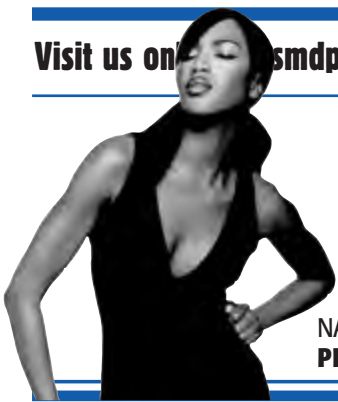




NAOMI CAMPBELL FACES JUDGE
PEOPLE IN THE NEWS 15

Santa Monica Daily Press

A newspaper with issues

DAILY LOTTERY

2 14 20 29 44
Meganumber: 32
Jackpot: \$23M

Super LOTTO
4 20 36 41 44
Meganumber: 13
Jackpot: \$90M

Fantasy 5
1 2 7 16 35

DAILY 3
MIDDAY: 5 3 4
EVENING: 0 4 7

1st: 10 Solid Gold
2nd: 04 Big Ben
3rd: 06 Whirl Win
RACE TIME: 1:49.55

Although every effort is made to ensure the accuracy of the winning number information, mistakes can occur. In the event of any discrepancies, California State laws and California Lottery regulations will prevail. Complete game information and prize claiming instructions are available at California Lottery retailers. Visit the California State Lottery web site: <http://www.calottery.com>

NEWS OF THE WEIRD BY CHUCK SHEPARD

In April, Elgin, Ill., police said they gave confidential informant Robert Bridges, 29, \$300 to buy 7 grams of cocaine and sent him into a drug house for a sting, but later they got tired of waiting for him to leave, and they stormed the house. Inside, they found Bridges, intoxicated, with no money and only 2.8 grams of cocaine left.

TODAY IN HISTORY

Today is the 179th day of 2006.
There are 186 days left in the year.

On June 28, 1914, Austrian Archduke Francis Ferdinand and his wife, Sofia, were assassinated in Sarajevo by a Serb nationalist — the event that triggered World War I.
In 1491, England's King Henry VIII was born at Greenwich.
In 1778, "Molly Pitcher" (Mary Ludwig Hays) carried water to American soldiers at the Revolutionary War Battle of Monmouth, N.J.

QUOTE OF THE DAY

"One of the sources of pride in being a human being is the ability to bear present frustrations in the interests of longer purposes."

HELEN MERRELL LYND
AMERICAN SOCIOLOGIST AND EDUCATOR

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Feinstein exculpated

Former SM Mayor claims inner-circle politics were at fault

BY CAROLYN SACKARIASON
Daily Press Staff Writer



Photo courtesy

Former City Councilman Mike Feinstein appeared on C-SPAN during a July 2001 meeting at Green Party headquarters in Santa Monica.

Embattled former City Councilman Mike Feinstein has been cleared of any wrongdoing by his political party, of which some members accused him of misappropriating tens of thousands of dollars intended for the Los Angeles County Green Party. For the past five years, Feinstein

has been fighting accusations within the state Green Party and has been subject to investigations by the Santa Monica Police Department, the Los Angeles District Attorney's Office and the California Fair Political Practices Commission, which polices political contributions. None of the investigations resulted in action against Feinstein. At issue was previously untracked

money given by donors that Feinstein used to open a Green Party office at 2809 Pico Blvd. After Feinstein deposited a \$10,000 check intended for the Los Angeles Green Party by former member Bill Pietz in January of 2001, Feinstein said he had used the money for Green Party business, specifically for the Santa

See FEINSTEIN, page 5

City Hall looks to unlock free parking

BY KEVIN HERRERA
Daily Press Staff Writer

DOWNTOWN — An investigation by City Hall has found that off-street parking in downtown is not as accessible as it could be, something which could be fixed with better signs alerting drivers as to where the free parking is and how to open security gates protecting what's inside.

The investigation looked at four, new mixed-use developments along the 1500 block of Sixth Street that include residential and commercial space. Developers of those projects are required to provide free, off-street parking for every commercial

See PARKING, page 7

Wheel of misfortune



Fabian Lewkowicz/Daily Press

Community Safety Officer Stella Padilla on Tuesday morning investigates the scene of an accident between a motorist and bicyclist on Ocean Avenue just south of Pico Boulevard. The bicyclist was taken to a local hospital for minor injuries. The accident is under investigation.

Condo building just got more expensive; lawsuit expected

BY KEVIN HERRERA
Daily Press Staff Writer

CITYWIDE — Keith Hagaman was planning to build eight townhouses north of Wilshire Boulevard, but ever since the City Council approved new affordable housing require-

ments for developers, he's been having second thoughts. The problem: No more in-lieu fees. Instead, developers have to build affordable housing. They can no longer pay into a City Hall fund. Hagaman planned to pay a fee of \$26.08 per square foot of development

to cover the affordable housing requirements that comes with building condos and townhouses in Santa Monica. That's no longer an option under changes to the requirements, passed by the council earlier this month to comply with Proposition R, a local law mandating that 30 percent of all

housing built each year be affordable. Hagaman will now have to set aside at least 20 percent of the units he builds for moderate-income buyers. If he chooses to build the affordable housing off-site, which would

See HOUSING, page 6

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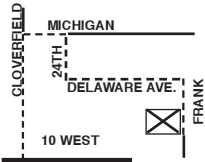
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Horoscopes

2 WEDNESDAY, JUNE 28, 2006

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Share your feelings, Taurus

Santa Monica Daily Press



JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:

★★★★★DYNAMIC ★★★★★ POSITIVE ★★★ AVERAGE ★★SO-SO ★DIFFICULT



ARIES (March 21-April 19)

★★★★★ Simultaneously, you find seriousness and caring in a key relationship. What you do right now counts more than you are aware of. Your creativity and imagination take you in a new direction. Tonight: Kick up your heels.



TAURUS (April 20-May 20)

★★★ You need to focus on and emphasize your personal and/or family life. You come from a place of solidity and happiness. Think positively about a serious situation. You will turn it into a productive opportunity. Tonight: Happy at home. Share your feelings.



GEMINI (May 21-June 20)

★★★★★ You might be dead serious, but you can express your feelings and decisions diplomatically. The end results will be far more successful and a lot better for you and for others. Take action and don't sit on your duff. Tonight: Chat up a storm.



CANCER (June 21-July 22)

★★★ You might feel financially wired, but have little choice in what you do or where you go. Somehow, others don't respond to your gestures as you would like. You need to take a strong action in order to get the results you want. Tonight: Buy yourself a treat. Your feelings could play out through spending.



LEO (July 23-Aug. 22)

★★★★★ You are all smiles. Your strong sense of direction will lead you. You might want to understand more than you have in the past. Your creativity teamed with your self-discipline could make an unstoppable combo. Lighten up. Tonight: Happiness surrounds the Lion.



VIRGO (Aug. 23-Sept. 22)

★★★ Slow down, and you'll succeed. When you run quickly, you could make mistakes, as you might not have time to think through your response and decisions. Take your time with a gentle or caring person. A discussion is hush-hush. Keep it that way. Tonight: Take some time off.



LIBRA (Sept. 23-Oct. 22)

★★★★★ Aim high and precisely for what you want. Your gentle and direct style draws better results than others (and even you) might think. Understand more of what you want from someone you care about. You can have just that. Tonight: Hang with friends.



SCORPIO (Oct. 23-Nov. 21)

★★★ Take charge in a manner that leaves no question who is the director of a project. Laugh and lighten up about what needs to happen. You can be oh, so serious! Enjoy the people around you. Tonight: Take charge, and others will respond — positively or negatively, but they will respond.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★★ Your creativity surges and will for the next few months. Mini wars could begin if you don't have an outlet for this special energy. Use your vitality and dynamic energy toward romance or a new hobby. You just need to be yourself and find the right venues for your personality. Tonight: Try tango lessons, or start up a flirtation.



CAPRICORN (Dec. 22-Jan. 19)

★★★ Work with someone directly, and you'll succeed. Speeding could leap out of control, or you might need to disperse funds when you don't want to. Restraint can happen, but you might feel a lack of connection with decisions. Tonight: A long-overdue talk. Discussions evolve.



AQUARIUS (Jan. 20-Feb. 18)

★★★★★ Instigate a talk, knowing what you can and cannot accomplish. You could hit caring, anger and a closing off — all simultaneously. Stop. You might want to think before you step into a mess. Tonight: Let others take the initiative. Just sit back.



PISCES (Feb. 19-March 20)

★★★ Let others run with the ball. Proceed and do what you must. Just because someone makes a suggestion doesn't mean you need to follow it. A walk around the block relaxes even the most uptight Fish. Tonight: Get some extra downtime. Follow through on what is important.

Santa Monica Daily Press

A newspaper with issues

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SM woman throws her hat in the ring

BY JACQUELINE LEE
Special to the Daily Press



GLEAM DAVIS

Long-time Santa Monica community activist and children's advocate, Glean Davis, 50, has announced her candidacy for the Santa Monica City Council.

This November, three seats will be up for grabs. The terms of City Councilmen Bob Holbrook and Kevin McKeown and City Councilwoman Pam O'Connor are up. Only Holbrook has officially said he will seek reelection.

"People are thinking about the elections earlier every year," Davis said. "And I thought I would get a head start talking to people about the election issues and let them know I would be running."

As a Santa Monica resident who has lived in the neighborhood north of Montana Avenue since 1986, Davis is aware that "all the polls show residents are concerned with quality of life issues such as homelessness."

As a Democrat, Davis is passionate about life-long learning — an issue she said she hopes to bring to the forefront of the City Council agenda.

"I hope to be another strong voice for education and the environment," she said. "The City Council concentrates on the big current issues and gets distracted, if you will, from the big picture. So one thing I think the council needs is a voice for life-long learning. I would like to fill that void and also get away from the micromanagement that goes on in the council."

Davis supports strong relationships between the city, the school district and Santa Monica College because those are centers where life-long learning takes place, she said.

"Living in Santa Monica, as part of a life-long learning community, people are learning their entire lives. For example, we have some wonderful senior agencies such as centers for healthy aging and senior citizen facilities," Davis added.

When asked why one of her main issues will be life-long learning, Davis said: "As with all issues, for example the homelessness issue, if there's a specific councilmember that takes particular interest in the issue then there will be more of an impact made. I could bring the enthusiasm and creativity necessary to increase awareness on the issue."

Davis is currently endorsed by the Community for Excellent in Public Schools (CEPS) where she served as part of the steer-

ing committee.

"I initially became involved in education when my son was in an early development child center," she said. "But it was threatened to be closed ... and I did a tremendous amount of lobbying. These centers are wonderful places for children ages first to five. Learning centers are highly valued in our community, but they sort of exist on the edge all the time, so we need to be vigilant to make sure they are continually supported."

Davis also is looking to be endorsed by the Santa Monicans for Renters Rights, of which she is a member.

"I have a broad group of people as possible endorsers," Davis said. "Education doesn't really know any political boundaries. I will be seeking endorsements from around the city. If the police and firefighters are giving out endorsements, I would seek their support too."

Davis was a key organizer of the statewide "Caravan for Kids" which protested cuts in the state education budget. Davis is co-chair of the committee of community leaders that is overseeing the development of a Facilities Master Plan for the Santa Monica-Malibu Unified School District.

For the last six years, Davis has been chair of the school district advisory committee on child care and development. She is a former chair of the Santa Monica Child Care and Early Education Task Force and a former member of the board of directors of WISE Senior Services.

