



PROCOPIO
525 B Street
Suite 2200
San Diego, CA 92101
T. 619.238.1900
F. 619.235.0398

THEODORE J. GRISWOLD
P. 619.515.3277
ted.griswold@procopio.com

DEL MAR HEIGHTS
LAS VEGAS
PHOENIX
SAN DIEGO
SILICON VALLEY

July 10, 2019

VIA EMAIL & OVERNIGHT MAIL

Julian-Cuyamaca Fire Protection District
P.O. Box 33
Julian, CA 92036-1623

**Re: Notice of Native American Land Conservancy Exercising Power of Termination for Property
Conveyed Via Deed Recorded on June 11, 2009 as Document No. 2009-0316332
Terminating Any Right Title or Interest of Julian-Cuyamaca Fire Protection District in APN
292-011-45-00 (the "Property")**

Dear Julian-Cuyamaca Fire Protection District:

As you are aware, the Property deeded to the Julian-Cuyamaca Fire Protection District ("JCFPD") in 2009 from the Frances H. Mosler Trust is subject to a power of termination in favor of our client, the Native American Land Conservancy ("NALC"), if JCFPD ever abandons the fire station. See language below:

PROVIDED; HOWEVER...[I]f [Julian-Cuyamaca Fire Protection] District permanently abandons the fire station, title to the subject property shall automatically vest in the [Native American Land] Conservancy or the Conservancy's assignee of this right of reverter. (Fiduciary's Deed to Real Property recorded on June 11, 2009 at the San Diego County Recorder's Office, as Document No. 2009-0316332, "Fiduciary's Deed")

In the deed, the power of termination is called a "right of reverter." Automatic rights of reverter have been abolished in California since 1963, when the California legislature replaced them with powers of termination via the Marketable Record Title Act ("MRTA"), Cal. Civ. Code §§ 880.020-887.090. Pursuant to the MRTA, a deed conveying a fee simple determinable with the possibility of reverter estate, such as the Fiduciary's Deed, would be considered a fee simple subject to condition subsequent. A fee simple subject to condition subsequent allows a grantor to "re-enter" if he/she chooses to upon the failing or happening of some condition. This is the "power of termination." Cal. Civ. Code § 885.020.

When the power of termination is vested in a party other than the grantor, such as in the present case, the estate is considered a fee simple subject to an executory interest, which also

procopio.com

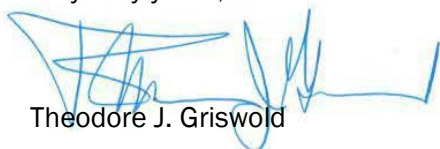
carries a power of termination. Since the power of termination is vested in NALC in the deed,¹ as soon as the condition is triggered by JCFPD, NALC may invoke its right to terminate JCFPD's estate. A Notice of Intent to Preserve Interest referencing this right was previously recorded on the Property and provided to your office. (See Doc#2018-0370957 recorded September 7, 2018).

We understand that on May 31, 2019, the San Diego County Fire Authority ("SDCFA") obtained a court order to remove JCFPD personnel and interests from the Property in the midst of the legal issues regarding JCFPD's dissolution. On June 1, 2019, SDCFA utilized this order to evict JCFPD from the Property and prevent, deny and preclude JCFPD from holding any possessory interest, right, or title to the Property. As a result, it is our understanding that on June 1, 2019, whether voluntarily or not, JCFPD effectively and permanently abandoned the Property and NALC's power of termination was triggered.

This is to inform you that on or after July 16, 2019, our client NALC intends to enter the Property you were previously occupying prior to abandonment, and more particularly described in the Fiduciary's Deed attached hereto. NALC's right to the Property accrued under the Fiduciary's Deed, and NALC invokes its power of termination to terminate JCFPD's estate with respect to the Property due to JCFPD's permanent abandonment of the Property. JCFPD no longer has any legal claim, right, or interest in the Property. Our client will forthwith be filing and/or recording all necessary documents on the Property to vest the appropriate title in our client and to provide appropriate notice of the transfer of ownership. If JCFPD does not vacate ownership of the Property, we will take the appropriate action including but not limited to, a quiet title action.

Please do not hesitate to contact the undersigned at 619.151.3277 or ted.griswold@procopio.com if you wish to discuss this matter further.

