

RICHARD G. BURT
ATTORNEY AND COUNSELOR AT LAW
TEN ALMADEN BOULEVARD, SUITE 1250
SAN JOSE, CALIFORNIA 95113
RICHARDBURT@ATT.NET
(408) 286-7333

July 17, 2018

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**LOS ALTOS HILLS COUNTY
FIRE DISTRICT**

Clerk,
Los Altos Hills County Fire District
P.O. Box 1766
Los Altos, CA 94023-1766

Re: California Tort Claims Act Claim

Dear Sir or Madam:

Please take notice that a claim is being made under the California Tort Claims Act against the Los Altos Hills County Fire District (referred to in this letter as the "fire district").

A. The name of the claimant is Richard G. Burt and Victoria E. Burt, Trustees of the Burt Family Trust.

The post office address for the claimant is 4182 Old Adobe Road, Palo Alto, CA 94306.

B. The post office address to which the claimant desires notices to be sent:

Richard G. Burt, Esq.
10 Almaden Boulevard, Suite 1250
San Jose, CA 95113

C. The date, place, and circumstances of the occurrence giving rise to the claim:

Date: April 25, 2018

Place: 4182 Old Adobe Road, Palo Alto, California

Circumstances: Old Adobe Road is a public street entirely within the city of Palo Alto. Old Adobe Road ends in a cul-de-sac at the base of a hill. There is a private road ("private road") that goes from the cul-de-sac up the hill, which serves several residences. Claimant's real property, 4182 Old Adobe Road, abuts the cul-de-sac, and part of the private road runs over claimant's real property.

It is not possible for vehicles to go up the private road to or beyond claimant's property without crossing over claimant's property. Each property served by the private road has an Old Adobe Road address, and each property served by the private road has an express easement across claimant's property.

The real property known as 26140 Robb Road, Los Altos Hills, California ("Robb Road property"), abuts two of the properties served by the private road. The private road from the cul-de-sac stops short of connecting with the Robb Road property.

It appears that on June 30, 2016, a limited liability company acquired title to the Robb Road property. It appears that a trust of which John Zeisler and Jennifer Bailey are trustees owns the limited liability company.

In July 2016, John Zeisler contacted claimant to ask for an easement to use the private road to access the Robb Road property. Mr. Zeisler indicated he was contacting the other owners who also had property that was crossed by the private road for their consent to an easement for the benefit of the Robb Road property. Claimant declined to consent to an easement, and to the best of claimant's knowledge, no other owner who also had property that was crossed by the private road consented to grant an easement.

The owner of the Robb Road property had the existing home demolished and began re-developing the property by constructing a new residence. As part of the construction, a chain link fence was erected along a portion of the edge of the Robb Road property that abutted the two properties served by the private road.

In July 2017, while walking on the private road, Richard Burt noticed that the chain link fence had a gate installed that was wide enough for trucks and other construction vehicles to pass through. The only apparent purpose that would be served by such a gate would be to allow construction vehicles to use the private road for the benefit of the Robb Road property.

On July 5, 2017, Richard Burt sent an email to John Zeisler, believed to be the manager and a beneficial owner of the Robb Road property, the text of which follows:

You previously requested an easement to use the private road that goes up the hill from Old Adobe Road to provide access to the Robb Road property. That request was denied. I understand that other neighbors also denied your request.

I noticed recently that a gate has been installed on the Robb Road property that opens onto the private road that goes up the hill from Old Adobe Road. The gate on the Robb Road property suggests a plan to use our private road without permission for access to the Robb Road property. It is not possible for a car or truck to go up to the Robb Road property from the public portion of Old Adobe Road (which ends at the cul-de-sac)

without passing over my property (and the property of the other neighbors). No one has permission to use the private road that goes up the hill from the public portion of Old Adobe Road for access to the Robb Road property.

Just so there is no confusion, if a vehicle uses our private road to access the Robb Road property, the driver will be subject to arrest for criminal trespass and the vehicle will be subject to impoundment.

Shortly thereafter, the gate was removed from the chain link fence and replaced with the fabric of the chain link fence.

On April 25, 2018, S.P. McClenahan Co., acting as the agent of the fire district trespassed on claimant's property to remove a eucalyptus tree on the Robb Road property at the direction of the fire district. S.P. McClenahan Co. asserted that the owner of the Robb Road property had obtained permission to cross over claimant's property, but the owner of the Robb Road property had never contacted claimant to discuss the use of claimant's property for access to the Robb Road property, let alone obtained permission.

D. A general description of the injury, damage, or loss:

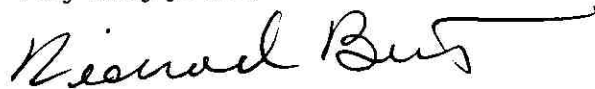
Trespass to real property.

E. The name(s) of the government employee(s) causing the injury:

Not known, but claimant asserts that S.P. McClenahan Co., acted as the agent of the fire district when trespassing on claimant's real property.

F. The case would not be a "limited civil case."

Very truly yours,



Richard G. Burt