

Attachment F

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3 26385 Carmel Rancho Blvd. Ste 100
4 Carmel, CA 93923
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7 Attorneys for Albert J. Nicora,
8 Successor Trustee

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF MONTEREY**
12

13 **In Re Estate of**

14 **JOSEPH LABARERE (deceased)**

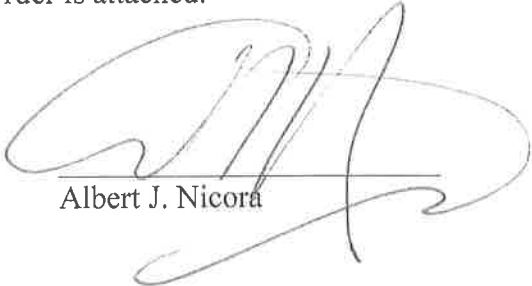
15 **Case No.: P19390**

16 **NOTICE ON ENTRY OF ORDER**

17 **TO ALL INTERESTED PARTIES:**

18 NOTICE IS HEREBY GIVEN that on December 16, 2019, the above-captioned Court
19 entered an Order regarding the Petition to Authorize and Instruct Trustee Regarding Partition of
20 Real Property. A true and correct copy of that Order is attached.

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23 Dated: December 17, 2019

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Albert J. Nicora

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PROOF OF SERVICE

I am a citizen of the United States and employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 26385 Carmel Rancho Blvd., Suite 100, Carmel, CA 93921

On the date set forth below, I caused the following document(s)

NOTICE OF ENTRY OF ORDER

to be served on the party(s) or its (their) attorney(s) of record in this action listed below by the following means:

- (BY MAIL) By placing each envelope (with postage affixed thereto) in the U.S. Mail at the Nicora Law Offices, 26385 Carmel Rancho Blvd., Ste. 100, Carmel, California 93921.

I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.

See attached list

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 17, 2019 at Carmel, California.



 Dianna Lowell

PROOF OF SERVICE LIST

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Margaret Avila
P.O. Box 419
San Ardo, CA 93450

Casey J. Bassetti
1949 San Juan Bautista St
San Miguel, CA 93451

Vivienne Avila DeVaul
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Paso Robles, CA 93447

Cody J. Bassetti
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Paso Robles, CA 93446

Jeffrey Avila
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Bradley, CA 93426

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Toews & Murphy, Inc.
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Sam Avila
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Arroyo Grande, CA 93420

Gary Avila
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Julie C. Reagin
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Northern District of California
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ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 12/16/2019
By Deputy: Cummings, Lorielle

7 Attorneys for Albert J. Nicora,
8 Successor Trustee

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF MONTEREY**

12 **In Re Estate of**

13 **JOSEPH LABARERE (deceased)**

14 **Case No.: P19390**

15 **ORDER ON PETITION TO AUTHORIZE
16 AND INSTRUCT TRUSTEE REGARDING
17 PARTITION OF REAL PROPERTY**

18 **Date: October 16, 2019**

19 **Time: 9:30 a.m.**

20 **Dept: 13**

21
22 The Petition to Authorize and Instruct Trustee Regarding Partition of Real Property filed
23 by Albert J. Nicora, Successor Trustee of the Testamentary Trust of Joseph Labarere and the
24 Cross-Petition for Instructions to Determine Property Ownership and Parcel Boundaries filed by
25 Vivienne DeVaul, Linda Padgett, Sam Avila, and Cody Bassetti came on regularly for hearing
26 on October 16, 2019 in Department 13 of this Court, the Honorable Vanessa W. Vallarata
27 presiding. Albert J. Nicora appeared representing himself. James Cook and J. Christopher
28 Toews appeared representing Margaret Avila. Christian E. Iversen appeared representing
Vivienne DeVaul, Linda Padgett, Sam Avila, and Cody Bassetti. Having reviewed and
considered all moving and opposing papers and oral arguments, the Court finds that all notices
of said hearing have been given as required by law. Good cause appearing,

//

1 **IT IS HEREBY ORDERED:**

- 2 1. The partition is appropriate and is a reasonable exercise of discretionary powers by
3 Albert J. Nicora, as Trustee of the Testamentary Trust of Joseph Labarere.
- 4 2. Albert J. Nicora, as Trustee of the Testamentary Trust of Joseph Labarere is authorized
5 and instructed to enter into and perform an agreement with Margaret Avila, the Trustee of
6 the Avila Trust, providing for the partition of the property in substantially the manner set
7 forth in the attached **Exhibit A** and shall consider reasonable inputs by Vivienne DeVaul,
8 Linda Padgett, Sam Avila, and Cody Bassetti.
- 9 3. Albert J. Nicora, as Trustee of the Testamentary Trust of Joseph Labarere is authorized
10 and instructed to execute such documents including grant easements and grant deed
11 easements, and other instruments as the Trustee deems necessary or advisable to carry out
12 the plan in Section 2 above.
- 13 4. The objection to have the Trustee of the Testamentary Trust of Joseph Labarere ascertain
14 the boundaries of the parcel is overruled.
- 15 5. The Cross-Petition for Instructions to Determine Property Ownership and Parcel
16 Boundaries is denied.

