



# JCP Property Disclosure Reports The **COMMERCIAL** Environmental Report™ FOR MONTEREY COUNTY

## Commercial EnviroCheck Report™ – Government Records Search

**Property Address:** 1510 FREMONT BLVD ,  
SEASIDE, MONTEREY COUNTY, CA

**APN:** 012-183-026-000  
**Date:** 08/02/2007  
**Report Number:** 139155

### Subject Property Determination

The exact property address as listed above was NOT found in any of the databases searched for this report. Please note that there may be errors or omissions in the addresses contained in the Local, State and Federal databases provided to us that will prevent an exact match in this search. Refer to the lists beginning on page 4 for site addresses that may be similar to the subject property address.

### Environmental Risk Screening Summary

DATABASE SEARCHED (See "Description of Databases Searched" below)	Database with Contaminated Sites	0 to 1/8 mile	1/8 to 1/2 mile	1/2 to 1 mile
State List of Underground Storage Tanks (UST)		0	N/A	N/A
State List of Aboveground Storage Tanks (AST)		0	N/A	N/A
State List of Leaking Underground Storage Tanks (LUST)	YES	0	11	N/A
State List of Solid Waste Landfill Facilities (SWIS)	MAYBE	0	0	N/A
State List of Spills, Leaks, Investigation & Cleanup (SLIC)	YES	0	0	N/A
State List of Historical Underground Storage Tanks (Hist-UST)		0	N/A	N/A
State Hazardous Waste Information Summary (HWIS)	YES	0	N/A	N/A
State Site Mitigation And Brownfields Reuse Program Database (SMBRPD)	MAYBE	0	0	N/A
SMBRPD Site With Deed Restriction Or Other Controls (CONTROLS)	MAYBE	0	0	N/A
Federal National Priorities List or "Superfund" sites (NPL)	YES	0	0	0
Federal Sites investigated for possible inclusion in the NPL (CERCLIS)	MAYBE	0	0	N/A
CERCLIS Sites That Have Been Archived (NFRAP Or CERCLIS-Archived)		0	0	N/A
Potential Generator of hazardous materials Sites (RCRA GEN)		0	N/A	N/A
Treatment, Storage & Disposal Sites for Hazardous Materials (RCRA TSD)		0	0	N/A
Corrective Action Sites, sites with known contamination (RCRA COR)	YES	0	0	0
Tribal UST And/Or Tribal LUST	MAYBE	0	0	N/A
Emergency Repsonse Notification System (ERNS, National Response Center)	MAYBE	0	N/A	N/A

**N/A** = Not Applicable Under Required AAI Search Standard.

**MAYBE** = Contamination is possible; for example, the database searched includes a mix of contaminated and non-contaminated sites that are not distinguished, or landfill sites where contamination is common although not certainly identified, or sites currently being investigated for contamination by the responsible agency.

<b>AAI TOTALS</b>	<b>0</b>	<b>11</b>	<b>0</b>
<b>CONTAMINATED SITE TOTALS</b>	<b>0</b>	<b>11</b>	<b>0</b>
<b>TOTAL OF SITES FOUND</b>	<b>11</b>		

Determined by  
**First American**

Scott Roecklein, Sr. Vice President  
First American Natural Hazard Disclosures

I have read this JCP Commercial EnviroCheck Report™ prior to signing and have received a copy of this report.

Signature of Transferor (Seller) _____	Date _____
Signature of Transferor (Seller) _____	Date _____
Signature of Transferee (Buyer) _____	Date _____
Signature of Transferee (Buyer) _____	Date _____



