

Addendum 3 to the TDS re: Lot Line & Fence

07/30/13

RE: Summary of 1015 Carolina Encroachment Issue with 1019-1021 Carolina

The owners Leslie Averbeck and Jeff Rotblatt of 1019-1021 Carolina units and myself have come to a fair resolution to settle the encroachment issue moving forward. I will explain the history of this issue to the best of my knowledge.

When I purchased 1015 Carolina the house was a foreclosure and I was told there was an issue between the previous owner (1015) and Jeff and the previous owners (where Leslie now resides) in the rear unit of 1019-1021. When I moved in and hired an architect to design the new layout for remodel he obeyed the property line that was marked up by the surveyor who came out sometime prior to my purchase.

The existing house had encroached about 6-9 inches into 1019-1021 property that was built before the survey was ever recorded. The existing house remained where it was from the rear of the house to the front. The rear portion and top floor of the house was rebuilt and extended. As a courtesy, I gave a few inches in the backyard (past the marked property line on my property) to Leslie and Jeff. I made sure the retaining wall was also clearly past the measurements given on my side of the property line. I also offered to remove our old fence that is now on their property line without charge. They did not take the offer and had it removed at a later date.

In the front of the house where our south side meets their house I offered to put up a fence free of charge to provide security and privacy for both of our properties. They responded it was fine and to make sure it was on the property line. My contractor and I placed the fence past the surveyors property line as I thought the area where it was placed is considered existing property for 1015. To my mistake, it was not. I had my contractor move it again to the property line marked in fluorescent behind the stucco railing. To my mistake it still did not meet the legal mark (according to Leslie and Jeff) based on the retaining wall. Leslie, Jeff and I met today July 30, 2013 to come to a final resolution to clear up all the encroachment grey areas and came to a fair agreement.

I plan to move the fence a clear 7 (which exceeds the agreements 6.25") inches from the existing south side of the house. We also agreed to hire a surveyor and document today's property line that we fairly agreed too.

This will clear up all records and will be recorded with the SF county Recorder's office and make it a clear title for all parties and future owners.


The only visual impact it will have moving forward is 4-5 inches in the front of the property in the small portion of the dirt where the house meets the southern condos.

Thank you,

Rebecca Chang (owner of 1015 Carolina Street)

**READ AND
APPROVED**

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8/5/2013 12:41:17 PM

08/05/2013

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Roxanne Chang
8/5/2013 4:13:08 PM

08/05/2013

1 of 1

**1019-1021 Carolina St
San Francisco, CA 94107**

Facsimile transmittal

To: **Sheldon Rilliet
Alain Pinel Realtors**

Fax: **650-931-2099**

From: **Leslie Averbeck & Jeff Rotblatt** Date: **7/30/2013**

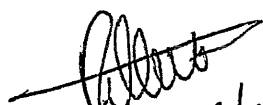
Re: **1015 Carolina St, San Francisco, CA** Pages: **2** (including cover)

Cc: **Rebecca Chang**
(via email and certified mail)

☒ **Urgent** ☐ For review ☐ Please comment ☐ Please reply ☐ Please recycle

Please review the following letter sent to Rebecca Chang via email and certified mail, and Sheldon Rilliet (Alain Pinel Realtors) via email, certified mail, and fax.

**READ AND
APPROVED**


7/30/13 1 of 2

[R]

[RC]

July 30, 2013

Leslie Averbeck & Jeff Rotblatt
1019 - 1021 Carolina St
San Francisco, CA 94107

Rebecca Chang
1015 Carolina St
San Francisco, CA 94107

Dear Rebecca,

We are writing to you regarding the potential sale of your home located at 1015 Carolina St., San Francisco, CA. As you know, we are the owners of the condominiums on the property immediately south of yours. Our homes are located at 1019-1021 Carolina St. You have just completed an extensive rehab and rebuilding project at your property. During the course of that project you have shared information with us about it, and we have had numerous communications about it.

