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7 Attorneys for Plaintiff DONAHUE WILDMAN

8

9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12

13

DONAHUE L. WILDMAN,

14

Plaintiff,

15

vs.

16

CALIFORNIA COASTAL
COMMISSION; STATE
17 COASTAL CONSERVANCY;
and DOES 1-30, Inclusive,

18

Defendants.

19

20

21

Plaintiff DONAHUE L. WILDMAN alleges as follows:

22

23

1. Plaintiff Donahue L. Wildman ("Wildman") now is, and at all times herein
24 mentioned was, a resident of Los Angeles County, California.

25

2. Defendant California Coastal Commission (the "Commission") is a public
26 agency of the State of California, established under Section 30300, et seq. of the Public
27 Resources Code.

28

3. Defendant State Coastal Conservancy (the "Conservancy") is a public

1 agency of the State of California, established under Section 31100, et seq. of the Public
2 Resources Code.

3 4. The true names and capacities, whether individual, corporate, association,
4 or otherwise, of defendants named herein as DOES 1 through 30, inclusive, and each of
5 them, are unknown to Wildman at this time, who therefore sues such defendants by such
6 fictitious names; when the true names and capacities are ascertained, Wildman will
7 amend this complaint accordingly. Upon information and belief, each of the defendants
8 designated herein as a DOE claims a legal or equitable right, title, estate, lien, or interest
9 in the property described herein adverse to Wildman's title, or a cloud upon Wildman's
10 title to such property, had some involvement in the acts, events, and transactions set forth
11 herein, is responsible in some manner for the acts, events, and transactions set forth
12 herein, and/or has liability to Wildman as hereafter alleged.

13 5. At all times herein mentioned, each of the defendants was the agent of each
14 of the other defendants, and in doing things hereinafter mentioned, was acting within the
15 scope of such agency and with the permission, authority, and consent of the other
16 defendants.

17 6. On July 6, 1984, Wildman purchased a home located at 27910 Pacific Coast
18 Highway, Malibu, California (the "Property"), legally described in "Exhibit A" attached
19 hereto and incorporated herein, for his personal residence, from Kenneth R. Chiate,
20 Jeannette Chiate, and Marilyn S. Wolk (together, the "Sellers"). At all times since such
21 date, Wildman has had exclusive and undisputed possession of the Property.

22 7. On December 11, 1981, the Sellers and Dr. Roger S. Wolk (then an
23 additional owner of the Property) had executed an Irrevocable Offer to Dedicate an
24 easement for public parking on the Property (the "Original Offer"). The Commission had
25 executed the Original Offer on December 18, 1981. The Original Offer was recorded on
26 January 6, 1982 as Instrument Number 82-11159 in the Office of the Los Angeles County
27 Recorder; a copy is attached hereto as "Exhibit B". The Original Offer stated that: "The
28 offer shall run for a period of 21 years from the date of recordation".

1 8. On January 26, 1983, the Original Offer was rerecorded, this time as
2 Instrument Number 83-108580 in the Office of the Los Angeles County Recorder (the
3 “Rerecorded Offer”); a copy is attached hereto as “Exhibit C”. The Rerecorded Offer
4 stated that: “This document is being rerecorded to add a previously-omitted
5 acknowledgment by notary public.” The Rerecorded Offer included photocopies of the
6 original signatures from the Original Offer but no new signatures, and photocopies of the
7 original notarizations from the Original Offer, with the only new notarization being
8 regarding Jeannette Chiate. The Rerecorded Offer did not change any of the terms of the
9 offer to dedicate, and did not change the facts that the Original Offer had already been
10 recorded and that such prior recording had started the running of the 21-year acceptance
11 period.

12 9. By the time the Rerecorded Offer was recorded, more than one year had
13 passed since the Original Offer had been recorded, and so the effect of any defect or
14 omission in the notarizations of the Original Offer had been surmounted and nullified by
15 the terms of Civil Code Section 1207, making the recording of the Rerecorded Offer an
16 idle act with no legal significance.

17 10. The recording of the Rerecorded Offer did not start the running of the 21-
18 year acceptance period anew.

19 11. The Original Offer provided that it was to be accepted by a governmental
20 entity, public agency, or acceptable private association, and that the “easement shall not
21 be improved, opened for public use, or posted until such time as it is accepted by the
22 public agency or private association”. No such acceptance occurred within the applicable
23 21-year period set forth in the Original Offer, which ended on January 6, 2003. The
24 Original Offer thereby expired by its express terms.

25 12. On December 23, 2003, a purported acceptance, executed by the
26 Conservancy and the Commission, of the offer to dedicate set forth in the Original Offer
27 and rerecorded in the Rerecorded Offer was recorded; the acceptance is attached hereto
28 as “Exhibit D”. However, such acceptance was untimely, as the offer to dedicate could

1 no longer be accepted after January 6, 2003.