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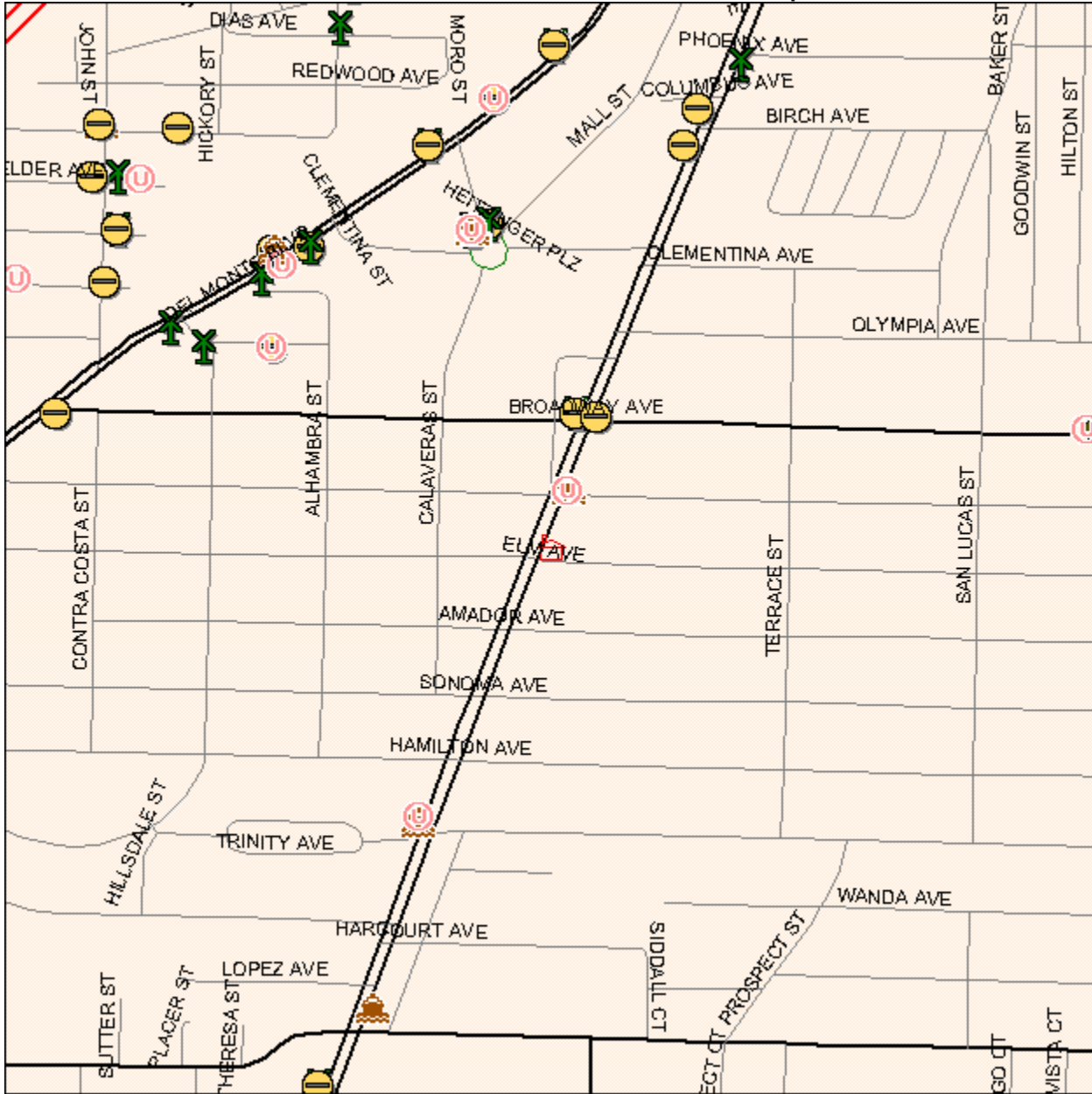
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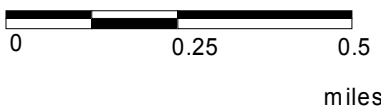
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Subject Property



SEE MAP LEGEND ON NEXT PAGE



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NOTE: The map on the previous page may show more sites than are reported in the "Environmental Risk Screening Summary" table on Page 1. The map shows all sites found within the square coverage area. The table reports only those sites found within the circular AAI standard search distance for the database listed, which covers a smaller area. Outside of that standard search distance the table reports "NA" (not applicable). The AAI standard search distance differs between database categories, depending upon degree of potential hazard. See the section called "Description of Databases Searched" for the actual AAI standard search distance used for each database category.