Two things have occurred in the course of this reconstruction that we were not informed about in advance. One is that you built a new upper story on your property that encroaches into the airspace of our property. The 2nd is that you built a new fence at the front of your building alongside the steps that lead to the units of our building. This fence also encroaches on our property. There has never been an agreement that you could encroach on our property with any new structures, and no legal rights to do so have been granted to you.

In light of the circumstances, you are not able to convey clear title to your new building to a buyer. We note that your home is currently listed for sale and that it is being actively shown. We do not think it is possible for you to close a sale of your property until these problems are resolved. We invite you to contact either one of us so that we can discuss a solution to these problems.

Sincerely,
Leslie Averbeck and Jeff Rotblatt

C: Sheldon Rilliet
Alian Pinel Realtors - Burlingame

READ AND
APPROVED

[RE] [R]

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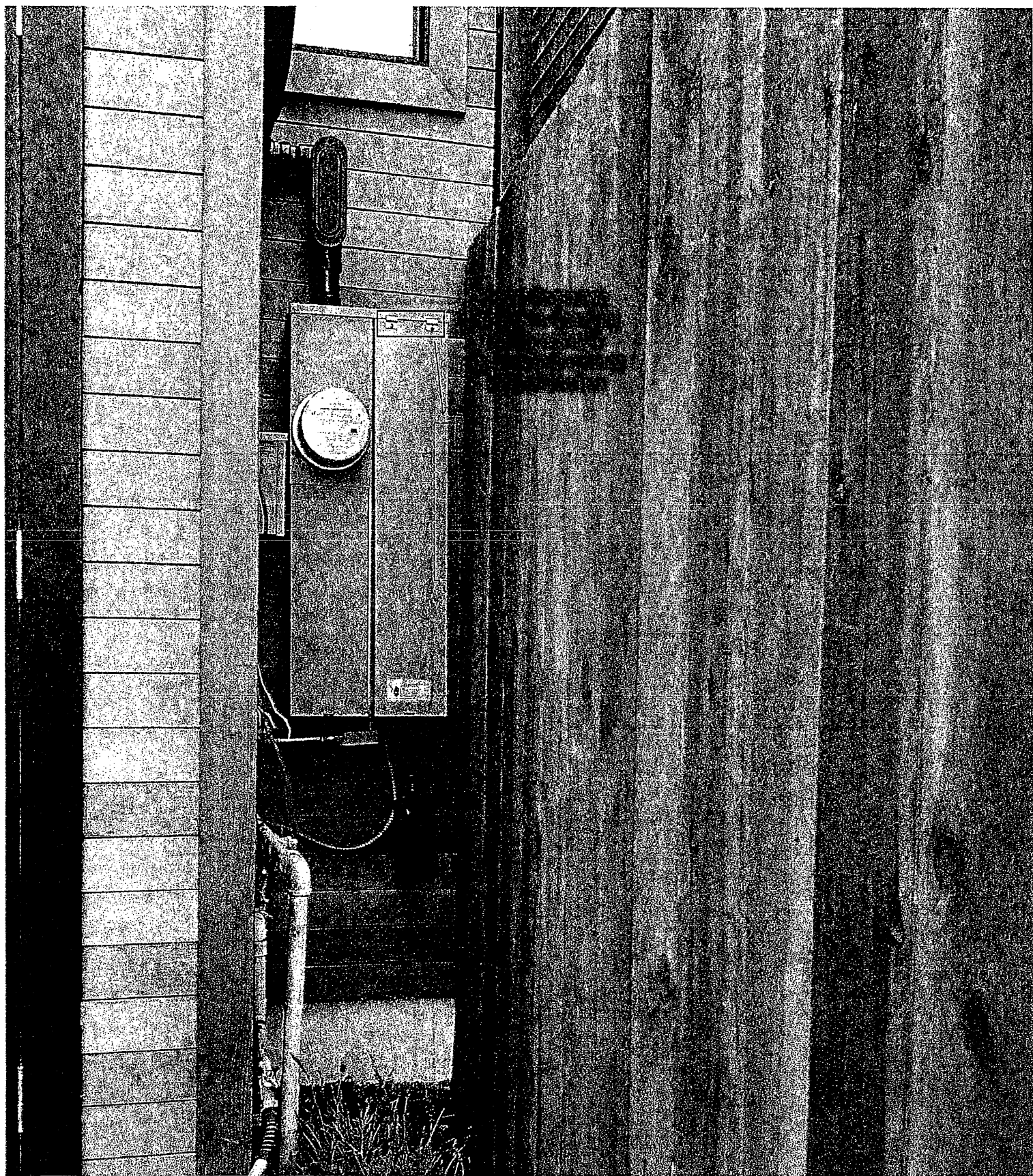
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Roxanne Chang
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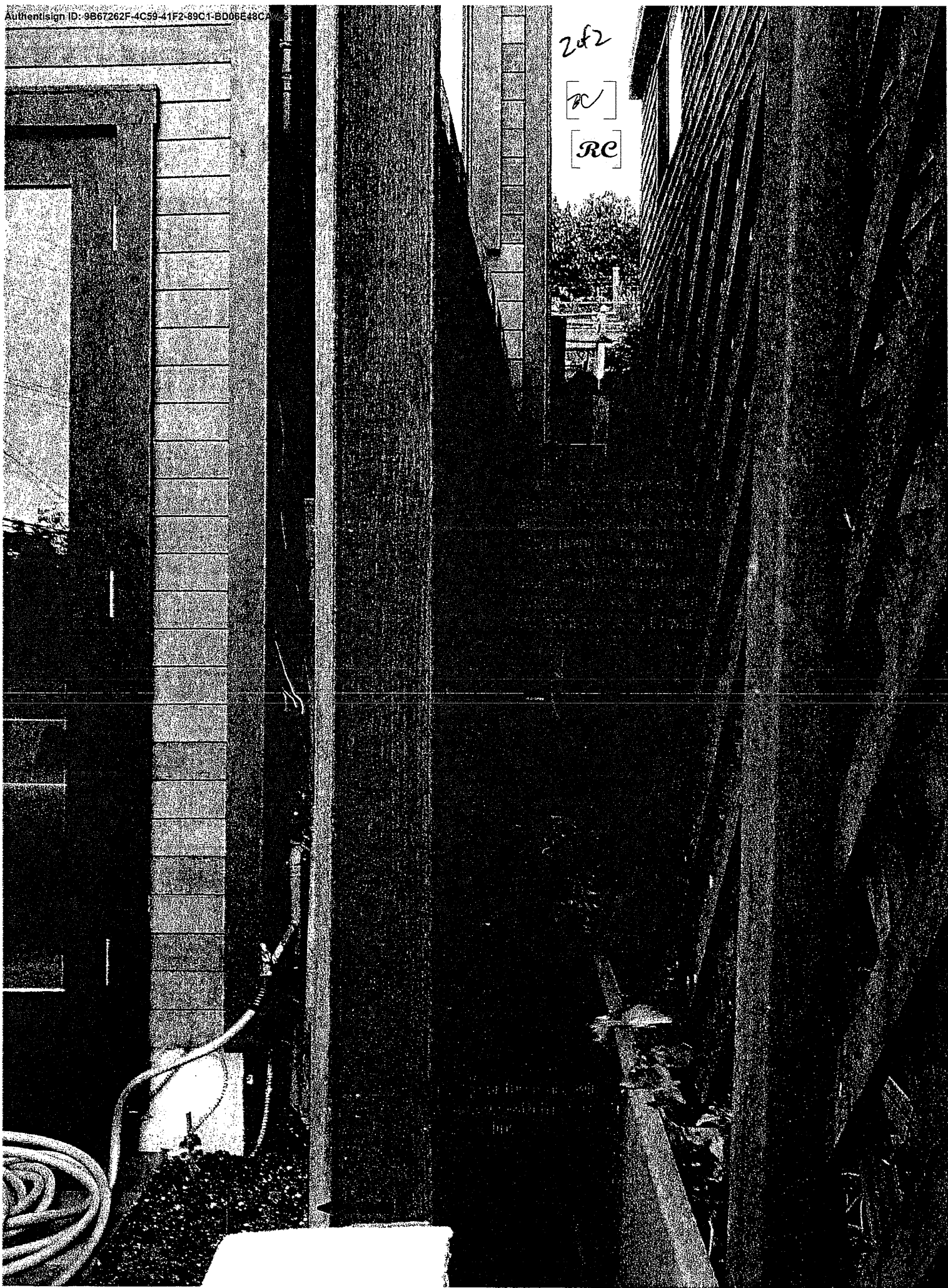
1 of 2



