

United States, payable at time of sale. The Trustee may postpone the sale of all or any portion of said property by public announcement at such time and place of sale, or by such further publication as it may determine, and from time to time thereafter may postpone such sale by such announcement or such publication. The Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty, express or implied, and the recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including the Grantors, Trustee or Beneficiary, may purchase at such sale. After deducting all costs, fees and expenses of the Trustee and of this trust, including cost of evidence of title and reasonable counsel fees in connection with the sale, the Trustee shall apply the proceeds of sale to the payment of (a) all sums expended under the terms hereof not then repaid, with accrued interest at seven per cent (7%) per annum; (b) all other sums then secured hereby; (c) and the remainder, if any, to the person or persons legally entitled thereto.

7. The Trustee may at any time, upon request of the Beneficiary, reconvey to the Grantors any portion of the said premises without affecting the personal liability of any person for the payment of the indebtedness secured hereby, or the lien of this deed upon the remainder of the premises hereby conveyed.

8. This deed applies to, inures to the benefit of and binds all parties hereto, their heirs, successors and assigns, and in this deed, when the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

It is hereby covenanted that the Lender may, by an instrument in writing, appoint another Trustee or Trustees to execute the Trusts herein created, and upon such an appointment, and a conveyance made to said substituted Trustee, or substituted Trustees by the said Trustees, its successors or assigns, all the estate, powers and Trusts in the premises herein vested in the Trustee, shall immediately become vested in said substituted Trustee, or substituted Trustees, who shall thereupon become the successor or successors, and assigns of the Trustee; and said instrument in writing, together with such conveyance, duly acknowledged and recorded shall be conclusive against the Grantor and all other persons that said substituted Trustee or Trustees have been duly appointed. This agreement shall apply notwithstanding anything to the contrary.

These trusts shall be irrevocable without the written consent of the Lender.

STATE OF CALIFORNIA, ) John S. Niemi Grantors  
COUNTY OF ALAMEDA ) SS. On this 27th day of October A.D. one thousand nine hundred and thirty-six, before me, Elizabeth A. Stanford a Notary Public in and for said County of Alameda, residing therein, duly commissioned and sworn, personally appeared John S. Niemi known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

(Notarial Seal) Elizabeth A. Stanford Notary Elizabeth A. Stanford Notary Public in and Public Alameda Co. Cal. for said County of Alameda, State of California

RECORDED at request of Grantee at 33 min. past 9 A.M. Oct 30 1936

GG-57843

2.40

COMPARED BY SCANNELL BAKER

*W.M. Bacon*

COUNTY RECORDER

COPIED Nov. 23 1936 A.G. Pollard

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF ALAMEDA

IN THE MATTER OF THE ESTATE ) No. 58951 Dept. No. 4  
OF ANNA G. KITTERMAN, ) DECREE OF SETTLEMENT OF ACCOUNTS AND FINAL DISTRIBUTION.  
DECEASED ) Anthony Aloysius Kitterman, Anna Kitterman,

Mary Waldron Pyke and Joseph Kitterman, Executors of the Last Will and Testament of said deceased, having rendered and filed herein a full account and report of their administration of said estate, which account was for final settlement, and having with said account filed a petition for the final distribution of said Estate;

And said account and petition this day coming on regularly to be heard, proof having been made to the satisfaction of the Court that the Clerk had given notice of the settlement of said account, and the hearing of said petition in the manner and for the time required by law;

And it appearing that said account is in all respects true and correct, and that it is supported by proper vouchers. That since the rendition of said account moneys have been received and expended by the Executors and a statement of such receipts and disbursements is now presented and filed, and said statement is now settled and allowed, and the payments are approved by this Court leaving no cash remaining in said Estate.

