

CITY OF GARDEN GROVE

AND WHEN RECORDED MAIL TO

City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840  
Attn: Real Property Office

This Document was electronically recorded by  
Equity Title B

Recorded in Official Records, Orange County  
Tom Daly, Clerk-Recorder



NO FEE

2009000333850 08:00am 06/25/09

231-471-21

ASSESSOR PARCEL NUMBER

This instrument is exempt from payment of recording fee  
Pursuant to Section 6103 of the Government Code.

DOCUMENTARY TRANSFER TAX

Exempt per revenue and Taxation Code  
Section 11922

By:

3979

## GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DUANE A. KASULKA, A MARRIED MAN

hereby GRANT (S), to,

CITY OF GARDEN GROVE, a municipal corporation,

all that real property in the City of Garden Grove, County of Orange, State of California, described as:

LOT 34 OF TRACT NO. 2148, AS SHOWN ON MAP RECORDED IN BOOK 58, PAGES 46 TO 48 INCLUSIVE  
OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

Dated

4/23/09

STATE OF CALIFORNIA

COUNTY OF San Luis Obispo

S.S.

On 6-23-2009

before me,

Teri Richardson

a Notary Public in and for said County and State, personally appeared

Duane A. Kasulka

By:

Duane A. Kasulka,

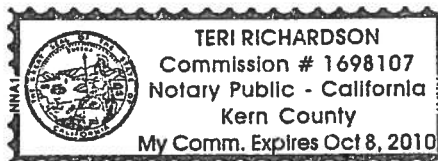
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that  
by his/her/their signature(s) on the instrument the person(s), or the entity upon  
behalf of which the person(s) acted, executed the instrument.

FOR NOTARY SEAL OR STAMP

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

WITNESS my hand and official seal

Signature



# CITY OF GARDEN GROVE

APPROVED AS TO FORM OTHER THAN LEGAL  
DESCRIPTION

By: [Signature]  
City Attorney

Dated: 6/22/09

APPROVED AS TO EXECUTION AND DESCRIPTION

By: [Signature]  
Right of Way Agent

Dated: 6/22/09

This is to certify that the interest in real property  
conveyed by the deed or grant dated \_\_\_\_\_ from

\_\_\_\_\_ to the City of Garden Grove, a municipal corporation, is  
hereby accepted by the undersigned officer on behalf of  
the Garden Grove City Council pursuant to authority  
conferred by resolution of the Garden Grove City Council  
adopted July 17, 1978, and the grantee consents to  
recordation thereof by its duly authorized officer.

Dated: 6/22/09

By: [Signature]  
City Clerk



**PRELIMINARY CHANGE OF OWNERSHIP REPORT****FOR RECORDER'S USE ONLY**

To be completed by transferee (buyer) prior to transfer of subject property in accordance with Section 480.03 of the Revenue and Taxation Code. A Preliminary Change of Ownership Report must be filed with each conveyance in the County Recorder's office for the county where the property is located; this particular form may be used in all 58 counties of California.

**THIS REPORT IS NOT A PUBLIC DOCUMENT**

SELLER/TRANSFEROR: **Duane A Kasulka**

BUYER/TRANSFeree: **City of Garden Grove, a municipal corporation**

ASSESSOR'S PARCEL NUMBER(S): **231-471-21**

PROPERTY ADDRESS OR LOCATION: **12281 Thackery Drive, Garden Grove, CA,**

MAIL TAX INFORMATION TO: Name: **City of Garden Grove, a municipal corporation**

Address: **Attn: Real Property Office 11222 Acacia Parkway, Garden Grove, CA 92842**

Phone Number (8 a.m. - 5 p.m.): (      )

**NOTICE:** A lien for property taxes applies to your property on January 1 of each year for the taxes owing in the following fiscal year, July 1 through June 30. One-half of these taxes is due November 1, and one-half is due February 1. The first installment becomes delinquent on December 10, and the second installment becomes delinquent on April 10. One tax bill is mailed before November 1 to the owner of record. **IF THIS TRANSFER OCCURS AFTER JANUARY 1 AND ON OR BEFORE DECEMBER 31, YOU MAY BE RESPONSIBLE FOR THE SECOND INSTALLMENT OF TAXES DUE FEBRUARY 1.**

The property which you acquired may be subject to a supplemental assessment in an amount to be determined by the County Assessor. For further information on your supplemental roll obligation, please call the **Orange County Assessor**.