2
3 **FIRST CAUSE OF ACTION, AGAINST ALL**
4 **DEFENDANTS, FOR QUIET TITLE**
5

6 13. Wildman realleges and incorporates by reference herein all preceding
7 paragraphs of this complaint.

8 14. Wildman is the sole owner of fee simple title to the Property, and the basis
9 of his title is that he purchased it from the Sellers on July 6, 1984.

10 15. Wildman is seeking to quiet title against the claims of the Commission and
11 the Conservancy as to the easement for public parking on the Property, as set forth in the
12 Original Offer and the Rerecorded Offer. Such claims are without any right whatever at
13 this time, and since January 7, 2003.

14 16. The Commission and the Conservancy have no right, title, estate, lien, or
15 interest whatever in the Property or any part thereof, except for an Irrevocable Offer to
16 Dedicate an easement for a ten-foot wide public pedestrian access on the Property,
17 recorded on December 23, 1981 as Instrument Number 81-1259943 and rerecorded on
18 January 26, 1983 as Instrument Number 83-108579, for which a Certificate of
19 Acceptance was recorded on April 5, 1983 as Instrument Number 83-374575, in the
20 Office of the Los Angeles County Recorder.

21 17. No other persons known to Wildman have any right, title, estate, lien, or
22 interest in the Property related to the easement for public parking on the Property.

23 18. Wildman seeks to quiet title as of January 7, 2003 against any claims
24 relating to the easement for public parking on the Property, since that is the first day the
25 offer to dedicate the easement for public parking on the Property could no longer be
26 accepted.

27 19. Wildman is presently seized and possessed of the Property, was seized and
28 possessed of the Property at all times for the five years before commencement of this

1 action, and was seized and possessed of the Property at all times since his purchase of the
2 Property on July 6, 1984. Wildman's possession and use of the Property during these
3 time periods has been exclusive and undisputed. Neither the Conservancy nor the
4 Commission has been in possession of the Property, or occupied the Property, or used the
5 Property, or paid any taxes on the Property, at any time. The Conservancy and the
6 Commission have a mere meritless claim of title to a portion of the Property, based upon
7 an invalid recording derived from a purported acceptance of an expired offer, not
8 constituting a bona fide or valid dedication, and amounting only to a cloud upon title, but
9 have never taken possession of any portion of the Property or disputed Wildman's
10 ongoing exclusive possession or use thereof, or ever asserted any claim in any proceeding
11 or obtained any Court holding adverse to Wildman, prior to the commencement of this
12 action.

13
14 **SECOND CAUSE OF ACTION, AGAINST ALL**
15 **DEFENDANTS, FOR DECLARATORY RELIEF**
16

17 20. Wildman realleges and incorporates by reference herein all preceding
18 paragraphs of this complaint.

19 21. An actual controversy has arisen and now exists between Wildman and
20 defendants, concerning their respective rights and duties, in that Wildman contends that
21 the irrevocable offer to dedicate an easement for public parking on the Property only ran
22 for 21 years from the date the Original Offer was recorded, was not extended by
23 recording the Rerecorded Offer, expired before it was purportedly accepted, was not
24 validly accepted, and should be removed as a claim, lien, interest, or cloud on Wildman's
25 title to the Property, and defendants dispute these contentions and contend to the
26 contrary.

27 22. Wildman desires a judicial determination of his rights and duties, and a
28 declaration as to how long and from when the offer to dedicate an easement for public

1 parking on the Property ran, whether such time period was extended, whether such time
2 period expired before such offer to dedicate an easement was purportedly accepted,
3 whether such offer to dedicate an easement was validly accepted, and whether the
4 Property remains subject to such offer to dedicate an easement. A judicial declaration is
5 necessary and appropriate at this time under the circumstances.

6
7 WHEREFORE, Wildman prays for judgment against defendants, and each of them,
8 as follows:

9 A. On his first cause of action, for a judgment that Wildman is the owner in fee
10 simple of the Property, that defendants have no interest in any easement for public
11 parking on the Property, and quieting title against defendants as to any such interest;

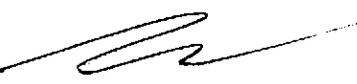
12 B. On his second cause of action, for a declaration of the rights and interests
13 of Wildman relating to the time period the offer to dedicate an easement for public
14 parking on the Property was in effect, whether such offer to dedicate an easement was
15 validly accepted, and whether the Property remains subject to such offer to dedicate an
16 easement; and

17 C. On both his causes of action:

- 18 i. All costs, attorneys' fees, and other expenses of suit incurred herein;
19 and
20 ii. Other and further relief as the Court may deem just and proper.