	(NPL) Federal National Priorities List or "Superfund" sites		(LUST) Leaking Underground Storage Tanks
	(CERCLIS) Fed. Sites investigated for poss. inclusion in the NPL		(UST) Underground Storage Tanks
	(RCRA TSD) Treatment, Storage & Disposal Sites for Haz. Materials		(RCRA GEN) Potential Generator of hazardous materials Sites
	(RCRA COR) Corrective Action Sites, with known contamination		(SWIS) Solid Waste Landfill Facilities
	(NFRAP) CERCLIS-Archived		(SLIC) Spills, Leaks, Investig. & Cleanup
	Tribal LUST		(SMBRPD) Site Mitigation And Brownfields Reuse Program
	Tribal UST		(CONTROLS) Deed Restriction Or Other Controls
	(ERNS) Emergency Response Notification System		(Hist-UST) Historical Underground Storage Tanks
	(HWIS) Hazardous Waste Information Summary		



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### Sites Found on the Databases Searched

UST sites are selected from the list maintained by the State Water Resources Control Board. Information regarding the contents of the tank, and any inspections or testing can be found on the web page [www.geotracker.swrcb.ca.gov](http://www.geotracker.swrcb.ca.gov). Information on AST sites can be obtained by contacting the State's Aboveground Petroleum Storage unit at (916) 341-5671. Sites that have been identified as having a leak may also appear on one or more of the other lists reported above. Sites listed on LUST or RCRCOR may not appear on the UST or AST lists if the tank has been removed and the case has been closed. Sites listed on the SWIS list may contain hazardous materials. Information is available at [www.ciwmb.ca.gov/swis](http://www.ciwmb.ca.gov/swis). NPL sites are listed by the U.S. EPA as contaminated sites that have received Federal funding to assist in cleanup. Information is available from the State at [www.dtsc.ca.gov](http://www.dtsc.ca.gov) or from [www.epa.gov](http://www.epa.gov) and by calling (916) 323-3399. The CERCLIS list includes sites the Federal EPA is investigating for possible inclusion on the NPL.

For information on the lists searched for this report see the "Description of Databases Searched" Section that follows.

**N/P** = Not Provided on list used.

**N/A** = Not Applicable – currently uncontaminated sites listed as using or storing hazardous substances.

**Active** = Site undergoing clean-up or investigation.

**Closed** = Clean-up completed.

Site Name	Site Address	Database	Status
7-ELEVEN STORE #16747	1212 FREMONT	LUSTIS	Active
MUMFORD PROPERTY	1301 FREMONT BLVD	LUSTIS	Closed
WAYSIDE GARAGE	1532 DEL MONTE BLVD	LUSTIS	Closed
EXXON SERVICE STATION 7-0279	1550 FREMONT BLVD	LUSTIS	Closed
FORMER EXXON 7-0279	1550 FREMONT BLVD	LUSTIS	Closed
ANDERSON PROP(SCANDIA VOLVO)	1661 DEL MONTE BLVD	LUSTIS	Closed
VICTORY TOYOTA	5 HEITZINGER PLZ	LUSTIS	Active
CARDINALE OLDSMOBILE-GMC	3 HEITZINGER PLZ	LUSTIS	Active
VAL STROUGH HONDA	1 HEITZINGER PLZ	LUSTIS	Closed
COUROC	1725 CONTRA COSTA	LUSTIS	Active
LOVE CHEVROLET	3 GEARY PLZ	LUSTIS	Closed



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### Sites Missing Key Location Information

**N/P** = Not Provided on list used.

**N/A** = Not Applicable – currently uncontaminated sites listed as using or storing hazardous substances.

**Active** = Site undergoing clean-up or investigation.

**Closed** = Clean-up completed.

A limited number of listed sites contain address information that is inaccurate, incorrect, or is missing key information necessary to locate the site with confidence using the geocoding methods used in this report. These sites are reported in the generalized list below for your review based on their possible existence in proximity to the subject site. Sites in this section are not necessarily within a one mile search radius of the subject property and are not included on the map in this report. We are providing this list for general information only.