**PART I: TRANSFER INFORMATION** (Please answer all questions)

- | YES                      | NO                                  |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A. Is this transfer solely between husband and wife (addition of a spouse, death of a spouse, divorce settlement, etc.)?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | B. Is this transaction only a correction of the name(s) of the person(s) holding title to the property (for example, a name change upon marriage)? Please explain _____  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | C. Is this document recorded to create, terminate, or reconvey a lender's interest in the property?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | D. Is this transaction recorded only as a requirement for financing purposes or to create, terminate, or reconvey a security interest (e.g. cosigner)? Please explain _____  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | E. Is this document recorded to substitute a trustee of a trust, mortgage, or other similar document?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | F. Did this transfer result in the creation of a joint tenancy in which the seller (transferor) remains as one of the joint tenants?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | G. Does this transfer return property to the person who created the joint tenancy (original transferor)?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | H. Is this transfer of property:   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. to a revocable trust that may be revoked by the transferor and is for the benefit of the <input type="checkbox"/> transferor <input type="checkbox"/> transferor's spouse?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. to a trust that may be revoked by the Creator/Grantor who is also a joint tenant, and which names the other joint tenant's as beneficiaries when the Creator/Grantor dies?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. to an irrevocable trust for the benefit of the <input type="checkbox"/> Creator/Grantor and/or <input type="checkbox"/> Grantor's spouse?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. to an irrevocable trust from which the property reverts to the Creator/Grantor within 12 years?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | I. If this property is subject to a lease, is the remaining lease term 35 years or more including written options?   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | *J. Is this a transfer between <input type="checkbox"/> parent(s) and child(ren)? <input type="checkbox"/> or from grandparent(s) to grandchild(ren)?  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | *K. Is this transaction to replace a principal residence by a person 55 years of age or older?   |
|                          |                                     | Within the same county? <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| <input type="checkbox"/> | <input type="checkbox"/>            | *L. Is this transaction to replace a principal residence by a person who is severely disabled as defined by Revenue and taxation code section 69.5? Within the same county? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/>            | M. Is this transfer solely between domestic partners currently registered with the California Secretary of State?  |

\* If you checked yes to J, K or L, you may qualify for a property tax reassessment exclusion, which may result in lower taxes on your property.

If you do not file a claim, your property will be reassessed.

Please provide any other information that would help the Assessor to understand the nature of the transfer.

If the conveying document constitutes an exclusion from a change in ownership as defined in section 62 of the Revenue and Taxation Code for any reason other than those listed above, set forth the specific exclusions claimed: \_\_\_\_\_

**Please answer all questions in each section. If a question does not apply, indicate with "N/A." Sign and date at bottom of second page.**

**PART II: OTHER TRANSFER INFORMATION**

- A. Date of transfer if other than recording date \_\_\_\_\_
- B. Type of transfer. Please check appropriate box.
- ☒ Purchase ☐ Foreclosure ☐ Gift ☐ Trade or Exchange ☐ Merger, Stock, or Partnership Acquisition
- ☐ Contract of Sale - Date of Contract \_\_\_\_\_
- ☐ Inheritance - Date of Death \_\_\_\_\_ ☐ Other: (please explain): \_\_\_\_\_
- ☐ Creation of a Lease ☐ Assignment of a Lease ☐ Termination of a Lease ☐ Sale/Leaseback
- Date lease began \_\_\_\_\_ Original term in years (including written options) \_\_\_\_\_
- Remaining term in years (including written options) \_\_\_\_\_
- Monthly Payment \_\_\_\_\_ Remaining Term \_\_\_\_\_
- C. Was only a partial interest in the property transferred? ☐ Yes ☒ No If yes, indicate the percentage transferred \_\_\_\_\_ %

# PRELIMINARY CHANGE OF OWNERSHIP REPORT

Please answer, to the best of your knowledge, all applicable questions, sign and date. If a question does not apply, indicate with "N/A."

## PART III: PURCHASE PRICE AND TERMS OF SALE

A. CASH DOWN PAYMENT OR Value of Trade or Exchange (excluding closing costs) Amount \$ 510,000

B. FIRST DEED OF TRUST @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Pymts/Mo.= \$ \_\_\_\_\_ (Prin. & Int. only) Amount \$ \_\_\_\_\_

☐ FHA ( \_\_\_\_\_ Discount Points) ☐ Fixed Rate ☐ New Loan

☐ Conventional ☐ Variable Rate ☐ Assumed Existing Loan Balance

☐ VA ( \_\_\_\_\_ Discount Points) ☐ All inclusive D.T. (\$ \_\_\_\_\_ Wrapped) ☐ Bank or Savings & Loan

☐ Cal-Vet ☐ Loan Carried by Seller ☐ Finance Company

Balloon Payment ☐ Yes ☐ No Due Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

