If you have questions about how these changes may impact your account, please call the number on your deposit statement.

Bank of America

0474 P P
EO-4

Your Bank of America Business Checking Statement

Statement Period:
November 25 through December 26, 2010

CD 01/04 1 0000 953 712 01942F 8F01 AV 0.355

FITZEL CONSTRUCTION

JACK FITZEL

Account Number: [REDACTED]

At Your Service
Call: 406.983.0588

Written Inquiries
Bank of America
Saratoga Branch
PO Box 37176
San Francisco, CA 94137-0176

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Summary of Your Business Checking Account

Beginning Balance on 11/25/10	\$2,093.17	Interest paid year-to-date	\$ 01
Total Deposits and Credits	+ 1,900.00	Number of checks paid	1
Total Checks, Withdrawals, Transfers, Account Fees	- 3,835.50	Number of electronic checks paid	0
Ending Balance	\$97.67	Number of 24 Hour Customer Service Calls Self-Service	0
		Assisted	0

Important Information About Your Account

Congratulations! You have had 27 qualifying Bank of America Small Business Check Card transaction(s) post to your account during the previous monthly statement period. You have successfully achieved your target and the monthly maintenance fee on your business checking account has been waived.

Help avoid occasional Overdraft & NSF/Returned Item fees. Set up Alerts to get messages by email or text when your balance is low. Use Overdraft Protection to transfer available funds from linked savings, credit card, or credit line to your checking account to help cover items that would overdraw your account. Call us for details.

Account Activity

Date	Description	Reference #	Debit	Credit	Daily Balance
11/28	Purchase on 11/20 (Card # [REDACTED], Safeway Store @ Saratoga, CA	180315	\$ 13.74		\$2,080.43
11/29	Purchase on 11/28 (Card # [REDACTED], Cvs 09634 09634- Saratoga, CA	267726	\$ 6.54		
11/29	Purchase on 11/28 (Card # [REDACTED], Cvs 09634 09634- Saratoga, CA	721303	7.09		

Continued on next page

Call Center

Page 1 of 4

Account Activity Continued

Date Posted	Description	Reference #	Debits	Credits	Daily Balance
11/28	Purchase on 11/28 (Card [REDACTED]), Bel - 1800 Saratoga San Jose CA	391053	38.32		
11/28	Check Card Purchase on 11/28 (Card [REDACTED], Union 76 10100386 Saratoga CA Ref #24164070332818143234251		36.15		
11/28	Check Card Purchase on 11/24 (Card #635433281), The Wine Club Sc Santa Clara CA Ref #24323000331556018049172		205.10		\$1,725.04
12/03	Check Card Purchase on 11/30 (Card [REDACTED], The Wine Club Sc Santa Clara CA Ref #24323000336556018451884		\$ 52.41		\$1,672.63
12/06	Purchase on 12/06 (Card [REDACTED]), The Home Depot 65 San Jose CA	207281	\$ 50.18		
12/03	Check Card Purchase on 12/01 (Card #635433281), The Wine Club Sc Santa Clara CA Ref #24323000337556018552666		54.60		\$1,507.85
12/07	Purchase on 12/07 (Card [REDACTED]), Trader Joe's # 08 San Jose CA	677231	\$ 17.67		
12/07	Comcast Cable Bill Payment		92.67		\$1,457.31
12/06	Verizon Wireless Bill Payment		\$ 261.70		\$1,195.61
12/08	Check Card Purchase on 12/08 (Card [REDACTED], CA Dmv Internet 918-8578943 CA Ref #24717050342153422060003		\$ 74.00		\$1,121.61
12/10	Deposit			\$ 1,500.00	\$2,621.61
12/13	Purchase on 12/13 (Card [REDACTED]), The Home Depot 65 San Jose CA	330890	\$ 9.46		
12/13	Purchase on 12/13 (Card [REDACTED]), 1399 Pier 1 Sarat San Jose CA	810366	24.13		\$2,588.02
12/14	Purchase on 12/14 (Card [REDACTED]), Foodmaxx #460 San Jose CA	552615	\$ 15.65		
12/14	Purchase on 12/14 (Card [REDACTED]), Costco Wine #0470 San Jose CA	623275	25.48		
12/14	State Farm Ro 08 DES:Stop ID:02 S 0351868402 INON; Eitzen Construction Co ID:9000913001 PPD Ref:010347008281808		52.13		
12/14	Purchase on 12/14 (Card [REDACTED]), Costco Wine #0470 San Jose CA	422120	58.05		\$2,436.71
12/15	Check # 890		\$ 2,034.78		
12/15	Purchase on 12/15 (Card [REDACTED]), Salsbury Starr - 0 Saratoga CA	262477	12.04		\$340.68
12/16	Comcast Cable Bill Payment		\$ 66.02		
12/16	Check Card Purchase on 12/16 (Card [REDACTED], Union 76 10100386 Saratoga CA Ref #24164070348918390261040		49.60		\$190.38
12/17	Check Card Purchase on 12/16 (Card #635433281), The Ranch Golf Club San Jose CA Ref #24707803350716297418281		\$ 65.80		\$101.36
12/21	Purchase on 12/21 (Card [REDACTED]), Arco Praypoint San Jose CA	581072	\$ 54.38		\$76.87
12/22	Deposit			\$ 433.00	\$476.07
12/23	Purchase on 12/23 (Card [REDACTED]), Office Max 756 El San Jose CA	756316	\$ 17.47		

Continued on next page

Statement Period: November 25 through December 28, 2010
Account Number: [REDACTED]

How To Balance Your Bank of America Account

HRST, start with your Account Register/Checkbook

- 1 List your Account Register/Checkbook Balance here _____ \$
- 2 Subtract any service charges or other deductions not previously recorded that are listed on this statement _____ \$
- 3 Add any credits not previously recorded that are listed on this statement (for example, interest) _____ \$
- 4 This is your **NFW ACCOUNT REGISTER BALANCE** _____ \$