Very truly yours,


Theodore J. Griswold

TJG

Enclosure – Fiduciary Deed

cc: Cory Briggs, Counsel for JCFPD
Native American Land Conservancy

¹ Notwithstanding the deed providing the power of termination to NALC, to avoid any confusion in the exercise of the power of termination, the Grantor of the property, the Trustee of the Frances H. Mosler Trust, conveyed any residual interest in the Property held by the Trust to NALC by quitclaim on April 24, 2019, recorded in the San Diego County Recorder's Office as Document No. 2019-0150713. As a result, NALC has the ability to exercise the power of termination as both the grantor and the transferee.

1*
DOC # 2009-0316332

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

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

MAIL TAX STATEMENTS TO:

Mail tax statement to
the address listed above

JUN 11, 2009 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 0.00
OC: 00

PAGES: 13

FIDUCIARY'S DEED TO REAL PROPERTY

930014567-50
Grossmont Escrow No. 1004000-K

The undersigned Transferor declares:

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

☒ unincorporated area ☐ City of _____

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

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

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

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

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

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


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

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

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

639

Dated: June 5, 2009


CLAUDIA POWELL, Trustee of the
Frances H. Mosler Trust

CERTIFICATION PURSUANT TO GOVERNMENT CODE SECTION 27281

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

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

Dated 06-09-09

By 
KEVIN DUBLER
District Fire Chief

ACKNOWLEDGMENT

640

STATE OF CALIFORNIA)

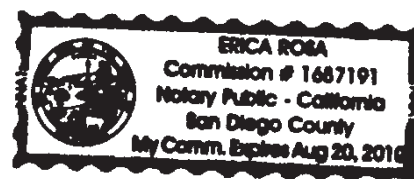
COUNTY OF SAN DIEGO)

On June 5, 2009, before me, ERICA ROSA,
Notary Public, personally appeared, Claudia Powell who proved to me on the basis of satisfactory
evidence to be the person(s) whose name is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

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

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

WITNESS my hand and official seal.

Signature  (Seal)

Karen C. Baird



LEGAL DESCRIPTION

641

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

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

END OF LEGAL DESCRIPTION

EXHIBIT "A:

EXHIBIT "B"

643

JUN 03 2009

CLERK SUPERIOR COURT
SAN DIEGO COUNTY CA

KENT C. THOMPSON SBN 64662
SHOWLEY & THOMPSON, LLP
Attorneys at Law
530 "B" Street, Suite 1550
San Diego, California 92101
Telephone Number: (619) 231-7922
Facsimile Number: (619) 231-0596

Attorney for Petitioner, Claudia Powell

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

In the Matter of

Case No. 37-2009-001511-⁸⁹PR-TR-CTL

THE FRANCES H. MOSLER TRUST

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

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

Documentary evidence having been introduced, the Court finds:

1. Notice of hearing on the Petition has been regularly given as prescribed by law.

2. On or about June 23, 2003, Frances Mosler, as Settlor, signed the Frances H. Mosler Trust (the "Trust"), a true and correct copy of which is attached to the Petition on file.

3. The Settlor appointed Claudia Powell as the Trustee of the Trust and on June 24, 2003, Ms. Powell accepted appointment as Trustee of the Trust. At all times since June 24, 2003, Petitioner has been and now is the duly appointed Trustee of the Trust.

3. Frances Mosler died in San Diego County, California on December 30, 2007.

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

5. The dispositive provisions of the Trust provide:

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

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

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

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

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

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

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

///

1 9. The remainder of the Trust includes:

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

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

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

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

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

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

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

///

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

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

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

A. To the Native American Land Conservancy

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

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

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

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

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

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

B. To Julian Cuyamaca Fire Protection District

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

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

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

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

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

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

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

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

22 GOOD CAUSE APPEARING, IT IS ORDERED THAT:

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

25 A. To the Native American Land Conservancy

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

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

immediately below; and

3. Real property consisting of approximately 30.63 acres, legally

described as:

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

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

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

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

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

B. To Julian Cuyamaca Fire Protection District

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

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

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

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

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

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

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

C. To Louis Mall

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

Dated: JUN 03 2009

JULIA CRAIG KELETY

JUDGE OF THE SUPERIOR COURT



CLERK'S CERTIFICATE

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

Clerk of the Superior Court

6/3/09
Date

by A. Calderon-Jimenez
Deputy

A. CALDERON-JIMENEZ

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