21
22 DATED: July 1, 2011

THE DODELL LAW CORPORATION
LAW OFFICE OF BURTON MARK SENKFOR

23
24
25 By: 
26 Herbert Dodell, Esq.
Attorneys for Plaintiff DONAHUE L. WILDMAN

VERIFICATION

I have read the foregoing First Amended Verified Complaint for Quiet Title and Declaratory Relief and know its contents.

The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 5, 2011, at Malibu, California.

A handwritten signature in black ink, appearing to read "Donahue L. Wildman", written over a horizontal line.

DONAHUE L. WILDMAN

EXHIBIT A

EXHIBIT "A"

PARCEL 1:

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 7543, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 135, PAGES 58 AND 59 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND THAT PORTION OF LOT 14 IN BLOCK 2 OF TRACT NO, 12935, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP BOOK 248, PAGES 39 AND 40, RECORDS OF LOS ANGELES COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2 OF PARCEL MAP NO, 7543, AS SHOWN ON MAP FILED IN BOOK 135, PAGES 58 AND 59 OF PARCEL MAPS OF LOS ANGELES COUNTY, SAID POINT BEING DISTANT NORTH 73° 08' 40" EAST 15.00 FEET FROM THE NORTHWESTERLY CORNER THEREOF; THENCE SOUTH 16° 51' 20" EAST 114.00 FEET; THENCE NORTH 73° 08' 40" EAST 129.47 FEET; THENCE SOUTH 3° 48' 35" EAST 504.25 FEET; THENCE SOUTH 44° 19' 42" EAST 20.46 FEET; THENCE NORTH 68° 21' 57" EAST 73.08 FEET; THENCE SOUTH 11° 52' 02" EAST 444.14 FEET TO THE SOUTHERLY LINE OF SAID LOT 14; THENCE NORTH 78° 07' 58" EAST 28.06 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 14; THENCE NORTH 11° 52' 02" WEST 372.54 FEET TO AN ANGLE POINT ON THE EASTERLY LINE OF SAID LOT 14; THENCE NORTH 6° 33' 20" WEST 702.39 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 14; THENCE SOUTH 73° 08' 40" WEST 245.23 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND, BUT WITHOUT RIGHT OF ENTRY, AS CONTAINED IN DEED FROM; MARBLEHEAD LAND COMPANY, FILED FOR RECORD JUNE 4, 1943, IN BOOK 26011, PAGE 350 OFFICIAL RECORDS.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS, OVER AND UNDER THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 7543, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 135, PAGES 58 AND 59 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY INCLUDED WITHIN A STRIP OF LAND 20 FEET WIDE, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID PARCEL 2, DISTANT SOUTH 73° 08' 40" WEST 158.05 FEET FROM THE NORTHEASTERLY CORNER OF SAID PARCEL 2; THENCE SOUTH 45° 19' 51" EAST 51.26 FEET; THENCE SOUTH 23° 42' 41" EAST 64.73 FEET; THENCE SOUTH 4° 09' 14" EAST 152.54 FEET TO A POINT KNOWN AS POINT "A".

THE SIDE LINES OF SAID 20 FOOT STRIP ARE TO BE SHORTENED OR PROLONGED TO TERMINATE NORTHERLY AT THE NORTHERLY LINE OF SAID PARCEL 2 AND TO TERMINATE SOUTHERLY AT A LINE HAVING A BEARING OF SOUTH 73° 08' 40" WEST THAT PASSES THROUGH ABOVE MENTIONED POINT "A".

LEGAL DESCRIPTION CONTINUED

PARCEL 3:

AN EASEMENT FOR INGRESS AND EGRESS, OVER THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 7543, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 135, PAGES 58 AND 59 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ABOVE MENTIONED POINT "A"; THENCE SOUTH 73° 08' 40" WEST 10.25 FEET; THENCE SOUTH 16° 58' 28" EAST 43.84 FEET MORE OR LESS, TO A POINT, DISTANT SOUTH 3° 48' 35" EAST 49.00 FEET FROM SAID POINT OF "A"; THENCE NORTH 3° 48' 35" WEST 45.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A TEN FOOT WIDE EASEMENT FOR INGRESS AND EGRESS OVERLYING THE EXISTING ASPHALT ROADWAY OR SUCH OTHER LOCATION AS SHALL RESULT FROM A RELOCATION OR WIDENING OF SAID ROADWAY, COMMENCING WHERE SUCH ROADWAY TERMINATES FROM PARCEL 2 OF PARCEL MAP 7543 AS PER MAP THEREOF FILED IN BOOK 135, PAGES 58 AND 59 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND CONTINUING AS SAID ROADWAY CROSSES IN AN ESSENTIALLY SOUTHWESTERLY DIRECTION ACROSS PARCEL 1 OF PARCEL MAP 7543, MAP FILED IN BOOK 135, PAGES 58 AND 59, OFFICIAL RECORDS, UNTIL IT MEETS WITH AND CONNECTS TO THE TEN FOOT INGRESS AND EGRESS EASEMENT GRANTED BY SOUTHWEST PROPERTIES, S.A., RECORDED JULY 10, 1979 AS INSTRUMENT NO. 79-753506, AS CREATED BY DOCUMENT RECORDED JANUARY 6, 1982 AS INSTRUMENT NO. 82-8457 AND RESERVED BY DEED RECORDED JANUARY 6, 1982 AS INSTRUMENT NO. 82-8458, OF OFFICIAL RECORDS.