NOW, with your Account Statement:

- 1 List your Statement Ending Balance Here _____ \$
- 2 Add any deposits not shown on the statement _____ \$

SUBTOTAL

- 3 List and total all outstanding checks, ATM, Check Card and other electronic withdrawals _____ \$

Checks, ATM, Check Card, Electronic Withdrawals		Checks, ATM, Check Card, Electronic Withdrawals		Checks, ATM, Check Card, Electronic Withdrawals	
Date/Check #	Amount	Date/Check #	Amount	Date/Check #	Amount

- 4 TOTAL OF OUTSTANDING CHECKS, ATM, Check Card and other electronic withdrawals _____ \$
- 5 Subtract total outstanding checks, ATM, Check Card and other electronic withdrawals from Subtotal. This balance should match your new Account Register Balance _____ \$

Upon receipt of your statement, discrepancies, if any, should be reported to the bank promptly in writing and in accordance with provisions in your deposit agreement.

Important Information

Change of Address: Please update all the information you are listed on the front of this statement to reflect any change of address.

Deposit Agreement: When you opened your account, you agreed to deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents. As we may amend them from time to time, these documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and the schedule of fees are in the current version of the terms and conditions of your account relationship, which may be obtained by contacting your branch.

Electronic Transfers: In case of error or question about your electronic transfer, if you think your statement or receipts are wrong or if you need more information about an electronic transfer to go, ATM transaction, direct deposit or withdrawal, please call our transfer center at 1-800-368-5623 or visit us at www.bankofamerica.com at the address and number listed on the front of this statement or contact your call center. We must hear from you within 60 days after we send you the daily statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the check or the transfer you are disputing, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the disputed item.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will make any error promptly. If we take more than 10 business days (20 business days if you are a new customer) for a returned transfer reporting error, the first 30 days after the first deposit or made to your account funds that we will credit your account for the amount you think is in error, or if you will hold us off the money for 30 days after the first deposit or made to your account.

For other accounts, we investigate and if we find an error, we will credit your account for the amount of the error and the amount of our investigation.

Reporting Other Problems: You must contact your branch as soon as possible and promptly. You have the best position to solve the error and unauthorized transactions of your account. If you fail to notify us within a reasonable period of time, we may not be able to investigate and resolve the problem. If you are unable to contact your branch, please call our transfer center at 1-800-368-5623 or visit us at www.bankofamerica.com at the address and number listed on the front of this statement or contact your call center. We must hear from you within 60 days after we send you the daily statement on which the error or problem appeared.

Direct Deposits: If you have arranged to have direct deposits made to your account at least once every 30 days for a direct deposit schedule, you may not use the telephone number listed on the front of this statement to report a direct deposit error unless you have notified us in writing of a change to the direct deposit schedule.



Bank of America

0474 P P
E0-4

Your Bank of America Business Checking Statement

Statement Period:
December 28, 2010 through
January 26, 2011

Account Number: [REDACTED]

At Your Service
Call: 408.863.0588

Written Inquiries
Bank of America
Saratoga Branch
PO Box 37178
San Francisco, CA 94137-0178

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⑆00001⑆0000491⑆736826713⑆8801AV0.336

FITZEN CONSTRUCTION

JACK FITZEN
PO BOX 998
SARATOGA CA 95071-0998

Our Online Banking service allows you to check balances, track account activity and more. With Online Banking you can also view up to 18 months of this statement online. Enroll at www.bankofamerica.com/smallbusiness.

Summary of Your Business Checking Account

Beginning Balance on 12/28/10	\$87.61	Number of checks paid	4
Total Deposits and Credits	+ 5,000.00	Number of electronic checks paid	0
Total Checks, Withdrawals, Transfers, Account Fees	- 3,719.76	Number of 24 Hour Customer Service Calls: Self-Service	0
Ending Balance	\$2,277.85	Assisted	0

Important Information About Your Account

Congratulations! You have had 27 qualifying Bank of America Small Business Check Card transaction(s) post to your account during the previous monthly statement period. You have successfully achieved your target and the monthly maintenance fee on your business checking account has been waived.

Total interest paid to your account in 2010 - \$0.01

Help avoid occasional Overdraft & NSF/Returned Item fees. Set up Alerts to get messages by email or text when your balance is low. Use Overdraft Protection to transfer available funds from linked savings, credit card, or credit line to your checking account to help cover items that would overdraw your account. Call us for details.

Account Activity

Date Posted	Description	Reference #	Debits	Credits	Daily Balance
12/30	Check # 881		\$ 15.00		\$82.61
12/31	Deposit			\$ 700.00	
12/31	Purchase on 12/31 (Card [REDACTED]), Rose Street #10 San Jose CA	114885	\$ 7.64		

Continued on next page

California

Page 1 of 4

Label

Use the IRS label

Presidential Election Campaign

MINNEMO J. BIRANE
 CAROLINE COCCARDI

1040-SS (2008)

1040-SS (2008)

1040-SS (2008)

1040-SS (2008)

Filing Status

- 1 Single
- 2 Married filing jointly
- 3 Married filing separately

4 Head of household (with qualifying person) (See instructions) If the head of household is a child, the head of household must be a child.