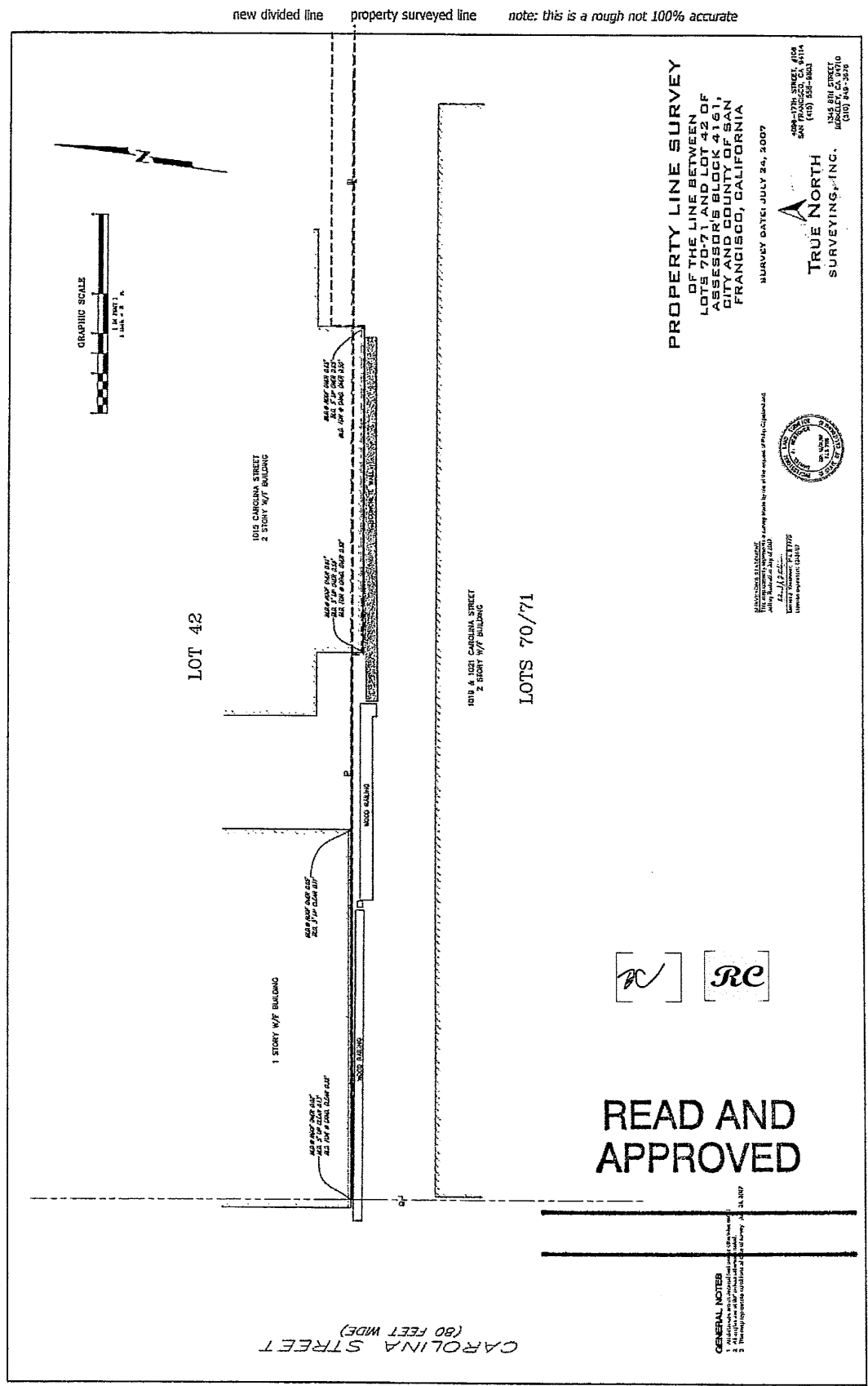
2 of 2

RC

RC



1019-1021 CarolinaSur.pdf (1 page)



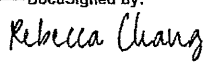
July 31, 2013


The following are the next steps that Rebecca Chang, Jeff Rotblatt, and Leslie Averbeck agreed to during the meeting about the encroachments between 1015 Carolina St and 1019-1021 Carolina St properties:

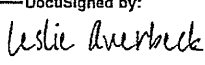
- 1) Rebecca will completely remove the front fence from the 1019-1021 Carolina St property and rebuild it on her side of the property, which is a minimum of 6.25 inches from the foundation of the encroaching building.
- 2) Title to all portions of 1019-1021 Carolina St that 1015 Carolina St previously encroached on (except the portion described in #4 below) will be transferred to Jeff and Leslie.
- 3) Title to the part of 1015 Carolina St east of the portion of the building on 1015 Carolina St that currently encroaches on 1019-1021 Carolina St and that is south of the Rebecca's building, retaining wall and fence will be transferred to Jeff and Leslie.
- 4) Title to the part of 1019-1021 Carolina St that the building at 1015 Carolina St currently encroaches on will be transferred to Rebecca.

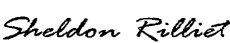
Next Steps:

- 1) Hiring a surveyor to create a legal description of the part of 1019-1021 Carolina St to be transferred to Rebecca and the portion of 1015 Carolina St to be transferred to Leslie and Jeff. The cost of the survey will be split equally between the 2 properties and both parties will agree upon the surveying company.
- 2) Each party will prepare, execute and deliver the deed from him or her to the other party.
- 3) Each party will be responsible for recording the deed he or she receives.

DocuSigned by:

 AC66DA4D87A84D7...
 Rebecca Chang