*****END OF LEGAL DESCRIPTION*****

EXHIBIT B

PARKING LOT

82- 11159

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
17 MAR 4 4 21 JAN 6 1982

1 Return Original To and
2 Recording Requested By:
3 State of California
4 California Coastal Commission
5 631 Howard Street, 4th Floor
6 San Francisco, California 94105

FREE C

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, Dr. Roger S. Wolk, Kenneth E. Chiate, Jeanette Chiate,
Marilyn S. Wolk are the record owners, hereinafter referred to as "owners,"
of the real property located at 27900 Pacific Coast Highway, Malibu,
Los Angeles County, California, legally described as particularly set forth
in attached Exhibit A hereby incorporated by reference and hereinafter
referred to as the "subject property"; and

II. WHEREAS, the California Coastal Commission, hereinafter referred to
as "the Commission," is acting on behalf of the People of the State of
California; and

III. WHEREAS, the People of the State of California have a legal interest
in the lands seaward of the mean high tide line; and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owners
applied to the Commission for a coastal development permit for construction
of a two-story, 6,800 -sq. ft. single-family residence with three-car garage,
two-car carport, swimming pool, and tennis court on the subject property; and

V. WHEREAS, a coastal development permit no. 5-81-35 was granted on
July 22, 1981, by the Commission in accordance with the provisions of the
Staff Recommendation and Findings shown in Exhibit B attached hereto and
hereby incorporated by reference, subject to the following conditions:

26 //
27 //

1 Prior to issuance of the permit, the applicant shall execute and record
 2 a document in a form and content approved by the Executive Director of the
 3 Commission irrevocably offering to dedicate an easement to be used for public
 4 parking to a public agency or private association acceptable to the Executive
 5 Director. The easement shall be 25 ft. wide and located adjacent to and
 6 parallel to the existing right-of-way within the area designated as "FUTURE
 7 STREET" on recorded parcel map "7543. The offer or the accepted easement
 8 shall be extinguished when construction of the street commences. The offer
 9 shall run for a period of 21 years from the date of recordation and shall
 10 be prior to all liens except tax liens and all encumbrances the Executive
 11 Director determines may affect the interest being conveyed.

12 VI. WHEREAS, the subject property is a parcel located between the first
 13 public road and the shoreline; and

14 VII. WHEREAS, under the policies of Sections 30210 through 30212 of
 15 the California Coastal Act of 1976, public access to the shoreline and along
 16 the coast is to be maximized, and in all new development projects located
 17 between the first public road and the shoreline shall be provided; and

18 VIII. WHEREAS, under the policy of Section 30223 of the California
 19 Coastal Act of 1976 upland areas necessary to support recreational uses
 20 shall be reserved for such uses where feasible.

21 IX. WHEREAS, the Commission found that but for the imposition of the
 22 above condition, the proposed development could not be found consistent with
 23 the public access policies of Section 30210 through 30212 and Section 30233
 24 of the California Coastal Act of 1976 and that therefore in the absence of such
 25 a condition, a permit could not have been granted;

26 //
 27 //

1 NOW, THEREFORE, in consideration of the granting of permit no. 5-41-35
 2 to the owners by the Commission, the owners hereby offer to dedicate to the
 3 People of California an easement for the purposes of public parking, located
 4 on the subject property adjacent to and parallel to the existing highway
 5 and within the same area previously offered for dedication for future
 6 highway use and as specifically set forth by attached Exhibit G hereby
 7 incorporated by reference. The parking space is offered subject to the owner's
 8 right to subsequently locate reasonable access and egress to the subject
 9 property.

10 With the offering of this easement and the easements for vertical and
 11 lateral access as offered in Documents 80-1161953 and 80-1161952 recorded
 12 on November 18, 1980, in the County of Los Angeles, reasonable beach access
 13 shall be deemed to have been provided so that no further conditions regarding
 14 parking, access, or improvements thereon shall be imposed in connection with
 15 further improvements to the subject property as set forth in Exhibit A.