5 Not a resident alien or a dual-status alien who is a nonresident alien for tax purposes.

Exemptions

- 6a Yourself, if you are not claimed as a dependent. **do not check this box.**
- 6b Spouse

(1) Dependents	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) Dependent's age	(5) Dependent's age
(1) Dependents	Dependent's social security number	Dependent's relationship to you	Dependent's age	Dependent's age

7 None chosen

8 If an alien, check this box:

- head of household
- joint return
- do not file return
- use the default rule (alien spouse dependent on U.S. resident alien)

Add numbers on lines 6a-6c

Income

7a Taxable interest

7b Tax-exempt interest

8a Dividend income

8b Dividend capital gain income

10 Capital gain income

11 Annuity income

12 Pensions and annuities

13 IRA distributions

14 Other distributions

15a IRA distributions

15b Taxable amount of IRA distributions

16a Other distributions

16b Taxable amount of other distributions

17 Rollover distributions

18 Rollover distributions

19 Rollover distributions

20a Rollover distributions

20b Taxable amount of rollover distributions

21 Rollover distributions

22 Rollover distributions

7a	1,000
7b	
8a	
8b	
10	
11	
12	15,530
13	-3,000
14	
15a	
15b	
16a	
16b	
17	
18	
19	
20a	
20b	
21	-35,520
22	-35,520

Adjusted Gross Income

23 Charitable contributions

24 State and local taxes

25 Health insurance premiums

26 Moving expenses

27 Casualty and theft losses

28 Other adjustments

29 Self-employed health insurance

30 Rollover distributions

31a Rollover distributions

31b Rollover distributions

32 Rollover distributions

33 Rollover distributions

34 Rollover distributions

35 Rollover distributions

36 Rollover distributions

37 Rollover distributions

23	
24	
25	
26	
27	
28	
29	
30	
31a	
31b	
32	
33	
34	
35	
36	
37	-11,000

Tax and Credits 38 Amount paid for 2004 (see instructions) 38 4,600.00
39a Check You were born before January 2, 1946, Form 500 Total boxes checked 39a
 Spouse was born before January 2, 1946, Form 500 39b
 If you are a nonresident alien, attach Form 1042-NR (see instructions) 39c
 If you are a resident alien, attach Form 1042 (see instructions) 39d

Standard Deduction for: 40 16,300.00
41 Single filer 41 -491,000.00
 Married filer jointly or separately 42
 Head of household 43
 Qualifying widow 44
45 Taxable income: Subtract line 42 from line 41
46 Tax (see instructions) (attach any tax return a Form(s) 9814
b Form 4972) 44 0.00
47 Alternative minimum tax (see instructions). Attach Form 6250 45 0.00
48 Add lines 44 and 45 46 0.00
49 Foreign tax credit. Attach Form 1116 if required 47
50 Credit for tax on foreign income. Attach Form 1041 48
51 Credit for the elderly or the disabled. Attach Schedule A 49
52 Federal credits. Attach Form 8833 50
53 Retirement savings contributions credit. Attach Form 8830 51
54 Credit for child tax credit, 100% Form 8839 if required 52
55 Credit for other tax credits a Form 8839 b Form 8839 c Form 8839 53
56 Other tax credits a Form 8839 b Form 8839 c Form 8839 54
55 Add lines 47 through 54. This is your total credits 55
56 Subtract line 55 from line 46. If line 55 is more than line 46, enter 0. 56 0.00
57 See instructions for line 56. 57

Other Taxes 58 State and local taxes. Attach Form 981 58
59 State and local taxes. Attach Form 981 59
60 Add lines 58 and 59. 60
61 Add lines 58 through 60. This is your total tax 61

Payments 62 Federal income tax withheld from Forms W-2 and 1099 62
63 Add separate payments and other payments 63
64a Earned income credit (EIC) 64a
b Nonrefundable credit 64b
65 Tax credit for child tax credit (see instructions) 65
66 Add lines 64a and 64b. Attach Form 8832 66
67 Amount paid for child tax credit (see instructions) 67
68 State and local taxes. Attach Form 8833 68
69 Add lines 64 through 67. Attach Form 8835 69
70 Add lines 68 and 69. 70

Refund 71 Add lines 60 and 70. This is your total tax 71 0.00
72 If you are a refund claimant, attach Form 1045. If you are not a refund claimant, skip lines 73a and 73b. 72
73a Amount of line 71 you want refunded to you. If your SSN is attached, enter it here. 73a
b Refund amount 73b
c Amount of line 71 you want refunded to you. If your SSN is attached, enter it here. 73c
74 Add lines 73a and 73b. Attach Form 8832 74

Amount You Owe 75 Amount you owe to the IRS. Attach Form 1045 if you are a refund claimant. 75 0.00
76 Enter refund tax in the space provided. 76

Third Party Designee If you are a third party designee, attach Form 1045. If you are not a third party designee, skip this section. [X] Yes, I am a third party designee.
Name: PREFACEP
Address:
City:
State:
Zip:
Signature:
Date:
Title: CONTRACTOR
DESIGNATEE

Sign Here Signature:
Date:
Title: CONTRACTOR
DESIGNATEE

Paid Preparer's Use Only Preparer: JIM KEEL, CPA
Address:
City:
State:
Zip:
Signature:
Date:
Title: CONTRACTOR
DESIGNATEE

SCHEDULE A
(Form 1040)

Itemized Deductions

2008

Attach to Form 1040.
See instructions for Schedule A (Form 1040).

