

Case No. 84221

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, a political subdivision of the State of Nevada,

Petitioner,

v.

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the
County of Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents,

and

180 LAND CO, LLC, a Nevada limited-liability company, FORE STARS LTD., a
Nevada limited-liability company,

Real Parties in Interest.

Eighth Judicial District Court, Clark County, Nevada

Case No. A-17-758528-J

Honorable Timothy C. Williams, Department 16

**APPENDIX TO ANSWER TO PETITIONER'S EMERGENCY PETITION
FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF
CERTIORARI**

VOLUME 16

LAW OFFICES OF KERMITT L. WATERS

KERMITT L. WATERS, ESQ., NBN 2571

kermitt@kermittwaters.com

JAMES J. LEAVITT, ESQ., NBN 6032

jim@kermittwaters.com

MICHAEL SCHNEIDER, ESQ., NBN 8887

michael@kermittwaters.com

AUTUMN L. WATERS, ESQ., NBN 8917

autumn@kermittwaters.com

704 S. 9th Street, Las Vegas, Nevada 89101

Telephone: (702) 733-8877/ Facsimile: (702) 731-1964

Attorneys for 180 Land Co, LLC and Fore Stars Ltd.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPENDIX TO ANSWER TO PETITIONER'S EMERGENCY PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF CERTIORARI - **VOLUME 16** was filed electronically with the Nevada Supreme Court on the 8th day of March, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

McDONALD CARANO LLP

George F. Ogilvie III, Esq.
Christopher Molina, Esq.
2300 W. Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
gogilvie@mcdonaldcarano.com
cmolina@mcdonaldcarano.com

**SHUTE, MIHALY &
WEINBERGER, LLP**

Andrew W. Schwartz, Esq.
Lauren M. Tarpey, Esq.
396 Hayes Street
San Francisco, California 94102
schwartz@smwlaw.com
ltarpey@smwlaw.com

**LAS VEGAS CITY ATTORNEY'S
OFFICE**

Bryan Scott, Esq., City Attorney
Philip R. Byrnes, Esq.
Rebecca Wolfson, Esq.
495 S. Main Street, 6th Floor
Las Vegas, Nevada 89101
bscott@lasvegasnevada.gov
pbyrnes@lasvegasnevada.gov
rwolfson@lasvegasnevada.gov

/s/ Sandy Guerra

An Employee of the Law Offices of Kermitt L. Water

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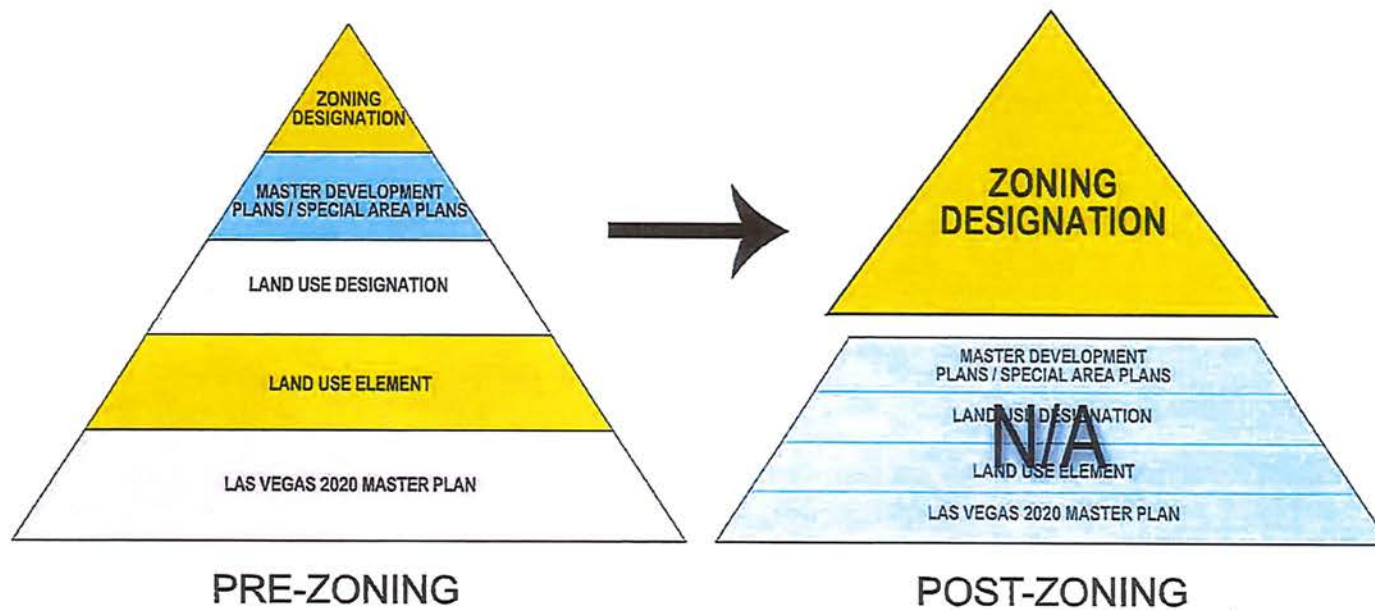
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Exhibit 141