Site Name	Site Address	Database	Status
PENINSULA FENCE CO	19423 PARK AVE	HIST_UST	N/A
CEDAR MOTEL	2434 DEL MONTE AVE	HWIS	
City of Seaside/Redevelopment Agency	Broadway Ave & Fremont Blvd	HWIS	
BUTTS PONTIAC CADILLAC	DEL MONTE BLVD	RCRAGEN	N/A
HIGHLAND CLEANER	1201 LASALLE AVE	RCRAGEN	N/A



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### Description of Databases Searched

The JCP Commercial EnviroCheck™ Report is based on an electronic search of certain federal and state level environmental-hazard record systems, or databases. These databases are searched for hazard sites within certain radius distances around the subject property. The databases searched, and the radius distances searched from the subject property, comply with the U.S. Environmental Protection Agency (EPA) "All Appropriate Inquiry" (AAI) standard for government records search (40 CFR Part 312.26) under the U.S. Small Business Liability Relief and Revitalization Act ("the Brownfields Law").

The government databases searched for this report are identified below, along with the abbreviation used in this report, and a brief explanation about the nature of the hazard sites included in those databases.

**DISCLAIMER:** *An EPA-compliant government records search is only one part of the "All Appropriate Inquiry" standard defined under the Brownfields Law. Compliance with all parts of the Brownfields Law is required for an "innocent landowner defense" against the future discovery of contamination on the property. This report, by itself, does NOT provide that liability protection. Please see the Terms and Conditions Section for additional information on the preparation and limitations of this screening-level report.*

#### Federal National Priorities List, or "Superfund" sites (NPL):

This is a list compiled by the Federal Environmental Protection Agency (EPA) of contaminated sites with the highest priority of cleanup. The federal EPA is required to force clean up of these sites under the authority of a law called the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which is commonly called "Superfund."

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 1.0 mile

**Database last checked by JCP:** October 2006.

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### Federal Sites Investigated for Possible Inclusion in the NPL (CERCLIS):

The Comprehensive Environmental Response, Compensation, and Liability Act Information System (CERCLIS) is a list of sites that the Federal EPA is investigating for possible inclusion on the NPL. After investigation is complete, the sites on this list will either be closed because no contamination was found, added to the NPL to be cleaned up, or sent to a local state overseeing agency for clean-up.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

#### CERCLIS Sites That Have Been Archived (NFRAP Or CERCLIS-Archived)

NFRAP means "No Further Response Action Planned". It is a status given by the EPA to sites that were once listed in the active CERCLIS database, but which have been removed from that database into an archive list, because they have been assessed by the EPA and determined not to require further remedial action under the Superfund Program.



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**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

### **Sites of Potential Generators of Hazardous Materials (RCRA GEN):**

Small scale and large scale generators (GEN) are included in this list, as required under the Resource Conservation and Recovery Act (RCRA). This list is maintained by the Federal EPA of facilities that generate hazardous substances. Depending on the quantity, they will be listed as small or large. Sites on this list are not necessarily contaminated, but they are tracked because they deal with hazardous substances on the site. RCRA is a federal law that governs how hazardous substances are produced, transported, stored, and disposed of.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.125 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

### **Treatment, Storage and Disposal Sites for Hazardous Materials (RCRA TSD):**

TSD stands for Treatment, Storage and Disposal. This list of facilities is maintained by the Federal EPA, and includes sites that are licensed to treat, store, or dispose of hazardous substances. They are not necessarily contaminated.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

### **Corrective Action Sites, sites with Known Contamination (RCRA COR):**

Also known as the RCRA CORRACTS List, this is a list also maintained by the Federal EPA of RCRA sites at which contamination has been discovered and where some level of corrective clean-up activity has been undertaken. For example, a site may have been on the RCRA TSD or a RCRA GEN site list (see above), and was placed on the CORRACTS list once contamination was discovered and remediation was underway.