After graduating from Harvard Law School in 1981, Davis worked in the civil rights division of the U.S. Department of Justice. Before joining AT&T where she currently serves as legal counsel, she was a partner in the law firm of Mitchell, Silberberg & Knupp. She is married to John Prindle and has a 9-year-old son, Jackson.



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SNOW AND SURF REPORTS

SNOW CONDITIONS

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BEAR MOUNTAIN

CLOSED

JUNE MOUNTAIN

CLOSED

MAMMOTH MOUNTAIN

NEW SNOW (24 Hrs)	BASE DEPTH	LIFT HOURS	RUNS OPEN	LIFTS OPEN
0"	36"-60"	7:00 AM - 2:00 PM	35	3/28

CONDITIONS: MACHINE GROOMED, SPRING, CORN

MOUNTAIN HIGH

CLOSED

MT. BALDY

CLOSED

SNOW SUMMIT

CLOSED

SNOW VALLEY

CLOSED

SURF CONDITIONS

WATER TEMP: 62°

SWELL FORECAST (2-3 FT)
 TODAY THE SW SWELL WILL FADE FURTHER WITH WAVE HEIGHTS DROPPING DOWN TO WAIST HIGH OR SO.

LONG RANGE SYNOPSIS
 POSSIBLE WIND ISSUES THIS WEEKEND...

DAY	LOW 1	LOW 2	HIGH 1	HIGH 2
1	8:19 AM	7:48 PM	12:25 AM	3:59 PM
2	9:10 AM	9:39 PM	1:23 AM	4:47 PM
3	10:04 AM	11:05 PM	2:40 AM	5:21 PM
4	10:42 AM	N/A	4:03 AM	5:45 PM
5	12:09 AM	11:19 AM	5:25 AM	6:14 PM
6	1:01 AM	11:54 AM	6:39 AM	6:35 PM
7	1:36 AM	12:32 PM	7:39 AM	7:05 PM
8	2:13 AM	1:05 PM	8:28 AM	7:29 PM
9	2:49 AM	1:39 PM	9:18 AM	8:05 PM
10	3:31 AM	2:10 PM	10:04 AM	8:35 PM
11	4:05 AM	2:51 PM	10:49 AM	9:16 PM
12	4:46 AM	3:32 PM	11:36 AM	9:57 PM
13	5:30 AM	4:19 PM	12:22 PM	10:42 PM
14	6:21 AM	5:16 PM	1:14 PM	11:27 PM
15	7:04 AM	6:26 PM	2:07 PM	N/A
16	7:58 AM	7:49 PM	12:25 AM	2:57 PM
17	8:43 AM	9:25 PM	1:31 AM	3:45 PM
18	9:38 AM	10:59 PM	2:52 AM	4:35 PM
19	10:24 AM	N/A	4:25 AM	5:15 PM
20	12:10 AM	11:16 AM	6:01 AM	5:57 PM
21	1:10 AM	12:05 PM	7:20 AM	6:39 PM
22	2:02 AM	12:49 PM	8:27 AM	7:21 PM
23	2:49 AM	1:39 PM	9:27 AM	8:02 PM
24	3:32 AM	2:19 PM	10:13 AM	8:42 PM
25	4:13 AM	3:06 PM	11:00 AM	9:26 PM
26	4:58 AM	3:43 PM	11:39 AM	10:00 PM
27	5:36 AM	4:25 PM	12:20 PM	10:42 PM
28	6:08 AM	5:10 PM	1:04 PM	11:16 PM
29	6:45 AM	6:05 PM	1:45 PM	N/A
30	7:21 AM	7:03 PM	12:00 AM	2:21 PM

The Q-Line

Leaving the light on.

Last week, the Bayside District Corp., which manages downtown along with City Hall, hired an outside consultant to design a plan for remaking the Santa Monica district into a thriving West Coast destination. While still in the early stages, two things have become quite apparent — it's going to require community support and it's going to take a whole lot of money.

So this week, Q-Line wants to know:

What must downtown Santa Monica do in order to compete with other cities as a major Southern California hotspot?

Call (310) 285-8106 or leave your post at smdp.com/forum and we'll print your responses in the weekend edition.

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LETTERS TO THE EDITOR

Not another war

Editor:
Mr. Elan Journo in a guest column suggests that negotiations and deal making with North Korea are suicidal (SMDP, June 22, page 5). He speaks in rather bellicose terms, his language speaks of unilateral muscle. But he offers no solutions. The logical extension of his column is military action against North Korea, and given his shrillness, maybe he thinks thermonuclear devices should be used. It all sounds like Dick Cheney's 1 percent credo. Act massively based on supposition. Proper process is too time consuming in this day and age. A couple of facts need to be remembered. The news reports I read say that the Korean missile could reach not even Alaska, but the Aleutian Islands, not a third of the way to the U.S. continent. The missile itself can't carry the weight of a nuclear device. It's one thing to try and shoot down their missile with our system that has been only a very expensive failure. It's quite another to figure out what to do with Mr. Kim's million man army as it wreaks havoc on South Korea and our troops. Got any ideas Mr. Journo? I'm not suggesting that Kim and North Korea are angels. But I do believe that negotiations are vastly more interesting than assuming us into another war.

Forrest Murray
Santa Monica

On the defense

Editor:
I often disagree with what Denny Zane has to say (SMDP, June 23, page 4), but up until now have always felt that he was reasonably intelligent — until I read his letter coming to the defense of Kevin McKeown in your newspaper.

Saul Cohen
Santa Monica

Group is sensible in its priorities

Editor:
The two opinion letters (SMDP, June 23, page 4) have the same content, outline and tone. They both identically slam the new "mysterious" group called Santa Monicans for Sensible Priorities for misrepresenting Kevin McKeown's voting record. Ms. Kushner's letter says that residents don't know what McKeown's votes really meant and that McKeown's the one with sensible priorities.

The reality is that McKeown's votes have resulted in more homeless coming here and taking up permanent residency. His votes have resulted in a ridiculous increase and push for low-income housing plans and starts, all geared towards the goal of replenishing Santa Monicans For Renter's Rights' (SMRR) dwindling voter base. His votes have had everything to do with the massive grid lock downtown.

It seems as if Denny Zane hasn't done his homework. Santa Monicans for Sensible Priorities (SMSP) has been around for awhile. I personally like the expensive glossy flyers that I have been receiving for some time, and I am delighted that a group has been organized in an effort to clean up Santa Monica. I have yet to see the "masked hit squad" that Denny is so paranoid about, but at least SMSP has his attention.

Until now, I had not heard of Sherrill Kushner, but I know who Denny Zane is. He's the self-proclaimed king of SMRR, the guy that called me at 5:30 in the morning during the last City Council election campaign, obnoxiously pushing for my vote. Hopefully, Denny Zane won't have a part in the upcoming plans to harass residents by phone for this election. The only thing worse than getting a call from Denny Zane at 5:30 in the morning would be to get one from Kevin McKeown at that time of the morning, begging for my vote. I'm going to make it a sensible priority and unplug my phone the night before.

Lori Emerson
Santa Monica

Human life worth more than animals and plants



Considering that the Fourth of July is upon us, the many bans on fireworks being imposed around our state and the fact that we are in the midst of another the fire season, I was just wondering: What has California done since the catastrophic fires of just a few years ago to remedy the situation? After fires of comparable devastation several years ago in New Mexico, that state's legislators acted with a collective courage that is sadly uncommon in this nation today. In March 2001, the New Mexico State Legislature passed and then-Governor Gary Johnson signed into law what has become commonly known in that state as Senate Bill 1. The law conferred upon New Mexico counties the jurisdiction and authority to remove from the forests those overgrowth conditions that cause fires to become infernos threatening to the lives and property of its citizens.

The reasoning behind the law was simple. It is undeniable that environmental litigation under the Endangered Species Act and complementary mismanagement by the U.S. Forest Service has resulted over the years in excessive forest overgrowth in our national forests. When ignited from whatever source — a tossed cigarette, lightning or campfire — this excessive combustible fuel produces fires of such catastrophic proportions that they are virtually inextinguishable as witnessed in California. Such fires, in turn, threaten lives and homes — a threat to which federal officials in the Forest Service have continuously turned a blind eye to — despite repeated pleas that the condition be remedied. New Mexico determined that this continued threat to its citizens was both unnecessary and unacceptable. Further, they determined that if one governmental body, i.e. the federal government, was being derelict in its obligations to protect its citizens, it fell upon the legislators of the state to fill that jurisdictional void by taking action to protect those citizens. The result was Senate Bill 1 that provided, in pertinent part, as follows:

"A. The legislature finds that:
(1) Numerous citizens and government officials in the state of New Mexico have repeatedly petitioned the United States Forest Service both collectively and individually at public meetings, by correspondence and by telephone to request that the Forest Service take appropriate action to remove or eliminate the conditions that have created a state of emergency caused by a present risk to the lives and property of citizens in and adjacent to national forests within New Mexico;
(2) all the petitions have for all practical purposes been either ignored or discounted by the United States Forest Service resulting only in what can be reasonably characterized is inaction on the part of the Forest Service to appropriately reduce, if not remove, the risk to the lives and property of the citizens of New Mexico;

(3) because the United States Forest Service has failed to exercise its responsibilities as a sovereign to protect the lives and property of the citizens of New Mexico and because it is a fundamental principle under the laws of any just society that the persistent failure of a sovereign to fulfill such obligations constitutes grounds for the forfeiture of jurisdictional supremacy, such a forfeiture must hereby be recognized and declared; and

(4) because of recognition and declaration of this forfeiture of jurisdictional supremacy, a jurisdictional vacuum has been created that requires the state of New Mexico to acknowledge its obligations as a sovereign power to protect the lives and property of its citizens and consequently to authorize any action it presently deems necessary to fill the vacuum created by the federal government by assuming jurisdiction to reduce to acceptable levels, if not remove, the threat of catastrophic fires posed by present conditions in national forests within its borders.

B. The legislature declares a disaster within those areas of the national forests of New Mexico that suffered severe fire damage, as determined by the local board of county commissioners, where large amounts of forest undergrowth have created the potential for damaging fires in the future. The legislature also declares that the disaster is of such magnitude that the police power of the state should be exercised to the extent necessary to provide the resources and services that will end the disaster and mitigate its effects.

C. After consulting with the state forester and the regional United States forester, taking surveys, holding those public hearings as may be necessary and developing a plan to mitigate the effects of the disaster, a board of county commissioners for a county in which a disaster has been declared pursuant to Subsection A of this section may take such actions as are necessary to clear and thin undergrowth and to remove or log fire-damaged trees within the area of the disaster. A county may enter into an agreement with a contractor, licensee or other agent to carry out the purposes of this subsection.

Section 2. Emergency. It is necessary for the public peace, health and safety that this act take effect immediately."

Bold? Yes. Extreme? Only if you consider the overwhelming majority of state legislators that voted for its passage and the governor who signed it into law extreme. Or only if you are among the small minority of those in our country who are themselves extremists in that they consider the life of an obscure plant or animal to be more valuable than the life of a human being. New Mexico's response? When a choice is to be made, the lives of human beings should be given greater value than any plant or animal. The question remains of whether or not other states around our nation, like say California, are willing to take a similar stand based on a belief in the supremacy of human life. We can only hope.

(Cliff Nichols is an attorney practicing criminal defense in Santa Monica. He may be contacted at either (310) 917-1083, cliff@cliffnicholslaw.com or www.cliffnicholslaw.com. You may join his blog at www.thedailystand.com.)

Bitch!
Whine!
Complain!

Check out our Q-Line™ question on Page 3.