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 08/05/2013

DocuSigned by:

 7E0C7EE95E6E47E
 Jeff Rotblatt/Leslie Averbeck

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08/05/2013

1 of 1

City-Wide Insulation Co.

P.O. Box 22422

San Francisco, CA 94122

(415) 652-0260

paul@cwinsulation.com

State Lic. # 850842

Project: 1015 Carolina St. City: San Francisco State: CA Zip: 94107Single Family X Units _____ Condo. _____ Block 4161 Lot 042

Items marked "yes" require work

- | | | | | |
|---|---|--|---|----------------------------------|
| 1. Insulate attic with : Blown Fiberglass or Batting | Yes | No | <input checked="" type="checkbox"/> N/A | _____ |
| *Wiring in attic to be inspected by a licensed electrician* | | | | |
| 2. Install water heater blanket | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 3. Strap water heater assembly | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 4. Insulate hot water pipes, R-4 | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 5. Weather-strip door(s) with jam-up | <input checked="" type="checkbox"/> Yes | No | N/A | <u>1 double door - by others</u> |
| 6. Wrap furnace ducts with foil faced | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 7. Install battery operated smoke detectors | <input checked="" type="checkbox"/> Yes | No | N/A | <u>test existing</u> |
| 8. Install battery operated carbon monoxide detectors | <input checked="" type="checkbox"/> Yes | No | N/A | <u>2 - by others (NOT Incl.)</u> |
| 9. Install low-flow showerhead(s)/restrictor | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 10. Install _____ 1.28 GPF, white, toilet(s) | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 11. Install aerator(s)/faucet(s) | Yes | <input checked="" type="checkbox"/> No | N/A | _____ |
| 12. Other: _____ | | | | _____ |