**Source Agency:** U.S. Environmental Protection Agency.

**Search Distance Used:** 1.0 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

### **Tribal UST And/Or Tribal LUST**

Federally recognized Native American tribes are sovereign entities subject to federal laws. Underground storage tanks (including leaking tanks, UST/LUST) located on tribal lands generally are not subject to state laws. As a result, unless a state acts as a tribe's agent pursuant to a formal agreement with a tribe, EPA and the tribe are responsible for implementing and enforcing the UST program on tribal lands. There are approximately 6,000 UST/LUST's on Native American lands in the U.S. The EPA works with tribal entities to identify and assess hazards to public health and the environment on tribal lands from UST's and LUST's, to bring all tanks on tribal lands into compliance so as to prevent future leaks and to cleanup existing leaks.





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**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the United States Environmental Protection Agency, (800) 424-9346.

### Emergency Response Notification System (ERNS, National Response Center)

The National Response Center (NRC) is the sole federal point of contact for reporting environmental hazard spills. The NRC operates 24 hours a day, 7 days a week, 365 days a year. The National Response System (NRS) is the government's mechanism for emergency response to discharges of oil and the release of chemicals into the navigable waters or environment of the United States and its territories. Initially, this system focused on oil spills and selected hazardous polluting substances discharged into the environment. It has since been expanded by other legislation to include hazardous substances and wastes released to all types of media. The ERNS database includes information about location, type, and severity of spills reported to the NRC.

**Source Agency:** U.S. Coast Guard.

**Search Distance Used:** 0.125 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the National Response Center, (800) 424-8802.

### State List of Underground Storage Tanks (UST):

This list identifies tanks storing hazardous substances which are substantially or totally beneath the surface of the ground. The list is maintained by California's Water Resources Control Board. When a tank on this list is discovered to be leaking, it may also appear on the LUST or RCRA COR list (see above). Sites on the LUST or RCRA COR lists may not appear on the UST list if the tank has been removed and the case has been closed.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.125 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

### State List of Leaking Underground Storage Tanks (LUST):

California's Water Resources Control Board, under its Underground Storage Tank Program, maintains a list of all underground storage tanks which have been reported as having released contaminants. The database is called the Leaking Underground Storage Tank Information System (LUSTIS).

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

### Solid Waste Landfill Facilities (SWIS):

The Solid Waste Information System is maintained by California's Integrated Waste Management Board. This system tracks known landfills. Sites on this list are often reported as "unlocatable" because the site address information on the state list is frequently insufficient for precise location (landfills are typically distant from population centers, in undeveloped or rural areas where there are no street names or address numbers).

**Source Agency:** California Integrated Waste Management Board.





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**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA State Integrated Waste Management Board, (916)341-6320.

### State List of Spills, Leaks, Investigation & Cleanup (SLIC)

The Spills, Leaks, Investigations & Cleanup (SLIC) Program, administered by the California Water Resources Control Board, is designed to protect and restore water quality from spills, leaks, and similar discharges. The program oversees soil and water investigations, corrective actions, and human health risk assessments at sites with current or historic unauthorized discharges, which have adversely affected or threaten to adversely affect waters of the state. The program covers all types of pollutants (such as solvents, petroleum fuels, heavy metals, pesticides, etc) and all environments (including surface water, groundwater, sediment, and soil). The outcome of the SLIC program process may range from a No Further Action (NFA) letter indicating cleanup is complete with no land-use restrictions, to the design and implementation of a remedial system. Sites in the SLIC program are generally small to medium-sized industrial sites with non-fuel contamination. Many of these sites are regulated under Site Cleanup Requirements, which are issued by the Regional Board. Site Cleanup Requirements generally mandate a time schedule for specific tasks that must be performed by the responsible party(ies) to investigate and cleanup the site. Statutory authority for the program is derived from the California Water Code, Division 7, Section 13304. Guidelines for site investigation and remediation are promulgated in State Board Resolution No. 92-49 entitled Policies and Procedures.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

### State List of Historical Underground Storage Tanks (Hist-UST)

The California State Water Resources Control Board keeps the Hazardous Substances Storage Container Information on file. This is a database of historical underground storage tanks that was kept until the late 1980's, but has been discontinued and is no longer updated.

