



Date: November 3, 2009

Fax: (415) 875-8519

**To: Craig Cannizzo
Hooper, Lundy & Bookman**

**From: Barbara Adranly
Administrative Assistant**

Total Pages: 9

Per your request: Copy of Notice of Lis Pendens which we received by certified mail today.

The documents accompanying this telecopy transmission contain confidential information, belonging to the sender, that is legally privileged. This information is intended only for the use of the individual or entity named above. The authorized recipient of this information may be prohibited from disclosing this information to any other party and may be required to destroy the information after its stated need has been fulfilled, unless otherwise required by State law.

If you are not the intended recipient, you are hereby notified that any disclosure, distribution or action taken in reliance of the contents of these documents is strictly prohibited. If you have received this fax in error, please notify the sender immediately to arrange for return of these documents.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

McDonough Holland & Allen PC
500 Capitol Mall, 18th Floor
Sacramento, CA 95814
Attention: Marcia L. Augsburger, Esq.

RECEIVED
NOV - 8 2009
BY: _____

Space Reserved for Recorder's Use Only

McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law
STEPHEN L. GOFF (SBN 114497)
MARCIA L. AUGSBURGER (SBN 145686)
500 Capitol Mall, 18th Floor
Sacramento, California 95814
Telephone: 916.444.3900
Facsimile: 916.444.8989

Attorneys for Plaintiff Sutter Health

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

SUTTER HEALTH, a California Nonprofit
Public Benefit Corporation

Plaintiff,

v.

EDEN TOWNSHIP HEALTHCARE
DISTRICT, a California Local Healthcare
District and DOES 1 through 20, inclusive,

Defendants.

) Case No. RG 09-481573

) NOTICE OF LIS PENDENS
) [Cal. Code Civ. Proc. § 405.20]

NOTICE IS HEREBY GIVEN that plaintiff Sutter Health has filed the above-captioned
action against the above-named defendants in the Alameda County Superior Court affecting the title
to, and the right to possession of, the hereinafter described property, which proceeding is now

///

1 pending. The purpose of the proceeding is to enforce a purchase and sale agreement respecting the
2 property hereinafter described, which agreement arose upon Sutter Health's exercise on July 27,
3 2009, of an option to purchase the property, including improvements comprising or situated thereon,
4 and specifically a general acute care hospital and hospital employee parking lot, commonly known
5 as San Leandro Hospital. The real property or interests in real property subject to and affected by
6 said proceeding are located in Alameda County, California, including improvements located thereon,
7 described as:

8 Those portions of the real property located at 13855 and 13909 East 14th Street, San
9 Leandro, California, that are more particularly described in Exhibit A hereto, and
10 shown on Exhibit B hereto as "Parcel 1."

11 Dated: November 2, 2009

12 MCDONOUGH HOLLAND & ALLEN PC

13 By: Marcia Augsburger
14 MARCIA AUGSBURGER

15 Attorneys for Plaintiff Sutter Health

16
17 **ACKNOWLEDGEMENT**

18 State of California)
19) SS
20 County of Sacramento)

21 On November 2, 2009, before me, Virginia Carrizales, notary
22 public, personally appeared Marcia Augsburger, who proved to
23 me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
24 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.

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

27 WITNESS my hand and official seal.

28 [Signature]

[Seal]



EXHIBIT A

Exhibit "A"
Legal Description

Resultant Parcel 1:

Being a portion of Parcel A as shown on that certain map designated Parcel Map 5309, filed for record on October 5, 1987 in Book 172 of Maps at Page 23, and a portion of Parcel 2 of the Lot Line Adjustment recorded September 30, 2005, at Series Number 2005-424901, Alameda County records and lying within the City of San Leandro, County of Alameda and State of California more particularly described as follows:

Beginning at the northwesterly corner of Parcel A herein described;

Thence along the northerly line of Parcel A, South 42°50'37" West, 599.66 feet;

Thence along a westerly line of Parcel A, North 47°20'53" West, 88.38 feet to a point on the northerly line of Parcel A;