17 Judicial Signature: Judicial signature follows last attachment on page 4.

18 APPROVED AS TO FORM

19 _____
20 Christian E. Iversen
21 Attorney for Vivienne DeVaul, Linda Padgett,
22 Sam Avila, and Cody Bassetti

23 _____
24 James Cook
25 Attorney for Margaret Avila

26 _____
27 J. Christopher Teews
28 Attorney for Margaret Avila

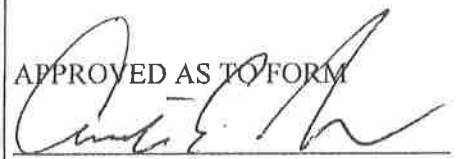
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IT IS HEREBY ORDERED:

1. The partition is appropriate and is a reasonable exercise of discretionary powers by Albert J. Nicora, as Trustee of the Testamentary Trust of Joseph Labarere.
2. Albert J. Nicora, as Trustee of the Testamentary Trust of Joseph Labarere is authorized and instructed to enter into and perform an agreement with Margaret Avila, the Trustee of the Avila Trust, providing for the partition of the property in substantially the manner set forth in the attached **Exhibit A** and shall consider reasonable inputs by Vivienne DeVaul, Linda Padgett, Sam Avila, and Cody Bassetti.
3. Albert J. Nicora, as Trustee of the Testamentary Trust of Joseph Labarere is authorized and instructed to execute such documents including grant easements and grant deed easements, and other instruments as the Trustee deems necessary or advisable to carry out the plan in Section 2 above.
4. The objection to have the Trustee of the Testamentary Trust of Joseph Labarere ascertain the boundaries of the parcel is overruled.
5. The Cross-Petition for Instructions to Determine Property Ownership and Parcel Boundaries is denied.

Judicial Signature: Judicial signature follows last attachment on page 4.