**Source Agency:** California Water Resources Control Board.

**Search Distance Used:** 0.125 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA State Water Resources Control Board, Underground Storage Tank Program, (916)341-5808.

### State Hazardous Waste Information Summary (HWIS):

The Hazardous Waste Information Summary (also called the Hazardous Waste Summary Report, and formerly the Tanner Report), is a database that summarizes the chemical data contained in manifests submitted to the California Department of Toxic Substances Control (DTSC) by hazardous waste generators and facilities around the state. The volume of manifests submitted to the DTSC is typically 900,000 - 1,000,000 annually, representing approximately 450,000 - 500,000 shipments.

**Source Agency:** California Department of Toxic Substances Control.

**Search Distance Used:** 0.125 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA Environmental Protection Agency, Department of Toxic Substances Control, (916)323-3400.



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### State Site Mitigation And Brownfields Reuse Program Database (SMBRPD)

The California Department of Toxic Substances Control (DTSC) maintains an automated database (known as "CalSites") that contains information on properties in California where hazardous substances have been released, or where the potential for a release exists. For over a decade, CalSites assisted the public, the Legislature, Federal, State and local agencies, and DTSC staff, by providing a brief history of the investigation and cleanup of Brownfield properties. The listings provide a brief history of cleanup activities, contaminants of concern, and scheduled future cleanup activities. This database may or may not include all of the Federal CERCLIS sites, and typically includes additional sites under investigation. On January 31, 2006, DTSC launched its new Brownfields site database called "EnviroStor". EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

**Source Agency:** California Department of Toxic Substances Control.

**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA Environmental Protection Agency, Department of Toxic Substances Control, (916)323-3400.

### SMBRPD Site With Deed Restriction Or Other Controls (CONTROLS)

California law requires that the Department of Toxic Substances Control (DTSC) notify the planning and building departments of all local governments of any recorded land use restriction ("Deed Restriction"). The DTSC maintains a database called "EnviroStor" that lists all deed restrictions, including street addresses or the equivalent description of location. According to DTSC, this database may not include all deed restrictions and other land use controls that exist at the current time.

**Source Agency:** California Department of Toxic Substances Control.

**Search Distance Used:** 0.5 mile

**Database last checked by JCP:** October 2006

**WANT MORE INFORMATION?:** Contact the CA Environmental Protection Agency, Department of Toxic Substances Control, (916)323-3400.

### Sites Reported but Not Required for AAI Compliance

As a courtesy to JCP clients, the Commercial EnviroCheck™ Report also includes storage tank sites listed by state agencies that are not required by the AAI standard to be included in a government records search. These sites are listed in the following database:

### State List of Aboveground Storage Tanks (AST):

The list tracks aboveground petroleum storage tanks of 10,000 gallons or more, with exceptions for certain uses (e.g., agricultural). It is also maintained by the state's Water Resources Control Board. When an aboveground tank is discovered to be leaking, it may also appear on the RCRA COR list (see above). Sites on the RCRA COR list may not appear on the AST list if the tank has been removed and the case has been closed.

**Source Agency:** California Water Resources Control Board.

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### Terms and Conditions

REPORT- Any use of this report is considered an understanding of and agreement to abide by these Terms and Conditions. This JCP Commercial EnviroCheck report provides a radius-screening and summary tabulation of hazardous materials storage, contamination, and clean-up sites in the vicinity of a subject property as identified from certain government agency maintained lists. The JCP Commercial EnviroCheck Report is produced in accordance with the U.S. Environmental Protection Agency (EPA) "All Appropriate Inquiry" (AAI) standard for government records search (40 CFR Part 312.26) under the U.S. Small Business Liability Relief and Revitalization Act ("the Brownfields Law"). A site inspection is not conducted for this report, nor is there a review of historical use data such as aerial photographs, Sanborn maps, local permits, or other records. Note that the level of information will vary between contaminated sites and certain information may not be available for all sites. Additional information may exist that is not included in the sources used to create this report. Research into other sources beyond those identified is beyond the scope of this report. Interested parties are directed to investigate other sources if additional information is desired.