OMB No. 1545-0047

07

KENNETH J. HETZEN AND CAROLINE COOJAMME

Medical and Dental Expenses	1 Medical and dental expenses (see instructions)	1			
	2 Enter amount from Form 1099, line 25 2	2			
	3 Multiple line 2 by 75% (0.75)	3			
	4 Subtract line 3 from line 1. If line 3 is more than line 1, enter 0	4		0	
Taxes You Paid	5 State and local (check only one box): <input type="checkbox"/> Income taxes <input checked="" type="checkbox"/> General sales taxes	5	280.		
	6 Real estate taxes (see instructions)	6	3,646.		
	7 Personal property taxes	7	78.		
	8 Other taxes. List type and amount *	8			
	9 Add lines 5 through 8	9		4,004.	
	Interest You Paid	10 Home mortgage interest reported to you on Form 1099	10	12,985.	
		11 Home mortgage interest reported to you on Form 1099, if not to the person itemizing for you. If the lender so instructed you, attach the portion of Form 1099, and attach *	11		
		12 Federal mortgage interest on Form 1098. See the instructions.	12		
13 Qualified mortgage interest on Form 1098 (see instructions)		13			
14 Investment interest. Attach Form 8582 if required. (See instructions)		14			
15 Add lines 10 through 14	15		12,985.		
Gifts to Charity	16 Gifts by cash or check. If you made a gift of \$250 or more, see instructions.	16			
	17 Other gifts by cash or check. Enter up to \$250 for more, see instructions. You must attach Form 990-B if over \$500.	17			
	18 Computer from prior year	18			
	19 Add lines 16 through 18	19		0.	
Casualty and Theft Losses	20 Casualties, theft losses. Attach Form 4389. See instructions.	20		0.	
Job Expenses and Certain Miscellaneous Deductions	21 Unreimbursed employee expenses (up to 2% of AGI), including education fees. Attach Form 2106 or 2106-ES, if required. (See instructions.) *	21			
	22 The portion of interest	22			
	23 Other miscellaneous expenses that do not exceed 2% of AGI. If you are an employee, see instructions.	23			
	24 Add lines 21 through 23	24			
	25 Enter the amount from line 24 25	25			
	26 Multiply line 25 by 2% (0.02)	26			
	27 Subtract line 26 from line 24. If line 26 is more than line 24, enter 0	27		0.	
Other Miscellaneous Deductions	28 Other miscellaneous deductions that do not exceed 2% of AGI.	28		0.	
Total Itemized Deductions	29 Total 100% of line 28, plus 2% of AGI from lines 9, 15, 19, and 27	29		10,555.	
	<input checked="" type="checkbox"/> No. Your total itemized deductions do not exceed the standard deduction for your filing status. Attach Form 1040 or Form 1041, line 4b. <input type="checkbox"/> Yes. Your total itemized deductions exceed the standard deduction. See instructions for the standard deduction.	30			

HENRY J. CITZEN AND CAROLINE COCCIANI

Schedule B - Interest and Ordinary Dividends

08

Part I Interest

1 List all interest-bearing deposits, loans, or other indebtedness to the extent used for purposes of a personal residence. See the instructions and list this interest (incl. ABG). Show the lender's social security number and address.

BANK OF AMERICA - CITIZEN CENTER
NOT SALMS INCOME

Amount

902

2,400

2 Add the amount on line 1

2,902

3 Excludable interest on certain FF and U.S. savings bonds issued after 1989. Attach Form 8815.

4 Subtract line 3 from line 2. Enter the result (do not enter a zero).

2,902

Note: If line 4 is over \$1,500, you may complete Part III.

Part II Ordinary Dividends

5 List each of the following:

Amount

See instructions for Form 1041, 1041-ES.

Note: Do not include dividends from a trust that is a grantor trust, a trust that is a partner in a partnership, or a trust that is a beneficiary of a trust that is a partner in a partnership.

6 Add the amounts on lines 4 and 5. See instructions for Form 1041, line 9.

Note: If line 6 is over \$1,500, you may complete Part III.

Part III Foreign Accounts and Trusts

7a (a) Did you have a reportable foreign financial interest (b) Did you have a reportable foreign trust?

Yes No

7b (a) Did you have a reportable foreign financial interest (b) Did you have a reportable foreign trust?

8 Enter the number of the line on which you checked "Yes" on line 7a.

9 Do any of the following apply to you? (a) Yes, you may owe tax on your foreign income. (b) Yes, you may owe tax on your foreign income.

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

2008

* Partnerships, joint ventures, etc. generally must file Form 1065 or 1065-B. Attach to Form 1041, 1042NR, or 1041. See instructions for Schedule C (Form 1040).

KENNETH C FITZGERALD

Social Security number (SSN)

A. Do not check this box if you are a partner in a partnership.

B. Enter net farm production

LAND DEVELOPMENT & SALES

• 53,290

C. Enter net farm production loss (do not check)

D. Employer ID number (EIN) if any

E. Enter net farm production loss (do not check)

F. Accounting method: (1) Cash (2) Accrual (3) Other (specify):

G. Did you materially participate in the operation of the business during 2008? (If "No," see instructions for line 28.) Yes No

H. If you checked the "No" box on line G, enter 2008: (check one)

Part I Income

1. Total receipts or sales. Caution: See the instructions and check the box if: • This income was reported to you on Form 1099 and the "Statutory exclusion" box on that form was checked, or • You are a member of a qualified pension or reporting only rental real estate income not subject to self-employment tax. Also see instructions for line 10.	1	427,000
2. Returns and allowances	2	
3. Subtract line 2 from line 1	3	327,660
4. Cost of goods sold (from line 42 of page 2)	4	315,027
5. Gross profit. Subtract line 4 from line 3	5	12,633
6. Other income, including federal and state excludable fuel tax credits (if any) (see instructions)	6	
7. Gross income. Add lines 5 and 6	7	12,633

Part II Expenses. Enter expenses for business use of your home only on line 30.