LAND USE HIERARCHY*



ACP:ATTORNEY CLIENT PRIVILEGE

*REFER TO PAGE 19 OF LAND USE & RURAL NEIGHBORHOODS PRESERVATION ELEMENT (LAS VEGAS 2020 MASTER PLAN)

004584
LO 00002740

RA 03396

Exhibit 142

In the Matter Of:

Binion vs

Fore Stars

BOB BEERS

August 03, 2017



702-805-4800
scheduling@envision.legal

004585

RA 03398

<p style="text-align: right;">Page 30</p> <p>1 to something a little bit smaller than what they were</p> <p>2 adjacent to before, and the next ground is a little</p> <p>3 smaller than what was adjacent to it before. So</p> <p>4 there's an existing entitlement, yes.</p> <p>5 Q. And that's what -- you got that</p> <p>6 understanding you got from staff?</p> <p>7 A. Yes.</p> <p>8 Q. And who -- who at staff gave you that</p> <p>9 understanding?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me who at staff?</p> <p>12 A. I cannot.</p> <p>13 Q. Okay. Did you deal with Peter Lowenstein?</p> <p>14 A. Yes.</p> <p>15 Q. Did you deal with Mr. Perrigo?</p> <p>16 A. Yes.</p> <p>17 Q. Did you deal with Doug Rankin?</p> <p>18 A. Yes.</p> <p>19 MR. BYRNES: Are you asking on this matter</p> <p>20 or on any matter?</p> <p>21 MR. BICE: I should -- I should specify.</p> <p>22 BY MR. BICE:</p> <p>23 Q. On this matter, did you deal with Mr.</p> <p>24 Lowenstein?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 that he was going to prevail?</p> <p>2 A. No.</p> <p>3 Q. Did you discuss anything other than that?</p> <p>4 A. Sure. We had lunch.</p> <p>5 Q. Okay. What did you discuss?</p> <p>6 A. Skiing, City stuff.</p> <p>7 Q. Anything else?</p> <p>8 A. We had lunch, yeah, you discuss many</p> <p>9 things in a business lunch.</p> <p>10 Q. Did you discuss anything else about</p> <p>11 Queensridge or Badlands?</p> <p>12 A. That was the point of the lunch.</p> <p>13 Q. Okay.</p> <p>14 A. That was his opposition.</p> <p>15 Q. Can you tell me what else the two of you</p> <p>16 discussed other than his opposition?</p> <p>17 A. Not in specific detail.</p> <p>18 Q. Okay. Well, can you tell me even</p> <p>19 generally anything else?</p> <p>20 A. I -- well, I can respond to specific</p> <p>21 questions.</p> <p>22 Q. Well, what you're telling me is you</p> <p>23 specifically recall him saying that he -- they were</p> <p>24 suing to slow it down, correct?</p> <p>25 A. Oh, he -- he was -- he was very clear.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Did you deal with Mr. Rankin?</p> <p>2 A. Yes.</p> <p>3 Q. Did you deal with Mr. Perrigo?</p> <p>4 A. I'm sorry, not Mr. Rankin.</p> <p>5 Q. Not Mr. Rankin. Fair enough. How about</p> <p>6 Mr. Perrigo?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Now, you also said that the</p> <p>9 homeowners were -- let me try to go back and read</p> <p>10 your testimony correctly.</p> <p>11 You also indicated that the homeowners</p> <p>12 were suing to slow it down so that there wouldn't be</p> <p>13 any development in their lifetime?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And where did you get that understanding?</p> <p>16 A. Mr. Binion told me that.</p> <p>17 Q. Okay. And when did he tell you that?</p> <p>18 A. At lunch.</p> <p>19 Q. And when was that, do you know?</p> <p>20 A. I couldn't -- I don't know the dates. We</p> <p>21 had lunch three times, I think.</p> <p>22 Q. Okay. Did Mr. Binion say that he did not</p> <p>23 believe that they had valid claims?</p> <p>24 A. No.</p> <p>25 Envision Legal Solutions to you that he did believe</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. So they were suing to slow it down.</p> <p>2 A. There would be no construction during his</p> <p>3 lifetime.</p> <p>4 Q. Okay. And -- but that's the only thing</p> <p>5 you can recall about the meeting?</p> <p>6 A. We had a delightful lunch three times and</p> <p>7 chatted and talked.</p> <p>8 Q. Okay. But those are the only -- the only</p> <p>9 thing that you can recall him saying during that</p> <p>10 meeting is suing to slow down --</p> <p>11 A. No, no. We -- I mean, we talked about the</p> <p>12 issues and the status of the land and he's a</p> <p>13 developer and --</p> <p>14 Q. Then tell me what else was said.</p> <p>15 A. That was what was said.</p> <p>16 Q. Nothing else?</p> <p>17 A. I can respond to specific questions if</p> <p>18 you'd liked. I -- I don't believe I have the ability</p> <p>19 to go back and describe a dialogue word for word.</p> <p>20 Q. I'm not asking word --</p> <p>21 A. Okay. Good.</p> <p>22 Q. I'm not asking word for word. I'm asking</p> <p>23 you to tell me what else was discussed. So far</p> <p>24 you've told me --</p> <p>25 A. The point of the meeting was to get</p>