Thence along said line North 42°39'07" East, 99.29 feet;

Thence leaving said northerly line along the following three (3) courses and distances common to Parcels A and B as shown on Parcel Map 5309:

1. South 47°20'53" East, 102.00 feet;
2. South 42°50'37" West, 143.65 feet and
3. South 47°07'50" East, 148.00 feet;

Thence continuing along a line common to Parcels A and B, North 42°52'10" East, 20.61 feet;

Thence along the easterly line of Parcel A and its northerly projection, South 47°07'50" East, 177.90 feet to the southwesterly corner of Parcel B as said parcel is shown on that certain Parcel Map 1008, filed for record on February 20, 1972 in Book 79 of Maps at Page 9, Alameda County records;

Thence along the northwesterly line of Parcel B North 42°52'10" East, 224.18 feet to the northwest corner of Parcel 1 of said Lot Line Adjustment;

Thence along the southwesterly line of Parcel 1 of said Lot Line Adjustment, South 47°20'00" East, 151.14 feet to a point on the southerly line of Parcel A;

Thence along said southerly line of Parcel A, South 42°52'10" West, 799.57 feet to the southwest corner of Parcel A;

Thence along the westerly line of Parcel A, North 47°13'32" West, 490.08 feet to the Point of Beginning.

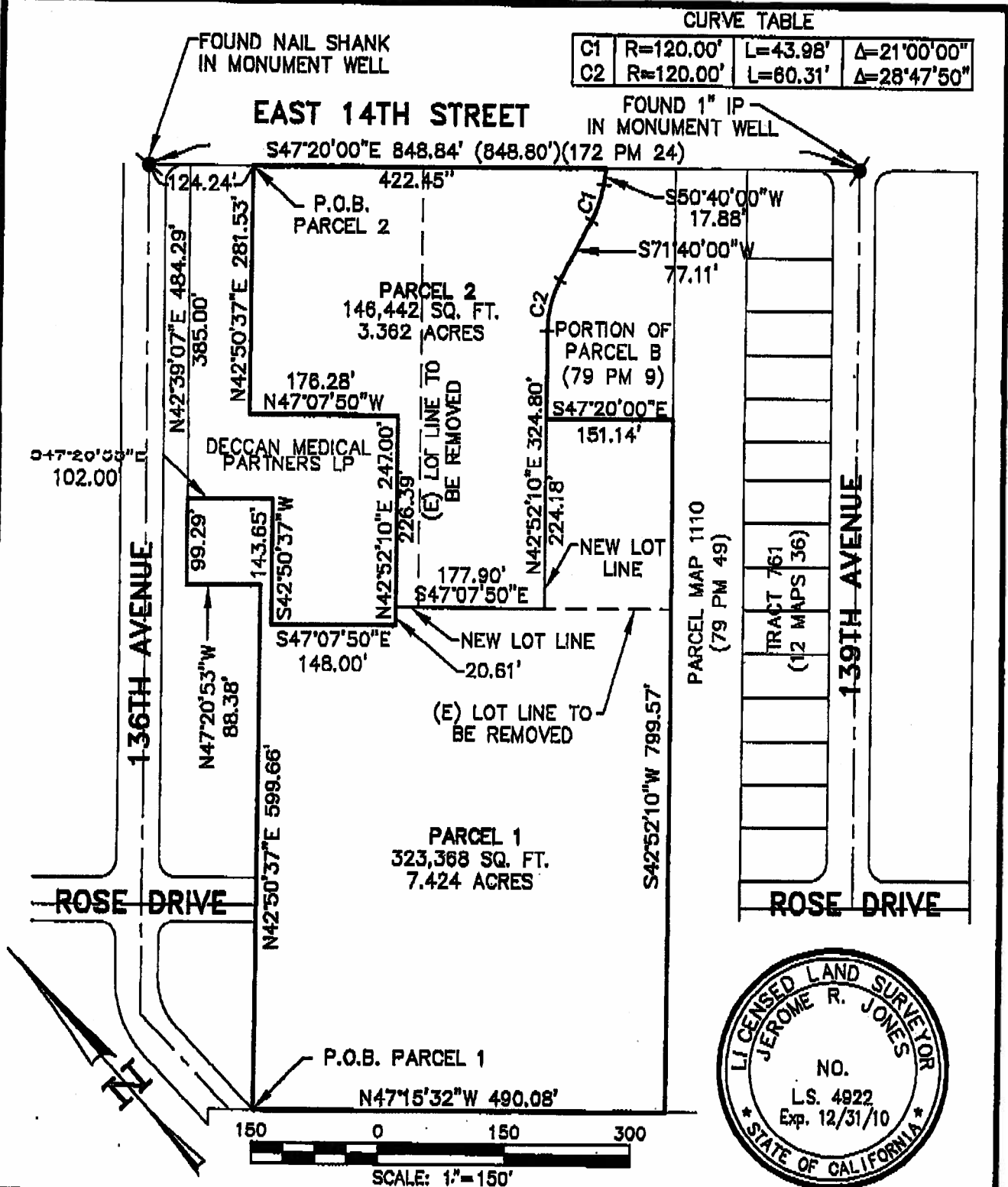
Containing a total area of 323,368 square feet or 7.424 acres more or less.