NOTE: \$225.00 Inspection fee & filing/recording fees (Due) - Included in totalTo: Alain Pinel Realtors C/O: Sheldon RillietAddress: 1440 Chapin Ave. Suite 200 City: Burlingame State: CA Zip: 94010Tel: (415) 559-9691 V/M: (650) 931-2085 Email: srilliet@apr.comTitle Co: Fidelity National Title Company Attn: Nga LosaccoTel: () Escrow #: 13-101824-NL Email: nlosacco@fnf.comPayment Due: Close Of Escrow Amount: Three Hundred Fifty Dollars & 0/100Submitted by: Paul O'ConnorDate: 07 / 19 / 2013Due: \$225.00

Accepted by: _____

Date: / / 2013Total: \$350.00

*Notice: Under the 'Mechanics Lien Law', any contractor, subcontractor, laborer, material man, or other person who helps to improve your property and is not paid for his labor, services, or materials has a right to enforce his claim against your property. Under the law, you may protect yourself against such claim by filing, before commencing such work of improvement, an original contract for the work of improvement or a modification thereof, in the office of county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claim of all persons furnishing labor, services, equipment, or materials for the work described in said contract. (Note: City-Wide Insulation Co. is Not Responsible for any tiling, painting, or existing footprint of toilet. This is to replace the fixture only)

**READ AND
APPROVED**

1 of 3

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Roxanne Chang

8/5/2013 4:13:30 PM

08/05/2013



DEPARTMENT OF BUILDING INSPECTION City & County of San Francisco

Housing Inspection Services Division, 1660 Mission Street, 6th Floor,
San Francisco, California 94103-2414 TEL (415) 558-6220 FAX (415) 558-6249

FOR RECORDER'S USE ONLY

RESIDENTIAL WATER CONSERVATION INSPECTION AND CERTIFICATE OF COMPLIANCE FORM

CONFIRMED COPY of document recorded

07/26/2013, 2013J715282

811 with document no. _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

REQUIRED BY CHAPTERS 12 AND 12A OF THE SAN FRANCISCO HOUSING CODE (SFHC)

PROPERTY ADDRESS 1015 Carolina St.	BLOCK 4161	LOT 042	SEQ
OWNER/SELLER NAME Rebecca & Roxanne Chang	DAY TIME PHONE NUMBER 415-559-9691		
OWNER/SELLER HOME ADDRESS Same as Above	CITY, STATE SF CA		ZIP CODE 94107
IS A DEMOLITION PERMIT APPLICATION FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO WHAT DATE?			

BUILDING TYPE: ☒ SINGLE FAMILY ☐ TWO FAMILY ☐ APARTMENT HOUSE (3 OR MORE DWELLINGS)
☐ RESIDENTIAL HOTEL ☐ CONDOMINIUM

REASON FOR INSPECTION: ☒ RESALE ☐ METER CONVERSION ☐ CONDOMINIUM CONVERSION
☐ MAJOR ALTERATION

WILL AN ENERGY & WATER ESCROW ACCOUNT BE SET UP FOR THIS PROPERTY? ☐ YES ☒ NO
 (IF YES, FORM C MUST ALSO BE COMPLETED AND ATTACHED - WATER CONSERVATION MEASURES MUST BE INSTALLED WITHIN 180 DAYS OF TRANSFER OF TITLE.)

