

June 17, 2010

Mr. Demian Hardman  
Contra Costa County Department of Conservation and Development  
651 Pine Street  
Martinez, California

Re: Applicant for proposed Creekside Memorial Park Cemetery (County File No. LP052096)

We have learned that the applicant for the Creekside Memorial Park Cemetery, Mr. Sidney Corrie, Jr., has had several legal actions filed against him in Contra Costa and Alameda Counties in the past year. These actions are part of the public record, and appear to be related to defaults on bank loans.

We believe that these filings are relevant to the applicant's efforts to obtain a special use permit for the Creekside Memorial Park Cemetery, because if the applicant has been unable to meet all of his financial obligations in the past, it raises concerns about his ability to do so in the future.

We believe that permitting this irreversible land use to such a developer may be putting the County at risk, especially since the applicant has stated that he intends to develop and operate the proposed cemetery himself. The January 10, 2006 memo from P/A Design Resources, Inc., to Ryan A. Hernandez, Senior Planner, states that "Corrie Development Corporation, a private California corporation is seeking issuance of a Land Use Permit **to develop and operate** an endowment-care new cemetery on a 221.66 +/- acre site ..." (bold added).

We have already shown (ref. our memos to you dated 3/2/2010 and 6/14/2010) that this particular site will be more costly to develop as a cemetery than a flatter site with more water in a less environmentally sensitive area. To grade 500,000 cubic yards of soil, install a large number of wells and deal with environmental issues related to the nearby Tassajara Creek, will all contribute significantly to the cost of building the proposed cemetery at this site. In addition, since we have also shown that a new cemetery is not needed in the Tri-Valley area (ref. our memo to you dated 4/30/2010), it may be a very long time before it becomes self-supporting.

We respectfully request that you investigate these legal actions against the applicant, as well as any others which might exist. Once a thorough review is complete, the County will have sufficient information to either refuse the special use permit outright or to require that the applicant provide sufficient safeguards to ensure that funding is available to develop the cemetery and also to operate it until it can become self-supporting, no matter how long that may take.

The legal actions of which we are aware are the following:

1. Contra Costa County (case C10-00242 multiple dates in February 2010), Complaint: Mechanics Bank versus Almaden Associates. It states "... under the loan agreement that upon default, Plaintiff (Mechanics Bank) shall have the right to have a receiver take

possession of the subject real property". On February 23, 2010 Almaden Associates notified the court that they had filed for bankruptcy, and the hearing status now is set for review on August 23, 2010. The defendant is listed as Almaden Associates, and Mr. Corrie describes himself as "100 percent owner of what is referred to in this ex parte application as the "property"" (Declaration of Sidney Corrie Jr., February 1, 2010, paragraph 1).

2. Contra Costa County (case MSC10-00872 started April 2, 2010) Contract/Breach of Warranty: Mechanics Bank versus Sidney Corrie Jr. This pertains to an "Application for right to attach order and order for issuance of writ of attachment..." by Mechanics Bank. This appears to be related to the loan default described in (1) above.
3. "Notice of Default and Election to Sell Under Deed of Trust" in Alameda County (ID 2009313492 dated October 2, 2009). First American Title Company cited Mr. Corrie or his associates as being behind in payments in the amount of \$388,507.58 as of September, 30, 2009, on a note in the amount of \$7.4 million. We do not know if this has since been resolved.

Thank you for the opportunity to submit our concerns.

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