Santa Monica Daily Press

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A state Green Party that's all 'grown up'

FEINSTEIN, from page 1

Monica office. But some Green Party members who may have had an ax to grind with Feinstein for various reasons, publicized the spending of the money as a misappropriation. Feinstein's adversaries were able to convince others who were naive to the back-room politics to pursue Feinstein's alleged mishandling of the money, he said.

Complicating matters was that Pietz didn't know that his donation was used for a Santa Monica office. When it became an issue, Feinstein's colleagues within the party failed to back him when he referenced the new Green Party office in Santa Monica. Because of inner-party politics and fear of negative publicity, many of the supporters Feinstein thought he had turned their back on him by saying he had no authority to raise money for the party, Feinstein said. They claimed they didn't know about the Santa Monica office, despite that they had used it for meetings in 2000 and 2001, Feinstein said.

In fact, the state Green Party's largest public meeting, which was covered live on C-SPAN in July of 2001, was at the Santa Monica office.

And because he received no backing from a small but vocal group within the party, Feinstein for years refused to show his colleagues the bank records despite their repeated requests.

"Having people denying they had a connection with me was absurd ... I was shocked," he said. "The last thing I was going to do was give up my only asset in this. They didn't recognize me as a fundraiser and they wouldn't admit the office existed so why would I give up any bank records?"

A former mayor of Santa Monica, Feinstein had characterized the dispute as a political turf battle within the Green Party and that many of his adversaries were looking to create controversy where there was none.

The refusal to release financial records put him at odds with Green Party leaders while the dispute was played out publicly, even during his bid for reelection to the City Council in 2004. He lost the race, garnering nearly 5.7 percent of the vote.

Not helping matters was Feinstein's refusal to speak publicly about the missing

money or the dispute within his party.

"This matter was never more than an internal administrative issue, that in an ideal world, would have been handled much better by our young and growing, volunteer-based political party," Feinstein said on Tuesday. "As a result, because I believe so strongly in the mission of the Green Party, I kept my public comments on this to a minimum. I sought not to make more of it than it really deserved, believing it would be resolved internally sooner than later, and putting inaccurate and sometimes outlandish speculations to rest."

ONWARD AND UPWARD

After officially voting on the matter this past weekend, the Green Party of California (GPCA) announced on Monday that it has reviewed documents and records surrounding funds raised and spent between January 2000 and August 2001 to operate the Santa Monica Green Party office. The party has determined that Feinstein used donations to pay the rent on that space, which he opened as a local Green Party headquarters.

"While the GPCA and Michael Feinstein both acknowledge that ideally this matter would have been resolved much earlier, both parties also recognize that misunderstandings may occur even among the most well intended," said Beth Moore Haines, a GPCA spokeswoman. "In particular, owing to the incomplete nature of records kept at the time, it is understandable how different understandings occurred. Now that this matter has been resolved, all parties look forward to doing productive work on behalf of the Green Party."

Feinstein said the timing of his name being cleared has much to do with a changing of the guard within the GPCA. In the spring of 2005, many of the old members had been voted off the leadership committees, making way for a fresh perspective and new people who wanted to move forward and put an end to the internal bickering.

"It took a receptivity within the state party that was willing to listen and I could talk openly with them ... It took five years for the party to clarify what most of the people knew back in 2001," he said. "Now that a clearing of the record has occurred, it is to the benefit of all involved. And despite the

sometimes vexing nature of this matter, I harbor no permanent ill feelings towards those who acted upon misinformation, jumped to unwarranted conclusions and unnecessarily escalated the issue far out of scale. We are all human, these things happen, but life is too short to remain attached to the past."

Since the election of new members, Feinstein spent several months retrieving financial statements from the credit union he used for the local Green Party account. Those records were reviewed by the GPCA last fall and the organization's coordinating committee took a formal vote on their legitimacy on Friday.

The committee also recognized that Feinstein had authorization during the period in question to raise and spend funds for an office on behalf of the Green Party of California; the funds raised and spent by Feinstein were used for expenses related to Green Party purposes and, therefore, there was no misappropriation. With the review complete, the GPCA considers the matter closed.

"This is a happy and welcome moment for myself and the Green Party," Feinstein said. "I applaud the current Green Party state leadership for making the effort to clear up and clarify the record."

But Feinstein's battle with his colleagues didn't come without pain. However, he knew that with patience, time and money spent defending himself, there would be a day that he would be exonerated.

"I stayed with it because I wasn't going to be called a liar," he said. "I may be a lot of things but I'm not a liar."

LESSONS LEARNED

After more than a year of requests from Green Party officials — who Feinstein said were led astray by his adversaries — they

were successful in launching a criminal investigation which was conducted by the SMPD. But the DA's Office didn't file any charges, citing a lack of evidence.

After still more failed attempts by Green Party officials to get Feinstein to disclose where the money went, party members filed a small claims lawsuit against him. But it was dropped. Then the investigation was taken to the state level, where the Fair Political Practices Commission was asked to review the documents. But the commission declined to get involved, saying it was an internal matter, Feinstein said.

In the midst of it all, state Green Party officials signed a nationally distributed letter telling members that Feinstein was not recognized to speak for the party or to raise money for it. But Feinstein, a Green Party pioneer who helped establish Los Angeles County as the state's strongest Green Party base, continued to work on behalf of the political party he has worked so hard to help build.

Moore Haines attributes the internal dispute to a political party experiencing growing pains, both in terms of style and leadership of its members and how financial records were kept. The party went from holding meetings in members' living rooms to having offices and operating with by-laws.

"We all had to grow up on how we did that, Mike too," he said. "This won't be repeated, we've learned from our mistakes."

Now records and policies are handled much more professionally and its members, both activists and business professionals, are able to understand each other better, Moore Haines said.

"Mike has made incredible contributions to the Green Party but he has made mistakes too," she said. "We have gone from political immaturity to a full grown political party."

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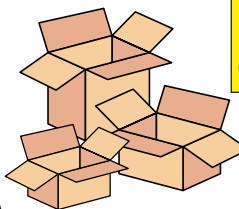
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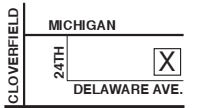
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Early-morning public comment session too early for some

HOUSING, from page 1

help raise the value of his town homes, Hagaman would have to set aside 25 percent more than what is required for on-site development. The units also would have to be located within a one-quarter mile radius of the market-rate units he builds, which is nearly impossible given the high price of land north of Wilshire Boulevard.

"By paying the fee we were just barely getting by, and then this comes into play," Hagaman said of the new requirements. "I don't know if I can move forward with my project now ... I just don't think (the council) has thought this through. This is a monumental shift compared to how things have been done in the past."

Housing that is considered "low income" is defined as those households whose incomes do not exceed 60 percent of the Los Angeles County median income, which ranges from about \$33,000 for one person to \$62,800 for eight people. "Moderate income" housing is defined as those households whose income do not exceed 100 percent of the LA County median income.

Hagaman isn't the only one considering pulling out of Santa Monica. Rosario Perry, an attorney representing the Action Apartment Association and developers like Hagaman, said he has received calls from 40 to 50 builders who said they have projects that will be affected by the law.

They are planning to sue City Hall, claiming the new requirements create a tremendous financial burden and constitute severe constraints on the production of new hous-

ing and therefore must be approved by the state, Perry said.

"Builders are very upset," said Perry, who is "85 percent sure" a lawsuit will be filed soon. "They feel they weren't told about this change and did not have an opportunity to address the council."

City officials said the requirements don't place an unfair burden on developers and will not significantly hinder the construction of housing.

"We don't think this will inhibit development," said Barry Rosenbaum, City Hall's land use attorney, who helped draft the ordinance. "We believe development can go forward, but if someone wants to develop a condo project in a residential district, there is going to have to be some affordability, which is usually one unit under typical development."

Perry said the changes have essentially put a moratorium on condo construction in residential areas as developers will not want to invest millions to see their profits dwindle. He also said it is nearly impossible to reap all of the rewards that come along with building an affordable unit on-site because parcels are not large enough to accommodate what is called a "density bonus," which is an incentive offered by the state that allows developers to add square footage to their projects if they put affordable housing on-site.

The modifications only apply to developments of four or more housing units in multi-family residential zones — not commercial or industrial. Developers building under four units are still eligible to pay the in-lieu fee. Rental housing is not subject to the new requirements.

"This is part of a battle that has been going on for 30 years," between developers and Santa Monicans for Renters Rights (SMRR), Perry said, who questioned why the modifications only applied to multi-family residential and not commercial zones.

The foundation of SMRR — the ruling political party in Santa Monica for the past 27 years — is protecting rent control and affordable housing in the city. It has held the majority on the City Council for most of the past three decades.

"This is a way to stop people from (converting) rental units into condos," Perry said, referring to the Ellis Act, which is a law that allows landlords to take rental units off the market, tear them down and build condos — typically much more expensive than apartments.

When the council voted for the change, Mayor Bob Holbrook and Councilman Herb Katz were the only two who voted against it. The two have often been empathetic with developers in the past. Those who supported the new requirements were, for the most part, members of SMRR or have been supported by the organization in past elections, except Councilman Bobby Shriver.

At least 18 developers and landlords filed requests to speak to the council before the decision was made, but since the law was being read for the second time, city rules do not allow public discussion unless a majority of the council supports it. Holbrook, Katz and Shriver voted in favor of hearing from the public, while the remaining four members did not.

Elaine Golden-Gealer, a property owner and real estate broker who specializes in

condominiums, said she felt disrespected when council members voted against hearing her speak.

"I thought this was a democracy," she said while walking out of City Hall. "It isn't."

When asked why she did not attend an earlier meeting in which the changes were first discussed, Golden-Gealer said she didn't know anything about it, nor did other property owners.

"I think if you look at the tapes from the meeting you'll see that the first reading took place at 1 a.m.," she said. "That's not a normal time for anyone to be up there, especially when they have to be up at 6 a.m."

Councilman Ken Genser, who supported the modifications, said it is the council's policy not to allow public comment on an issue that is up for its second reading, and that doing so in this case would create a precedent for others to press the council for more time to speak.

"We went out of our way for increased public comment," Genser said. "We opened the hearing a second time."

Genser said the new requirements are necessary to create a balance between affordability and condos that can cost as much as \$2 million.

"The price of land has gone up exponentially, largely because of the quality of life in the city and I think it is appropriate for the community to recapture part of that value and part of that increase to make sure all people of all income levels can remain in this city," Genser said. "These requirements are basically an exaction on the land and I'm not sure that isn't an appropriate place for the cost to come from."

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What was once lost will soon be found

PARKING, from page 1

space created, with parking often located underground or adjacent to alleys.

A resident complained in February that visitors to businesses in those developments often do not know free parking exists or how to access it. Parking spaces are often located behind gates that can be opened only by tenants of the building.

Ruth Harper, a transportation planning associate in City Hall, visited some of the developments to see if she could access parking easily and found mixed results, including two call boxes that failed to work and one security gate that didn't remain open long enough for a person to use the call box, get back in his car and drive through.

The investigation comes as the city experiences a spike in mixed-use developments

in downtown and City Hall looks to create a more pedestrian-friendly environment, where residents and local employees leave their cars and walk, bike or skate to shops and restaurants nearby.

To encourage pedestrian traffic, the City Council recently passed a law modifying parking requirements so small restaurants and markets under 2,500 square feet don't have to provide as much parking as they once did. Developers will only be required to provide one parking space for every 300 square feet of floor area, said senior planner Paul Foley at City Hall's planning division.

"There is a theory that if we don't provide the parking, people will find other ways to get (to downtown)," Foley said. "With the transit mall, I think we've enhanced the options people have to get to downtown and

it remains to be seen in the update of the (zoning laws) which policies we will put in place to enhance the pedestrian and neighborhood environment of downtown ..."