C. SECOND DEED OF TRUST @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Pymts/Mo.= \$ \_\_\_\_\_ (Prin. & Int. only) Amount \$ \_\_\_\_\_

☐ Bank or Savings & Loan ☐ Fixed Rate ☐ New Loan

☐ Loan Carried by Seller ☐ Variable Rate ☐ Assumed Existing Loan Balance

Balloon Payment ☐ Yes ☐ No Due Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

D. OTHER FINANCING: Is other financing involved not covered in (b) or (c) above? ☐ Yes ☐ No Amount \$ \_\_\_\_\_

Type \_\_\_\_\_ @ \_\_\_\_\_ % interest for \_\_\_\_\_ years. Pymts/Mo.= \$ \_\_\_\_\_ (Prin. & Int. only)

☐ Bank or Savings & Loan ☐ Fixed Rate ☐ New Loan

☐ Loan Carried by Seller ☐ Variable Rate ☐ Assumed Existing Loan Balance

Balloon Payment ☐ Yes ☐ No Due Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

E. WAS AN IMPROVEMENT BOND ASSUMED BY THE BUYER? ☐ Yes ☐ No Outstanding Balance: Amount \$ \_\_\_\_\_

F. TOTAL PURCHASE PRICE (for acquisition price, if traded or exchanged, include real estate commission if paid.)

Total Items A through E \$ 510,000.00

G. PROPERTY PURCHASED ☐ Through a broker ☐ Direct from seller ☐ From a family member ☒ Other (please explain) \_\_\_\_\_

If purchased through a broker, provide broker's name and phone number: \_\_\_\_\_

Please explain any special terms, seller concessions, or financing and any other information that would help the Assessor understand the purchase price and terms of sale.

## PART IV: PROPERTY INFORMATION

A. TYPE OF PROPERTY TRANSFERRED:

☐ Single-family residence ☐ Agricultural ☐ Timeshare

☐ Multiple-family residence (no. of units: \_\_\_\_\_) ☐ Co-op/Own-your-own ☐ Manufactured Home

☐ Commercial/Industrial ☐ Condominium ☐ Unimproved lot

☐ Other (Description: i.e. timber, mineral, water rights, etc.) \_\_\_\_\_

B. IS THIS PROPERTY INTENDED AS YOUR PRINCIPAL RESIDENCE? ☐ Yes ☒ No

If yes, enter date of occupancy \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ or intended occupancy \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

C. IS PERSONAL PROPERTY INCLUDED IN PURCHASE PRICE (i.e., furniture, farm equipment, machinery, etc.) (other than a manufactured home subject to local property tax)? ☐ Yes ☒ No

If yes, enter the value of the personal property included in the purchase price \$ \_\_\_\_\_ (Attach itemized list of personal property).

D. IS A MANUFACTURED HOME INCLUDED IN PURCHASE PRICE? ☐ Yes ☒ No

If yes, how much of the purchase price is allocated to the manufactured home? \$ \_\_\_\_\_

Is the manufactured home subject to local property tax? ☐ Yes ☒ No What is the decal number? \_\_\_\_\_

E. DOES THE PROPERTY PRODUCE INCOME? ☐ Yes ☒ No If yes, is the income from:

☐ Lease/Rent ☐ Contract ☐ Mineral Rights ☐ Other (please explain): \_\_\_\_\_

F. WHAT WAS THE CONDITION OF PROPERTY AT THE TIME OF SALE?

☐ Good ☒ Average ☐ Fair ☐ Poor

Please explain the physical condition of the property and provide any other information (such as restrictions, etc.) that would assist the Assessor in determining the value of the property.

## CERTIFICATION

OWNERSHIP TYPE (✓)

Proprietorship ☐

Partnership ☐

Corporation ☐

Other ☐

I certify that the foregoing is true, correct and complete to the best of my knowledge and belief.  
This declaration is binding on each and every co-owner and/or partner.

NAME OF NEW OWNER/CORPORATE OFFICER <u>City of Garden Grove</u>	TITLE <u>City Manager</u>
SIGNATURE OF NEW OWNER/CORPORATE OFFICER <u>[Signature]</u>	DATE <u>4-1-09</u>
NAME OF ENTITY (typed or printed) <u>City of Garden Grove</u>	FEDERAL EMPLOYER ID NUMBER
ADDRESS (typed or printed) <u>11222 404th Pkwy, Garden Grove CA 92642</u>	E-MAIL ADDRESS (OPTIONAL)
DATE	

(NOTE: The Assessor may contact you for further information.)