It is adjudged that due and regular notice to creditors has been given, and it appearing that all charges of administration have been fully paid and discharged; that all taxes, State and Federal have been paid, and that the said Estate is ready for distribution and in condition to be closed; that the said Anna G. Kitterman died testate on the 6th day of June, 1934, and left as next of kin and only heirs at law, the persons hereinafter named, and by the terms of her last Will duly admitted to Probate herein, the residue of the Estate of said decedent is bequeathed and devised to the persons hereinafter named and in the proportions hereinafter set forth.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the said final accounts of the said

Executors be, and the same are hereby settled, allowed and approved, and that the personal property of said Estate by consent of all interested legatees is distributed as follows, to-wit:

To Mary Waldron Pyke, the dining-room set; the tea set and shell cups, and half of the service plates; the cake dishes and silverware.

To Anthony Aloysius Kitterman, the living-room furniture at 855 Cedar Street, Alameda Calif.; twenty-five shares of Trans-America Corporation Capital Stock; Father's diamond ring, and a yellow metal ring.

To Anthony Aloysius Kitterman, Joseph Kitterman and Anna Kitterman, the china dinner set; the rock crystal set; and the silver service.

To Mary Waldron Pyke and Anna Kitterman, the pin, earrings and diamond ring, and cuff links.

To Mary Waldron Pyke, Anna Kitterman, Joseph Kitterman and Anthony Aloysius Kitterman, the bracelet.

To Anna Kitterman, the piano; twenty-five shares of Trans-America Corporation Capital Stock.

To Joseph Kitterman fifteen shares of Trans-America Corporation Capital Stock.

To Anthony Aloysius Kitterman, Joseph Kitterman, Anna Kitterman and Mary Waldron Pyke, the furnishings.

To Anthony Aloysius Kitterman, Joseph Kitterman, Anna Kitterman and Mary Waldron Pyke, an undivided one-half ( $\frac{1}{2}$ ) interest in a certain Retail Furniture Business situated at 1325 Stockton Street, San Francisco, California, and including the stock, fixtures and good will, and all belongings of said business.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the one-half interest of decedent in all that real property situated in the City and County of San Francisco, State of California, hereinafter particularly described, is distributed as follows, to-wit:

To each of the surviving children of said decedent, one-fourth thereof, said children being named as follows, to-wit:

Mary Waldron Pyke  
Anna Kitterman  
Joseph Kitterman  
Anthony Aloysius Kitterman

The following is a particular description of the real property, to-wit:

PARCEL I. An undivided one-half interest in all those certain pieces and parcels of land situated in the City and County of San Francisco, State of California, described to-wit: COMMENCING at a point on the easterly line of Stockton Street, distant thereon one hundred nine (109) feet northerly from the point formed by the intersection of the easterly line of Stockton Street with the northerly line of Broadway; running thence northerly along the easterly line of Stockton Street twenty-one (21) feet; thence at a right angle easterly sixty-nine (69) feet; thence at a right angle southerly twenty-one (21) feet and thence at a right angle westerly sixty-nine (69) feet to the easterly line of Stockton Street and the point of commencement.

And an easement over:

COMMENCING at a point on the easterly line of Stockton Street distant thereon one hundred thirty (130) feet northerly from the point formed by the intersection of the easterly line of Stockton Street with the northerly line of Broadway; running thence northerly along the easterly line of Stockton Street seven (7) feet six (6) inches; thence at a right angle easterly ninety-two (92) feet; thence at a right angle southerly seven (7) feet six (6) inches and thence at a right angle westerly ninety-two (92) feet to the easterly line of Stockton Street and the point of commencement.

PARCEL TWO: COMMENCING at a point on the westerly line of Stockton Street distant thereon one hundred twelve (112) feet six (6) inches southerly from the point formed by the intersection of the westerly line of Stockton Street with the southerly line of Vallejo Street; running thence southerly along the westerly line of Stockton Street seventy (70) feet three (3) inches; thence at a right angle westerly sixty-eight (68) feet nine (9) inches; thence at a right angle northerly six (6) inches; thence at a right angle westerly twenty (20) feet; thence at a right angle northerly forty-five (45) feet; thence at a right angle westerly forty-eight (48) feet nine (9) inches; thence at a right angle northerly twenty-four (24) feet nine (9) inches, and thence at a right angle easterly one hundred thirty-seven (137) feet six (6) inches to the westerly line of Stockton Street and the point of commencement.