Visitors from out of town will still need a place to put their cars, which is why city staff is taking action on the gated parking, proposing to draft off-street parking standards to ensure access as part of an update to the city's zoning ordinance.

Harper said those standards are currently being developed.

According to management of mixed-use buildings inspected, no residents have complained that their visitors cannot access the guest parking and no complaints have been filed with the city, Harper said.

Don Empakeris of DE Architects, located in a mixed-use development on Sixth Street, said his firm, which was not contacted by

City Hall, has gated parking that employees access using an electronic opener. When customers are driving in, Empakeris said they are told to call the office and the gate is opened for them when they arrive.

"We haven't had any problems," Empakeris said. "We know of the city's problems with parking from working in the area, but for us it hasn't been an issue."

Many of the businesses investigated are not drop-in retail businesses and are appointment-only. Harper declined to disclose which businesses she visited or which ones do not provide access to parking.

Security gates are thought to be appropriate for parking areas downtown, Harper said, based on statements from the Santa Monica Police Department that garages without gates and low visibility allow for criminal activity to occur.

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On May 25, 2006, in response to proposed changes to state law, the Santa Monica City Council directed staff to commence research, schedule hearings, draft ordinances and prepare appropriate proposed adjustments in city zoning. A public comment form is now available on-line so community members may easily participate in this process.

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MONTCLAIR

Gold digger fills in his own hole

A homeowner refilled a 60-foot-deep shaft he had dug in his front lawn when he thought his metal detector had found gold, officials said.

Henry Mora met a Monday deadline to have the hole refilled according to the guidelines set forth by a soil engineer the city required him to hire, Deputy Fire Chief Troy Ament said Tuesday.

"There will be plants and grass" on the spot where the hole was dug two weeks ago, said Mora, 63.

Mora and a subcontractor spent some eight hours dumping dirt into the hole with a backhoe, Ament said.

UPLAND

Black box recovered after weekend crash

Investigators recovered the flight data recorder from a private jet that crashed and burned during the weekend, injuring the three people aboard.

The recorder will be sent to Washington, D.C., for analysis, National Transportation Safety Board spokeswoman Kristi Dunks said Monday.

Inspectors hope it will help explain why the Cessna 560 jet went down in a field about 200 yards west of Cable Airport's runway Saturday night, Dunks said.

She said a preliminary report on the accident will be completed within five business days.

The wreckage was to be removed from the field and placed in a storage facility for study.

The jet briefly touched down on the runway before pulling up. Witnesses said they heard the engines accelerate and then the plane went down.

Pilot Parviz Razavian and his wife and daughter, who were aboard, remained hospitalized in critical condition, officials said.

SAN BERNARDINO

Another killing in the Inland Empire

A physical therapist and her husband were found shot to death in their home, officials said.

Police believe Hyven Howard, 29, and Charmaine Sweat, 28, were killed Monday morning, Sgt. William Hanley said in a statement. Officers do not know the motive for the killing, the statement said.

The couple were the city's third and fourth homicide victims in five days and the 33rd and 34th this year.

The killing came a day after Mayor Pat Morris announced that at least a dozen reinforcements are being called in from the California Highway Patrol and San Bernardino County Sheriff's Department to beef up night patrols and stem the homicide rate.

RIVERSIDE

Chronic drunk heads to jail

A man who had previously lost his license because of a drunken driving conviction was found guilty of second-degree murder for a car crash that killed a teenager.

Alan Leonard Brown was convicted after Chief Deputy District Attorney Creg Datig said in closing arguments Monday that the defendant knew drinking and driving could be dangerous because of two prior convictions for driving under the influence.

"Now he's been stopped," said Patti Hodges, mother of 18-year-old victim Jonathan Hodges.

Brown had about twice the legal limit of alcohol in his body and was going between 93 mph and 103 mph when his vehicle collided with the car Hodges was in, authorities said.

Public Defender Eric Keen argued that Brown did not act intentionally, deliberately or consciously in the July 2005 collision and that involuntary manslaughter was more appropriate.

SEAL BEACH

Beach town keeps development on the level

The City Council put a 45-day moratorium on home construction higher than two stories in the Old Town residential area.

Monday's 4-1 vote in favor of the temporary construction stop came in response to residents' complaints that three-story development in Old Town has led to the neighborhood's "mansions."

"I just want it done right. I just want it done fair," said Mayor John Larson, who voted for the moratorium.

The vote halts a construction of two side-by-side, three-story condominiums by developer Scott Levitt.

Levitt's father, Councilman Michael Levitt, cast the only no vote for the temporary halt.



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Intel introduces the Xeon 5100 server chip

BY DAN GOODIN

AP Technology Writer

SAN FRANCISCO — Intel Corp. introduced its latest microprocessor for server computers Monday, one of a trio of new chips the world's biggest semiconductor maker is counting on to regain market share lost to Advanced Micro Devices Inc.

The new chip, the Intel Xeon 5100, is the company's answer to AMD's Opteron processor, whose performance and power management have stolen share from Intel for more than three years. Intel says the new Xeon more than doubles the performance of its previous top-of-the-line server chip while drawing 40 percent less power.

"We're back in a position we're used to being in and that's undeniable leadership," Intel Vice President Tom Kilroy told analysts and reporters.

Intel shares rose 28 cents, or 1.6 percent, to \$18.28, in Monday trading on the Nasdaq Stock Market. AMD shares fell 48 cents, or 1.9 percent, to \$24.66 on the New York Stock Exchange.

The Xeon 5100 is the first chip to come to market using a new blueprint, or microarchitecture, Santa Clara-based Intel designed from scratch to help lower the energy consumption of servers and PCs. As businesses' computing needs have grown over the past several years, power consumption has emerged as one of the chief costs of running large data centers.

Greg Brandeau, vice president of technology for Disney's Pixar Animation Studios, the maker of "Toy Story," "Finding Nemo" and other computer-generated movies, said one of the top challenges of his job is acquiring enough computing power to keep up with his company's growing needs.

"Cars," the latest Pixar film that opened earlier this month, required 300 times as much computing power as any previous production, he said.

Brandeau said he has run Pixar software on the new Intel chips and found they gave 30 percent better performance while using half as much power as older Xeons, which he used to make "Cars."

"The performance is really stunning," he said.

Intel said the new chips, which feature two computing cores, or "brains" on a single chip, also outperformed AMD's top Opteron product on more than 25 benchmarks commonly used to compare competing computers.

Besides using a new microarchitecture, the Xeons are loaded with new features designed to boost power efficiency and add new functions, Kilroy said. One allows the chip to draw less current by shutting off parts when they're not needed. Another feature adds so-called virtualization capabilities to the chip so administrators have more control over how tasks are doled out to various parts of their networks.

Prices range from \$209 to \$851 each depending on their features when bought in volume.

The new Xeons are the first of three new products Intel is rolling out this summer in a bid to regain market share lost to AMD. Over the past few years, Sunnyvale-based AMD,

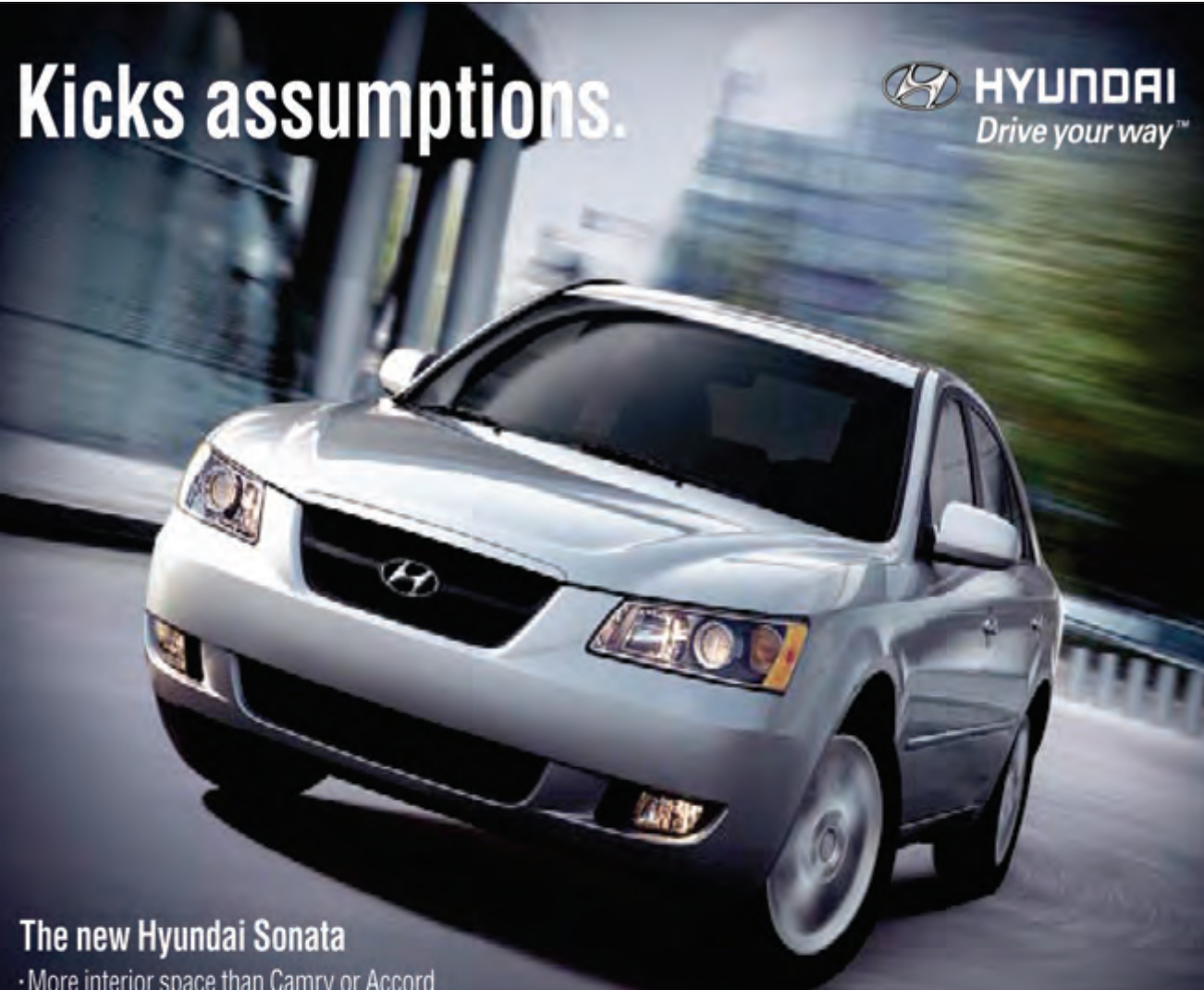
once considered an imitator of Intel, has introduced a host of home-grown technologies that have caused many of its processors, mostly in the server and desktop arena, to outperform those of its larger rival.

In late July, Intel is expected to roll out a new desktop processor based on the new microarchitecture, dubbed "Core." Intel has claimed the Core 2 Duo, which will feature two computing cores, will close the performance gap between its current desktop offerings and AMD's Athlon 64 processor.

A third release for notebook computers is expected in August, analysts say.

Intel has been letting customers test the new Xeon chip, and the response has been largely favorable, some analysts said.

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It's hard to deal with 'real' fixtures



DAYS ON THE MARKET

BY JODI SUMMERS

What items are legally included and excluded from the sale of the property? It all relates to the fixtures. A fixture can be defined as, "Anything of value that is permanently attached to or a part of real property."