<p style="text-align: right;">Page 34</p> <p>1 meetings were his home and the land adjacent to it.</p> <p>2 Q. And what did you tell him?</p> <p>3 A. That I -- a function of law.</p> <p>4 Q. What does that mean?</p> <p>5 A. That means I can't break the law for his</p> <p>6 convenience.</p> <p>7 Q. He was asking you to break the law?</p> <p>8 A. He was asking to have the City get in the</p> <p>9 way of the landowner's rights, yes.</p> <p>10 Q. And -- and so tell me exactly how he did</p> <p>11 that.</p> <p>12 A. I just did.</p> <p>13 Q. And how's that?</p> <p>14 A. I'm sorry?</p> <p>15 Q. How is that, Mr. Beers?</p> <p>16 A. The law prescribes land use,</p> <p>17 methodologies, procedures and we follow them, and the</p> <p>18 City has for more than a hundred years.</p> <p>19 Q. And what procedures -- what procedures and</p> <p>20 methodologies was he asking you not to follow?</p> <p>21 A. Zoning.</p> <p>22 Q. Okay. And tell me exactly how he asked</p> <p>23 you not to follow zoning.</p> <p>24 A. I pretty much did. I can't tell you</p> <p>25 exactly. I don't have that recollection. But it was</p>	<p style="text-align: right;">Page 35</p> <p>1 A. He asked for catfish and grits.</p> <p>2 Q. Okay. Anything else, Mr. Beers?</p> <p>3 A. I'm sure he did.</p> <p>4 Q. But you can't recall?</p> <p>5 A. I'm doing the best I can.</p> <p>6 Q. Okay. I'm just --</p> <p>7 A. If you ask me specific questions, that</p> <p>8 helps.</p> <p>9 Q. Well, I -- I wasn't there so I just need</p> <p>10 to hear from you what you claim he said so that I</p> <p>11 don't hear a new -- a different story later on.</p> <p>12 A. Got it.</p> <p>13 Q. Okay. So if you can tell me that you</p> <p>14 can't remember anything other than that, then that's</p> <p>15 fine.</p> <p>16 A. That was the point of the meeting. I</p> <p>17 remember I had catfish and grits, too. Actually, no,</p> <p>18 I had crab cakes that day.</p> <p>19 Q. Okay.</p> <p>20 A. But -- so I remember things about the</p> <p>21 meeting, but I need to know what you're asking about.</p> <p>22 Q. I'm asking you what he said and what you</p> <p>23 said in response, and if you can't recall anything</p> <p>24 beyond what you've told me, so be it.</p> <p>25 A. I attempted to kindly reject his offer.</p>