If a document evidencing a change of ownership is presented to the recorder for recordation without the concurrent filing of a preliminary change of ownership report, the recorder may charge an additional recording fee of twenty dollars (\$20).

AGREEMENT WITH DUANE A. KASULKA FOR ACQUISITION OF REAL  
PROPERTY LOCATED AT 12281 THACKERY DRIVE, IN CONNECTION WITH  
PROJECT NO. 8865, HARBOR-CHAPMAN (F: 84.1) (XR: A-55.232)  
(XR: A-116.6) (XR: 57.9)

Staff report dated May 27, 2008, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Rosen, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and Duane A. Kasulka, for the acquisition of real property at 12281 Thackery Drive, in the amount of \$510,000, be and hereby is approved; the City Manager and City Clerk are authorized to execute the pertinent documents on behalf of the City; the Finance Director is authorized to draw a warrant when appropriate to do so; and the City Manager and City Clerk are authorized to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids.

## **City of Garden Grove**

### **INTER-DEPARTMENT MEMORANDUM**

To: Matthew Fertal  
Dept: City Manager  
Subject: ACQUISITION OF REAL PROPERTY  
12281 THACKERY DRIVE  
(APN: 231-471-21)

From: Chet Yoshizaki  
Dept: Economic Development  
Date: May 27, 2008

#### **OBJECTIVE**

It is requested that the City of Garden Grove ("City") consider the acquisition of the real property located at 12281 Thackery Drive owned by Alfred E. Kasulka & Lillian J. Kasulka, Trustees of the Alfred E. Kasulka & Lillian J. Kasulka Trust Agreement of April 25, 1997 ("Owners").

#### **BACKGROUND**

The subject property is located adjacent to a larger redevelopment site situated along Harbor Boulevard. The acquisition of the subject property is urgent, as the Kam Sang Company is under time constraints from Marriott to begin the development of the Springhill Suites Hotel.

The acquisition consultant, Overland, Pacific, & Cutler, Inc., has made numerous attempts to contact the Owners. On December 28, 2007, the consultant mailed the offer on behalf of the City in the amount of \$510,000 (fair market value) for the purchase of the subject property. The consultant met with a family member at the Owners last known residence when the consultant was informed the Owners were deceased.

The consultant initiated contact with Duane Kasulka (Successor Trustee) who confirmed the death of the Owners, and the legal battle over the estate. Also, the First Successor Trustee--Ronald Kasulka, must convey the subject property to Duane Kasulka in order to convey it to the City.

#### **DISCUSSION**

The Trust Agreement provides that the First Successor Trustee shall convey the subject property to Duane Kasulka, the Second Successor Trustee, following the death of the last surviving Trustee. However, Ronald Kasulka has not conveyed the subject property to Duane Kasulka as they are disputing the estate. Duane Kasulka anticipates the legal disputes over the estate among the Successor Trustees to be resolved in a matter of weeks.

Due to urgency of this acquisition and based on the foregoing, the City should open an escrow on the subject property contingent on the fact that Duane Kasulka holds clear fee title to the property prior to close of escrow. If Duane Kasulka cannot

ACQUISITION OF REAL PROPERTY – 12281 THACKERY DRIVE

May 27, 2008

Page 2

produce clear fee title prior to close, the escrow period may be extended until such title is obtained.

In anticipation of conveyance of the subject property to Duane Kasulka, an agreement has been reached with him to acquire fee title interest of 12281 Thackery Drive. The agreed upon purchase price has been determined to be fair market value by an independent appraiser. The property contains 7,200 square feet of land and is currently improved with a 1,001 square foot single-family residence.

FINANCIAL IMPACT

- Community Development Block Grant (CDBG) funds have been allocated for the acquisition and relocation expenditures.

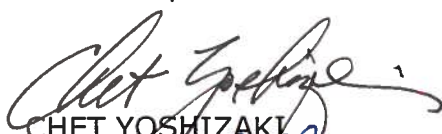
COMMUNITY VISION IMPLEMENTATION

- Improving the City's economic base through the development of tax-generating uses where appropriate.

RECOMMENDATION

Based on the abovementioned, staff recommends the following:

- Approve the acquisition of the subject property;
- Authorize the City Manager and City Clerk to execute the pertinent documents on behalf of the City;
- Authorize the Finance Officer to draw a warrant in the amount of \$510,000 when appropriate to do so;
- Authorize the City Manager and City Clerk to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids.

  
CHET YOSHIZAKI  
Economic Development Director

By: Carlos Marquez  
Real Property Agent

**Recommended for Approval**

  
Matthew Fertil  
City Manager

Attachment 1: Site Map

Attachment 2: Agreement For Acquisition



