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WEDNESDAY, AUGUST 30, 2006

Volume 5, Issue 249

# Santa Monica Daily Press

*A newspaper with issues*

THIS WEEK IS **BE KIND TO HUMANKIND WEEK**

## DAILY LOTTERY

**MEGA MILLIONS**
15 25 37 38 52
**Meganumber:** 4
**Jackpot:** $70M

**SUPER LOTTO**
5 10 24 26 38
**Meganumber:** 23
**Jackpot:** $56M

**Fantasy 5**
6 20 23 29 37

**DAILY 3**
**MIDDAY:** 1 7 6
**EVENING:** 1 3 7

**DAILY DERBY**
**1st:** 11 Money Bags
**2nd:** 05 California Classic
**3rd:** 06 Whirl Win
**RACE TIME:** 1:42.72

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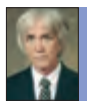

## NEWS OF THE WEIRD
BY CHUCK SHEPARD

An analysis of government records by The Washington Post revealed in July that a federal agriculture subsidy program to compensate farmers for market-losing crops has evolved, through regulatory interpretation and lax enforcement, into a program that since 2000 has paid $1.3 billion to people who don't even farm at all. (Although pre-tax income of all farming was a near-record $72 billion in 2005, federal subsidies actually grew to $25 billion, a sum considerably more than that paid to families receiving welfare.)

## TODAY IN HISTORY

**Today is the 242nd day of 2006.**
**There are 123 days left in the year.**

**1862** Union forces were defeated by the Confederates at the Second Battle of Bull Run in Manassas, Va.

**1797** The creator of "Frankenstein," Mary Wollstonecraft Shelley, was born in London.

**1945** Gen. Douglas MacArthur arrived in Japan to set up Allied occupation headquarters.

**1963** The "Hot Line" communications link between Washington and Moscow went into operation.

## QUOTE OF THE DAY

"It is easier to live through someone else than to become complete yourself."

**Betty Friedan**
AMERICAN FEMINIST AND AUTHOR

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# Sen. Feinstein drops in on SM

## Senator rallies Santa Monica environmentalists, residents to protect coastline

Jessica Roberts/Special to the Daily Press

**DIANNE DRILLS IT** **California Senator Dianne Feinstein, flanked by Tracy Egoscue, executive director of the Santa Monica Baykeeper and Santa Monica Planning Commissioner Terry O'Day, speaks out on offshore drilling during a press conference at a beach hotel on Tuesday.**

**BY JESSICA ROBERTS**
Special to the Daily Press

**OCEAN AVENUE** — Sen. Dianne Feinstein (D-Calif.) joined leaders of local and national environmental organizations Tuesday at Loew's Hotel to bring attention to a House bill she says could allow offshore oil drilling in the Pacific.

"I'm here to alert California to the growing possibility that there could be new drilling off our coast," Feinstein said.

Gathered in a glass-walled alcove overlooking the beach, the Santa Monica Baykeeper, the Environmental Defense Center, the Natural Resources Defense Council, Heal the Bay and Environment Now applauded the senator for her leadership.

Tracy Egoscue, executive director of the Santa Monica Baykeeper, said Feinstein had called her and said she wanted to hold a news conference in Santa Monica with a view of the bay.

"It speaks to the beauty of the

See **COAST**, page 5

# 'Black Widows' denied bail

By Wire Reports

**DOWNTOWN LA** — A judge denied a request for bail on Tuesday for one of two elderly women accused of killing homeless men in hit-and-run crashes in an effort to collect about $2 million in life insurance.

Superior Court Commissioner James Bianco said Helen Golay, 75, of Santa Monica, and Hungarian-born Olga Rutterschmidt, 73, of Hollywood, will be held without bail as long as prosecutors consider a death sentence for them.

Golay's lawyer, Roger Jon Diamond, argued that her 23-hour lockdown in a county jail in Lynwood is unduly harsh and impedes meeting with his client.

"She has never been convicted of any crime," Diamond said. "She's

See **MURDER**, page 6

# Fair-weathered friends

Joy Peters/Special to the Daily Press

**Three-year-old best friends from Culver City wade through the waves north of the Santa Monica Pier during a photo session this past weekend.**

# A new era of service at City Hall

**BY KEVIN HERRERA**
Daily Press Staff Writer

**MAIN LIBRARY** — Addressing concerns of a disconnect between residents and city staff, City Manager Lamont Ewell Tuesday unveiled a new set of customer service standards at City Hall, as well as a new slogan for all employees to live by — "We do the right thing right!"

The seven standards emphasize swift and accurate responses to residents' requests, all while providing a safe and welcoming environment that is sensitive to the special needs of customers. Politeness is key, as is maintaining the highest ethical standards.