PARCEL THREE: COMMENCING at a point on the northerly line of Broadway distant thereon sixty-eight (68) feet nine (9) inches easterly from the point formed by the intersection of the northerly line of Broadway with the easterly line of Stockton Street; running thence easterly along the northerly line of Broadway twenty-three (23) feet; thence at a right angle northerly one hundred thirty (130) feet; thence at a right angle westerly twenty-three (23) feet, and thence at a right angle southerly one hundred thirty (130) feet to the northerly line of Broadway and the point of commencement.

And an easement over:

COMMENCING at a point on the easterly line of Stockton Street distant thereon one hundred thirty (130) feet northerly from the point formed by the intersection of the easterly line of Stockton Street with the northerly line of Broadway; running thence northerly

along the easterly line of Stockton Street seven (7) feet six (6) inches; thence at a right angle easterly ninety-two (92) feet; thence at a right angle southerly seven (7) feet six (6) inches; and thence at a right angle westerly ninety-two (92) feet to the easterly line of Stockton Street and the point of commencement.

PARCEL IV. COMMENCING at a point on the northerly line of Broadway Street distant thereon eighty-eight (88) feet nine (9) inches westerly from the point formed by the intersection of the northerly line of Broadway with the westerly line of Stockton Street; running thence westerly along the northerly line of Broadway ninety-two (92) feet six (6) inches; thence at a right angle northerly one hundred thirty-seven (137) feet six (6) inches; thence at a right angle easterly ninety-two (92) feet six (6) inches, and thence at a right angle southerly one hundred thirty-seven (137) feet six (6) inches to the northerly line of Broadway and the point of commencement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the real property of decedent situated in the Town of Brookdale, County of Santa Cruz, State of California, hereinafter particularly described is distributed as follows, to-wit:

To each of the surviving of said decedent, one-fourth thereof, said children being named as follows, to-wit:

Mary Waldron Pyke  
Anna Kitterman  
Joseph Kitterman  
Anthony Aloysius Kitterman

The following is a particular description of said real property, to-wit:

All that certain lot, piece or parcel of land situate in the Town of Brookdale, County of Santa Cruz, State of California, and particularly described as follows, to-wit: BEGINNING at the point of intersection of a wire spike driven in the northeasterly edge of top of a redwood stump four feet in diameter, said point being in the northeasterly fence line of the right of way of the Felton and Pescadero Railway, with the northwestern boundary line of that certain piece or parcel of land firstly described in that certain deed made by G.H.Bratt et al, to Rachel Marie Blake, dated August 28, 1926 and recorded August 30, 1926, in Volume 76 of Official Records of Santa Cruz County, at page 54; running thence north 32°25' east three hundred fifteen and 49/100 feet; thence south 68°30' east to a point that would be intersected by a line drawn northeasterly at right angles from a point on the said northeastern fence line of the said right of way of the Felton and Pescadero Railway, distant thereon southeasterly one hundred and sixteen feet from the point of beginning; thence southwesterly along said line to the northeastern fence line of the said right of way of the Felton and Pescadero Railway; thence northwesterly along the last named line one hundred and sixteen feet to the point of beginning.