<p style="text-align: right;">Page 36</p> <p>1 because he didn't want construction over the next ten</p> <p>2 years near his house.</p> <p>3 Q. Okay.</p> <p>4 A. That was the goal.</p> <p>5 Q. That was the goal.</p> <p>6 A. That was the point.</p> <p>7 Q. Okay.</p> <p>8 A. And I said, I can't help you there,</p> <p>9 because that land has rights. It has a land use</p> <p>10 granted to it by the City Council years and years</p> <p>11 ago, and I can't go against that because it will cost</p> <p>12 the City money or the court will just do it anyway,</p> <p>13 essentially overruling the City Council.</p> <p>14 Q. And that's what you told Mr. Binion; is</p> <p>15 that right?</p> <p>16 A. I don't know if I used exactly those</p> <p>17 words, but we had a long discussion about the status</p> <p>18 of the land, and he was seeking help from the City</p> <p>19 and the City Council in causing delay for the land</p> <p>20 owner.</p> <p>21 Q. And that's what he was asking you to do</p> <p>22 was to cause delay?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So did he ask for anything other</p> <p>25 than to cause delay for you?</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay.</p> <p>2 A. I think he probably made an allusion to</p> <p>3 decisions and consequences to which I wholeheartedly</p> <p>4 agreed.</p> <p>5 Q. What were the decisions and consequences?</p> <p>6 A. I don't think he was specific. I think he</p> <p>7 was being symbolic.</p> <p>8 Q. What do you mean by "symbolic"?</p> <p>9 A. I think he was -- he was discussing the</p> <p>10 potential for -- for a political campaign against me.</p> <p>11 Q. Okay. And did have you a reaction to</p> <p>12 that?</p> <p>13 A. I did.</p> <p>14 Q. And what was that?</p> <p>15 A. I have marketable skills.</p> <p>16 Q. Okay. And that's what you told him?</p> <p>17 A. That is probably what I told him.</p> <p>18 Q. All right. Well, are you saying you</p> <p>19 probably told him or that's what you told him or you</p> <p>20 just don't remember?</p> <p>21 A. That -- that is something I told a number</p> <p>22 of people who threatened my position.</p> <p>23 Q. Okay. Well, I want to deal with Mr.</p> <p>24 Binion right now. We'll come back to other people in</p> <p>25 the moment.</p>

Exhibit 143

position that we are all very comfortable with regarding the litigation as well as the general argument that QR Master Planned Community has been completed for more than 10 years, there is no existing Declarant and the approvals from the City since 1990 all required conformance with the original Plan approved in 1990 which was done. If you had any interest in the wellbeing of our community, you would be cheering us on not continuing to argue on behalf of the developer against the interests of your neighbors.