"We are instituting standards that

See **DOING IT RIGHT**, page 7

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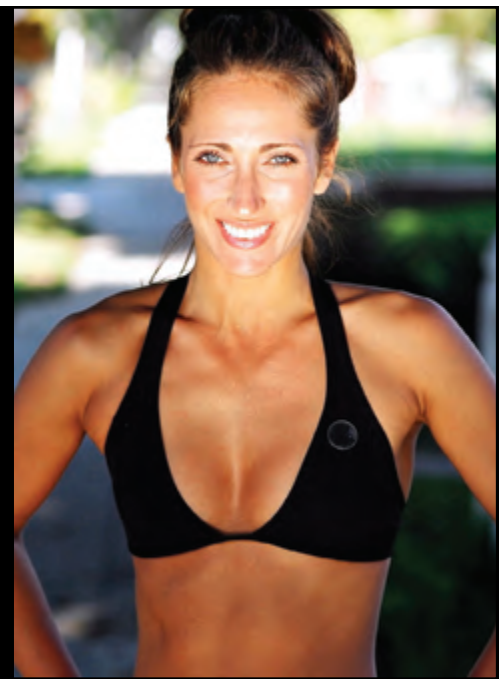

The Creative Arts Temple proudly announces:

Mel Gibson was NOT asked to speak at our High Holiday services!

We do, however, invite those of you who have yet to purchase tickets to come 'home' to newly **air-conditioned Beverly Hills High School.**

Rejoice in the spirit of our High Holiday services conducted by **Rabbi Jerry Cutler** and **Cantor Jordan Bennett**, our Creative Arts Temple Choir conducted by pianist/arranger David Pinto, and our unique and **spiritual multi-media presentation.**

After **25 YEARS** we still have the hottest services in town and now we will have the coolest congregants!

High Holiday tickets are $125. Full CAT membership (includes tickets) is only $350.

College students are invited to attend, free of charge, as our honored guests.

**Following a short service on the 2nd day of Rosh Hashana, we will celebrate our New Year with the feeding and disbursement of clothing and toys to 3,000 homeless men, women and children.**

**For more information call the CAT office at 323-965-1818.**

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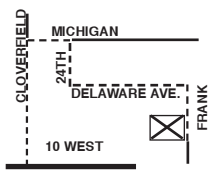


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# Display high energy, Sag

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)**
★★★★ Dreams might be key to some long-term goals. What might be triggered is a tendency to be overindulgent. Use your high energy and sense of direction to accomplish what you need, with a key associate's help. Tonight: Best as a duo.

**TAURUS (April 20-May 20)**
★★★★ You can be sure you aren't seeing a boss clearly, or him you. Take an indulgent or positive interpretation. Good thoughts will most likely create good vibes. Creativity stimulates relationships, networking or a key project. Tonight: Sort through your invitations. Choose what pleases you the most.

**GEMINI (May 21-June 20)**
★★★★ You are seeing a situation incorrectly, or someone might not have all the facts, even though he or she thinks otherwise. In any case, you will find that the best approach is keeping your nose to the grindstone. Tonight: Dig into a project at home.

**CANCER (June 21-July 22)**
★★★★★ Your imagination might be a gift, but it can also distort relationships, financial offers and communication in general. You will be prone to taking a risk. Careful. Check out the pros and cons carefully. Take an active stand. Tonight: Out with a friend or the gang.

**LEO (July 23-Aug. 22)**
★★★ You might be happy as a clam, but you easily might not be getting a complete perspective of a situation. You also might not care, being content as you are. Don't be surprised if you are investing in property or family life. Tonight: Hang close to home.

**VIRGO (Aug. 23-Sept. 22)**
★★★★★ Your actions count. Others respond to your initiative, though not necessarily logically. They might easily distort your message and get something totally different. Don't worry — you will have a chance to clear the air. Tonight: Join a pal or loved one for dinner and talks.

**LIBRA (Sept. 23-Oct. 22)**
★★★★ Your intuition will play a strong role in money decisions. Creativity and risking are definite no-nos, no matter how good an offer or deal looks. You need to follow logic and strong thinking. Scrutinize your finances before investing. Tonight: Your treat.

**SCORPIO (Oct. 23-Nov. 21)**
★★★★★ You are the lead player, even if others don't really get your message. You also might not notice the discrepancy in what you present and what others hear. A meeting proves to be provocative and dynamic. Tonight: Go where the crowds are. How about a baseball game or a concert?

**SAGITTARIUS (Nov. 22-Dec. 21)**
★★★ Know when to bail out. The truth is, though what you are hearing and thinking might be positive, it isn't accurate. Be resourceful with a public appearance or when dealing with a boss. All eyes are on you. Tonight: Display some of your high energy.

