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DE ANZA COVE HOMEOWNERS  
6 ASSOCIATION, INC.

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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.

Case No. GIC 821191

**PLAINTIFF'S SEPARATE  
STATEMENT OF UNDISPUTED  
FACTS AND EVIDENCE IN  
SUPPORT OF MOTION FOR  
SUMMARY ADJUDICATION**

**DATE:** June 7, 2005  
**TIME:** 11:00 a.m.  
**DEPT:** 66  
**I/C JUDGE:** Honorable Charles Hayes

**Complaint Filed:** November 17, 2003  
**Trial Date:** June 10, 2005.

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19 Plaintiff De Anza Cove Homeowners Association, Inc. ("HOA") submits the following  
20 statement of undisputed material facts, together with references to supporting evidence, in support  
21 of the HOA's Motion for Summary Adjudication of the following matters:

UNDISPUTED MATERIAL FACTS:	SUPPORTING EVIDENCE:
1. The City dredged Mission Bay and created the peninsula of De Anza Cove and landfill sufficient for grading.	Exhibit 63 to NOL, First Amendment to the Master Lease.
2. In 1953, the City entered into a 50-year lease to develop a mobilehome park.	Exhibit 63 to NOL, Master Lease.
3. The purpose of the lease was to authorize construction of: "384 permanent units, 126 vacation units, and 12 transient units at the Park."	Exhibit 5 to NOL.
4. The City also directed that at least 160 permanent units be constructed by 6/15/63.	Exhibit 5 to NOL.