BEING a portion of the southwest 1/4 of the northeast 1/4 of Section 32, Township 9 South, Range 2 West, M.D.M., and

ALSO BEING a portion of that certain real property described in that certain deed made by G.H.Bratt, et al, to Rachel Marie Blake, dated August 28, 1926, and recorded August 30, 1926, in Volume 76 of Official Records of Santa Cruz County, at page 54.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that all of that certain real property of decedent situated in the City of Alameda, County of Alameda, State of California, hereinafter particularly described, is described as follows, to-wit:

To each of the surviving of said decedent, one-fourth thereof, said children being named as follows, to-wit:

Mary Waldron Pyke  
Anna Kitterman  
Joseph Kitterman  
Anthony Aloysius Kitterman

The following is a particular description of said real property, to-wit:

BEGINNING at a point on the southwestern line of Clinton Avenue distant thereon northwesterly three hundred and twenty-five (325) feet from the intersection thereof with the northwestern line of Walnut Street, as said Street and Avenue are shown on the map hereinafter referred to; running thence northwesterly along said line of Clinton Avenue forty (40) feet; thence southwesterly and parallel with said line of Walnut Street two hundred and forty eight (248) feet to the shore line of the Bay of San Francisco, as shown on said map; thence southeasterly along said shore line to its intersection with the line dividing lots Nos. 14 and 15 as per said Map; thence northeasterly along said dividing line two hundred and fifty seven (257) feet to the point of beginning. Being lot No. 15 in Block "D" as said lot and block are delineated and so designated on a certain map entitled "Map of the Bellevue Tract, Alameda" etc., filed July 21st, 1885 in Liber 11 of Maps page 2 in the office of the County Recorder of said Alameda County.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that all of that real property of decedent situated in the City of Alameda, County of Alameda, State of California, hereinafter particularly described, said description being made pursuant to a decree construing Will, made by the above entitled Court, and filed in the above entitled Estate on the 13th day of May, 1936; said real property is distributed to Anthony Aloysius Kitterman.

The following is a particular description of said real property, to-wit:

PARCEL I. (Residence No.857 Cedar Street)

BEGINNING at a point on the western line of Cedar Street, distant thereon four hundred feet southerly from the point of intersection thereof with the southern line of Clinton Avenue, said point being the most eastern corner of lot 21, as said Street, Avenue and lot are shown on the Map hereinafter referred to; running thence north  $61^{\circ}23'50''$  west one hundred and thirty feet to the most northern corner of said lot 21; thence south  $28^{\circ}33'40''$  west forty feet to the most western corner of said lot 21; thence south  $61^{\circ}23'50''$  east one hundred and thirty feet to the most southern corner of said lot 21 on the western line of Cedar Street; thence along said line of Cedar Street north  $28^{\circ}33'40''$  east forty feet to the point of beginning.

BEING Lot Numbered 21, in Block "C" as laid down and delineated upon a certain Map entitled "Map of the Bellevue Tract, Alameda, being lots 56, 57, 66, 67 and 68 of Higley's Survey of Lots Adjacent to the Town of Encinal" etc., filed July 21st, 1885, in Liber 11 of Maps, page 2, in the office of the County Recorder of said Alameda County.

ALSO including that certain piece or parcel of land hereinafter excepted from a description, and which said parcel is described by metes and bounds as follows, being in the City of Alameda, County of Alameda, State of California, described as follows: A small strip of land one foot and two inches in width lying within the garage at the northwest corner of Lot 23 in Block "C", as shown on the Map hereinafter referred to.

BEGINNING at the most northern corner of Lot 23, in Block "C", as shown on the Map hereinafter referred to; thence along the northern boundary line of Lot numbered 23; south  $61^{\circ}23'50''$  east sixteen and  $40/100$  feet; thence leaving said Lot line south  $28^{\circ}33'40''$  west one and  $17/100$  feet; thence north  $61^{\circ}23'50''$  west sixteen and  $40/100$  feet; thence north  $28^{\circ}33'40''$  east one and  $17/100$  feet to the point of beginning.

Being a portion of Lot Numbered 23, in Block "C" as shown on the Map entitled, " Map of the Bellevue Tract, Alameda, being Lots 56, 57, 66, 67 and 68 of Higley's Survey of Lots Adjacent to the Town of Encinal" etc., filed July 21st, 1885, in Liber 11 of Maps, page 2, Alameda County Records.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that all of that real property of decedent situated in the City of Alameda County of Alameda, State of California, hereinafter particularly described, said description being made pursuant to a decree construing will, made by the above entitled Court, and filed in the above entitled Estate on the 13th day of May, 1936; said real property is distributed to Anna Kitterman.