16 This offer of dedication shall be irrevocable for a period of twenty-one
 17 (21) years, measured forward from the date of recordation, and shall be
 18 binding upon the owners, their heirs, assigns, or successors in interest
 19 to the subject property described above. The People of the State of California
 20 shall accept this offer through the County of Los Angeles, the local government
 21 in whose jurisdiction the subject property lies, or through a public agency or
 22 a private association acceptable to the Executive Director of the Commission
 23 or its successor in interest. The easement shall not be improved, opened
 24 for public use, or posted until such time as it is accepted by the public
 25 agency or private association. The offer or accepted easement shall be
 26 extinguished when construction of the "FUTURE STREET" commences.

27 //

1 Acceptance of the offer is subject to a covenant which runs with the land,
2 providing that the offeror to accept the easement may not abandon it but
3 must, instead offer the easement to other public agencies or private associations
4 acceptable to the Executive Director of the Commission for the duration of
5 the term of the original offer to dedicate. The grant of easement once made
6 shall run with the land and shall be binding on the owners, their heirs, and
7 assigns.

8 Executed on this 11 day of December, 1981, in the
9 City of Los Angeles, County of Los Angeles Cal

10 Signed: Kenneth R. Christie Date: 12/11/81
11 Kenneth R. Christie Signed: Marie S. Walk
12 Type or Print Name of Above Marie S. Walk
13 Type or Print Name of Above

14 Signed: Marie S. Walk Signed: Jeanette Christie
15 Kenneth R. Christie, Secretary Kenneth R. Christie, Attorney in Fact
16 Type or Print Name of Above Type or Print Name of Above
17 Type or Print Name of Above

18 STATE OF CALIFORNIA

19 COUNTY OF _____

20 On _____, before the undersigned, a
21 Notary Public in and for said State, personally appeared _____

22 whose names are subscribed to the within instrument, and acknowledge that they
23 executed the same.

24 _____
25 Notary Public in and for said County and
26 State

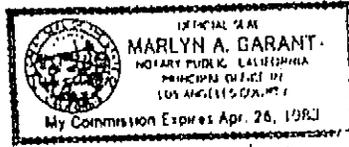
TO 1044 C
(Attorney in Fact)

82- 11159

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On December 11, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Christie, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he subscribed the name of Roger S. Walk and Marilyn S. Walk and acknowledged to me that she subscribed the name of Roger S. Walk and Marilyn S. Walk, therein as principal and she own name as Attorney in fact.

WITNESS my hand and official seal.
Signature Marilyn A. Garant
MARLYN A. GARANT
Name (Typed or Printed)



TO 1044 CA 10 741
(Individual)

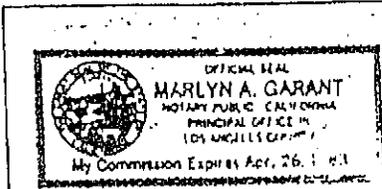
82- 11159

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On December 11, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Christie

known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.
WITNESS my hand and official seal.

Signature Marilyn A. Garant



(This area for official notarial seal)

1 This is to certify that the offer of dedication set forth above dated
 2 Dec 11, 1981, and signed by Kenneth R. Chiare for
 3 Marilyn S. Walk, owner(s), is hereby acknowledged by the
 4 undersigned officer on behalf of the California Coastal Commission pursuant
 5 to authority conferred by the California Coastal Commission when it granted
 6 Coastal Development Permit No. 5-81-35 on July 22, 1981 and the
 7 California Coastal Commission consents to recordation thereof by its duly
 8 authorized officer.

9 Dated: December 18, 1981

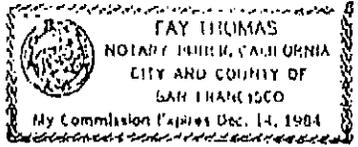
10 Cynthia K. Long
 11 CYNTHIA K. LONG, LEGAL COUNSEL
 12 California Coastal Commission

13 STATE OF CALIFORNIA
 14 COUNTY OF SAN FRANCISCO

15 On December 18, 1981, before the undersigned, a Notary Public in
 16 and for said State, personally appeared Cynthia K. Long
 17 Legal Counsel known to me to be the authorized representative
 18 of the California Coastal Commission and known to me to be the person who
 19 executed the within instrument on behalf of said Commission, and acknowledged
 20 to me that such Commission executed the same.

21 Witness my hand and official seal.

22 Fay Thomas
 23 Notary Public in and for said County and
 24 State



COUNTY PAPER
 COUNTY OF CALIFORNIA
 1981 115 1157 0111

EXHIBIT A

County of Los Angeles, State of California,

Parcel 2 of Parcel Map No. 7543 as per map thereof filed
in Book 135 Pages 58 and 59 of Parcel Maps, in the Office
of the County Recorder of Said County.