**CAPRICORN (Dec. 22-Jan. 19)**
★★★★★ Taking an overview will help you make strong money decisions, which might be pending. Better yet would be to postpone any major investments for now. Meetings, networking and strong interpersonal relationships are highlighted. Tonight: Where you can relax yet use your mind.

**AQUARIUS (Jan. 20-Feb. 18)**
★★★ You walk in a pink haze, and you simply might not care. A strong professional presence might be needed. You might not be as in control as you would like to be. A partner gives you valuable feedback. Tonight: Count on being a major force. Yes, it could be late.

**PISCES (Feb. 19-March 20)**
★★★★★ Your intuition works overtime, but it's not necessarily on target. Others, especially associates and loved ones, might be quite forceful. Let them. They might have a different perspective or interpretation that you need to see or hear about. Tonight: Opt for new vistas.

**BORN TODAY** Actress **Cameron Diaz** (1972), actress **Peggy Lipton** (1947)

Jacqueline Bigar is on the Internet at http://www.jacquelinebigar.com © 2006 by King Features Syndicate Inc

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# COMMUNITY BRIEFS

## Surviving the fall

By Daily Press staff

In July 2003, solo ultralight backpacker Amy Racina set out on a trip of a lifetime — a challenging 170-mile loop in Kings Canyon National Park. Near the end of her journey, while traveling off-trail across a ravine in remote Tehipite Valley, she fell 60 feet, shattering both legs.

She will share the story of her miraculous rescue and recovery, as she reads from her book, "Angels in the Wilderness." Come learn how she survived four days and nights, alone in the backcountry and severely injured, and how the near-death experience shaped her life.

"Angels in the Wilderness" is the story of how Racina survived and nights, dragging herself along with her hands, how she was rescued by three distant hikers who miraculously heard her calls for help, and was airlifted out just hours before death. The memoir tells of her profound healing journey, how she recovered, then learned to walk once more, and returned to her beloved mountains with her backpack less than two years later.

The discussion with the author is on Thursday, Sept. 7 at 7 p.m. at REI in Santa Monica.

## Meet the candidates

By Daily Press staff

With two months until Election Day, Democratic candidates in November's city election could use an endorsement. The members of the Santa Monica Democratic Club will cast votes next week after getting a closer look at the candidates to be endorsed by the club.

The club's executive board interviewed Democratic candidates and decided to recommend Gleam Davis and Kevin McKeown for Santa Monica City Council; Emily Bloomfield, Oscar de la Torre, Kelly McMahon Pye and Barry Snell for the Santa Monica Malibu Unified School Board; Jennifer Kennedy, Marilyn Korade Wilson and Zelia Mollia for Rent Control Board; and David Finkel, Nancy Greenstein and Louise Jaffe for Santa Monica College Board. Now club members will meet candidates before making their own decision about the club's endorsement.

Candidates will present themselves and take questions from the audience, then members of the Santa Monica Democratic Club will vote.

The presentation and vote will take place on Thursday, Sept. 7 at 7 p.m. in St. Anne's Community Room at 20th and Colorado in Santa Monica.

## Your future in traffic

By Daily Press staff

There is a chance to learn more about traffic reduction, the new Metro Line and other transportation issues affecting all of the Los Angeles metropolitan area.

The Mobility 21 Coalition meeting will focus on the Metro Expo Line, which will break ground this fall, and the Highway, Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. More details are available at www.mobility21.com.

The meeting also will feature current briefings on federal and state transportation funding and legislation.

For more information contact Kate Vernez at (310) 458-8301. RSVP to Lamont Ewell at manager@smgov.net, or call (310) 458-8301.

The meeting is on Thursday, Sept. 12 from 9 a.m. to 11 a.m. Registration at 8:30 a.m. at the Kirk Douglas Theater in Culver City.

## Local Red Cross more prepared

By Daily Press staff

One year after Hurricane Katrina hit the Gulf Coast, lessons from the disaster have prompted Santa Monica's Red Cross chapter to make several improvements to better prepare the city to come to the aid of others affected by disaster.

The number of volunteers trained for the American Red Cross' Disaster Services Human Resources pool who could be deployed on a national disaster call has increased

See **BRIEFS**, page 5

## The Q Line

PROUDLY BROUGHT TO YOU BY

As Chief James T. Butts Jr.'s retirement draws near, the search for the city's new top cop is in full swing. Three different panels will be assembled, comprising community members, business leaders and city officials who will make a recommendation to the city manager.

So this week Q-Line wants to know,

**"What qualities should the next police chief possess? What does he or she need to do to make Santa Monica safer and more livable?"**

**Call (310) 285-8106** before Friday at 5 p.m. and we'll print your responses in the weekend edition. Please try to limit your comments to a minute or less. It might help to think first about the wording of your response.