The contaminated site lists used may contain errors or omissions made by the official agencies responsible for maintaining these lists. JCP will not be liable for any such errors. The lists used in this report are updated at various intervals with some being updated on an irregular basis. Update schedules are determined by the agency responsible for maintaining the list and are subject to change without notice. For those lists maintained on a "continuous update as needed" type schedule, JCP updates on a quarterly schedule. All parties should be aware that the lists are subject to change at any time. Therefore, the sites identified for a property can change as the lists do. JCP is not responsible for advising parties of any changes that may occur after the date of this report. This report is for use for the single property in the single transaction process for which it was issued. Due to changing information, laws and contractual parties, this report cannot be relied upon for other properties or future transactions of the subject property. JCP shall not be liable to anyone who may claim any right through his relationship with the agent except when acts or omissions are due to willful misconduct or negligence by JCP.

This determination has been made using digital address geocoding and GIS mapping system, therefore, this electronic determination incorporates some degree of uncertainty. Locations are not field checked. The accuracy of geographic locations will reflect any errors in the address provided and JCP will not be liable for such errors. Some sites from the lists could not be located by the methods used in preparing this report due to poor or inadequate address information. In these cases, the sites could not be included as being "within" or "not within" the search radius around the subject property. A list of such sites is included in this report.

JCP does not make any representations as to the accuracy, validity or completeness of any of these lists nor to the significance or extent of the contamination on any of the sites identified on the lists. We do not make any representations as to the health hazards to humans or animals that may be associated with any of the substances that may exist at the sites disclosed in this report or how they may or may not affect the subject property. This report does not address the drinking water sources for the subject property.

JCP did not perform a visual examination of the subject property or any of the sites identified in this report. This report does not address hazardous substances, if any, that may exist on the subject property unless the property is on one of the lists used. This report is not a substitute for an on-site environmental assessment.

NOTE: This is a limited scope report designed for preliminary screening only. Additional contaminated sites may exist that are not listed on the sources used in this report. If any party to this transaction has any actual



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knowledge of contamination at the subject property, that information must be disclosed in addition to this report. We recommend that if any party to this transaction has concerns, they contact the agency noted for additional information and appropriate experts as necessary.

**INDEPENDENT CONTRACTOR** - In performance of the services, hereunder, it is agreed that JCP is and shall be and remain at all times an independent contractor and neither JCP nor any of its officers, employees, servants, agents or sub-contractors shall be or act as the employee, servant or agent of any other party hereto in its performance of any of the terms and conditions hereof.

**LIABILITY** - The Client or his assignee or successor in interest agrees to indemnify and hold harmless JCP from and against any and all claims, demands, lawsuits or actions for damages, including legal fees to persons and/or property tangible, intangible or otherwise which may be brought against JCP incidental to, arising out of or in connection with the work to be done, services to be performed or material to be furnished hereunder except for those claims caused solely and completely by the negligence of JCP, its directors, officers, employees, agent or subcontractors.

In the event JCP is proven negligent in any respect, the liability of JCP, its agents, employees and subcontractors, for Client's claims of loss, injury, death or damage, including, without limitation, Client's claims for contribution and indemnification with respect to third party claims, shall not exceed: (1) The greater of the total sum of \$100,000 or twice the sum actually paid JCP for services alleged to be misperformed, deficient or omitted; (2) The total sum of \$1,000,000 for injury, loss or damage caused by negligence, or other causes for which JCP has any legal liability, other than as described in item (1).

Client shall save, defend and hold JCP harmless against any claims in excess of the limits set forth above.

**CONSEQUENTIAL DAMAGES** - In no event shall either JCP or Client be liable for consequential damages, including without limitation loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such claim is based upon alleged breach of contract, willful misconduct, or negligent act or omission, whether professional or non-professional of either of them or their employees, agents or subcontractors.