Examples of fixtures include installed wall-to-wall carpeting, light fixtures, window coverings and landscaping. Fixtures are a frequent subject of buyer and seller disputes. The best advice is that when in doubt, get it in writing.

The legal concept of "fixtures" allows interested parties to determine whether a particular thing should or would be characterized as "real property" or "personal property," and whether or not it should be included in the sale. Real estate is legally called "real property," while movables are called "personal property." This can be a gray area, as use of real estate or personal property often depends on circumstances.

"A fixture is moveable personal property, which, by means of bolts, nails, screws, cement, glue, or other attachment method, has been converted to real property," said real estate attorney and columnist Bob Bruss.

Trade fixtures are an exception. They are articles of personal property annexed to real property but which are necessary to the car-

rying on of a trade and are removable by the owner. A business tenant is entitled to remove business trade fixtures. Examples include restaurant equipment, outdoor business signs, display cabinets, a bank vault and a tavern bar.

However, the business seller or tenant must restore the premises to its pre-lease or pre-sale condition.

The easiest way to determine who gets what in a real estate transaction is to specify it in a contract. When a buyer desires an item that may be perceived as a fixture — such as saws, work benches or window air conditioners — included in the sales price, the buyer must itemize that personal property in the sales contract.

If the seller wants to exclude any fixtures attached to the structure, those items must be itemized in the written contract, or the jury will say they are automatically included in the sale.

"Troublesome items to consider include track lighting, fireplace inserts and equipment, solar systems, built-in appliances, screens, awnings, shutters, window coverings, attached floor coverings, TV antennas, satellite dishes and related equipment, telephone and Internet wiring, window air conditioners, pool-spa equipment, water softeners, security systems, keys to all locks, garage door openers and remote controls, mailboxes, and landscaping equipment," Bruss said. "The printed sales contract can change the result."

Professor Cyril A. Fox, an expert in land transfer and finance at the University of Pittsburgh School of Law, recognizes three

categories of personal property, which may be found on real estate:

■ "Movables" or furniture: These remain personal property at all times, regardless of the intent of the party who places them on the land. These are items which can be readily removed without causing permanent damage to the property.

■ "Fixtures" or "other chattels:" These will take on the character of "movables" or "immovables" according to the intent of the annexor (the person occupying the property at the time), or according to any agreement between the annexor and the title holder on the property.

■ "Immovables:" These become part of the property as a matter of law, regardless of the intent of the annexor. They are items that cannot be removed without doing substantial damage to the property or the item being removed.

Legal experts note that category two is the grayest area. Should the "fixture," be treated as a "movable" (furniture), which belongs to the annexor, or should it be treated as an "immovable" (real estate), which belongs to the owner of the property?

A good example is window coverings. Let's say you have wood window blinds with draperies hanging by hooks from a drapery rod that is screwed into the wall.

"The law of fixtures says the draperies are personal property because they can be easily removed without damage, but the drapery rods are fixtures included in the home sale," Bruss said. "The wood window blinds, if permanently attached to the structure, are considered fixtures, which are included in

the home sale."

RULES IF A FIXTURE DISPUTE GOES TO COURT

If a lawsuit develops over an item that the buyer thought was an included fixture, but the seller removed, five basic legal rules generally apply:

■ Method of attachment: If the item is permanently attached to the structure, it is legally considered to be a fixture, which is included in the property's sales price.

However, if an item can be removed without damage to the structure, it is not a fixture.

■ Intent of the buyer and seller: If the written sales contract is indefinite, in a court trial the intent of the buyer and seller become pivotal.

■ Adaptability to property use: When personal property is built into a property, it indicates it has become a fixture, which is included in the sales price.

■ Agreement of the parties: A written contract that lists a specific item, whether it is a fixture or personal property, usually prevails to make it included in the sales price.

■ Relationship of the parties: As a general rule, if a lawsuit develops, courts tend to favor a buyer over seller; a tenant over landlord and a lender over borrower.

For information on Southern California commercial properties there is a great information blog at www.socalindustrial-realestateblog.com.

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. For your real estate needs, e-mail Jodi Summers at jodis@boardwalkrealty.com, or call (310) 309-4219, or visit www.santamonicalandmarks.com.)

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THE HOA ADVISOR
BY MICHAEL CHULAK

Homeowner disputes can get resolved

QUESTION: I own a townhome but I don't have a complete set of governing documents. How can I obtain a copy?

ANSWER: Within 10 days of an owner's written request, an association must provide copies of all governing documents including, articles of incorporation, bylaws, rules, covenants, conditions and restrictions (CC&Rs) and either a subdivision map or condominium plan.

QUESTION: Can an owner's tenants and guests use the common area recreational facilities?

ANSWER: Yes, however, some CC&Rs place certain restrictions on use by guests.

QUESTION: We live in a home governed by a homeowners association. One of the members of the association is in violation of the CC&Rs on a continuing basis. Is the association board required to sue the offender if other means are unsuccessful?

ANSWER: No. A board may exercise prudent business discretion in deciding whether or not to sue for a violation of the governing documents.

QUESTION: May our homeowners' association record a "Notice of Violation of CC&Rs" against a member's property for a serious architectural violation?

ANSWER: No. Recordation of such a notice is not permitted. However, such a notice is required by law to be provided to a prospective purchaser by the owner of the subject property.

QUESTION: Historically, the president of our homeowners' association board has voted only to break ties. Is this procedure required by law?

ANSWER: No. The president of your board may vote on any matter unless prohibited by your bylaws. This is possible, but it would be highly unusual.

QUESTION: As a member of our homeowners' association, I am very unhappy with several of the policies established by our board of directors. Does the Alternative Dispute Resolution (ADR) process apply?

ANSWER: Only if the decision of your board relates to CC&R enforcement. Otherwise, ADR does not apply. Disputes not involving CC&R enforcement should be remedied through the election process.

QUESTION: Do members of our homeowners' association have the right to vote on whether to sue the builder of our townhomes for construction defects?

ANSWER: This is normally a power that rests with the board of directors. If your bylaws require the vote of the membership before filing such a suit, your board should call for a vote. This would be unusual.

QUESTION: The management company for our homeowners' association has a Web site with links to various vendors that they use for various management clients. The vendors are required to pay the management company a fairly substantial fee in order to be listed. Is this a disguised form of kickback?

ANSWER: Possibly. Without knowing the amount of money involved it is difficult to determine if the fee is reasonable given the cost of service provided or whether it's a means for the management company to generate income as a result of providing business to the vendors. In any event, at the minimum it creates the appearance of a conflict and, in my opinion, is evidence of poor judgment.

(Michael T. Chulak is the founder of Michael T. Chulak & Associates, a Law Corporation, based in Agoura Hills. Questions can be sent by e-mail to info@MTCLaw.com. Answers are general in nature. An attorney should always be consulted when legal advice is needed. For more information visit these two Web sites: www.MTCLaw.com and www.HOAQandANSWER.com.)

INTERESTED IN YOUR DAILY FORECAST?
CHECK OUT THE HOROSCOPES ON PAGE 2!

Santa Monica Daily Press

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Deferring your capital gains reduces your risk



IN YOUR SPACE
BY CHRISTINA S. PORTER

A 1031 tax deferred property exchange is an exchange of like kind property in which capital gains tax deferral is available to people who sell their investment, rental, business or vacation real estate, and reinvest the net proceeds in other real estate. Real Estate held for these purposes are called like-kind, or 1031 properties.

Property owners may sell like-kind properties and defer taxes on the profits by meeting the requirements of Internal Revenue Code (IRC) 1031 exchange. The purpose of the 1031 Exchange is to allow sellers of like-kind property to buy replacement property of like-kind within a specific time period and defer taxes. This allows property owners to invest in properties with a better risk reward ratio, no management responsibility, increase tax write offs and often, significantly increase their cash flow.

Sellers have a maximum of 180 calendar days from the closing of the initial sale of the relinquished property to complete the exchange into the replacement property. Within the first 45 days of that period a seller must designate candidate properties and properly identify them to the IRS usually through a qualified intermediary, also known as an exchange accommodator. A seller may identify up to three properties regardless of value, a group of properties with a combined value that does not exceed 200 percent of the value of the initial property sale or any number of properties of any value as long as the final value of the properties exchanged is equal to 95 percent of all of the properties identified. The funds in a trust account with the qualified intermediary can be used as earnest money in the purchase of designated property once all IRS requirements for a 1031 transaction are met.

If no new properties are identified in the first 45 days and no designated transaction is completed during the full 180-day period, the funds in the trust account will be liquidated and the sale proceeds taxed will be at the prevailing state and federal capital gains and depreciation recapture taxes.

Many investors don't take advantages of 1031 exchanges

Sample Properties For Sale				
Self Storage				
City	State	SF	Price	Cap Rate
Rio Rancho	NM	42,795	\$2,000,000	8.5%
Oklahoma City	OK	105,825	\$2,495,000	9.4%
Tampa	FL	45,970	\$2,550,000	9.8%
Nashville	TN	72,807	\$3,300,000	10.4%
Tenant In Common/Alternatives (No Management)				
Type	State	Minimum Investment	Year1/Year 5 Cash On Cash	
Hotel Portfolio	US	\$100,000	8.5%/10%	
Oil and Gas	TX	\$250,000	20%/20%	
Food Lion Rtl Ce	NC	\$300,000	7.81%/10.7%	
Office	NV	\$500,000	7.13%/7.09%	

because of the fear of the 45-day identification period. This fear is supported by numerous horror stories of failed exchanges and the resulting devastating taxes that can result from such failures.

With proper planning and the right resources investors can navigate the waters of a 1031 exchange unscathed and frequently double or triple their spendable income and diversify their portfolio, thus reducing risk.

(You can reach **Christina Porter** at 1-877-4 TM 1031, or e-mail her at christina@tm1031exchange.com to discuss your specific needs. TM 1031 Exchange assists investors in planning and executing successful real estate investment strategies. Visit www.tm1031exchange.com for a complete list of investment properties and to download the TM 1031 Tool Kit.)



GUEST COMMENTARY BY PAUL YALNEZIAN

The housing bubble is about to burst

As Robert Anton Wilson so adeptly observed in his book "Prometheus Rising" whatever we think or believe, we also can prove. The thinker can think itself sick, and can even think itself well again and the prover within will prove it right. As we defend our beliefs that are the result of our past experiences, we allow our past to rule and form our present.

Those who believe that the real estate market is about to burst will invariably find irrefutable evidence that they are right. On the other hand, those who believe that the real estate market is healthy and will remain so, will find "irrefutable evidence" that proves their perspective. So, how can we interpret the consistent changes we are increasingly observing in real estate these days?

The owners of a completely upgraded home in Venice have chosen to sell it by "auction" on July 8. Why not the traditional way, by simply listing it in the Multiple Listing Service and waiting for buyers over a period of time? Is this proof of a downturn in the real estate market or proof that traditional real estate is adapting to a changing marketplace and consumer needs?

Today's consumers are sophisticated and are demanding more effective and affordable alternatives that traditional, independent commissioned agents are not equipped to

deliver to the consumer.

Waiting for buyers over a period of months is not how an efficient market works.

An auction is an extremely efficient, honest and fair way of selling a property at its true market value in just one day. Prospective buyers see each other, eye and evaluate each other, openly compete and bid against each other instead of writing offers in a vacuum, competing against real or phantom buyers.

A very non-traditional real estate company, Right Home employs salaried real estate agents working as a group and claims to deliver better service and more expertise and experience to the consumer. Additionally, they offer mortgage, escrow, foreclosure prevention services, a unique plan for senior citizens, auctions as well as the traditional way of selling real estate, all under one roof. The company also has weekly TV shows airing throughout Southern California and has earned recognition from the U.S. Department of Housing and Urban development as "innovative and consumer-friendly." More services at a much lower price? I think the industry is changing.