82- 11159

EXHIBIT A

EXHIBIT C

82-11459

82-108590

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
17 MIN. 4 PAST. 4 P.M. FEB. 3. 1982

Return Original To and
Recording Requested By:
STATE COASTAL COMMISSION
1230 BROADWAY, SUITE 1100
OAKLAND, 94612
CA

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FREE C 12

FREE C 13

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, Dr. Roger S. Wolk, Kenneth R. Chiate, Jeanette Chiate, Marilyn S. Wolk are the record owners, hereinafter referred to as "owners," of the real property located at 27900 Pacific Coast Highway, Malibu, Los Angeles County, California, legally described as particularly set forth in attached Exhibit A hereby incorporated by reference and hereinafter referred to as the "subject property"; and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as "the Commission," is acting on behalf of the People of the State of California; and

III. WHEREAS, the People of the State of California have a legal interest in the lands seaward of the mean high tide line; and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owners applied to the Commission for a coastal development permit for construction of a two-story, 6,800 -sq. ft. single-family residence with three-car garage, two-car carport, swimming pool, and tennis court on the subject property; and

V. WHEREAS, a coastal development permit no. 5-81-35 was granted on July 22, 1981, by the Commission in accordance with the provisions of the Staff Recommendation and Findings shown in Exhibit B attached hereto and hereby incorporated by reference, subject to the following conditions:

//
//

This document is being re-recorded to add a previously omitted acknowledgment by notary public.

COURT PAPER RECORDERS
STATE OF CALIFORNIA
150 113 1047 5122

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. 9 PAST. 9 A.M. JAN 26 1983

RECEIVED
FEB 3 1982
CALIFORNIA
COASTAL COMMISSION

1 Prior to issuance of the permit, the applicant shall execute and record
 2 a document in a form and content approved by the Executive Director of the
 3 Commission irrevocably offering to dedicate an easement to be used for public
 4 parking to a public agency or private association acceptable to the Executive
 5 Director. The easement shall be 25 ft. wide and located adjacent to and
 6 parallel to the existing right-of-way within the area designated as "FUTURE
 7 STREET" on recorded parcel map "7543. The offer or the accepted easement
 8 shall be extinguished when construction of the street commences. The offer
 9 shall run for a period of 21 years from the date of recordation and shall
 10 be prior to all liens except tax liens and all encumbrances the Executive
 11 Director determines may affect the interest being conveyed.

12 VI. WHEREAS, the subject property is a parcel located between the first
 13 public road and the shoreline; and

14 VII. WHEREAS, under the policies of Sections 30210 through 30212 of
 15 the California Coastal Act of 1976, public access to the shoreline and along
 16 the coast is to be maximized, and in all new development projects located
 17 between the first public road and the shoreline shall be provided; and

18 VIII. WHEREAS, under the policy of Section 30223 of the California
 19 Coastal Act of 1976 upland areas necessary to support recreational uses
 20 shall be reserved for such uses where feasible.

21 IX. WHEREAS, the Commission found that but for the imposition of the
 22 above condition, the proposed development could not be found consistent with
 23 the public access policies of Section 30210 through 30212 and Section 30233
 24 of the California Coastal Act of 1976 and that therefore in the absence of such
 25 a condition, a permit could not have been granted;

26 //
 27 //

COURT FILER
 STATE OF CALIFORNIA
 LTD 113 - 017 2 11
 94P

~~82~~ 11159

83- 108580

1 NOW, THEREFORE, in consideration of the granting of permit no. 5-81-35
 2 to the owners by the Commission, the owners hereby offer to dedicate to the
 3 People of California an easement for the purposes of public parking located
 4 on the subject property adjacent to and parallel to the existing highway
 5 and within the same area previously offered for dedication for future
 6 highway use and as specifically set forth by attached Exhibit C hereby
 7 incorporated by reference. The parking space is offered subject to the owners'
 8 right to subsequently locate reasonable access and egress to the subject
 9 property.

10 With the offering of this easement and the easements for vertical and
 11 lateral access as offered in Documents 80-1161953 and 80-1161952 recorded
 12 on November 18, 1960, in the County of Los Angeles, reasonable beach access
 13 shall be deemed to have been provided so that no further conditions regarding
 14 parking, access, or improvements thereon shall be imposed in connection with
 15 further improvements to the subject property as set forth in Exhibit A.