PART A. WATER INSPECTION REQUIREMENTS (Completed by Certified Energy and Water Inspector) Items checked no require compliance.		PART C. COMPLIANCE CERTIFICATION INSPECTION (Completed by Certified Energy and Water Inspector) For single or two family only, a California Licensed Contractor may sign the compliance certification.	
1. SHOWERHEADS: All showerhead ratings do not exceed 2.5 gallons per minute per Section 12A10(a) SFHC. Number of Showerheads: 4 <input checked="" type="checkbox"/> In compliance <input type="checkbox"/> Not in compliance <input type="checkbox"/> Exemption requested per Section 12A10 (e) SFHC (Licensed Physician attached)	YES NO N/A <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	I do hereby certify that all items have been complied with fully. Signature of Inspector Paul O'Neil ID# or California Contractor's Lic. No. #340 Date 7/25/13	
2. AERATORS: All faucet and faucet aerator ratings do not exceed 2.2 gallons per minute per Section 12A10 (b) SFHC. Number of Aerators: 5 <input checked="" type="checkbox"/> In compliance <input type="checkbox"/> Not in compliance	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	PART D. (To be completed by owner or authorized agent) I do hereby certify that the person who's signature appears in Part C conducted a water compliance inspection on the residence address stated above. Signature of Property Owner or Authorized Agent Sheldon Rillet Date 7/25/13	
3. WATER CLOSETS: All water closet (toilet) ratings do not exceed 1.6 gallons flush per Section 12A10 (d) SFHC. <input type="checkbox"/> Historical property exemption requested per Section 12A11(b). Number of Water Closets: 3 <input checked="" type="checkbox"/> In compliance <input type="checkbox"/> Not in compliance 3.5 gpf <input type="checkbox"/> 5 gpf <input type="checkbox"/> 7+ gpf <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	PART E. (City and County use only) Accepted By [Signature] Date 7/26/2013 Rejected By _____ Date _____ Reason: _____ EWI 2013021793	
4. LEAK REPAIR No leaks @ time of inspt Water leak inspection through visual or water meter test revealed no leaks as required by Section 12A10(d) SFHC.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NOTICE TO OWNERS AFTER THE INITIAL INSPECTION: you must file this form within 15 days, at Housing Inspection Services (HIS), 1660 Mission Street, 6th Floor, (\$52.00 Filing Fee Required). AFTER THE COMPLIANCE INSPECTION: is properly signed (Part C and Part D), proof of compliance shall be effected by returning a copy of the completed form for approval to Housing Inspection Services, 1660 Mission Street, 6th Floor, (\$52.00 Filing Fee Required). AFTER HIS APPROVAL a copy of the approved and completed form shall be recorded by you (the owner) or your Authorized Agent, with the San Francisco County Recorder's Office, prior to or concurrent with transfer of title.	
PART B. WATER INSPECTION VERIFICATION (Completed by Certified Energy and Water Inspector) I do hereby certify that I have conducted the above inspection and that to the best of my knowledge and belief the above information is true and correct. I further certify that neither I nor the company I represent have any financial interest in the structure inspected or in the sale or installation of any energy conservation measure as identified in Part A. Signature of Inspector Paul O'Neil ID# #340 Date 7/19/13			

White - Owner

Yellow - Housing Inspection Services

Pink - Inspector



DEPARTMENT OF BUILDING INSPECTION City & County of San Francisco
Housing Inspection Services Division, 1660 Mission Street, 6th Floor,
San Francisco, California 94103-2414 TEL (415) 558-6220 FAX (415) 558-6249

CONFORMED COPY of RECORD ONLY

07/26/2013, 2013J715282

SINGLE OR TWO FAMILY DWELLINGS ENERGY CONSERVATION INSPECTION AND CERTIFICATE OF COMPLIANCE

This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

REQUIRED BY CHAPTER 12 OF THE SAN FRANCISCO HOUSING CODE (SFHC)

PROPERTY ADDRESS 1015 Carolina St	BLOCK 4161	LOT 042	SEO
OWNER/SELLER NAME Rebecca & Roxanne Chang	DAY TIME PHONE NUMBER 415-559-7691		
OWNER/SELLER HOME ADDRESS Same as Above	CITY, STATE San Francisco, CA		ZIP CODE 94107
IS A DEMOLITION PERMIT APPLICATION FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If so what date?			

