

Via E-Mail and Overnight Mail

February 20, 2014

Fort Bragg City Council
c/o Cindy VanWormer, MMC, City Clerk
416 North Franklin Street
Fort Bragg, CA 95437

Re: *Symetra Life Insurance Company v. Affinito; LLA 1-2013 (825 and 845 South Franklin Street, Fort Bragg, California)*

Dear Fort Bragg City Council Members:

This office has been retained by Symetra Life Insurance Company, a Washington corporation formerly known as SAFECO Life Insurance Company ("Symetra"). I am attaching for your reference a copy of the Preliminary Report issued by First American Title Company as of January 23, 2014 concerning the real property located at 825 South Franklin Street, Fort Bragg, California (the "825 Franklin Street Property"). As you will note from the enclosed Preliminary Report, Symetra holds the deed of trust and first priority lien position on the 825 Franklin Street Property.

I understand that a City Council Meeting is scheduled for the evening of Monday, February 24, 2014 and that one of the items on the agenda for this meeting is to consider a resolution upholding the Walnut Main Group's appeal of the Planning Commission's December 18, 2013 decision that denied certain permits relating to the conversion of the office building on the 825 Franklin Street Property to retail use and also the lot line adjustment that you refer to as LLA 1-2013.

Symetra has only recently been advised of this matter and has received very little information about the proposed lot line adjustment (other than the information and documents which the City of Fort Bragg has graciously provided to our office to date), although I understand that the lot line adjustment, as proposed, will alter the boundary lines of the 825 Franklin Street Property to the possible detriment of Symetra. Similarly, and again excluding the information and documents which the City of Fort Bragg has provided to our office to date, Symetra has also been provided with even less information about the other matters besides the lot line adjustment being addressed in connection with this agenda item, such as the permits relating to the improvements on the 825 Franklin Street Property.

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Symetra submits that it is grossly unfair to proceed with a possible lot line adjustment of its real property collateral without Symetra first receiving all relevant documents and information surrounding the proposed lot line adjustment, with sufficient time to review this information. Furthermore, Symetra is in the process of commencing foreclosure of its deed of trust and is very concerned that any lot line adjustment regarding the 825 Franklin Street Property could very possibly be detrimental to any future foreclosure sale (Symetra will send you a recorded copy of the Notice of Default, once it is recorded). Therefore, Symetra respectfully requests that any proposed lot line adjustment regarding the 825 Franklin Street Property be expressly conditioned upon the satisfaction of at least the following two conditions: (a) the owners of all properties involved in the lot line adjustment (collectively, the "Owners") obtain the written consent of Symetra as well as all other creditors holding liens against the 825 Franklin Street Property and all other properties involved in the lot line adjustment (collectively, the "Lienholders"); and (b) the Owners provide Symetra and all other Lienholders with (i) all documents required to modify the deeds of trust to comply with the lot line adjustment in a form acceptable to Symetra and the other Lienholders, and (ii) any other documents that Symetra and the other Lienholders may reasonably request, at the Owners' sole cost.

As I am unable to attend the February 24, 2014 City Council Meeting, it would be greatly appreciated if you could provide me with the results of this City Council Meeting.

Thank you for your consideration. If you have any questions, please do not hesitate to call me. I will be out of the office all day tomorrow, Friday, February 21, 2014, but please contact Joanne Warriner of our office (310-281-6345) if you need to speak to someone in this office during my absence.

Very truly yours,



Kenneth Miller

KM:gjw

Enclosure

cc: Joanne Warriner (via e-mail)

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