8. Advertising	8	4,980	16. Other expense	16	4,980
9. Car and truck expenses (see instructions)	9	10,732	18. Printing and professional fees	18	
10. Commissions and fees	10		20. Rent or lease (see instructions):	20a	
11. Contract labor (see instructions)	11		a. Vehicles, machinery, and equipment	20b	
12. Depreciation	12		as the business property	21	5,970
13. Repairs and maintenance expense (deductions not included in Part III) (see instructions)	13	15,480	21. Repairs and maintenance	21	5,970
14. Employee health insurance while the car law 1997	14		22. Supplies (not included in Part I)	22	600
15. Insurance (other than health)	15	500	23. Taxes and licenses	23	2,824
16. Interest	16a		24. Travel, meals, and entertainment:	24a	7,891
a. Mortgage interest (see instructions)	16b	1,732	a. Travel	24b	1,983
17. Fuel for the vehicle (see instructions)	17	300	b. Indirect (see instructions for Form 4578)	24c	
20. Total expenses. Enter expenses for business use of your home only on line 30.	20	28,012	25. Utilities	25	
29. Contributions and other deductions (see instructions)	29	4,314	26. Wages and salaries paid (see instructions)	26	
30. Expenses for business use of your home (see Form 8829)	30		27. Other expenses (from line 48 of page 2)	27	67,400
31. Net profit or (loss). Subtract line 20 from line 7.	31	4,314			

• If a partner, enter on Form 1040, line 12, and Schedule SE, line 2, or Form 1042NR, line 23, the net profit or (loss) from this business. If a partner in a partnership, enter on Form 1040, line 5, the net profit or (loss) from the partnership.

• If you claimed a deduction for the business use of your home on Form 1040, line 12, and Schedule SE, line 2, or Form 1042NR, line 23, you must also check the box on line 30 and attach Form 8829 to your return.

• If you are a partner, you must attach Form 6199. See instructions for line 12.

A. For Paperwork Reduction Act Notice, see Form 1040 instructions.

32a. All expenses were paid by the business.
32b. Expenses were paid by the business and the owner.

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

2008

* Partnerships, joint ventures, etc. generally must file Form 1065 or 1065-B. Attach to Form 1040, 1040NR, or 1041. * See instructions for Schedule C (Form 1040).

OMB No. 1545-0047 (04)

09

Name (print)

Enter SSN, EIN, or ITIN

KENNETH J EITZEN

Enter state, county, and ZIP code

A Enter name of business (do not check this box if you are a partner in a partnership)

B Enter state from which you received income

VINEYARD

311908

C Enter name of first business (do not check this box if you are a partner in a partnership)

D Employer ID number (EIN), if any

JACK'S CELLARS

E Enter business address (street, apt., or P.O. box)

City, town, or village, and ZIP code

F Accounting method: (1) Cash (2) Cost of Sales (3) Actual (4) Other (specify) _____

G Did you materially participate in the operation of this business during 2008? If "No," see instructions for limitation on loss. Yes No

H If you started or acquired this business during 2008, check here: _____

Part I Income

1 Gross receipts or sales. Caution: See the instructions and check the box if: • This income was reported to you on Form 1099 and the "Disability arrearage" box on that form was checked. • You are a member of a qualified joint venture reporting only rental real estate income not subject to self-employment tax. Also see instructions for limit on loss.		2
2 Refunds and allowances		3
3 Subtract line 2 from line 1		4
4 Cost of goods sold (do not use 4% of gross sales)		5
5 Gross profit. Subtract line 4 from line 3		6
6 Other income, including interest and 10% gasoline or fuel tax credit (see instructions)		7
7 Gross income. Add line 5 and 6		

Part II Expenses. Enter expenses for business use of your home **only** on line 27

8 Advertising	9	18 Office expense	18
9 Car and truck expenses (see instructions)	10	19 Mortgage and pool loss deduction	19
10 Car, van, pickup, and boat	11	20 Rental lease (see instructions)	20
11 Contract labor (see instructions)	12	a Vehicle, machinery, and equipment & other business property	21
12 Depreciation	13	21 Repairs and maintenance	21
13 Depreciation and vehicle (75% expense deduction is allowed in Part III, line 13b, if you elect this)	14	22 Supplies (not included in Part IV)	22
14 Employee benefit programs (other than on line 14a)	15	23 Taxes and licenses	23
15 Insurance (other than health)	16	24 Travel, meals, and entertainment	24
16 Interest	17	a Travel	24a
a on the applicable rate		b Deductible rental and entertainment expenses (see instructions)	24b
b net		25 Utilities	25
17 Loan or professional fee		26 Wages for employees (see instructions)	26
28 Total expenses before state and local tax (see instructions). Add lines 8 through 27		27 Other expenses (from line 26, page 25)	27
29 Total expenses (including 28 and line 20, page 25)		28	28
30 Expenses for home office (see instructions). Attach Form 8829		29	29
31 Net profit or (loss). Subtract line 29 from line 7		31	31
32 If you received Social Security benefits, you must attach Form 1041, line 22, to this return.		32a	32a
33 If you received Social Security benefits, you must attach Form 1041, line 22, to this return.		32b	32b

64 For Paperwork Reduction Act Notice, see Form 1040P Instructions.

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

2008

Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
Attach to Form 1042, 1042NR, or 1041. See instructions for Schedule C (Form 1040).

Name (last, first, middle initial) **CAROLINE COCCIARDI**
 Social Security number (SSN) **[REDACTED]**
 A Business name (if different from the name on the tax return) **DOCUMENTARY PRODUCER**
 B Enter code from instructions **112100**
 C Business address (street, city, state, and ZIP code) **JC PRODUCTIONS**
 D Enter address where the business is located
 E Accounting method: (1) Cash (2) Accrual (3) Other (specify) _____
 F Did you materially participate in the operation of the business during 2008? If "No," see instructions for filing a waiver Yes No
 H If you started or acquired this business during 2008, check here: Yes No

Part I		Income
1	Gross receipts or sales. Caution: See the instructions and check the box if: • This amount was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, or • You are a member of a qualified plan whose reporting only includes net taxable income (not subject to self-employment tax). Also see instructions for line 1. <input type="checkbox"/>	1 3,500.
2	Returns and allowances	2
3	Subtract line 2 from line 1	3 7,500.
4	Cost of goods sold from line 42 on Form 990	4
5	Gross profit. Subtract line 4 from line 3	5 7,500.
6	Other income, including federal and state gaming or lotto tax credit or refund (see instructions)	6
7	Gross income. Add lines 5 and 6	7 7,500.