## LETTERS TO THE EDITOR

### Panhandler turns violent; SM no longer the same

**Editor:**

I am a 28-year resident of Santa Monica living North of Wilshire Boulevard. I work at Santa Monica High School and have enjoyed living here. The recently growing homeless segment has been a focal point for many Santa Monicans. I have seen many changes over the past 28 years, but a recent experience has changed the way I view homelessness forever.

On Wednesday evening, Aug. 23, at approximately 7:15 p.m. I pulled into the CVS/Sav-On store at 1411 Lincoln Blvd. in Santa Monica.

I exited my vehicle in which I left my two grandchildren while I dashed inside to pick up photos from the one hour development. I was asked by one of two homeless men sitting in front of the store for money. I politely ignored him. He shouted, "When you come out, when you come out?" When I exited the store he was on his feet demanding a handout. I told him I didn't have any, and he suddenly ran right up in my face. I said "sir, please get out of my face." Then he shoved me with both hands and started punching me. A man exiting the store witnessed the incident and he distracted my attacker long enough for me to run to my vehicle. The homeless guy charged the good samaritan, who then ran back inside the store.

I reached my vehicle and tried to start the engine. My two grandchildren had witnessed the entire event and were both hysterical. The 12-year-old was screaming "Drive the car, Nana, drive the car." His younger sister was crying uncontrollably. I attempted to get the car started and into gear while the homeless man punched at me through the open window. As I got the window closed and the car moving, he simulated a gun with his hand and started "shooting" the car, all the while unleashing a barrage of filthy names and threats. I got the car in reverse and started out of the parking lot. He followed alongside the car still ranting and raving and pretending to shoot us. I stopped at the end of the parking lot to view oncoming traffic to avoid having an accident while fleeing this man.

At this point he stood in front of my vehicle and blocked me. For a split second, I contemplating running him down. Then sanity took over and I backed my car up and swung back into a parking space. Grabbing my cell phone, I attempted to call 911. The man again approached the car, still screaming threats and insults. After what seemed like eternity he left while I patiently waited for 911 to answer. It took a very long time but I was scared to hang up and lose my place. After what seemed like 15 minutes but was probably five or 10, I hung up and called 411 which gave me the SMPD's number.

After speaking with them I got out of the car and spoke with the night manager of CVS. He said "I knew they were out here." I said, "You knew they were out here harassing customers and you did nothing?" He replied that usually when he calls the police either they don't come or when they do the homeless have left the area. I was furious that he knew a threat existed and did nothing but choose to deal with that issue at a later time.

The Santa Monica Police were there in less than five minutes. After telling my story and describing the homeless man, the officer told me to wait for five minutes and he would be back. Sure enough he came back and told me they had apprehended a suspect and needed me to come with him to see if I could identify him. The officer told me to be sure that I was identifying the suspect as the man that actually attacked me, not just because he was a handcuffed suspect. It struck me that his rights were being protected even while he had completely violated my rights. To me his rights ended the minute he violated mine by accosting, terrorizing and assaulting me and traumatizing my grandchildren.

I was easily able to identify him and had no doubts recognizing him. How I'll ever be able to forget him is the question. The police officer then interviewed the witness separate from myself. He then went over everything with me. He told me I had two options; I could request that the guy be taken to the hospital for mental evaluations or I could press charges and he would be charged with two misdemeanors. I chose the latter and followed up with a call to the police chief's office and subsequently to the detective handling my case. I spoke with the detective today. The District Attorney chose not to handle it as a felony. I will have to go to court whenever the man is brought up on misdemeanor charges.

I did learn several things from this incident. First, I feel that merchants are responsible for what occurs on their property and for the safety of their customers. I am planning on taking this issue up further with CVS/Sav-On.

I learned that if you call 911 from a cell phone your call is routed thought the California Highway Patrol system, which also handles the call boxes on the freeway calls. It takes forever to get to anybody. The police officer gave me a local number to call which connects you right to police headquarters right here in Santa Monica. I programmed that number in my cell phone under AAA so it's the first number I see on my contact list.

The police department also advised me to carry pepper spray, which is legal to carry in amounts under 1 oz. It will render a person incapacitated instantly if sprayed in the eyes and give you time to get away from an attacker.

My grandchildren will get over this and hopefully so will I. But I will never again view a homeless person the same way. I will be more diligent and aware of my surroundings, even in beautiful Santa Monica.

