

CERTIFIED COPY OF

RESOLUTION of the Board of Trustees of Reclamation District No. 802 at a meeting thereof held in the office of the District on the 10th day of December, 1970:

"RESOLVED: That the President of the Board of Trustees of Reclamation District No. 802 is hereby authorized and directed to execute a Release of Property Damage Claims in the words and figures as follows:

'RELEASE OF PROPERTY DAMAGE CLAIMS

'For and in consideration of the payment of compensation to Elmer L. Danielson and Claire L. Danielson, his wife, Sheldon G. Moore and Nancy Moore, his wife, pursuant to that certain judgment in condemnation to be filed in the Superior Court of the State of California for the County of Contra Costa entitled People of the State of California, acting by and through the Department of Water Resources, Plaintiff, versus Roy Massoni, et al., Defendants, being Proceeding No. 105016 (Parcel No. D-SL-159 only), a copy of which proposed judgment has been furnished to the undersigned, and to the extent that such compensation includes payment for claims for levee, and levee road damage, Reclamation District No. 802 does hereby release, acquit and forever discharge the State of California and its officers, agents and employees of and from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation, on account of, or in any way growing out of, any and all known and unknown property damage resulting or to result from, directly or indirectly, the construction of Clifton Court Forebay and related facilities and construction activities in connect therewith, including but not limited to any and all claims whatsoever kind or nature relating to any and all damages, if any, to levees and levee roads within the district.

'In making this release and agreement, it is understood and agreed that Reclamation District No. 802 relies wholly upon its own judgment, belief and knowledge of the nature and extent of said property damage, if any, in that the said Reclamation District No. 802 has not been influenced to any extent whatever in making this release by any representations or statements regarding said property damage, if any, or regarding any other matters, made by persons, firms, or corporations who are hereby released, or by any person or persons representing him or them.

'It is further understood and agreed that this agreement is not to be considered as an admission of liability on the part of the State of California, its officers, agents and employees, by whom liability is expressly denied.

'It is further acknowledged that Reclamation District No. 802 hereby expressly waives the provisions of section 1542 of the Civil Code of the State of California, which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

'Reclamation District No. 802 further acknowledges that it has carefully read the foregoing release and code section and fully understands the same and signs the same as its own free act.

'Dated: December 10, 1970.' "

RECLAMATION DISTRICT NO. 802

By Sheldon G. Moore
President

I, the undersigned, hereby certify that I am the duly qualified and acting Secretary of Reclamation District No. 802; that the foregoing is a true and correct copy of a resolution adopted by the Board of Trustees of said Reclamation District No. 802 at a meeting thereof held on December 10, 1970; that the same has been made a part of the minutes of said meeting and has never been modified, rescinded or revoked, in part or in whole.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Reclamation District No. 802 this 10th day of December, 1970.

Harold J. Willis
HAROLD J. WILLIS, Secretary of
Reclamation District No. 802

*Copy D. S. & R. E. & D.**12-14-70*RELEASE OF PROPERTY DAMAGE CLAIMS

1
2 For and in consideration of the payment of compensation
3 to Elmer L. Danielson and Claire L. Danielson, his wife, Sheldon G.
4 Moore and Nancy Moore, his wife, pursuant to that certain judgment
5 in condemnation to be filed in the Superior Court of the State of
6 California for the County of Contra Costa entitled People of the
7 State of California, acting by and through the Department of Water
8 Resources, Plaintiff, versus Roy Massoni, et al., Defendants,
9 being Proceeding No. 105016 (Parcel No. D-SL-159 only), a copy of
10 which proposed judgment has been furnished to the undersigned,
11 and to the extent that such compensation includes payment for
12 claims for levee, and levee road damage; Reclamation District
13 No. 802 does hereby release, acquit and forever discharge the
14 State of California and its officers, agents and employees of and
15 from any and all actions, causes of action, claims, demands,
16 damages, costs, loss of services, expenses and compensation, on
17 account of, or in any way growing out of, any and all known and
18 unknown property damage resulting or to result from, directly or
19 indirectly, the construction of Clifton Court Forebay and related
20 facilities and construction activities in connection therewith,
21 including but not limited to any and all claims whatsoever kind
22 or nature relating to any and all damages, if any, to levees and
23 levee roads within the district.

24 In making this release and agreement, it is understood
25 and agreed that Reclamation District No. 802 relies wholly upon
26 its own judgment, belief and knowledge of the nature and extent
27 of said property damage, if any, in that the said Reclamation
28 District No. 802 has not been influenced to any extent what-
29 ever in making this release by any representations or statements
30 regarding said property damage, if any, or regarding any other
31 matters, made by persons, firms, or corporations

1 who are hereby released, or by any person or persons representing
2 him or them.

3 It is further understood and agreed that this agreement
4 is not to be considered as an admission of liability on the part
5 of the State of California, its officers, agents and employees,
6 by whom liability is expressly denied.

7 It is further acknowledged that Reclamation District
8 No. 802 hereby expressly waives the provisions of section
9 1542 of the Civil Code of the State of California, which reads
10 as follows:

11 "A general release does not extend to claims
12 which the creditor does not know or suspect to exist
13 in his favor at the time of executing the release,
14 which if known by him must have materially affected
15 his settlement with the debtor."

16 Reclamation District No. 802 further acknowledges
17 that it has carefully read the foregoing release and code section
18 and fully understands the same and signs the same as its own
19 free act.

20 Dated: December 14, 1970.

21 RECLAMATION DISTRICT NO. 802

22 By Shelby G. Moore

23 President

24
25 APPROVED BY:
26 WILLYS & GIFFEN, Attorneys at Law

27 [Signature]
28 Attorney(s) for Reclamation
29 District No. 802