(Paul Yalnezian is president of Right Home. He can be reached at 800-873-8373 or RightHome.com.)

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Ex-trucker convicted of murdering 4 women in California in the 1990's

BY GILLIAN FLACCUS

Associated Press Writer

SAN BERNARDINO — A jury on Tuesday convicted former truck driver Wayne Adam Ford of first-degree murder in the slayings of four women whose bodies were dumped across California in 1997-98.

The panel of seven women and five men also found true the special-circumstance allegation of multiple murders.

Ford, 44, showed no reaction to the verdicts. He sat looking forward, then whispered to an attorney.

The prosecution will seek the death penalty in a penalty phase scheduled to start July 12.

Superior Court Judge Michael A. Smith admonished the jury to not discuss the case because the penalty phase was pending.

Although a gag order is place, Deputy District Attorney Dave Mazurek expressed satisfaction in the verdicts.

"It's what we were seeking in this particular phase of the trial but we have a lot of work left," the prosecutor said. "It's been a long time coming to trial."

Deputy Public Defender Joseph Canty said it would be inappropriate to comment, given the gag order.

Ford walked into a Humboldt County sheriff's station in November 1998 with a woman's severed breast and told authorities it represented the "tip of the iceberg."

He was subsequently charged with the killings of Patricia Tamez, 29, of Hesperia; Lanett Deyon White, 25, of Fontana; Tina Renee Gibbs, 26, of Las Vegas; and an unidentified woman whose torso was found in a slough.

Prosecutors portrayed Ford as a predator who sought out prostitutes, had sex with them in his truck and then killed them by strangulation to satiate sadistic desires.

Blood and sperm evidence linked Ford to the killings and the unidentified woman's thighs and boiled breasts were found at a campsite where Ford lived for a time, prosecutors said.

Although Ford confessed, defense attorneys raised questions about his state of mind leading up to and during the killings.

The defense focused on his troubled past, which his lawyers said included a failed marriage, a lack of time with his son, a difficult childhood and a head injury he suffered in a 1984 traffic collision. His attorneys said he suffered from mental problems, was remorseful and conflicted about the killings but decided to surrender to authorities.

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Gina Marchese

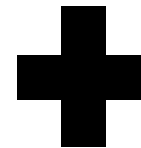
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VA asking for more money to protect Vets

BY HOPE YEN

Associated Press Writer

WASHINGTON — Veterans Affairs Secretary Jim Nicholson promised Congress Tuesday he could turn his agency into a “model for information security” but said lawmakers are going to have to be patient.

Nicholson also said the Bush administration was asking for at least \$160.5 million in emergency funds for credit counseling and other measures to protect veterans and military troops whose sensitive personal information was stolen.

Besides covering credit monitoring for about half of the 17.5 million people whose Social Security numbers were compromised, the money would pay for out-of-pocket expenses for those whose identities are stolen, he told a House panel.

Under questioning, Nicholson acknowledged that much more money may be needed to revamp information security at the VA and other agencies. He also left the door open to providing veterans more than one year of free monitoring following the May 3 burglary at a VA data analyst’s home.

“Unfortunately, a very bad thing happened,” Nicholson told a House Appropriations subcommittee. “I am outraged by it and the slow response of some of my otherwise very good subordinates. But I am the responsible person, and it is to me that you are entitled to look.”

“I think we can turn VA into the model for information security,” he added. “I will not try to mislead you and delude. This will not be easy and it will not be overnight.”

Of the \$160.5 million, Nicholson said, about \$29 million will be taken from VA funds budgeted in 2006 to cover personnel costs at the Veterans Benefit Administration. That money would not have otherwise been used in 2006 due to hiring plans that had been already pushed back to 2007, he added. The other \$131.5 million would be reallocated from other areas of the White House budget.

“It will take some belt tightening. It will not come out of veterans’ benefits,” he said.

No reports of identity theft have been reported in connection with the May 3 theft of a computer from the data analyst’s home in suburban Maryland. The laptop contained names, birth dates and Social Security numbers for up to 26.5 million people.

Last week, the Senate Appropriations Committee approved \$160 million in emergency funds to pay for credit monitoring. It is one of many expected payments as the government struggles with fallout from data thefts and other breaches now crossing at least six agencies, including the Pentagon, Agriculture Department and Federal Trade Commission.

Earlier in the hearing, the House panel was urged to spend whatever necessary to avoid undue hardships for victims of data thefts at government agencies.

David McIntyre, president and CEO of TriWest Healthcare Alliance, which provides information security to the Pentagon, proposed creating a central government “nerve center” to assist agencies after any such security breach.

“Unfortunately, as we have all come to realize, the question is not whether another inci-

dent of information theft will occur but when,” he said. “Events such as these are happening with increased regularity — and, surely, spending a few million to prepare is preferable to spending hundreds of millions to react.”

In his testimony, Nicholson called the burglary a “wake-up call” that should not come at the expense of veterans, who have challenged the free monitoring in federal court as potentially inadequate. He said about half of the affected veterans were expected to take the government’s offer.

Rep. James Walsh, chairman of the House subcommittee, chastised the VA for waiting three weeks to notify veterans about the theft. “This represents a significant lapse of time that could have been vital to protect identity theft,” said Walsh, R-N.Y.

Rep. Chet Edwards, the top Democrat on the panel, agreed. “Clearly this is a serious problem that Congress needs to partner in solving,” said Edwards, D-Tex.

The VA announced last week it would offer free credit monitoring for a year to millions of veterans and troops. It said it would send out letters in early August on how to sign up for the free service.

Lawyers for veterans, calling the VA’s deal

“incomplete and misleading,” said the VA must make clear whether veterans will have to give up their rights in court to a potentially larger payout.

U.S. District Judge William Bertelsman in Kentucky scheduled a hearing for Friday to determine whether the VA should revise its offer. Until then, he has barred the VA from publicizing its free credit monitoring offer to veterans.

The class-action lawsuits, which are pending in Covington, Ky., and Washington seek free monitoring and other credit protection for an indefinite period as well as \$1,000 in damages for each person in what has become one of the nation’s largest information security breaches.

Acknowledging the lawsuit Tuesday, Nicholson also said the VA might expand its credit monitoring beyond a year.

“If a year expires, we have a responsibility to determine whether to renew based on what we know at the time,” he said.

Veterans groups and lawmakers from both parties have criticized the VA about the theft and noted years of warnings by auditors that information security was lax. The data analyst had taken the information home on a personal laptop for three years.

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Sunnis have themselves a plan

BY BUSHRA JUHI

Associated Press Writer

BAGHDAD, Iraq — One of Iraq's largest Sunni Arab groups endorsed the prime minister's national reconciliation plan Tuesday, and the government announced new benefits to help freed detainees return to normal lives.

The political moves came a day after bombs killed at least 40 people at markets in two cities and key lawmakers said seven Sunni Arab insurgent groups offered the government a conditional truce.

In new violence, a suicide car bomb also struck a busy gas station in the northern city of Kirkuk, killing three people and wounding 17, police Col. Adel Abdullah said.

A U.S. Marine and a soldier were killed in separate attacks west and south of Baghdad, while another U.S. soldier died Monday in the volatile Anbar province, the military said. That raised to 2,528 the number of U.S. military service members who have died since the war began in 2003, according to an Associated Press count.

U.S. military spokesman Maj. Gen. William Caldwell said an Iraq-led operation launched nearly two week ago to restore security to Baghdad was moving slower than hoped.

"We don't see this as turning into a civil war right now," he said at a news conference. "It's going to take some time. We do not see an upward trend. We ... see a slight decrease but not of the degree we would like to see at this point."

In the first tangible measure after the reconciliation plan was announced Sunday, the council of ministers said government employees who had been detained and recently released will be reinstated to their jobs and their service should be considered uninterrupted in consideration of bonuses, promotion and retirement privileges.

The ministers said freed students will be allowed to return to school to take final exams and won't be failed for the 2005-06 academic year despite time missed.

The measures were decided June 21 by the council "to pave the way for the prime minister's reconciliation initiative," according to a statement.

It said the benefits could only be enjoyed once by former detainees and would not apply if somebody is arrested again.

The Justice Ministry, meanwhile, said 453 more detainees were released from U.S. detention centers across Iraq, part of Prime Minister Nouri al-Maliki's plan to free 2,500 by the end of the month as a goodwill gesture.

In another boost for the Shiite prime minister's reconciliation proposal, prominent Sunni cleric Ahmed Abdul Ghafour al-Samaraie offered the support of his Sunni Endowment, the state agency responsible for Sunni mosques and shrines.

He urged the government to move quickly to fill in the details of the plan and said it should include the disbanding of armed militias, as well as the release of all prisoners who have not been convicted.

"We bless this initiative," he said. "We see a glimpse of hope out of this plan, but at the same time we are noticing that some people are pushing the armed groups to attack some areas in Baghdad, spreading terror and chaos in the city in order to make this plan a failure."

"Thus, the government is required to take decisive actions so that the citizens feel that the state is a real protector," he added. "We think that the first step to be taken regarding this plan is to disband armed militias because the government will not be able to impose the law on everybody with the presence of those militiamen that consider themselves above the law."

Minority Sunnis have accused Shiite-led militias of random detention and torture.

Monday's bombings served as a reminder of how difficult establishing security can be in many areas. Both markets were jammed with shoppers buying dinner provisions as temperatures began to cool after sunset.

The deadliest attack was a bicycle bombing in Baqouba, the Sunni insurgent stronghold 35 miles northeast of Baghdad, that killed at least 25 and wounded 33, according to Dr. Ahmed Fouad, director of the morgue at Baqouba General Hospital.

Minutes earlier, a blast killed 15 people and wounded 56 in Hillah, a mainly Shiite city 65 miles south of Baghdad, said police Capt. Muthana Khalid.

The seven insurgent organizations who approached the government are mostly made up of former members or backers of Saddam Hussein's government, military or security agencies, and were motivated in part by fear of undue Iranian influence in Iraq, lawmakers said.

If confirmed, their offer would mark an important potential shift and could stand as evidence of a growing divide between Iraq's homegrown Sunni insurgency and the more brutal and ideological fighters of al-Qaida in Iraq, who are believed to be mainly non-Iraqi Islamic militants.

Kurdish lawmaker Mahmoud Othman linked the offer to al-Maliki's national reconciliation plan, involving amnesty for opposition fighters except those who had killed Iraqis, were involved in terrorism, or committed crimes against humanity. Al-Maliki's plan was thought to have denied amnesty to any insurgent who had killed American forces, although the wording was vague.

The Mujahedeen Shura Council, the terrorist umbrella organization that includes al-Qaida in Iraq, rejected the reconciliation plan.

Shiite lawmaker Hassan al-Suneid, who first reported the insurgent groups' gesture, said al-Maliki was considering a possible meeting with their leaders or contacts through intermediaries. Al-Suneid is a member of the political bureau of al-Maliki's Dawa Party.

The opening was confirmed by Othman, a close associate of President Jalal Talabani, who met with seven insurgent organizations about two months ago. It was not clear which groups Talabani met with.

Al-Suneid gave the names of six of the seven organizations that approached the government Monday: the 1920 Revolution Brigades, the Mohammed Army, Abtal al-Iraq (Heroes of Iraq), the 9th of April Group, al-Fatah Brigades and the Brigades of the General Command of the Armed Forces.

"I expect that those groups are the same ones that have made contacts with President Talabani, and now they are widening the range of their contacts. Now they are more serious after the announcement of the (reconciliation) plan," al-Suneid told the AP.