APPROVED AS TO FORM

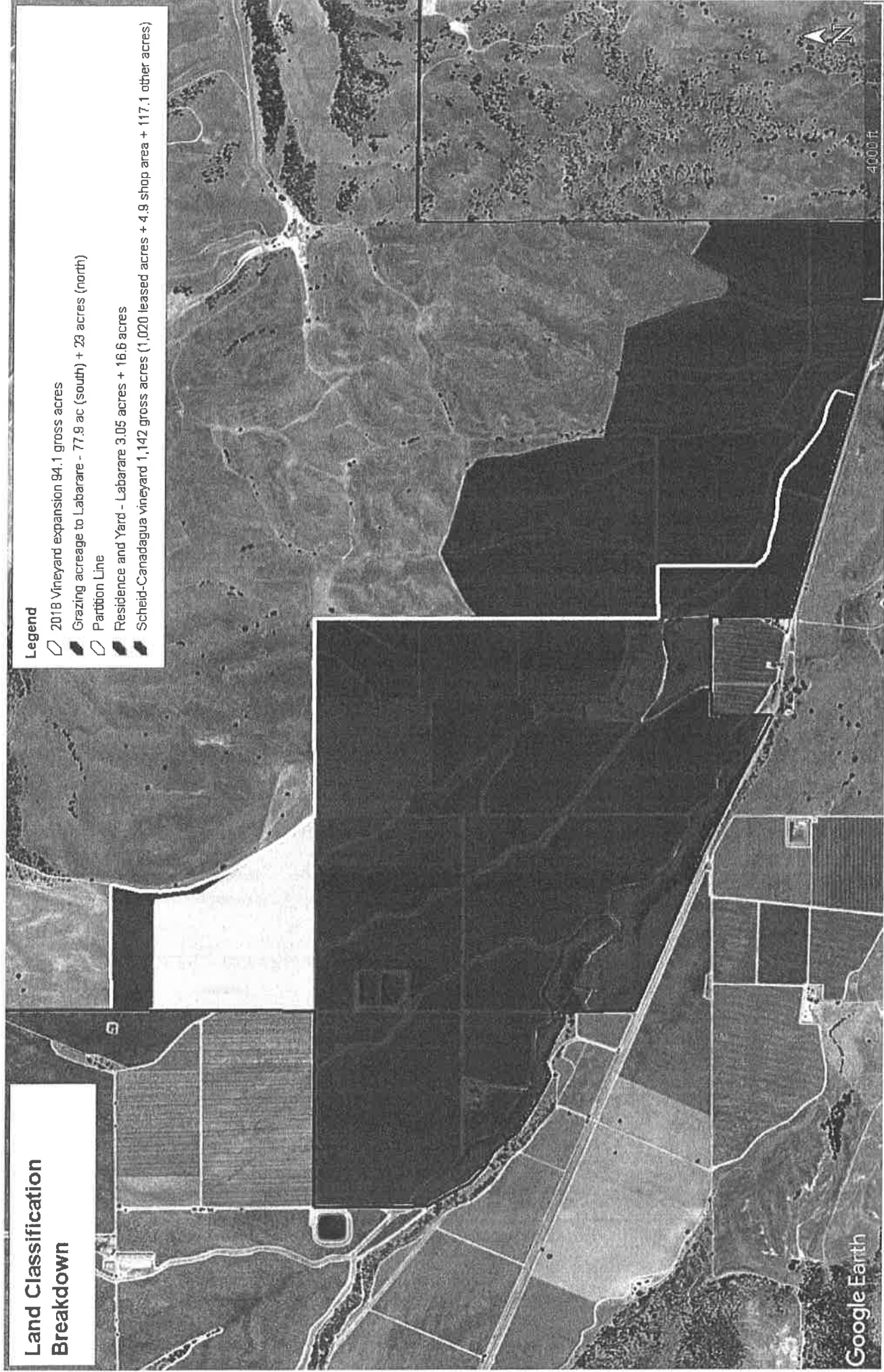


Christian E. Iversen
Attorney for Vivienne DeVaul, Linda Padgett,
Sam Avila, and Cody Bassetti

James Cook
Attorney for Margaret Avila

J. Christopher Toews
Attorney for Margaret Avila

Case No. P19390
Estate of Joseph Labarere
Exhibit A

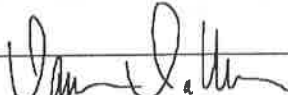


Case No. P19390
Estate of Joseph Labarere
Exhibit A

Avila-Labarere Partition
 John Piini's January 1, 2019 appraisal update

FEE SIMPLE ESTATE				
	A-L Ranch	Avila	Labarere	Totals
Grazing lands	6,284.7	6,183.8	100.9	6,284.7
Grazing land value per acre	<u>\$900</u>	<u>\$900</u>	<u>\$900</u>	
Grazing land value	\$5,656,212	\$5,565,402	\$90,810	\$5,656,212
Rounded to	\$5,656,000	\$5,565,000	\$91,000	\$5,656,000
Residential yard	3.05	0.0	3.05	3.05
Residential yard value	\$270,000	\$0	\$270,000	\$270,000
Yard Storage	16.6	0.0	16.6	16.6
Yard storage value	\$200,000	\$0	\$200,000	\$200,000
FEE SIMPLE ESTATE TOTALS	\$6,126,000	\$5,565,000	\$561,000	\$6,126,000
LEASED FEE ESTATE				
	A-L Ranch	Avila	Labarere	Totals
Developed vineyard net acres	942.20	319.43	622.77	942.2
Leased fee value per net acre	<u>\$12,269</u>	<u>\$12,269</u>	<u>\$12,269</u>	
Developed vineyard value	\$11,559,852	\$3,919,087	\$7,640,765	\$11,559,852
Rounded to	\$11,560,000	\$3,919,000	\$7,641,000	\$11,560,000
New vineyard	94.14	0.0	94.1	94.1
Leased fee value per net acre	<u>\$10,835</u>	<u>\$10,835</u>	<u>\$10,835</u>	
Vineyard potential land value	\$1,020,007	\$0	\$1,020,007	\$1,020,007
Rounded to	\$1,020,000	\$0	\$1,020,000	\$1,020,000
Scheid Shop (4.9 acres)	\$270,000	\$0	\$270,000	\$270,000
Billboard Leases	N/A	N/A	N/A	N/A
LEASED FEE TOTALS	\$12,850,000	\$3,919,000	\$8,931,000	\$12,850,000
VALUE AND ALLOCATION SUMMARY				
	A-L Ranch	Avila	Labarere	Totals
Fee simple estate totals	\$6,126,000	\$5,565,000	\$561,000	\$6,126,000
Leased fee estate totals	<u>\$12,850,000</u>	<u>\$3,919,000</u>	<u>\$8,931,000</u>	<u>\$12,850,000</u>
Ranch totals	\$18,976,000	\$9,484,000	\$9,492,000	\$18,976,000
	Difference	-\$8,000		
Acreege Allocation				
	Unit of measurement	Avila	Labarere	A-L Ranch
Grazing lands	Gross acres	6,183.8	100.9	6,284.7
Leased fee of exl sting vineyard (Net acres)	Net acres	319.43	622.77	942.2
Leased fee of existing vineyard converted to leased acres	92.373%	345.8	674.2	1,020
Leased fee of Scheid shop	Gross acres	0.0	4.9	4.9
Leased fee of new vineyard	Gross acres	0.00	94.14	94.14
Residential yard	Gross acres	0.00	3.05	3.05
Storage yard	Gross acres	<u>0.00</u>	<u>16.6</u>	16.6
Totals		6,529.6	893.7	7,423.3
Gross acreage as per survey				7,540
Difference (no value allocation acres)				117

Dated: December 16, 2019


 Judge of the Superior Court
 Vanessa W. Vallarta