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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN JUAN BAPTIST AND CIVIL DIVISION

AUG - 6 2009

By Kim M. Allen
Deputy

6 Attorneys for Defendant Mill Pond Partners, L.P.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

11 ARROWHEAD WOODS
12 ARCHITECTURAL COMMITTEE, INC. a
13 California corporation,
14 Plaintiff,
15 v.
16 MILL POND PARTNERS, L.P., a Limited
17 Partnership, and all person unknown claiming
18 any legal or equitable right, title, estate, lien or
19 interest in the property described in the
20 complaint, named as DOES 1 to 50, inclusive,
21 Defendants.

Case No. CIVSS 900262
Honorable W. Robert Fawke
Department S 38

DECLARATION OF RICHARD L. KADOW
IN SUPPORT OF DEFENDANT MILL
POND PARTNERS, L.P.'S REPLY IN
SUPPORT OF MOTION FOR AN ORDER
TO REQUIRE AN UNDERTAKING

Date: August 18, 2009
Time: 8:30 a.m.
Dept.: S 38
Judge: Hon. W. Robert Fawke

Complaint Filed: January 12, 2009

21 I, Richard L. Kadow, declare as follows:

22 1. I am a lawful resident of California and President of Land Title Consultants, Inc. I
23 have 35 years of experience in the title industry. I have personal knowledge of the facts stated
24 below and if called as a witness at the time of any proceeding I could, and would, competently
25 testify thereto.

26 2. During my 35 years of experience in the title industry I have held positions with,
27 among others, First American Title Insurance Company, Security Union Title Insurance Company
28 and Chicago Title Insurance Company. During the last fifteen years of my title industry

1 experience I was Regional Claims Officer in the Western Region for Chicago Title Insurance
2 Company and their subsidiaries.

3 3. My responsibilities while working in the title industry included reviewing chains of
4 title, title searching and examination, and the analysis and enforcement of deed restrictions. I have
5 qualified and appeared as an expert witness regarding title issues in the Superior Courts of Orange,
6 Riverside, San Bernardino and Los Angeles Counties.

7 4. I have reviewed the First Amended Complaint and all attached exhibits filed in this
8 proceeding ("FAC") by plaintiff Arrowhead Woods Architectural Committee, Inc. ("AWAC"). I
9 have also reviewed defendant Mill Pond Partners L.P.'s ("Mill Pond") motion for an undertaking
10 and supporting papers along with AWAC's Opposition to Mill Pond's motion for an undertaking.

11 5. In reviewing these documents I have paid particular attention to the following
12 recorded documents ("Plaintiff's Title Documents"):

- 13 i. FAC, Exhibit B, a Corporation Grant Deed recorded on November 29, 1944
14 at Book 1727, page 147 of Official Records of the County of San Bernardino;
- 15 ii. FAC, Exhibit C, a Corporation Quit Claim Deed recorded on July 7, 1965 at
16 Book 6425, page 729 of Official Records of the County of San Bernardino;
- 17 iii. FAC, Exhibit D, a Corporation Quit Claim Deed recorded on July 7, 1976
18 at Book 8963, pages 1166-1169 of Official Records of the County of San Bernardino; and
- 19 iv. FAC, Exhibit E, an Assignment and Quit Claim of Rights, Powers and
20 Reservations contained in deed recorded on December 20, 1990 as Document No. 90-501337 of
21 Official Records of the County of San Bernardino.

22 6. None of Plaintiff's Title Documents that I have reviewed support a conclusion that
23 AWAC has any CC&R rights to approve the architectural standards for the Mill Pond Property or
24 control further tree removal on the Mill Pond Property. Moreover, even when Plaintiff's Title
25 Documents are read together, they do not establish that AWAC is the owner of any CC&R rights.

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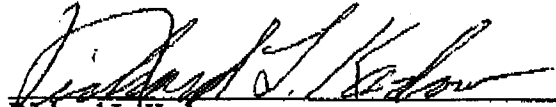
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7. Quite simply, while some of the Plaintiff's Title Documents do reference CC&Rs, they do not establish that AWAC is the owner, or has the right to enforce, any of those CC&Rs.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 6 day of August, 2009 at Crestline, California.


Richard L. Kadow

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