WAS BUILDING BUILT AFTER JULY 1, 1978? ☐ YES ☒ NO
If yes, date Permit Application was filed _____ Permit Application No. _____

BUILDING TYPE: ☒ SINGLE FAMILY ☐ TWO FAMILY ☐ CONDOMINIUM
REASON FOR INSPECTION: ☒ RESALE ☐ METER CONVERSION ☐ CONDOMINIUM CONVERSION
☐ MAJOR ALTERATION

WILL AN ENERGY & WATER ESCROW ACCOUNT BE SET UP FOR THIS PROPERTY? ☐ YES ☒ NO
(If yes, form C must be completed and attached. Energy conservation measures must be installed within 180 days of transfer of title.) NOTE: Limit of required expenditures for energy conservation measures is \$1,300.

PART A: ENERGY INSPECTION REQUIREMENTS (Completed by Certified Energy and Water Inspector) Items checked <u>no</u> require compliance.			PART C: COMPLIANCE CERTIFICATION INSPECTION (Completed by Certified Energy and Water Inspector or California Licensed Contractor)		
1. All accessible attic space above living area is insulated to minimum resistance value of R-19. <input type="checkbox"/> Exempt, inaccessible or not attic: unable to insulate. <input type="checkbox"/> Exempt: Existing insulation is R-11 or greater throughout 90% of the attic.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	I do hereby certify that all items have been complied with fully. Any measures not corrected because the limit of required expenditure was met? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, which number(s) not done:	Signature of Inspector <u>Paul O</u> LDE or California Contractor's Lic. No. <u>#340</u> Date <u>7/25/13</u>		
2. All doors leading to unheated areas are weather stripped with approved material. <input type="checkbox"/> Exempt: Doors are fire rated.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	PART D: (To be completed by owner or authorized agent) I do hereby certify that the person who's signature appears in Part C conducted an energy compliance inspection on the residence address stated above. Signature of Property Owner or Authorized Agent <u>Sheldon Billiet</u> Date <u>7/25/13</u>			
3. Hot water heaters fitted with insulation blanket or material equal to R-6 or greater. <input type="checkbox"/> Exempt: Non-standard shaped tank. <input type="checkbox"/> Exempt: Inaccessible tank.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	PART E: (City and County use only) Accepted By _____ Date <u>7/11/13</u> Rejected By _____ Date _____ Reason _____			
4. First four feet of hot water pipe is insulated with a R-4 rated insulation. <input type="checkbox"/> Exempt: Water pipe inaccessible or too close to hot air flue.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	Signature of Inspector <u>Paul O</u> LDE # <u>340</u> Date <u>7/19/13</u>			
5. Building exterior caulking and sealing of all major joints and openings to the exterior. <input type="checkbox"/> Exempt: Inaccessible.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	NOTICE TO OWNERS AFTER THE INITIAL INSPECTION: you must file this form within 15 days at Housing Inspection Services (HIS), 1660 Mission Street, 6th Floor, (\$52.00 Filing Fee Required). AFTER THE COMPLIANCE INSPECTION: is properly signed (Part C and Part D), proof of compliance shall be effected by returning a copy of the completed form for approval to Housing Inspection Services, 1660 Mission Street, 6th Floor, (\$52.00 Filing Fee Required). AFTER HIS APPROVAL: a copy of the approved and completed form shall be recorded by you (the owner) or your Authorized Agent, with the San Francisco County Recorder's Office, prior to or concurrent with transfer of title.			
6. All accessible heating and cooling ducts and plenums in unheated areas are insulated with a minimum R-3 insulation. <input type="checkbox"/> Exempt: Inaccessible.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>				

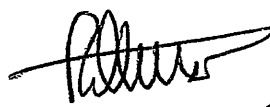
White - Owner

Yellow - Housing Inspection Services

Pink - Inspector

Addendum to Agents Visual Inspection Disclosure (AVID) 08/01/13

1. Additional information regarding the Southern neighbors was brought to my attention via Fax on 7/30/13. See the Addendum #3 from the sellers detailing the accounts and facts. They are added to the disclosure package.

 Nainpirel Realtors
8/5/13

READ AND
APPROVED

08/05/2013

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8/5/2013 12:43:45 PM

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Roxanne Chang
8/5/2013 4:13:31 PM

08/05/2013