We knew from the beginning that the Mayor, Beers and Perrigo had the deck stacked against us. That is why we have always said we would win this in court. However, we have done a pretty good job of prolonging the developer's agony from Sept 2015 to now. We now look forward to the depositions of Perrigo and Lowenstein which have been noticed for this month.

Frank A. Schreck
Brownstein Hyatt Farber Schreck, LLP
FSchreck@bhfs.com
T:702.382.2101

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From: George West III [<mailto:gowesg@cox.net>]
Sent: Wednesday, November 02, 2016 11:38 AM
To: Schreck, Frank A.
Cc: Julietta Bauman-Freres; Elise Connico; Elaine Wenger-Roesener; Lawrence Weisman
Subject: Re: Great job

Frank, you are truly a three year old, but not surprising, because all you do when you can't argue the facts is go back to your ad hominem attacks, just like you wife has a propensity to do as well. Birds of a feather.

That said, perhaps Frank you may be right, not my wheelhouse, *but it isn't yours either*, but even a blind squirrel can find an acorn every so often, and I know you have been storing A LOT of them for the upcoming winter, *which is going to very very harsh on your North "A" section buddies and Elise's TP*. Great job Frank.

On Nov 2, 2016, at 10:49 AM, Schreck, Frank A. <FSchreck@BHFS.com> wrote:

It's over the head of an "Auto Fraud Atty".

Frank A. Schreck
Brownstein Hyatt Farber Schreck, LLP
FSchreck@bhfs.com
T:702.382.2101

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Exhibit 144

To: Joseph Volmar[jvolmar@LasVegasNevada.GOV]; Marc Newman[mnewman@LasVegasNevada.Gov]
From: Steven Seroka
Sent: Tue 1/9/2018 7:42:53 PM
Subject: Opiod suit discussion--please review and comment
[2017-12-15 Eglet-Prince Opioid Law Suit Version 2.docx](#)

Hey Marc and Joe

Please review the attached document. I would like you comments. Please use "Word" to make comments.

Respectfully,
Steve

Steven Seroka
Cell: [REDACTED]
Email: StevenSeroka@Live.com
<https://www.facebook.com/Steve-Seroka-1808280539414177/>
<https://www.twitter.com/SteveSeroka>
<https://steveseroka.com/>

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2017-12-15
Thoughts on:
Eglet-Prince Opioid Proposed Law Suit

+++++

Understanding of Eglet-Prince Proposal

Purpose:

Sue Opioid Pharma for damages due to prior knowledge of harmful effects

Goal:

Use suit funds to fight and rehabilitate Opioid addiction

Targeted groups to benefit: Homeless, Veterans, enforcement, rehab, mental health

No cost to city unless a financial win

Then:

25% to Eglet-Prince

Plus Eglet-Prince Expenses paid:

Not to Exceed \$15 million (to be divided proportionately by each)

Otherwise:

\$0

+++++

Expectation:

Out of Court Settlement:

\$4-6 Billion

Or if settled in court:

Court Damages: Win actual expenses for previous 15-20 year

Most of expenses go here: Requires most research

Estimate approximately \$1-\$2 Billion

Court Punitive Damages:

Up to 10-15 times Actual Damages

Estimate \$5-\$30 Billion

Potential Suit Funds Distribution based on \$4 Billion settlement:

\$4 Billion Settlement at 25% Fee

Eglet-Prince: \$1 Billion

Clark County: \$1 Billion

Las Vegas \$.5 Billion

Henderson \$.15 Billion

North Las Vegas \$.15 Billion

Reno \$.15 Billion

Lincoln County\$.025 Billion

Nye County \$.025 Billion

\$4 Billion Settlement at 15% Fee

Eglet-Prince:	\$.6 Billion
Clark County:	\$1.12 Billion
Las Vegas	\$.566 Billion
Henderson	\$.17 Billion
North Las Vegas	\$.17 Billion
Reno	\$.17 Billion
Lincoln County	\$.028 Billion
Nye County	\$.028 Billion

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Considerations if City:

Why Take This On: Impact to Veterans, Community and Govt resources
 Out for bid: Nevada based legal team, History to Big Suit Victory
 Which pharma and why? All of them...they changed to chronic pain and lied!
 Distribution/Use of settlement funds coming to city.