Part II		Expenses
8	Advertising	8
9	Car and travel expenses (see instructions)	9
10	Commuting and travel	10
11	Contract labor (see instructions)	11
12	Depreciation	12
13	High expenses and certain other expenses (see instructions) (do not include in Part II)	13 6,123.
14	Employee benefit programs (see instructions)	14
15	Interest	15
16	Insurance: a Health, dental, and vision b Other	16a 16b
17	Legal or professional services	17
18	Office expenses	18
19	Printing and publishing expenses	19
20	Rent or lease (see instructions): a Vehicle, machinery, and equipment b Other address property	20a 20b 1,592.
21	Repairs and maintenance	21
22	Supplies (not included in Part II)	22
23	Taxes and licenses	23
24	Tired, meals, and entertainment: a Total b Deductible (see instructions)	24a 24b 9,158. 24c 1,347.
25	Utilities	25
26	Wages and salaries (see instructions)	26
27	Other expenses (see instructions)	27 1,608.
28		28
29	Total expenses or loss. Expenses are not deductible if they are: (a) personal, (b) capital, or (c) for production of income. Add lines 8 through 27	29 16,226.
30	Total depreciation and amortization (see instructions)	30
31	Net profit or (loss). Subtract line 29 from line 7	31 -9,726.

32 If you checked box 1 on line 1, you must file Form 990. See instructions for line 1.
 32a If you checked box 2 on line 1, you must file Form 990. See instructions for line 1.
 32b If you checked box 3 on line 1, you must file Form 990. See instructions for line 1.
 32c If you checked box 4 on line 1, you must file Form 990. See instructions for line 1.
 32d If you checked box 5 on line 1, you must file Form 990. See instructions for line 1.
 32e If you checked box 6 on line 1, you must file Form 990. See instructions for line 1.
 32f If you checked box 7 on line 1, you must file Form 990. See instructions for line 1.
 32g If you checked box 8 on line 1, you must file Form 990. See instructions for line 1.
 32h If you checked box 9 on line 1, you must file Form 990. See instructions for line 1.
 32i If you checked box 10 on line 1, you must file Form 990. See instructions for line 1.
 32j If you checked box 11 on line 1, you must file Form 990. See instructions for line 1.
 32k If you checked box 12 on line 1, you must file Form 990. See instructions for line 1.
 32l If you checked box 13 on line 1, you must file Form 990. See instructions for line 1.
 32m If you checked box 14 on line 1, you must file Form 990. See instructions for line 1.
 32n If you checked box 15 on line 1, you must file Form 990. See instructions for line 1.
 32o If you checked box 16 on line 1, you must file Form 990. See instructions for line 1.
 32p If you checked box 17 on line 1, you must file Form 990. See instructions for line 1.
 32q If you checked box 18 on line 1, you must file Form 990. See instructions for line 1.
 32r If you checked box 19 on line 1, you must file Form 990. See instructions for line 1.
 32s If you checked box 20 on line 1, you must file Form 990. See instructions for line 1.
 32t If you checked box 21 on line 1, you must file Form 990. See instructions for line 1.
 32u If you checked box 22 on line 1, you must file Form 990. See instructions for line 1.
 32v If you checked box 23 on line 1, you must file Form 990. See instructions for line 1.
 32w If you checked box 24 on line 1, you must file Form 990. See instructions for line 1.
 32x If you checked box 25 on line 1, you must file Form 990. See instructions for line 1.
 32y If you checked box 26 on line 1, you must file Form 990. See instructions for line 1.
 32z If you checked box 27 on line 1, you must file Form 990. See instructions for line 1.

Form **1040** U.S. Individual Income Tax Return **2009**

Department of the Treasury - Internal Revenue Service

(99) (1040-100-0001) (1040-100-0002)

Label See instructions. Use the IRS label. Otherwise, please print or type. Presidential Election Campaign	For the year Jan. 1 - Dec. 31, 2009, or other tax year beginning _____, 2009, ending _____	Social Security number 000-00-0000
	Your first name <input type="checkbox"/> Last name <input type="checkbox"/> KENNETH J EITZEN	Your social security number [REDACTED]
	If a joint return, spouse's first name <input type="checkbox"/> Last name <input type="checkbox"/> CAROLINE COCCIARDI	Spouse's social security number [REDACTED]
	Home address (number and street, if you have a P.O. box, see instructions) P.O. BOX 998 City, town or post office (if you have a foreign address, see instructions) SARATOGA, CA 95070	You must enter your social security number(s) above. Checking a box to be printed may change your tax or refund.

You Spouse
 Single Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter the child's name here.
 Married filing jointly (even if only one has income) Married filing separately (enter spouse's SSN above & fill in here too).
 Widely separated (with dependent child) (see instructions)

Exemptions If more than four dependents, see instructions and check here.	6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a.	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> Qualifying child (see instructions)	Boxes checked on the next page		
	b <input checked="" type="checkbox"/> Spouse					
	c Dependents: (1) First				(2) Dependent's social security number	No. of children on Form 1040: <input type="checkbox"/> born with you, <input type="checkbox"/> born after you due to divorce or separation (see instructions). Dependents on file not entered above.
	d Total number				Add numbers on lines above	