The following is a particular description of said real property, to-wit:

PARCEL II. (Residence No.851 Cedar Street)

BEGINNING at a point on the western line of Cedar Street, distant thereon five hundred and forty six feet southerly from the point of intersection thereof with the southern line of Clinton Avenue, as said Street and Avenue are shown on the Map hereinafter referred to; running thence north  $61^{\circ}23'50''$  west thirty and  $25/100$  feet; thence south  $28^{\circ}37'40''$  west fifty seven and  $30/100$  feet to the Patent Line of the Rancho San Antonio; thence along said Patent Line south  $38^{\circ}28'30''$  east thirty two and  $92/100$  feet to the western line of Cedar Street extended southwesterly; thence along said line of Cedar Street extended, and to the western line of Cedar Street north  $28^{\circ}33'40''$  east seventy and  $13/100$  feet to the point of beginning.

BEING a portion of an unnumbered lot lying between Lot Numbered 23, in Block "C", as shown upon a certain Map entitled, "Map of the Bellevue Tract, Alameda, being Lots 56, 57, 66, 67 and 68 of Higley's Survey of Lots Adjacent to the Town of Encinal" etc., filed July 21st, 1885, in Liber 11 of Maps, page 2, Alameda County Records and the United States Patent Line.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that all of that real property of decedent situated in the City of Alameda, County of Alameda, State of California, hereinafter particularly described, said description being made pursuant to a decree construing will, made by the above entitled Court, and filed in the above entitled Estate on the 13th day of May, 1936; said real property is distributed to Mary. Waldron Pyke, for and during the period of her natural life, and upon her death in equal shares to her children then living, including such children as may hereafter be born to her.

The following is a particular description of said real property, to-wit:

PARCEL III. (Residence No.853 Cedar Street)

BEGINNING at a point on the western line of Cedar Street, distant thereon five hundred and twenty-eight feet southerly from the point of intersection thereof with the southern line of Clinton Avenue as said Street and Avenue are shown on the Map hereinafter referred to; running thence north  $61^{\circ}23'50''$  west fifty-five and  $75/100$  feet; thence south  $28^{\circ}36'10''$  west seven and  $86/100$  feet; thence north  $61^{\circ}23'50''$  west twenty-one and  $38/100$  feet; thence south  $28^{\circ}36'10''$  west forty-seven and  $63/100$  feet to the Patent Line of the Rancho San Antonio; thence along said Patent Line South  $38^{\circ}28'30''$  east fifty and  $90/100$  feet; thence leaving said Patent Line, north  $28^{\circ}37'40''$  east fifty-seven and  $30/100$  feet; thence south  $61^{\circ}23'50''$  east thirty and  $25/100$  feet to the western line of Cedar Street if extended southwesterly; thence along said line of Cedar Street extended, and the western line of Cedar Street north  $28^{\circ}33'40''$  east eighteen feet to the point of beginning.

BEING a portion of Lot Numbered 23, in Block "C", as shown upon a certain Map entitled,

"Map of the Bellevue Tract, Alameda, being Lots 56, 57, 66, 67 and 68 of Higley's Survey of Lots Adjacent to the Town of Encinal" etc., filed July 21st, 1885, in Liber 11 of Maps, page 2, Alameda County Records and also a portion of an unnumbered lot lying between lot numbered 23 and the United States Patent Line.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of that certain real property of decedent situated in the City of Alameda County of Alameda, State of California, hereinafter particularly described, is distributed as follows, to-wit:

To each of the surviving of said decedent, one-fourth thereof, said children being named as follows, to-wit:

Mary Waldron Pyke  
Anna Kitterman  
Joseph Kitterman  
Anthony Aloysius Kitterman

The following is a particular description of said real property, to-wit:

All that certain Lot piece or parcel of land situate lying and being in the City of Alameda, County of Alameda, State of California, described as follows:

