

# Attachment F

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1 Albert J. Nicora SBN 95827  
2 NICORA LAW OFFICES  
3 26385 Carmel Rancho Blvd. Ste 100  
4 Carmel, CA 93923  
5 Telephone 831-622-2000  
6 Facsimile 831-622-2001

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)**

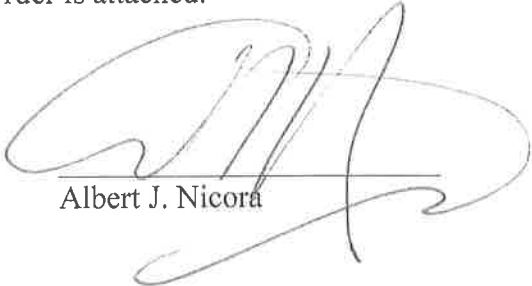
14 **Case No.: P19390**

15 **NOTICE ON ENTRY OF ORDER**

16  
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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22  
23 Dated: December 17, 2019

24   
25 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  
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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

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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

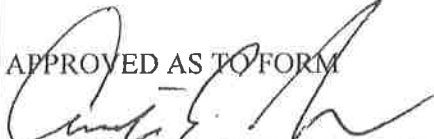
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**IT IS HEREBY ORDERED:**

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

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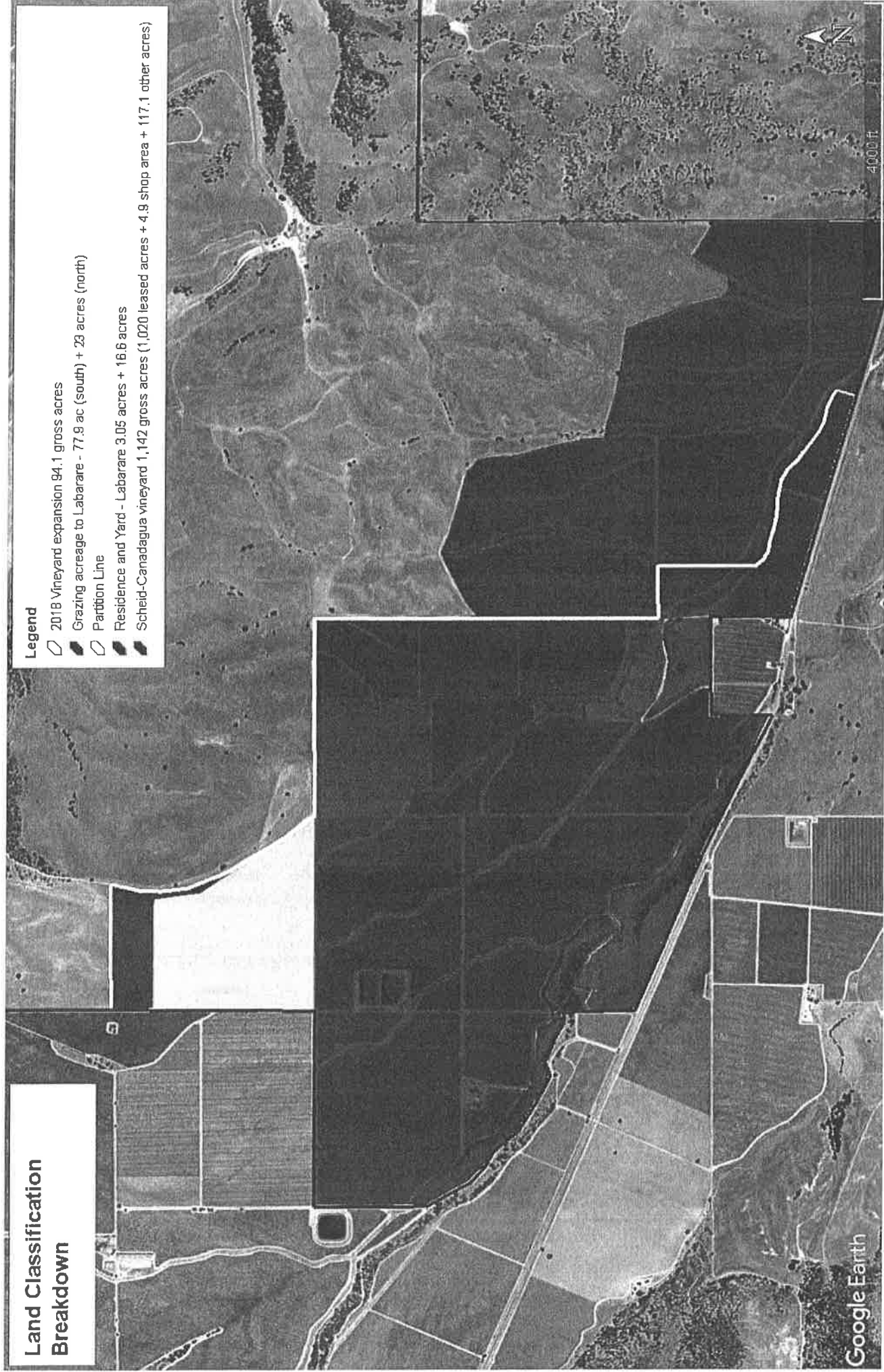
James Cook  
Attorney for Margaret Avila

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J. Christopher Toews  
Attorney for Margaret Avila



Case No. P19390  
Estate of Joseph Labarere  
Exhibit A

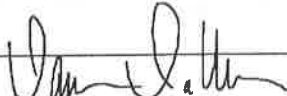


**Case No. P19390**  
**Estate of Joseph Labarere**  
**Exhibit A**

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

<b>FEE SIMPLE ESTATE</b>				
	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
<b>Residential yard</b>	3.05	0.0	3.05	3.05
Residential yard value	\$270,000	\$0	\$270,000	\$270,000
<b>Yard Storage</b>	16.6	0.0	16.6	16.6
Yard storage value	\$200,000	\$0	\$200,000	\$200,000
<b>FEE SIMPLE ESTATE TOTALS</b>	<b>\$6,126,000</b>	<b>\$5,565,000</b>	<b>\$561,000</b>	<b>\$6,126,000</b>
<b>LEASED FEE ESTATE</b>				
	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
<b>New vineyard</b>	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
<b>LEASED FEE TOTALS</b>	<b>\$12,850,000</b>	<b>\$3,919,000</b>	<b>\$8,931,000</b>	<b>\$12,850,000</b>
<b>VALUE AND ALLOCATION SUMMARY</b>				
	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		
<b>Acreege Allocation</b>				
	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
<b>Totals</b>		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