+++++

Out for Bid:

Rationale for Suit
 Nevada based company
 Licensed, Based and Operating in NV for previous 4 consecutive years
 History of Large Settlements
 Percentage fee 25% or less
 Expenses included in fee or additional cost to city
 Time Table for filing, final settlement and payout to city
 Which Pharma sued and why

+++++

What City of Las Vegas will use its funds for:

(Using most conservative values (Eglet-Prince fee is 25%))

City of Las Vegas will allocate:

50% (\$250M) toward public safety:
 75% (\$187.5M) Enforcement:
 20% (\$37.5) Metro
 15% (\$28.125M) Fire
 20% (\$37.5M) Marshalls
 20% (\$7.5M) Animal Control

- 40% (\$15M) Detention
- 40% (\$15M) Marshalls
- 20% (\$37.5M) Veterans Facility
- 25% (\$46.875M) Mental Health facility
- 25% (\$62.5 M) Rehabilitation all the way to self-sufficiency (12 months)
- 50% (\$31.25M) Programs for Mental Health (new for city)
- 50% (\$31.25M) Programs for Veterans
- Funds to be used for:
 - Additional personnel
 - Associated additional personal equipment
 - Training for additional personnel
 - New Patriot Veterans Center
 - New combined "station" in Corridor or Hope
 - Public Safety-Public Health-Mental Health
- 10% (\$50 Million) toward paying down Public Debt
 - RDA bonds
 - TID bonds
 - Etc:
- 25% (\$125 Million) toward Corridor of hope facilities
- 15% (\$75 million) Misc:
 - \$15 Million- Purchase Badlands and operate
 - \$50 Million- New RJC
 - \$9 Million- Parks
 - \$1 Million-Animal Control/Animal Foundation

Exhibit 145

To: Steven Seroka[sseroka@lasvegasnevada.gov]
Cc: Marc Newman[mnewman@LasVegasNevada.Gov]
From: Forrest Richardson
Sent: Wed 5/2/2018 5:12:37 PM
Subject: Las Vegas - BADLANDS CONSULTING
Las Vegas BADLANDS-Proposal 5-2-18.pdf

Steve,

Attached is a proposal in simple format. As you can see, I am planning to progress over a few months. Of course this is depending on your needs and how fast I can get to see the land, get data from the City, etc.

Please call me with any questions. At present I am working with your staff to get the mapping and other site info.

+++



Forrest Richardson, ASGCA
Golf Course Architect

602-906-1818, x202 | 602-509-4655 (cell)

Forrest Richardson & Associates
2337 East Oranewood Avenue | Phoenix, Arizona 85020 USA

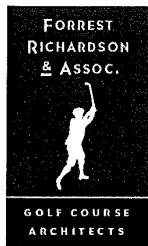
www.golfgroupltd.com PHOENIX | LOS ANGELES