PARCEL IV (Residence No. 855 Cedar Street)

BEGINNING at a point on the western line of Cedar Street, distant thereon four hundred and forty feet southerly from the point of intersection thereof with the southern line of Clinton Avenue, said point being the most eastern corner of lot 23, in Block "C", as said Street and Avenue and lot are shown on the Map hereinafter referred to; running thence north 61°23'50" west one hundred thirteen and 60/100 feet to a point; thence south 28°33'40" west one and 17/100 feet to a point; thence north 61°23'50" west sixteen and 40/100 feet to a point on the northwesterly line of lot 23 and distant south 28°33'40" west one and 17/100 feet from the most northern corner of said lot 23; thence along the northwesterly line of said lot 23, south 28°33'40" west one hundred nineteen and 97/100 feet to a point on the Patent Line of the Rancho San Antonio; thence along said Patent Line south 38°28'30" east fifty seven and 57/100 feet; thence leaving said Patent Line north 28°36'10" east forty seven and 63/100 feet; thence south 61°23'50" east twenty one and 38/100 feet; thence north 28°36'10" east seven and 86/100 feet; thence north 28°36'10" east seven and 86/100 feet; thence south 61°23'50" east fifty-five and 75/100 feet to a point on the westerly line of Cedar Street; thence along last said line north 28°33'40" east eighty-eight feet to the point of beginning.

BEING a portion of Lot Numbered 23, in Block "C", as shown upon a certain Map entitled, "Map of the Bellevue Tract, Alameda, being Lots 56, 57, 66, 67, and 68 of Higley's Survey of Lots Adjacent to the Town of Encinal" etc., filed July 21st, 1885 in Liber 11 of Maps, page 2, Alameda County Records, and also a portion of an unnumbered lot lying between lot Numbered 23 and the United States Patent Line.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that all of that certain real property of decedent situated in the City of Alameda County of Alameda, State of California, hereinafter particularly described, is distributed as follows, to-wit:

To each of the surviving of said decedent, one- - thereof, said children being named as follows, to-wit:

Mary Waldron Pyke  
Anna Kitterman  
Joseph Kitterman  
Anthony Aloysius Kitterman

The following is a particular description of said real property, to-wit:

An undivided one-half ( $\frac{1}{2}$ ) interest of, in and to all those certain pieces or parcels of land, situate in the City of Alameda, County of Alameda, State of California, and described as follows:

PARCEL ONE: Those certain flats and land at the southwesterly line of Clinton Avenue and Cedar Street, and designated and known as Nos. 2216, 2218, and 2220 Clinton Avenue, and Nos. 891, 893 and 895 Cedar Street, and being particularly described as follows:

COMMENCING at the point of intersection of the western line of Cedar Street, with the southern line of Clinton Avenue; running thence southerly along said line of Cedar Street one hundred and twenty (120) feet; thence at right angles westerly forty-three (43) feet six (6) inches; thence at right angles northerly one hundred and twenty (120) feet to the southern line of Clinton Avenue; and thence easterly along said last named line forty-three (43) feet six (6) inches to the place of commencement.

PARCEL TWO: COMMENCING at a point on the northern line of Clinton Avenue, distant thereon three hundred (300) feet westerly from the intersection thereof with the western line of Walnut Street, as said Avenue and Street are shown on the map hereinafter referred to; running thence westerly along said line of Clinton Avenue fifty (50) feet; thence at right angles northerly one hundred and fifty (150) feet; thence at right angles easterly fifty (50) feet; and thence at right angles southerly one hundred and fifty (150) feet to the place of commencement.

BEING Lot No. 3 in the eastern half of Block "C" as said Lot and Block are delineated and so designated on that certain map entitled, "Map of the property of the PIONEER HOMESTEAD ASSOCIATION, Alameda," filed April 4, 1872, in Liber 3 of Maps, page 1, in the Office of the County Recorder of Alameda County, State of California.