**Melrose L. Sprague**
*Santa Monica*

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# The redemption of a bigot

**THE WITNESS STAND**
BY CLIFF NICHOLS

So, now we have Rob Reiner weighing in on the Mel Gibson imbroglio. He's stated that if Mel ever hopes to be absolved of his sins, he must start by admitting to us all that his anti-Semitic views have been reflected in his movies i.e. "The Passion of the Christ." In other words, only when Mel has done that can there even be a "beginning of some reconciliation for him."

My question is, "And then what?" After Mel does that, what will he then have to do to make Rob happy? At what point will Rob ever say to the Mel "OK, Mel, you've done enough. You may now consider yourself to be fully redeemed."

Do you suspect, like I do, that such a time would most probably never ever quite be arrived at? And, if that's true, the question then becomes, "why should Mel even consider making any attempt whatsoever to gain the approval of a person like Rob?" The essence of Rob's demand is that, now that he perceives Mel to be in a vulnerable and weak position, it is somehow appropriate to make him grovel and beg for a hand of mercy and forgiveness that will most likely never be extended. And for what? So Rob can coerce an admission from Mel that will disgrace the Mel's masterpiece forevermore. Bad move, Rob. The reason? Because your demand now focuses the spotlight on you, rather than Mel.

By suggesting that "The Passion of the Christ" is something that is a direct outpouring of someone's personal feelings of anti-Semitism, what exactly are you saying, Rob? Are you suggesting that the picture in someway was told with a slant that would not have existed, but for those sentiments? If so, what parts of the movie were in error when measured against the facts about the event it depicts as we know them to be? Rob, can you tell us in detail exactly what parts of the movie that Mel made about Christ's crucifixion that you would have done differently to make it more "accurate?" Are there facts about the event that he included that were not true? If so, what are they Rob? Or, are there facts that he failed to include because of his bias that should not have been left out? If so, can you tell us what those facts are that you think should have been included? Or, are you suggesting that Mel simply misrepresented facts, or as they might say today, that Mel spun the story in such a way that it caused you to form the opinion that he misrepresented the story of this historical occurrence to advance some anti-Semitic agenda? It must be so, if you are suggesting that the film must now be acknowledged by Mel to be an anti-Semitic piece of propaganda. And so, please tell us how in your view Mel inaccurately spun the story to advance the nefarious agenda you have suggested he had. Can you do this for us?

It's important that you answer these questions, Rob. Because if you are able to, would have to conclude that you are in agreement with many of us that Mel's telling of the story essentially was historically accurate. And if that is so, that to me would be scary because I would then have to conclude that you must also believe that even an accurate telling of the account of Christ's crucifixion by anybody somehow constitutes an anti-Semitic act. And if that is true, Rob, aren't you really saying that in your opinion anyone who may believe the Bible's account of the events immediately preceding the death of Christ is anti-Semitic? And if that's true, I must object to such a blatant expression of prejudice that would smear the whole of Christendom with your broad brush of bigotry. It's an unfounded accusation that is as ugly and hateful as it is erroneous.

If you think about it Rob, it might just be that by your attempt to coerce Mel to condemn the film as a work of anti-Semitism, you may well have revealed to us all a prejudice that could well be every bit as despicable as the one for which you are now attempting to extort Mel. Please understand, Rob, I sincerely hope that is not the case. But before I can decide on the issue, I hope you also understand that I must await your responses to the foregoing questions posed. In the meantime, however, you may take comfort in the fact that even if you are found to embrace such an unjustifiable bigotry against Christians, I think it's appropriate to refrain from being so offensive as to publicly declare those conditions by which you might achieve your redemption for such a sin. That is a matter I feel might best be left for you and the God many of us worship to work out between yourselves in private. Come to think of it, perhaps it also would be a good idea if you were to consider leaving Mel alone to do this as well. What do you say, Rob? On this, can we agree?

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

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**OPINIONS EXPRESSED** are those of the writer and do not necessarily reflect those of the Santa Monica Daily Press staff. Guest editorials from residents are encouraged, as are letters to the editor. Letters will be published on a space-available basis. It is our intention to publish all letters we receive, except those that are libelous or are unsigned. Preference will be given to those that are e-mailed to editor@smdp.com. All letters must include the author's name and telephone number for purposes of verification. Letters also may be mailed to our offices located at 1427 Third Street Promenade, Suite 202, Santa Monica, 90401, or faxed to (310) 576-9913. All letters and guest editorials are subject to editing for space and content.

# House bill would lift oil drilling ban in Pacific

**COAST**, from page 1

coastline here," Egoscue added.

Santa Monica's coastline could be threatened by offshore drilling, according to Feinstein. The House of Representatives passed a bill in June that would eliminate federal moratoria on oil and gas drilling on the Atlantic and Pacific outer continental shelf — restrictions that have been in place since 1981.