16 This offer of dedication shall be irrevocable for a period of twenty-one
 17 (21) years, measured forward from the date of recordation, and shall be
 18 binding upon the owners, their heirs, assigns, or successors in interest
 19 to the subject property described above. The People of the State of California
 20 shall accept this offer through the County of Los Angeles, the local government
 21 in whose jurisdiction the subject property lies, or through a public agency
 22 a private association acceptable to the Executive Director of the Commission
 23 or its successor in interest. The easement shall not be improved, opened
 24 for public use, or posted until such time as it is accepted by the public
 25 agency or private association. The offer or accepted easement shall be
 26 extinguished when construction of the "FUTURE STREET" commences.

27 //

83- 108580

11159

Acceptance of the offer is subject to a covenant which runs with the land, providing that the offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original offer to dedicate. The grant of easement once made shall run with the land and shall be binding on the owners, their heirs, and assigns.

Executed on this 11 day of December, 1981, in the City of Los Angeles, County of Los Angeles Cal

Dated: 12/11/81

Signed: Kenneth R. Christie
Kenneth R. Christie

Signed: Raymond S. Walk by Kenneth R. Christie, attorney in fact

Type or Print Name of Above

Type or Print Name of Above

Signed: Raymond S. Walk
by Kenneth R. Christie, attorney in fact

Signed: Jacqueline Christie by Kenneth R. Christie, attorney in fact

Type or Print Name of Above

Type or Print Name of Above

STATE OF CALIFORNIA

COUNTY OF

On _____, before the undersigned, a

Notary Public in and for said State, personally appeared

whose names are subscribed to the within instrument, and acknowledge that they executed the same.

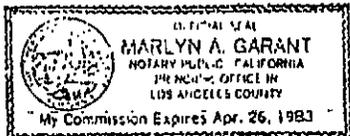
Notary Public in and for said County and State

TO SEE C
(Attorney in Fact)

STATE OF CALIFORNIA } SS. 83- 108580
COUNTY OF Los Angeles

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Benneth R. Christie known to me to be the person whose name subscribed in the within instrument, as the Attorney-in fact of Jeanette Christie and acknowledged to me that she subscribed the name of Benneth R. Christie therein as principal and her own name as Attorney-in fact.

WITNESS my hand and official seal.
Signature Marlyn A. Garant
MARLYN A. GARANT
Name (Typed or Printed)

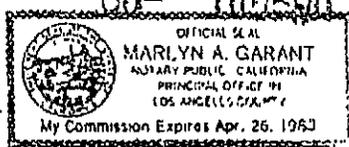


TO SEE C
(Attorney in Fact)

STATE OF CALIFORNIA } SS. ~~82- 11159~~ 83- 108580
COUNTY OF LOS ANGELES

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Benneth R. Christie known to me to be the person whose name subscribed in the within instrument, as the Attorney-in fact of Roger S. Wall and Marlynn S. Wall and acknowledged to me that she subscribed the name of Roger S. Wall and Marlynn S. Wall therein as principal and she own name as Attorney-in fact.

WITNESS my hand and official seal.
Signature Marlyn A. Garant
MARLYN A. GARANT
Name (Typed or Printed)



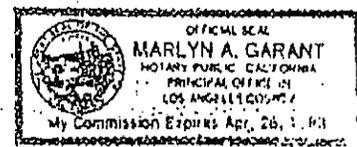
TO 1944 CA 10 341
(Individual)

STATE OF CALIFORNIA } SS. ~~82- 11159~~
COUNTY OF LOS ANGELES

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Benneth R. Christie

known to me to be the person whose name subscribed to the within instrument and acknowledged that she executed the same.
WITNESS my hand and official seal.

Signature Marlyn A. Garant



83- 108580
(This area for official notarial seal)



822-11159

1 This is to certify that the offer of dedication set forth above dated
2 Dec 11, 19 81, and signed by Kenneth R. Chiote for
3 himself, Dr. Rogers Wolk,
4 Marilyn S. Wolk &, owner(s), is hereby acknowledged by the
5 Jeanette Chiote
6 undersigned officer on behalf of the California Coastal Commission pursuant
7 to authority conferred by the California Coastal Commission when it granted
8 Coastal Development Permit No. 5-81-35 on July 22, 1981 and the
9 California Coastal Commission consents to recordation thereof by its duly
10 authorized officer.

11 Dated: December 18, 1981

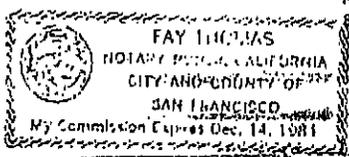
12 Cynthia K Long
13 CYNTHIA K LONG, LEGAL COUNSEL
14 California Coastal Commission

15 STATE OF CALIFORNIA
16 COUNTY OF SAN FRANCISCO

17 On December 18, 1981, before the undersigned, a Notary Public in
18 and for said State, personally appeared Cynthia K. Long
19 Legal Counsel known to me to be the authorized representative
20 of the California Coastal Commission and known to me to be the person who
21 executed the within instrument on behalf of said Commission, and acknowledged
22 to me that such Commission executed the same.

