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5 Attorneys for Plaintiff
DE ANZA COVE HOMEOWNERS
6 ASSOCIATION, INC.

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10 DE ANZA COVE HOMEOWNERS
ASSOCIATION, INC., a California non-profit
11 corporation,

12 Plaintiff,

13 v.

14 CITY OF SAN DIEGO, a California
municipality;
15 and DOES 1-100, inclusive,

16 Defendants.
17

Case No. GIC 821191

**DECLARATION OF TIMOTHY J.
TATRO IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SUMMARY ADJUDICATION**

Date: January 7, 2005
Time: 11:00 a.m.
Dept: 66

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19 I, Timothy J. Tatro, declare that:

20 1. The following information is based on my personal knowledge and, if called upon, I could
21 competently testify to same. I am an attorney at law duly admitted to practice before all the courts
22 of the State of California, and am a Partner of the firm Tatro & Zamoyski, LLP, the attorneys of
23 record herein for Plaintiff De Anza Cove Homeowners Association.

24 2. Attached as Exhibit 1 to Plaintiff's Notice of Lodgment of Exhibits ("NOL") is a true and
25 correct copy of Civil Code section 7998.55(a).

26 3. Attached as Exhibit 2 to NOL is a true and correct copy of Government Code section
27 65863.7(h)-(i).

28 4. Attached as Exhibit 3 to NOL is a true and correct copy of Government Code section

1 65863.7, Statutes of 1986, ch. 190, p. 1058, §4..

2 5. Attached as Exhibit 4 to NOL is a true and correct copy of *Keh v. Walters* (1997) 55
3 Cal.App.4th 1522.

4 6. Attached as Exhibit 13 to NOL is a true and correct copy of AB 447, *a.k.a.* The Kapiloff
5 Bill.

6 7. Attached as Exhibit 17 to NOL is a true and correct copy of San Diego Municipal Code §
7 101.1002.

8 8. Attached as Exhibit 24 to NOL is a true and correct copy of San Diego Municipal Code §
9 143.0615.

10 9. Attached as Exhibit 25 to NOL is a true and correct copy of San Diego Municipal Code §
11 143.0610.

12 10. Attached as Exhibit 28 to NOL is a true and correct copy of Government Code § 65863.7,
13 Statutes of 1980, ch. 879, p. 2760, §2.

14 11. Attached as Exhibit 29 to NOL is a true and correct copy of Assemblyman Chet Wray's
15 letter to Governor Brown, dated September 10, 1980, that I obtained from the legislative bill file of
16 Assembly member Chester Wray on Assembly Bill 2234.

17 12. Attached as Exhibit 30 to NOL is a true and correct copy of News from Assemblyman Chet
18 Wray, dated August 30, 1980, that I obtained from the legislative bill file of Assembly member
19 Chester Wray on Assembly Bill 2234.

20 13. Attached as Exhibit 32 to NOL is a true and correct copy of the Vista Relocation Plan and
21 Park Conversion Impact Report, dated November 2003, which I personally obtained from the City
22 of Vista.

23 14. Attached as Exhibit 41 to NOL is a true and correct copy of the City of San Diego's
24 Responses to Plaintiff's Request for Admissions (Set One) with Verification by William Griffith.

25 15. Attached as Exhibit 52 to NOL is a true and correct copy of City Resolution No. R-2004-
26 528, that I down-loaded from the City's public website.

27 16. Attached as Exhibit 57 to NOL is a true and correct copy of Minutes of City Council
28 Hearing, dated April 12, 2004, that I down-loaded from the City's public website.

1 17. Attached as Exhibit 58 to NOL is a true and correct copy of San Diego Housing Prices
2 Statistics & Report, dated September 23, 2004, that I down-loaded from the City's public website.

3 18. Attached as Exhibit 59 to NOL is a true and correct copy of San Diego City Charter §55
4 that I down-loaded from the City's public website.

5 19. All exhibits attached to Plaintiff's NOL which bare the "SD" Bates stamp prefix, are true
6 and correct copies of documents produced by the City of San Diego pursuant to Plaintiff's Requests
7 for Production of Documents propounded in this lawsuit, the authenticity of which was verified by
8 William Griffith, Director of Real Estate Assets, whose verification is attached to this Declaration
9 as Attachment "A."

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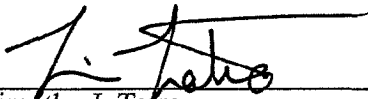
11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13 Executed on September 30, 2004 at San Diego, California.

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Timothy J. Tatro

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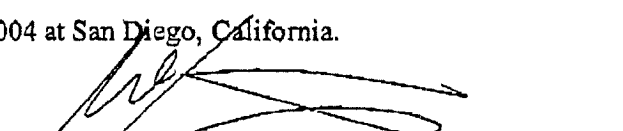
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VERIFICATION

I, Will Griffith, am the Director of Real Estate Services for the City of San Diego, a party to this action. I am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE) and know its contents. The matters stated therein 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 it to be true.

Executed this 20th day of May, 2004 at San Diego, California.



WILL GRIFFITH