The bill, supported by Representative Richard W. Pombo (R-Calif.), would permanently lift the moratorium on drilling 100 miles offshore, require a state legislature vote to ban drilling 50 to 100 miles offshore, and leave open the possibility for drilling as close as three miles from shore.

Pombo said in a statement issued in June that the bill "will increase supplies of American energy, create hundreds of thousands of new jobs, and give California unassailable protections for its coasts," emphasizing the California Legislature's control over drilling in the 50 to 100 mile range.

Earlier this month the Senate passed a bill extending a ban on offshore drilling on Florida's gulf coast, but does not protect California's coastline. Feinstein and Sen. Barbara Boxer (D-Calif.) voted against the bill.

The House and Senate bills must be reconciled, and Feinstein said she was worried that the bill coming out of the Conference Committee could open the way for drilling off the California coast.

"There's very real concern. That's why we're here today — to raise that red flag ...," Feinstein said. "We have to be vigilant. We have to be on guard."

She praised Santa Monica residents, and called upon their environmentalism and dedication to protecting the bay to help the cause.

"I know of no place on the coast more concerned than Santa Monica," Feinstein said.

Alix Gerosa, operations director for Heal the Bay, said her organization stood in agreement with Feinstein and affirmed the senator's hopes for activism.

"Californians don't want sunsets marred by oil rigs," she said.

Another issue for Californians is the status of two proposals to drill off the coast of Santa Barbara, not far from the site of a pipeline spill in 1969. The drilling plans would take advantage of what Feinstein called a loophole in California law that allows for drilling in state tidelands from wells in federal waters.

Plains Exploration would like to "slant" drill 30 new wells from Platform Irene, while ExxonMobil would drill the same wells from Vandenberg Air Force Base. The slant drilling process involves a non-vertical drill to avoid state restrictions which would prevent oil companies from building wells in protected waters.

The proposals, from Plains Exploration, as well as ExxonMobil and Sunset Exploration, are currently in the environmental review phase, according to Linda Krop, chief counsel of the Environmental Defense Center.

Feinstein also spoke generally about the need to move away from fossil fuels and said she had met with Al Gore on Monday to discuss the issue.

She said she intends to bring three bills before Congress when the new session begins, one to permanently ban offshore drilling, another to address greenhouse gases, and a third bipartisan bill to require lowering vehicle gas mileage by 10 miles per gallon in 10 years — a difference Feinstein said would save 2.5 million barrels of oil per day, or exactly the amount the country currently imports.

However, she expressed skepticism about the government's action on environmental issues, especially global warming.

"I don't know what's wrong with Congress," she said, likening its members to ostriches with their heads in the sand. "This fight has been going on for 30 years."

## COMMUNITY BRIEFS

**BRIEFS**, from page 3

from 18 to 163 in the past year. Of those 163 trained volunteers, 93 were sent to the South to work in food service, shelter management, logistics, family service, public relations and other activities. The Santa Monica chapter also offered a series of classes in basic Red Cross disaster relief, certifying 1,300 people in the weeks after Katrina.

The city serviced 256 families, providing assistance and temporary housing. Many of the families and individuals have moved back to the South or relocated in the Southern California area. The Santa Monica Red Cross disbursed more than $100,000 in direct financial aid and paid services to displaced persons.

City residents also contributed $1.3 million through the American Red Cross Web site and phone lines.

For more information on disaster relief and other Red Cross activities, call the Santa Monica Red Cross during business hours, Monday through Friday at (310) 394-3773 or go online at www.redcrossofsantamonica.org.

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# Women face death penalty

MURDER, from page 1

miserable there at the county jail … (and the) conditions she's living under are deplorable."

The two have been held without bail since May 18 when they were arrested on federal mail fraud charges. Those charges were later dropped after the murder case was filed by the Los Angeles County District Attorney's Office.

Diamond argued that the state has no jurisdiction over the case as long as federal prosecutors are allowed to refile the mail fraud charges, which were dropped earlier this month.

Bianco denied Diamond's assertion, while granting a request by Rutterschmidt's new attorney, Michael Sklar, to postpone their arraignment until Sept. 13 so Sklar could review evidence.

Each woman faces two counts of murder and two counts of conspiracy to commit murder for financial gain in the deaths of Paul Vados, 73, a Hungarian native, in November 1999 and Kenneth McDavid, 51, in June 2005.

Vados was run over in an alley in the 300 block of North La Brea Avenue in Hollywood on Nov. 8, 1999, while McDavid was killed in an alley in the 1200 block of Westwood Boulevard in Westwood on June 21, 2005.

The murder charges carry special allegations that could make the women eligible for the death penalty if convicted. Prosecutors have not decided whether to pursue the death penalty.