Othman was unable to name the groups or say whether they were the same ones Talabani had contacted. But he said they also sought talks with U.S. forces.

A meaningful truce with insurgents would make it much easier for the United States to withdraw troops from Iraq.

IN OTHER DEVELOPEMENTS...

■ The Iraqi High Tribunal said Saddam and six co-defendants will go on trial Aug. 21 for the 1980s Anfal campaign in which an estimated 100,000 Kurds were killed in northern Iraq. Chief prosecutor Jaafar al-Moussawi said the Anfal case would proceed in tandem with Saddam's current trial if needed.

■ A professor at a technology university was killed in a drive-by shooting in Baghdad's upscale Mansour neighborhood. The Ministry of Higher Education and Scientific Studies also said it will stage a sit-in in all universities on Wednesday to protest the frequent kidnappings and violence targeting its employees.

■ Police found the bullet-riddled bodies of five men, including three who were handcuffed, in two areas of Baghdad.

■ Gunmen tried to kill a tribal chief in the southeastern town of Amarah, seriously wounding Sheik Kadim al-Sebahawi and killing his 22-year-old son.

Palestinian militants claim kidnapped Israeli soldier is 'secure'

BY IBRAHIM BARZAK

Associated Press Writer

GAZA CITY, Gaza Strip — A Palestinian militant leader said Tuesday a captured Israeli soldier was being held in a "secure place," and he claimed that his group also seized a Jewish settler in the West Bank.

Meanwhile, the rival Hamas and Fatah movements agreed on a plan implicitly recognizing Israel, a top Palestinian official said after weeks of acrimonious negotiations aiming to lift crippling international aid sanctions.

The new claims about captive Israelis came from the Popular Resistance Committees, a violent group with close ties to the Hamas-led Palestinian government. The PRC was one of three groups that took part in Sunday's cross-border infiltration near Gaza in which militants killed two Israeli soldiers and abducted Cp. Gilad Shalit.

"The soldier is in a secure place that the Zionists cannot reach," PRC spokesman Mohammed Abdel Al said in the first acknowledgment by militants that Shalit was still alive.

The kidnappers have not said where the 19-year-old soldier is being held or released any photos of him.

Abdel Al also said his group had taken a Jewish settler in the West Bank hostage. Israel Radio reported the settler had been hitchhiking Monday night and failed to return home.

"We're looking into reports of a missing person," police spokesman Micky Rosenfeld said.

Abdel Al said the release of more information would depend on Israel.

"The Zionists are looking for any information. We remind them there is nothing for free," he said in Gaza Strip.

Israeli Prime Minister Ehud Olmert has rejected a demand to release Palestinian prisoners in return for information about Shalit. Instead, he approved plans for a large military push into Gaza and threatened to hit Islamic militants and their leaders.

About 3,000 troops, along with tanks and armored vehicles, massed along Israel's border with Gaza. Commanders said they were prepared and awaiting orders to move in.

"We will not hold back on our efforts, and to our great sorrow, part of this price will be paid by the residents of the Gaza Strip," Haim Ramon, a senior Israeli Cabinet Minister, told Army Radio.

"This strike will come and it will be very painful. In order to stop this, I call on authorities in the Palestinian Authority to do all they can to bring Gilad home."

Secretary of State Condoleezza Rice urged Israel to "give diplomacy a chance."

Although Israel frequently carries out air raids in Gaza, ground troops have entered the area only three times since Israel withdrew from the area in September.

Israel clamped a tight closure on Gaza that prevented merchants from leaving the area and fishermen from sailing off the Mediterranean coast, the army said. It closed all crossings into Gaza.

Hundreds of Palestinians were stranded on the Egyptian side of the border at the Palestinian-controlled Rafah crossing, said the director of security at the Palestinian crossings, Salim Abu Safiah.

Anticipating an invasion, Palestinian militants piled up sand on roads near the border and in Gaza City. "We are ready to confront any stupid act that the Zionists might commit," said Abu Obeida, spokesman for Hamas' military wing.

The group also claimed that militants from various factions had taken up positions throughout northern Gaza.

The moderate Palestinian president, Mahmoud Abbas, met with leaders of the Hamas-led government Monday night and urged them to secure Shalit's release. Abbas also has been working closely with Egyptian mediators, who hold influence over Hamas.

Egyptian officials said the government asked Hamas to release the soldier and has deployed 2,500 extra troops along the border with Gaza to prevent an influx of Palestinians if Israel invades. Egypt also imposed a nighttime curfew on residents along the border.

Intelligence chief Omar Suleiman has urged Hamas leader Khaled Meshaal, who is in Syria, to push for Shalit's release, the officials said on condition of anonymity because of the sensitivity of the situation.



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Can you hear her plea bargain now?

By The Associated Press

NEW YORK



CAMPBELL

Naomi Campbell appeared in a Manhattan courtroom where prosecutors said a plea bargain was possible in her cell phone assault case. She did not speak during the brief proceeding.

The real action came outside the lower Manhattan courthouse, where some 50 photographers and camera crews waited for a shot of the 36-year-old supermodel after her appearance before Criminal Court Judge Evelyn Laporte on Tuesday.

Campbell, attorney David Breitbart and Campbell's small retinue were forced to hide inside the courthouse for about five minutes until a car arrived to take them away from the media horde.

When Campbell's case was called, prosecutor Shanda Strain told the judge that no grand jury action had been taken in the case. The defense then agreed to an adjournment pending a possible plea deal, and Laporte ordered everyone to return to court on Sept. 27.

Campbell was arrested March 31 for allegedly throwing a cell phone at one of her employees in a dispute over a missing pair of jeans.

She has called the allegations "completely untrue." The housekeeper, Ana Scolavino, was treated at Lenox Hill Hospital for an injury to the back of her head after the incident.

NEW YORK

Reynolds has different views



O'DONNELL

Don't expect any smackdown between Rosie O'Donnell and Star Jones Reynolds on ABC's "The View." Jones Reynolds says she's leaving the show.

She told People magazine, "I feel like I was fired."

Rumors that she was leaving had intensified since the April announcement that Rosie

O'Donnell would be replacing Meredith Vieira on "The View" in the fall.

O'Donnell had made several caustic remarks about Jones Reynolds, saying that it was dishonest for her to talk about losing more than 100 pounds through diet and exercise without talking about gastric bypass surgery.

Jones Reynolds, one of the original cast members of Barbara Walters' daily chatfest, made the announcement after the first commercial break of "The View" on Tuesday, saying the show had decided to move in a new direction.

"I'm not sure what the future holds," she said. "But I'm absolutely sure who holds the future."

Her announcement came on the same day that Lloyd Grove's gossip column in the New York Daily News headlined: "Star gazing may end soon for 'View'-ers," and repeated one of O'Donnell's quotes about Jones Reynolds.

Walters, after beckoning the studio audience to give Jones Reynolds a standing ovation, indicated the timing was a surprise. She expressed her "sadness that it has turned out this way."

"I can't imagine how 'The View' would have succeeded without you," she said.

Comic Joy Behar looked like she was shocked.

"Who am I going to fight with?" Behar said.

Jones Reynolds replied: "Something tells me you will have somebody to fight with."

STOCKHOLM, Sweden

Rose hungry for some leg



ROSE

Axl Rose was arrested after allegedly biting a security guard in the leg at his Stockholm hotel, police said.

The Guns N' Roses frontman was ordered held in jail by prosecutors on suspicion of attacking and threatening the guard, as well as causing damage to the Berns Hotel where the alleged scuffle took place

early Tuesday, said police spokeswoman Towe Hagg.

Rose, 44, could be kept in jail until Friday, Hagg said.

Guns N' Roses were scheduled to perform in Oslo, Norway, on Wednesday, but it wasn't known

whether the concert would be canceled, concert organizer Ema Telstar spokeswoman Catarina Oscarsson said.

Oscarsson said the band wasn't traveling with a publicist and would not comment on the arrest.

It was unclear what caused the fight, but Swedish tabloids said the guard tried to intervene when Rose started arguing with a woman in the hotel lobby.

Police officer Fredrik Nylen was quoted by the daily Aftonbladet Web site as saying Rose acted aggressively toward police and had to be handcuffed and restrained in the hotel.

Guns N' Roses played a concert in Stockholm's Globe Arena on Monday night, and had been partying at a well-known nightclub before the scuffle, Aftonbladet said.

NEW YORK

Beckinsale a girl gone mild



BECKINSALE

Kate Beckinsale wants to set the record straight on her sex-bomb image.

The 32-year-old actress, who starred as a sultry vampire in the "Underworld" movies, tells Allure magazine in its July issue, on newsstands Tuesday, that she's only dated two men in the past 10 years.

The Britain-born Beckinsale, who now lives in Los Angeles, married "Underworld" director Len Wiseman in 2004. She has a 7-year-old daughter, Lily, with ex-boyfriend, actor Michael Sheen.

Beckinsale says she was puzzled when people accused her of being promiscuous. "Oh, she ditched the father of her child and ran off with somebody else," she says, recalling the negative reaction to her relationship with Wiseman.

"I mean, look around this town and tell me one other person who's slept with only two people in a decade," she continues. "I might just be the only one."

As for motherhood, Beckinsale says she's raised a daughter who is "truly happy."

"The two things — being a mother and being an actress — are really quite a struggle," she says. "I mean, when you have a child sitting in front of you, that is your priority. And I wanted to raise a child that didn't end up with issues because she had been left a lot."

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MOVIEGUIDE

SHOWTIMES: WEDNESDAY, JUNE 28, 2006

Aero Theatre
1328 Montana Avenue
(310)395-4990

Friday
Mad Max 2: The Road Warrior 7:30
Saturday
Cleopatra 6:00
Sunday
The Sound of Music 3:00

AMC7 Santa Monica
1310 3rd Street
(310)289-4262

The Break-Up (PG-13)
11:40, 2:20, 5:10, 7:00, 8:10, 9:30, 10:45, 11:50
Cars (G)
10:50, 11:50, 1:40, 2:40, 4:40, 5:30, 7:35, 8:15, 10:20, 11:05
The Da Vinci Code (PG-13)
12:30, 3:50, 7:10, 10:25
Nacho Libre (PG)
10:35, 12:00, 1:00, 2:30, 3:20, 5:00, 5:50, 7:30, 8:30, 9:45, 10:50, 11:55
Over the Hedge (PG)
10:30, 12:35, 2:40, 4:50

AMC Loews Broadway 4
1441 3rd Street
(310) 458-6232

The Fast and the Furious: Tokyo Drift (PG-13)
12:30, 1:45, 3:00, 4:15, 5:30, 7:00, 8:00, 9:30, 10:30
A Prairie Home Companion (PG-13)
12:50, 4:40, 7:20, 9:50
X-Men: The Last Stand (PG-13)
1:20, 5:00, 7:40, 10:10

Landmark Nuwiltshire
1314 Wilshire Blvd
(310)281-8228

Art School Confidential (R)
11:30, 4:30, 9:50
The Heart of the Game (PG-13)
11:40, 2:10, 4:45, 7:10, 9:45
Thank You for Smoking (R)
2:00, 7:30

Laemmle's Monica Fourplex
1332 2nd Street
(310)394-9741

An Inconvenient Truth (PG)
12:15, 2:45, 5:15, 7:45, 10:15
Peaceful Warrior (PG-13)
12:45, 3:45, 7:00, 9:55
Wordplay (PG)
12:00, 1:00, 2:20, 3:20, 4:40, 5:40, 7:00, 8:00, 9:20, 10:15