EXHIBIT B

TIME: DATE: PATH:
 SERVER: SERVICE: DRAWING NAME:

CURVE TABLE

C1	R=120.00'	L=43.98'	Δ=21°00'00"
C2	R=120.00'	L=60.31'	Δ=28°47'50"



NOLTE
 BEYOND ENGINEERING

8000 MATAMORA PARK DRIVE 4TH FLOOR
 SACRAMENTO, CA 95826
 916-487-0000 FAX 916-487-0000

EXHIBIT B

CITY OF SAN LEANDRO, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

PREPARED FOR: CITY OF SAN LEANDRO DATE SUBMITTED: 09-28-2009

SHEET NUMBER
1

OF 1 SHEETS

JOB NUMBER
8AB040800

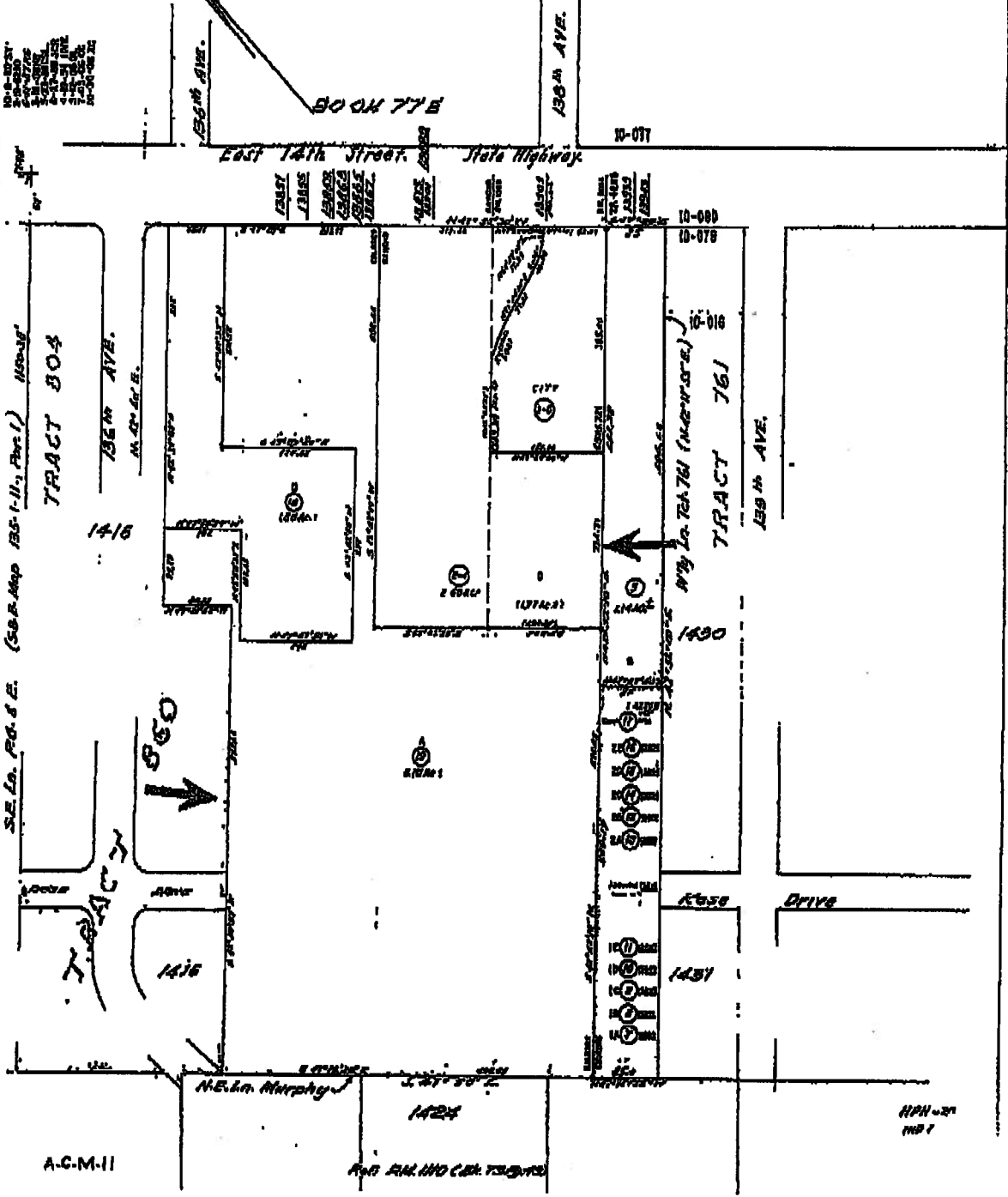
ASSESSOR'S MAP 77D RANCHO SAN LEANDRO

Code Area Nos: 10-016
10-017

1429

(J. J. Estudillo)
Scale 1/4"=100'
TR. 4295 11/1/07
RM. 1008 1979
RM 6508 1979

Previously in Book 151A, M.C. 210
Revised: Oct. 1958
10-017
10-016
10-015
10-014
10-013
10-012
10-011
10-010
10-009
10-008
10-007
10-006
10-005
10-004
10-003
10-002
10-001



Description: Alameda, CA Assessor Map 77d.1429 Page: 1 of 1
Order: 242824 Comment:

1 CASE TITLE: Sutter Health v. Eden Township Healthcare District, and Does 1
2 through 20, inclusive,

3 COURT/CASE NO: Alameda County Superior Court, Case No. RG 09-481573

4 **PROOF OF SERVICE**

5 I am employed in the County of Sacramento; my business address is 500 Capitol Mall, 18th
6 Floor, Sacramento, California 95814. I am over the age of eighteen years and not a party to the
foregoing action.

7 I am readily familiar with the business practice at my place of business for collection and
8 processing of correspondence for mailing with the United States Postal Service. Correspondence so
collected and processed is deposited with the United States Postal Service that same day in the
ordinary course of business.

9 On November 2, 2009, I served the within:

10 (1) NOTICE OF LIS PENDENS [CIVIL CODE. § 405.20]

11 by certified mail, return receipt requested on the following party(ies) in said action;
12 in accordance with Code of Civil Procedure §405.22 by placing a true copy thereof
13 enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set
14 forth below. In the ordinary course of business at McDonough Holland & Allen PC,
mail placed in that designated area is given the correct amount of postage and is
deposited that same day in a United States mailbox in the City of Sacramento,
California.

15 Carole S. Rogers
16 Secretary, Board of Director
17 c/o Eden Township Healthcare District
20410 Lake Chabot Road, Suite 1A
18 Castro Valley, CA 94546

19 Eden Township Healthcare District
20410 Lake Chabot Road, Suite 1A
20 Castro Valley, CA 94546

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct and that this document was executed on November 2, 2009.

23 _____
CORENE E. RODDER