Authorities allege that Golay and Rutterschmidt befriended the two transients, convinced the men to sign them on to their life insurance policies and then collected some $2.3 million after running them over in secluded alleys.

Vados' daughter, Stella, attended the brief hearing Tuesday and said afterwards that it was "difficult" to see the two women charged with her father's murder.

"Ever since my father was killed, I have felt the pain of his loss. Every day, I ask myself, 'Who killed him and why?'" she said. "Today, two women stand accused of my father's murder. I hope and pray that the criminal process will help me gain answers to my questions …"

Stella Vados' attorney, Gloria Allred, noted Diamond's complaints about Golay being in "lockdown" at the jail.

"The ultimate lockdown is to be in a coffin six feet under in a cemetery as a result of a tragic death, and that is what Mr. Vados is experiencing," Allred told reporters. "He's in the ultimate lockdown, so he's not here to complain about that confinement."

Diamond said he is "convinced of her innocence," adding that it "would not be appropriate for me to share confidential communication that I have with my client."

"Her statements will come out at the trial if we cannot get the case dismissed before trial," Diamond added.

Deputy District Attorney Shellie Samuels has described Golay and Rutterschmidt as equally responsible for the "particularly heinous" deaths of the two men.

The prosecution alleges the victims were "rolled over slowly" while they were still alive, but it wasn't certain whether they were conscious when they died. Evidence of drugs was found in McDavid's system, Samuels said.

Samuels alleged that the two women preyed on victims "who are among the most unlucky and the least cared for people in our society."

*(The Associated Press and City News Service contributed to this report.)*

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# Bureaucrats look to make good with public

**DOING IT RIGHT**, from page 1

get us to the highest level of delivery so that our public understands that when we come to work, we come for one reason, and that is because we are dedicated to providing the best level of service we possibly can," Ewell said during a meeting with City Hall's high-ranking supervisors, who will be responsible for disseminating the new standards to roughly 2,100 city employees by the end of September.

"People have this belief that we don't care, that we're just bureaucrats feeding off the tax base," Ewell said. "And it has always been my belief that we can turn that attitude around. We want to do it the right way and be successful at what we do … We should always be interested in turning good service into great service."

When Ewell first arrived at City Hall earlier this year as City Manager, he said he heard numerous complaints from residents and business owners about a City Hall that seemed to be indifferent, cold and often unresponsive.

Whether or not that had to do with the attitudes of certain employees, stress, or the lack of assistance internally remains to be seen, however, Ewell felt it was imperative to address the issue of customer service immediately.

Within weeks of his arrival, Ewell formed City Hall's Customer Service Committee, which was comprised of 15 representatives from various departments, including the City Managers Office, Planning and Community Development, the Santa Monica Police Department and the City Clerk's Office.

The committee, led by City Hall's Community Relations Manager Judy Franz, reviewed best customer service standards and practices from cities throughout the U.S. and Great Britain. Interviews were conducted with representatives from those cities and draft standards were prepared based on those interviews. The draft was sent to all department heads, and recently to all employees, who reviewed them and made suggestions.

The standards are as follows:

- Maintain the highest level of ethical standards.
- Be polite, helpful, respectful and understanding at all times.
- Solve problems and provide accurate information and timely responsive service.
- Promote a safe and welcoming environment for the public and staff.
- Be sensitive to the special needs of customers.
- Value customer feedback and continue to improve in all areas of service.
- Provide excellent customer service to colleagues, which in turn benefits service to the public.

The standards "don't represent the flavor of the month," Ewell said as he promised to hold more meetings with supervisors to receive feedback and monitor the implementation of the standards and the performance of staff. "This will be an ongoing effort, one which we are committed to as we strive to make it a part of our culture."

In addition to the standards, a new rewards system also was introduced in which employees "caught doing the right thing right" will receive gifts and recognition at an annual picnic and in a City Hall newsletter.

All employees will receive training on the new standards and are encouraged to make suggestions. Committee members tried to assuage fears city employees may have about the standards being used against them in evaluations of their work performance.

"Customer service is a part of evaluations, but we all can have a bad day," committee members wrote in a "Frequently Asked Questions" handout. "We're going to learn from the tough situations and grow as an organization. As your supervisor, I'm not going to be watching like a hawk for you to make a mistake. I'm going to be providing coaching, resources, training to make sure you feel fully prepared for all sorts of customer service experiences. We're in this together."

While the standards focus a great deal on treating customers with respect, there also is a request from City Hall that residents and other customers show the same level of respect to employees.

"Employees don't need to suffer abuse from disgruntled customers and … colleagues and supervisors will 'have your back' in these situations," said Gay Forbes, a member of the committee.

However, if a customer experiences poor service, he or she is encouraged to report it to the City Manager's Office by filling out a customer satisfaction survey and mail it free of charge. Customers also can go online to file a complaint or call the corresponding department head.