23 Witness my hand and official seal.

24 Jay Thomas
25 Notary Public in and for said County and
26 State



COURT PAPER
STATE OF CALIFORNIA
878 (17) REV. 8-78

83- 108580

EXHIBIT A

County of Los Angeles, State of California,

Parcel 2 of Parcel Map No. 7543 as per map thereof filed
in Book 135 Pages 58 and 59 of Parcel Maps, in the Office
of the County Recorder of Said County.

82-~~11159~~

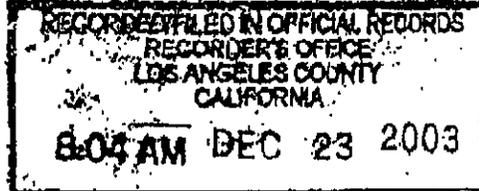
83- 108580

EXHIBIT A

EXHIBIT D

This page is part of your document - DO NOT DISCARD

03 3856271



TITLE(S) : _____



FEE

D.T.T

FREE 2 TT

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

THIS FORM NOT TO BE DUPLICATED

03 3856271

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105

STATE OF CALIFORNIA OFFICIAL BUSINESS
Document entitled to free recordation
Pursuant to Government Code §27383

CDP 5-81-35

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate executed by Roger S. Wolk, Kenneth R. Chiata, Jeanette Chiata, and Marilyn S. Wolk and recorded on January 6, 1982 as Instrument No. 82-11159 and on January 26, 1983 as Instrument Number 83-108580, of the Official Records of Los Angeles County, is hereby accepted by the State Coastal Conservancy, a public agency, pursuant to authority conferred by resolution of the State Coastal Conservancy adopted on December 4, 2002, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 12/16/03

STATE COASTAL CONSERVANCY

By: [Signature]
Samuel Schuchat, Executive Officer

STATE OF CALIFORNIA
COUNTY OF Alameda

On December 16, 2003, before me, HONG LE TRUONG, a Notary Public personally appeared SAMUEL SCHUCHAT, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Hong Le Truong
NOTARY PUBLIC



03 3856271

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
OF ACCEPTANCE OF IRREVOCABLE OFFER TO DEDICATE

This is to certify that the State Coastal Conservancy is a public agency acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer to Dedicate executed by Roger S. Wolk, Kenneth R. Chiate, Jeanette Chiate, and Marilyn S. Wolk and recorded on January 6, 1982 as Instrument No. 82-11159 and on January 26, 1983 as Instrument No. 83-108580, in the office of the County Recorder of Los Angeles County.

Dated: Dec. 16, 2003

CALIFORNIA COASTAL COMMISSION

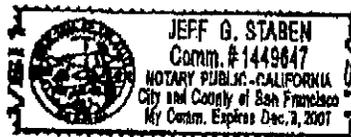
John Bowers
John Bowers, Staff Counsel

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On 12.16.03, before me, Jeff G. Staben, a Notary Public personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hor/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.

WITNESS my hand and official seal.

Jeff G. Staben
NOTARY PUBLIC



1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4 I am employed in the aforesaid County, State of California; I am over the age of 18
5 years and not a party to the within action; my business address is 12121 Wilshire Boulevard,
6 Suite 600, Los Angeles, California 90025.

7 On July 11, 2011 I served the foregoing **FIRST AMENDED VERIFIED**
8 **COMPLAINT FOR QUIET TITLE AND DECLARATORY RELIEF** on the interested
9 parties in the foregoing action by placing a true copy thereof, enclosed in a sealed envelope,
10 addressed as follows:

11 Department of Justice
12 Office of the Attorney General of California
13 Laurie R. Pearlman, Esq., Deputy Atty. General
14 300 South Spring Street, Suite 1702
15 Los Angeles, CA 90013
16 Laurie.Pearlman@doj.ca.gov

17 (BY MAIL)

18 I placed such envelope for deposit in the U.S. Mail for service by the United
19 States Postal Service, with postage thereon fully prepaid.

20 As follows: I am "readily familiar" with the firm's practice of collection and
21 processing correspondence for mailing. Under that practice it would be
22 deposited with the U.S. Postal Service on that same day with postage thereon
23 fully prepaid at Los Angeles, California in the ordinary course of business. I
24 am aware that on motion of the party served, service is presumed invalid if
25 postal cancellation date or postage meter date is more than one day after date
26 of deposit for mailing in affidavit.

27 (BY EMAIL) On July 11, 2011, I transmitted the foregoing document(s) by email to
28 the above-listed email address.

(STATE) I declare under penalty of perjury under the laws of the State of California
that the foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on July 11, 2011 at Los Angeles, California.

Julie Peppard