Income Attach Form(s) W-2 here. Also attach Form(s) W-2G and 1099-R if tax was withheld. If you do not get a W-2, see instructions. Attach, but do not check any dependent's Form 1040-V.	7	Wages, salaries, tips, etc.	7	
	8a	Taxable interest	8a	
	b	Tax-exempt interest	8b	
	9a	Ordinary dividends	9a	
	b	Qualified dividends	9b	
	10	Taxable refunds, tax credits, and local income taxes (see instructions)	10	
	11	Alimony received	11	
	12	Business income or (loss). Attach Schedule C or C-EZ	12	-47,567
	13	Capital gains or (loss). Attach Schedule D (or 1099-DIV, if any)	13	-3,000
	14	Other gains or (losses). Attach Form 4797	14	
	15a	IRA distributions	15a	
	b	Taxable amount (see instructions)	15b	
	16a	Pensions and annuities	16a	
	b	Taxable amount (see instructions)	16b	
	17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
	18	Farm income or (loss). Attach Schedule F	18	
	19	Unemployment compensation (see instructions)	19	
	20a	Spouse's social security benefits	20a	
	b	Taxable amount (see instructions)	20b	
	21	Other income: NET OPERATING LOSS CARRYOVER	21	-473,925
	22	Apply the amounts in the far right column for lines 7 through 21. This is your total income.	22	-524,482

Adjusted Gross Income	23	Educator expenses (see instructions)	23	
	24	Certain business expenses of reservists, performing artists, and fee-based government officials. Attach Form 2106 or 2106-EZ	24	
	25	Health savings account deduction. Attach Form 8889	25	
	26	Moving expenses. Attach Form 8933	26	
	27	One-half of self-employment tax. Attach Schedule SE	27	
	28	Self-employed SEP, SIMPLE, and qualified plans	28	
	29	Self-employed health insurance deduction (see instructions)	29	2,168
	30	Penalty on early withdrawal of savings	30	
	31a	A form, as a business owner	31a	
	32	IRA deduction (see instructions)	32	
	33	Student loan interest deduction (see instructions)	33	
	34	Tuition and fees deduction. Attach Form 8917	34	
35	Domestic production activities deduction. Attach Form 8903	35		
36	Other adjustments	36		
37	Subtract line 36 from line 22. This is your adjusted gross income.	37	-526,650	

Tax and Credits	38 Amount from line 37 (adjusted gross income)	38	-526,650
	39a Check if: <input type="checkbox"/> You were born before January 2, 1945. <input type="checkbox"/> Spouse was born before January 2, 1945. <input type="checkbox"/> Blind. Total boxes checked <input type="checkbox"/> 39a <input type="checkbox"/> 39b		
Standard Deduction for: • People who check any box on line 39a, 39b, or 40b or who can be claimed as a dependent, see instructions. • All others: Single or Married filing separately, \$5,700 Married filing jointly or Qualifying widow(er), \$11,400 Head of household, \$8,350	40a Married deduction (from Schedule A) or your standard deduction (see left margin) b If you are increasing your standard deduction by certain car, water, boat, fire, energy, vehicle taxes, or a net estate tax, attach Schedule L and check box (see instructions)	40a	11,400
	41 Subtract line 40a from line 38	41	-538,050
	42 Exemptions. If line 38 is \$125,000 or less and you did not provide housing to a Mexican displaced individual, multiply \$3,650 by the number on line 42. Otherwise, see instructions	42	7,300
	43 Taxable income. Subtract line 42 from line 41. If line 43 is more than line 41, enter -0-	43	0
	44 Tax (see instrs). Check if any tax is from: a <input type="checkbox"/> Form(s) 9814 b <input type="checkbox"/> Form 4972	44	0
	45 Alternative minimum tax (see instructions). Attach Form 6251	45	0
	46 Add lines 44 and 45	46	0
	47 Foreign tax cred 1. Attach Form 1116 if required	47	
	48 Credit for U.S. and dependent care expenses. Attach Form 2441	48	
	49 Education credits from Form 8853, line 29	49	
	50 Retirement savings contributions cred 1. Attach Form 8850	50	
	51 Child tax credit (see instructions)	51	
	52 Credits from Form a <input type="checkbox"/> 8866 b <input type="checkbox"/> 8833 c <input type="checkbox"/> 8801	52	
	53 Other credits from Form: a <input type="checkbox"/> 8800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	53	
	54 Add lines 47 through 53. These are your total credits	54	
	55 Subtract line 54 from line 46. If line 54 is more than line 46, enter -0-	55	0
Other Taxes	56 Self-employment tax. Attach Schedule SE	56	
	57 Unreported social security and Medicare tax from Form a <input type="checkbox"/> 14137 b <input type="checkbox"/> 8919	57	
	58 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	58	
	59 Additional taxes: a <input type="checkbox"/> AFIC payments b <input type="checkbox"/> Household employment taxes. Attach Schedule H	59	
	60 Add lines 56-59. This is your total tax	60	0
Payments	61 Federal income tax withheld from Forms W-2 and 1099	61	
	62 2009 estimated tax payments and amount applied from 2008 return	62	
	63 Making work pay and government retirement cred. Attach Schedule M	63	
	64a Earned income credit (EIC) b Attachable combat pay election <input type="checkbox"/> 64b	64a	
	65 Additional child tax credit. Attach Form 8812	65	
	66 Refundable education credits from Form 8853, line 16	66	
	67 First-time homebuyer credit. Attach Form 5405	67	
	68 Amount paid with request for education to file (see instructions)	68	
	69 Credit social security and tier 1 RRTA tax withheld (see instructions)	69	
	70 Credits from Form a <input type="checkbox"/> 2439 b <input type="checkbox"/> 4136 c <input type="checkbox"/> 8837 d <input type="checkbox"/> 8886	70	
	71 Add lines 61-63, 64a, & 65-70. These are your total payments	71	0
Refund	72 If line 71 is more than line 60, subtract line 60 from line 71. This is the amount you overpaid	72	
	73a Amount of line 72 you want refunded to you. If Form 8878 is attached, check here: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	73a	
	b Routing number <input type="checkbox"/> c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d Account number <input type="checkbox"/>		
	74 Amount of line 72 you want applied to your 2010 estimated tax	74	
Amount You Owe	75 Amount you owe. Subtract line 74 from line 60. For details on how to pay, see instructions	75	0
	76 Estimated tax penalty (see instructions)	76	