**DISPUTES** - JCP and the Client will make every effort to settle any dispute amicably. In the event an amicable resolution is not achieved, any and all differences and disputes of whatsoever nature arising out of this Agreement shall be put to arbitration in the City of Fremont, CA pursuant to the laws relating to arbitration there in force, before a board of three arbitrators. Arbitrators shall be selected one person by the Client, one by JCP and the third by the two arbitrators previously selected. The decision of any two of the three on any point or points shall be final. Until such time as the arbitrators finally close the hearings, either party shall have the right by written notice served on the arbitrators and on an officer of the other party to specify disputes or differences under this Agreement for hearing and determination. The arbitration is to be conducted in accordance with such rules and procedures as may be selected by the arbitrators. The arbitrators may grant any relief other than punitive damages which they, or a majority of them, deem just and equitable and within the scope of the agreement of the parties, including, but not limited to, specific performance. Awards made pursuant to this clause may include costs including a reasonable allowance for attorney's fees and judgment may be entered upon any award made hereunder in any court having jurisdiction. Both parties hereby mutually waive any and all claims to punitive damages in any forum.



# JCP Property Disclosure Reports The COMMERCIAL Environmental Report™ FOR MONTEREY COUNTY

## **Commercial EnviroCheck Report™ – Government Records Search**

**Property Address:** 1510 FREMONT BLVD ,  
SEASIDE, MONTEREY COUNTY, CA

**APN:** 012-183-026-000

**Date:** 08/02/2007

**Report Number:** 139155

Client shall be required to notify JCP within thirty (30) days of the commencement of any arbitration between it and third parties which may concern JCP' work in connection with this Agreement and shall afford JCP an opportunity, at JCP' sole option, to participate in the arbitration.

**CONTROVERSIES** - If upon completion of the services hereunder JCP is requested to assist the Client in any dispute between the Client and its suppliers, the Client will pay JCP any and all costs for the time JCP spends on such disputes as additional compensation.

**PAYMENTS** - Upon default in payment for a period in excess of thirty (30) days from the date of the invoice, the Client shall be liable for a late charge of one and one-half (1-1/2) percent per month thereafter. In the event JCP is required to take any action for the collection of fees hereunder, there shall be added to the invoice amount all costs and expenses of such action, including reasonable attorney's fees and JCP may take judgment for the entire amount due.

**ASSIGNMENT** - In performance of this Agreement, JCP may at its discretion designate one or more subcontractors to perform all or any part of its duties hereunder.

**ENTIRE AGREEMENT** - This Agreement entered into by and between JCP and the Client, constitutes the entire Agreement between the parties. None of the Terms and Conditions contained herein may be added to, modified, superseded or otherwise altered except by written instrument signed by an authorized representative of JCP and the Client.

**TIME BAR TO LEGAL ACTION** - Any statutes of limitation notwithstanding, Client expressly agrees that its right to bring or to assert against JCP any and all claims, demands, or proceedings whether in arbitration or otherwise, shall be waived unless (a) notice is received by JCP within thirty (30) days after the Client had notice of or should reasonably have been expected to have had notice of the basis for such claims; and (b) arbitration or legal proceedings, if any, based on such claims or demands of whatever nature are commenced within one (1) year of the date of such notice to JCP.

**NON-WAIVER** - No waiver by either party of any breach of any of the terms of this Agreement shall be construed as a waiver of any subsequent breach, whether of the same or of any other term thereof. No delay or omission on the part of

JCP in exercising any right or remedy under this Agreement, shall impair that right or remedy or operate as or be taken to be a waiver of it, nor shall any single, partial or defective exercise by JCP of any such right or remedy, preclude any other or further exercise under this Agreement, or that or any other right or remedy. The remedies provided in this Agreement are cumulative and are not exclusive of any remedies provided by law.

**SEVERANCE** - If at any time, any of the provisions of this Agreement, is or becomes illegal, invalid or unenforceable, in any respect under any law or regulation of any jurisdiction, neither the legality, validity and enforceability of the remaining provisions of this Agreement nor the legality, validity and enforceability of such provisions under the law of any other jurisdiction, shall be in any way affected or impaired, as a result.

**GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be governed by the Laws of the State of California.