Mann's Criterion Theatre
1313 3rd Street
(310) 395-1599

Click (PG-13)
11:30, 12:30, 2:00, 3:00, 4:30, 5:30, 7:00, 7:50, 9:00, 9:30, 10:30, 11:30
Garfield: A Tail of Two Kitties (PG)
12:10, 2:10, 4:20, 6:30
The Lake House (PG)
12:00, 2:30, 5:00, 7:30, 10:00
The Omen (2006) (R)
11:50, 2:40, 5:10, 7:40, 10:10
Waist Deep (R)
12:40, 3:10, 5:40, 8:00, 10:20

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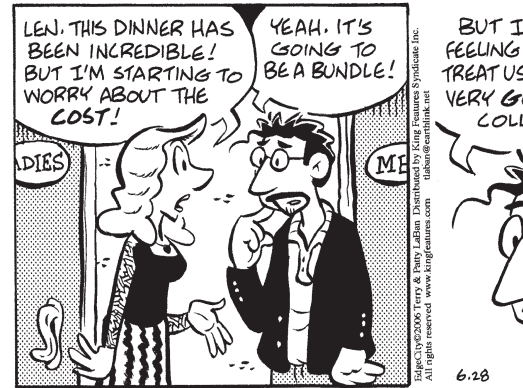
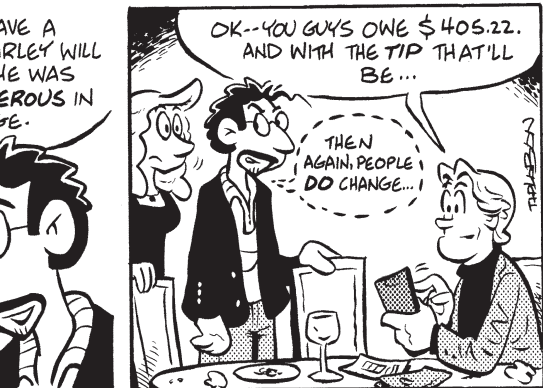
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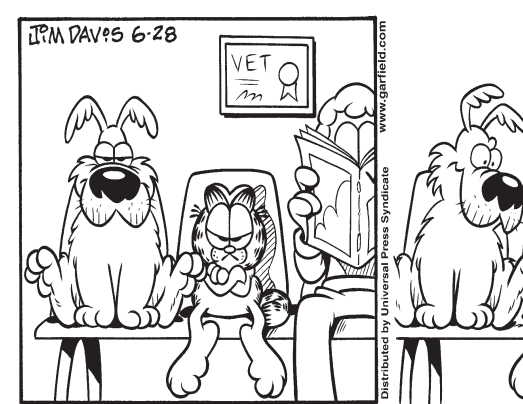
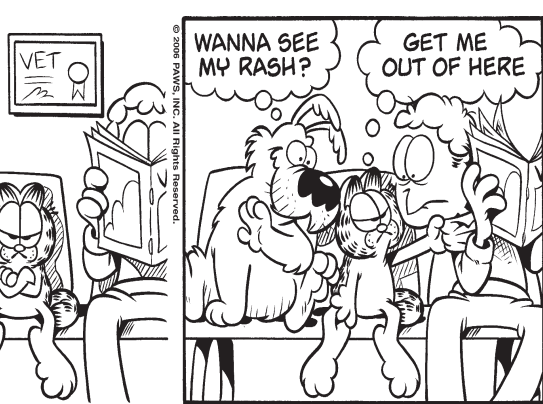
Natural Selection® By Russ Wallace



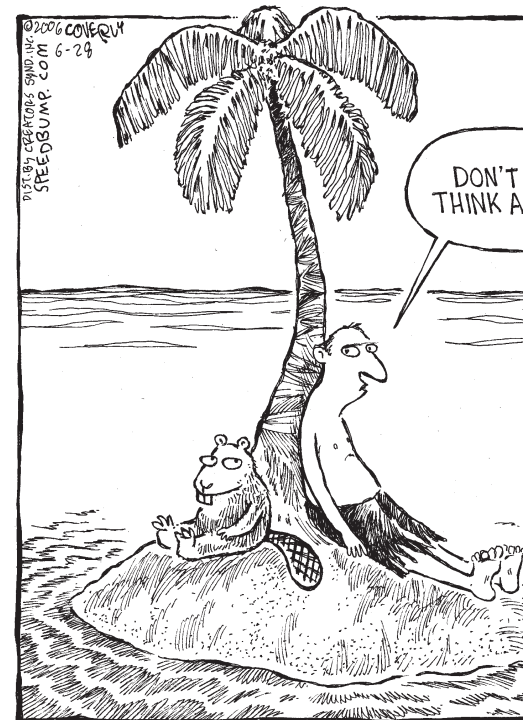
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- 7 Son of Eve
- 11 Moon mission name
- 12 Confident
- 13 Potpourri bits
- 14 Stocking problem
- 15 Near-sighted
- 17 Recipe units
- 20 Grill waste
- 23 — Dhabi
- 24 Grave
- 26 Guitarist Wood
- 27 Married name preceder
- 28 Mom's mate
- 29 Salk discovery
- 31 D.C. setting
- 32 Mood of the people
- 33 Store door word
- 34 Relent
- 37 Early auto-maker
- 39 Relaxed
- 43 One-sided victory
- 44 Paul's birthplace
- 45 Omar of "House"

DOWN

- 1 Easy target
- 2 Mimic
- 3 Car dealer's place
- 4 Bridge coups
- 5 Pal
- 6 Fair
- 7 Lend a hand
- 8 Clustered
- 9 Important age
- 10 Race part
- 16 Behind the times
- 17 Cut with precision
- 18 Lusitania sinker

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M	U	T	E	D		M	I	N	T	Y

Yesterday's answer

- 19 Added life to, as a speech
- 21 Make blank
- 22 Rental choice
- 24 Wrong
- 25 Orna-mental vase
- 30 Ship-wreck settings
- 33 Puccini work
- 35 Chow
- 36 Beehive state
- 37 Smelting material
- 38 Cut short
- 40 Demand
- 41 Be litigious
- 42 Twisty turn

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Santa Monica Daily Press

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CLASSIFIED ADVERTISING CONDITIONS: REGULAR RATE: \$5.50 a day. Ads over 15 words add 20¢ per word per day. Ad must run a minimum of twelve consecutive days. PREMIUMS: First two words caps no charge. Bold words, italics, centered lines, etc. cost extra. Please call for rates. TYPOS: Check your ad the first day of publication. Sorry, we do not issue credit after an ad has run more than once. DEADLINES: 3:00 p.m. prior the day of publication except for Monday's paper when the deadline is Friday at 2:30 p.m. PAYMENT: All private party ads must be pre-paid. We accept checks, credit cards, and of course cash. CORRESPONDENCE: To place your ad call our offices 9 a.m. to 5 p.m., Monday through Friday, (310) 458-7737; send a check or money order with ad copy to The Santa Monica Daily Press, P.O. Box 1380, Santa Monica, CA 90406 or stop in at our office located at 1427 Third Street Promenade, Ste. 202. OTHER RATES: For information about the professional services directory or classified display ads, please call our office at (310) 458-7737.

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Santa Monica Daily Press

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SANTA MONICA \$925/mo Bachelor/1Bath, Hardwood Floors, Parking, laundry, quiet neighborhood, Paid utilities (310) 395-RENT www.westsiderentals.com

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Santa Monica Daily Press



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*Rates subject to change
* As of January 11, 2006
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Notices

Escrow No. 119187 NOTICE TO CREDITORS OF BULK SALE (Secs. 6101-6107 U.C.C.) NOTICE IS HEREBY GIVEN that a bulk sale is about to be made on assets hereinafter described. The name(s) and business address of the Seller(s) are: INTERNATIONAL HOME CINEMA INC., 205 Broadway, Santa Monica, CA 90401 The location in California of the chief executive office or principal business office of the Seller is: same as above All other business names and addresses used by the Seller(s) within the past three years as stated by the Seller(s) are: None The name(s) and business address of the Buyer(s) are: BUDDHA'S BELLY LA (#2) LLC, 7475 Beverly Blvd., Los Angeles, CA 90036 The assets are generally de-scribed as: leasehold improvements, fixtures, equipment, furniture, furnish-ings, trade fixtures, small wares, tools and maintenance items, transferable li-censes, and goodwill. and are located at: 205 Broadway, Santa Monica, CA 90401 The business name used by the said Seller(s) at said location is: CASPIAN SEA RESTAURANT The bulk sale is intended to be consummated at the office of WILSHIRE ESCROW COMPANY, 4270 Wilshire Blvd., Los Angeles, CA 90010 and the anticipated sale date is July 17, 2006 This bulk sale is subject to California Uniform Commercial Code Section 6106.2. The name and address of the person with whom claims may be filed is WILSHIRE ESCROW COM-PANY, 4270 Wilshire Blvd., Los Ange-les, CA 90010, Attn: Larry Shewfelt (Ext. 338), Escrow No. 119187 and the last day for filing claims by any creditor shall be July 14, 2006, which is the business day before the anti-cipated sale date specified above. Dated June 16, 2006 BUDDHA'S BELLY LA (#2) LLC, Buyer(s) Santa Monica Daily Press CN757288 119187 Jun 28, 2006

Notices

NOTICE OF PETITION TO AD-MINISTER ESTATE OF: JOHN N. MERZLOCK CASE NO. BP098992

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the WILL or estate, or both of JOHN N. MERZLOCK.

A PETITION FOR PROBATE has been filed by RAYMOND SPRAGUE in the Superior Court of Cali-fornia, County of LOS ANGELES. THE PETITION FOR PROBATE re-quests that RAYMOND SPRAGUE be appointed as personal represen-tative to administer the estate of the decedent.

THE PETITION requests the de-cedent's WILL and codicils, if any, be admitted to probate. The WILL and any codicils are available for exami-nation in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Es-tates Act . (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be re-quired to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent admini-stration authority will be granted un-less an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

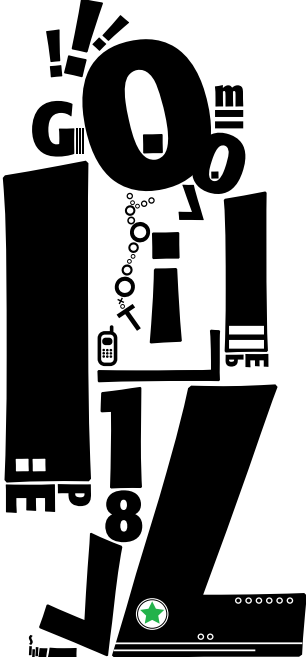
A HEARING on the petition will be held on 07/18/06 at 8:30AM in Dept. 9 located at 111 N. HILL ST., LOS ANGELES, CA 90012

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objec-tions or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the per-sonal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above. YOU MAY EXAMINE the file kept by the court. If you are a person inter-ested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate as-sets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner S. SYD RAHE, ESQ. LAW OFF. OF S. SYD RAHE 315 S. BEVERLY DR., PENT-HOUSE BEVERLY HILLS, CA 90212 6/28, 6/29, 7/5/06 CNS-986364# SANTA MONICA DAILY PRESS

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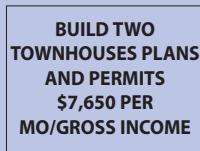
Westchester
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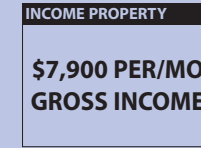
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2 UNIT	\$533,850
3 UNIT	\$645,300
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5 year/1 arm 6.0%**
3 year/1 arm 5.875%**
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* Rates subject to change

* As of February 7, 2006

** Denotes an interest only loan

*** Denotes Neg Am



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