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CLV006188

004593

RA 03409



May 2, 2018

Proposal for Consulting On Open Space Areas of Golf Course Parcels

- I. Forrest Richardson & Associates ("Consultant") will provide consulting services relative to existing areas of the Badlands Golf Course for the purpose of developing a reconfiguration approach that can be studied by the City for the purpose of understanding best-practices for golf course re-use(s), repurposing and conceptual land use(s).
- II. Consultant's work shall be limited to conceptual planning with all technical aspects (such as engineering, environmental, soils, drainage, etc.) to be provided by the City in direct or indirect form. Consultant shall rely on the City's provision of all data with respect to the site, conditions, constraints and other technical aspects to be considered.
- III. Schedule for Consultant's work shall be determined by progress by the City to deliver data to Consultant, and will be affected by certain aspects such as access to the site, meetings and feedback from the City to Consultant. In general terms, Consultant represents that work will be completed within a proposed timeframe of 10 to 16 weeks, but may be adjusted dependant on the noted aspects of progress and by mutual consent.
- IV. Deliverables from Consultant shall include one or more reconfiguration schematic plans that will be conceptual in nature to provide clarity in graphic form as to land uses, reconfiguration scope and the resulting land use concepts. The scale and format of such conceptual schematic plans is to be determined. Acceptable formats are digital PDF, MS Power Point or other similar formats. Printed formats are to be determined.
- V. Consultant shall provide services to include (a) meetings estimated at 2-3; (b) telephone conferences as needed; (c) site evaluation estimated at 1-2 days; (d) review of data provided by the City; (e) conceptual planning work to develop the deliverables; and (f) a presentation meeting (one day). All work is on a NTE basis.

Total Fees for Above Services:	\$ 22,400
Reimbursable Expenses (estimate) for Above Base Work:	1,800
	<hr/>
	\$ 24,200

2337 EAST ORANGEWOOD AVENUE
THE MOUNTAIN HOUSE
PHOENIX, ARIZONA 85020 USA
tele 602-906-1818
web golfgrouplltd.com

Member: American Society of Golf Course Architects



004594 CLV006189

RA 03410

Exhibit 150

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STATE OF NEVADA)
)
COUNTY OF CLARK)

DON RICHARDS, being duly sworn, deposes and says:

1. That I am over 18 years of age and am competent to testify to the matters stated herein based upon my own personal knowledge except for those matters stated on information and belief, and to those matters, I believe them to be true.

2. I have been the superintendent of 250 acres of land formerly known as the Badlands Golf Course (the "Land") since approximately November 2015 having managed the Land ever since.

3. Almost immediately upon the departure of the golf course operators, in or around December of 2015, I began encountering trespassers daily. Upon information and belief, there was rarely an issue of trespassers during the golf course operations.

4. In or around early 2016, I obtained and installed infrared trail cameras to properly surveil the Land.

5. Attached are true and correct copies of a sampling of photographs taken of trespassers on the Land over the past 5 years.

6. Since early 2016, I engaged with these trespassers and informed them that they were on private property and requested they exit the Land. The trespassers were largely neighbors from the abutting community of Queensridge and they ignored my request. The trespassing continued and has increased over the years.

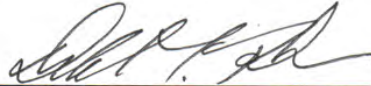
7. In or around early fall 2017, upon engaging with trespassers, they began responding to me that they were allowed to be on the Land because “it is our open space”. Some of them informed me that they learned this at a Queensridge HOA meeting.

8. I have observed a steady increase of trespassing over the last 5 years.

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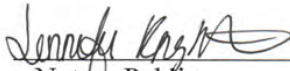
9. I have used photographic surveillance on the property since early 2016. Attached are true and correct copies of photographs taken as a result of the use of these camera's to this affidavit.

10. I declare under penalty of perjury that the foregoing is true and correct.



DONALD RICHARDS

Subscribed and Sworn to before me
this 23 day of March, 2021


Notary Public



27.25 inHg ↓



46°F



04/05/2018

07:16AM

CAMERA4

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RA 03414



27.02 inHg ↓ 77°F 03 / 30 / 2018 03 : 56 PM CAMERA 2

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27.11 inHg - 125°F 08/06/2020 09:54AM CAMERA8

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12/22/2019

04:38PM

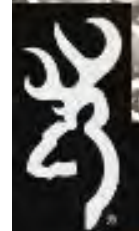
CAMERA8

004702

RA 03445



004703



27.87 inHg ↑ 87°F 12/17/2019 12:06PM CAMERA 3

RA 03446



27.31 inHg ↓



42°F



12/11/2019

01:47PM

CAMERA8



27.11 inHg ↓ 29°F (12/10/2020 08:30AM CAMERA6

004705

RA 03448