Third Party Designee Do you want to allow another person to discuss the return with the IRS (see instructions)? Yes. Complete the following. No
 Designee's name: **TIM KEHL CPA** Title: [Redacted] Federal ID number: **58940**

Sign Here Under penalties of perjury, I declare that I have prepared this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct, and complete. I understand that anyone who furnishes false or misleading information on a tax return or who omits material or information on a tax return is guilty of tax evasion, tax fraud, and other crimes that can result in imprisonment and fines.
 Date: [Redacted] Signature: [Redacted] Preparer's occupation: **CONTRACTOR**
 Date: [Redacted] Signature: [Redacted] Preparer's occupation: **DESIGNER**

Preparer's Signature **TIM KEHL CPA** Date: [Redacted] Check preparation fee: [Redacted]
TIM KEHL, CPA Date: [Redacted] Preparer's PTIN or EIN: [Redacted]
 Preparer's address: [Redacted] Preparer's phone: [Redacted]

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0047

2009

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
Attach to Form 1040, 1040NR, or 1041. See instructions for Schedule C (Form 1040).

Name of proprietor: **KENNETH J EITZEN** Social security number (SSN): [REDACTED]

A Principal business or profession, including product or service (use instructions):
LAND DEVELOPMENT & SALES

B Enter code from instructions:
531390

C Business name of an employer (business name, trade name):

D Employer ID number (EIN) (if any):

E Business address (including suite or room no.):
City, town or post office, state, and ZIP code:

F Accounting method: (1) Cash (2) Accrual (3) Other (specify):

G Did you "materially participate" in the operation of this business during 2009? If "No," see instructions for limit on losses. Yes No

H If you started or acquired this business during 2009, check here: Yes No

Part I Income	
1	Gross receipts or sales. Caution. See the instructions and check the box if: • The income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, or • You are a member of a qualified joint venture reporting only rental real estate income not subject to self-employment tax. Also see instructions for limit on losses. <input type="checkbox"/>
2	Returns and allowances
3	Subtract line 2 from line 1
4	Cost of goods sold (from line 42 on page 2)
5	Gross profit. Subtract line 4 from line 3
6	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)
7	Gross income. Add lines 5 and 6

Part II Expenses. Enter expenses for business use of your home only on line 30.				
8	Advertising	8	Office expense	18
9	Car and truck expenses (see instructions)	9	2,257.	19
10	Commissions and fees	10		20
11	Contract labor (see instructions)	11		20a
12	Depletion	12		20b
13	Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13	4,233.	21
14	Employee benefit programs (other than on line 19)	14		21
15	Insurance (other than health)	15	500.	22
16	Interest	16		22
16a	Mortgage (and to banks, etc.)	16a		23
16b	Other	16b	1,132.	24
17	Legal & professional services	17		24a
18				24b
19				25
20				26
21				27
22				27
23				28
24				29
25				30
26				31
27				32
28	Total expenses before expenses for business use of home. Add lines 8 through 27	28	30,923.	
29	Tentative profit or (loss). Subtract line 28 from line 7	29	-25,956.	
30	Expenses for business use of your home. Attach Form 8829	30		
31	Net profit or (loss). Subtract line 30 from line 29. • If a profit, enter on both Form 1040, line 12, and Schedule SE, line 2, or on Form 1040NR, line 13 (if you checked the box on line 1, see instructions). Estates and trusts enter on Form 1041, line 5. • If a loss, you must go to line 32.	31	-25,956.	

32 If you had a loss, check the box that describes your investment in this activity (see instructions).

32a If you checked 32a, enter the loss on both Form 1040, line 12, and Schedule SE, line 2, or on Form 1040NR, line 13 (if you checked the box on line 1, see the line 31 instructions). Estates and trusts enter on Form 1041, line 5.

32b If you checked 32b, you must attach Form 6198. Your loss may be limited.

32c An investment in a limited partnership is not at risk.

BAA For Paperwork Reduction Act Notice, see Form 1040 instructions. Schedule C (Form 1040) 2009

Part III Cost of Goods Sold (see instructions)

33	Method(s) used to value closing inventory: a <input type="checkbox"/> Cost b <input type="checkbox"/> Lower of cost or market c <input type="checkbox"/> Other (attach explanation)	
34	Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation	<input type="checkbox"/> Yes <input type="checkbox"/> No
35	Inventory at beginning of year, if different from last year's closing inventory, attach explanation	35 598,112.
36	Purchases less cost of items withdrawn for personal use	36 98,168.
37	Cost of labor. Do not include any amounts paid to yourself	37
38	Materials and supplies	38
39	Other costs	39
40	Add lines 35 through 39	40 696,280.
41	Inventory at end of year	41 646,177.
42	Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4	42 50,103.

Part IV Information on Your Vehicle. Complete this part only if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 to find out if you must file Form 4562

- 43 When did you place your vehicle in service for business purposes? (month, day, year) -----
- 44 Of the total number of miles you drove your vehicle during 2009, enter the number of miles you used your vehicle for:
 a Business ----- b Commuting (see instructions) ----- c Other -----
- 45 Was your vehicle available for personal use during off-duty hours? Yes No
- 46 Do you (or your spouse) have another vehicle available for personal use? Yes No
- 47 a Do you have evidence to support your deduction? Yes No
 b If "Yes," is the evidence written? Yes No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30

INTERNET	7,201.
LICENSE	600.
SOFTWARE	300.
TELEPHONE	3,600.
TOOLS	2,500.
48 Total other expenses. Enter here and on page 1, line 27	48 13,201.