"We already do a good job of providing service," Franz said. "This is just taking us to the next level."

Kathy Dodson, president of the Santa Monica Chamber of Commerce, said businesses have pointed to customer services as a significant issue of concern, "so we are glad to see that it is being addressed. It's wonderful news."

City Councilman Herb Katz, who has had a few bad experiences with city staff while working as an architect, said he is confident Ewell will follow through with implementing the new standards, which he said are a long time coming.

"We need to see that staff is well trained and the public understands that they are there to help and not to hinder," Katz said. "This has been needed, been talked about, but (Lamont) is actually doing it. I'm very pleased."

# Gov. deals out more slots

**BY ROBERT JABLON**
Associated Press Writer

**LOS ANGELES** — Deals announced Tuesday by Gov. Arnold Schwarzenegger would allow two of California's richest Indian tribes to vastly expand the number of slot machines in their casinos in return for paying billions of dollars to the state.

The two agreements, signed Monday night, amend existing gaming compacts with the Temecula-based Pechanga Band of Luiseno Indians and the San Manuel Band of Mission Indians in San Bernardino County.

"These compacts are a great deal for the state, the tribe and the local communities," Schwarzenegger said in a statement.

The deals must also be approved by the Legislature.

Both tribes said the new contracts would give them financial security for the near future. Much of their wealth depends on the lucrative slot machines.

"It gives us, again, another 10 years, at least, of a revenue stream," said Jacob Coin, spokesman for the San Manuel tribe.

Pechanga Tribal Chairman Mark Macarro said in a statement, "This new agreement will provide our people and our employees with long-term certainty and new opportunities."

The announcement came just a day after the state Assembly rejected a similar deal between the governor and the Agua Caliente Band of Cahuilla Indians in Palm Springs.

Labor unions lobbied against that agreement because it failed to guarantee the right to organize casino workers.

The latest deals call for the Pechanga and San Manuel tribes to pay more money to the state in exchange for being allowed to operate 7,500 slot machines each, up from the current 2,000 each. The tribes would pay an increasing percentage based on the number of slots they decide to operate.

The Department of Finance estimated the deals could provide as much as $14.2 billion to the state through the life of the contracts, which end in 2030.

However, the tribes estimated the state would receive, at most, about $6.6 billion in additional revenue. The two estimates could not be immediately reconciled.

In addition, the tribes each agreed to pay $2 million a year into a fund for tribes without casinos.

The compacts both contain exclusivity clauses aimed at preventing the operation of non-Indian slot machines that might compete with tribal casinos. The clauses cover Riverside, Orange, Los Angeles and San Diego counties.

The deals also call for tribes to prepare environmental impact reports before building new casinos or expanding current facilities, and to allow binding arbitration to resolve any disputes with workers, visitors or surrounding communities.

The compacts must be approved by the state Legislature, which has held up the past five compacts negotiated by the governor's office.

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## STATE BRIEFS

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LOS ANGELES

### Bridging a study at the port

The Vincent Thomas Bridge, which was struck by a ship's crane and damaged over the weekend, will be the focus of a $2 million study to determine whether it can handle increasing traffic in the port area, officials said.

Port planners are preparing a request for proposals from consultants and hope to have a completed study in 2 1/2 years.

The region's longest suspension bridge links San Pedro and Terminal Island. However, increasing traffic means the bridge will reach gridlock by 2030 unless it is expanded or a second span built, port engineers said.

The 43-year-old landmark will remain, authorities pledged.

"Nobody is thinking that we're going to rip out that bridge and put another bridge in its place," said Tony Gioiello, the port's chief harbor engineer.

Already, about 39,000 cars and trucks cross the 185-foot-high, four-lane bridge daily.

Business at the Port of Los Angeles is expected to triple by 2020, and thousands of additional trucks may hit the bridge, according to planner projections.

The bridge was damaged Sunday when an unstowed crane on the bulk carrier Beautiful Queen hit scaffolding on its central span, authorities said. The bridge was closed to traffic for nearly two hours.

The crane damaged a 20- to 40-foot section of the lower portion of the bridge, said Dave White of the California Department of Transportation. It hit a steel rail that carries a work platform which takes painters and other bridge workers back and forth.

The crane would not have struck the bridge if it had been stowed, Coast Guard Lt. P.J. Jacquelin said.

"It made it under the bridge the first time when it came into the port," Jacquelin said.

PALM SPRINGS, Calif.

### Newspaper racks targeted as clutter

More than 250 newsracks could be pulled off downtown streets because they violate new city limits on their number, color and size.

The city's code enforcement unit began tagging the racks on Aug. 11 and so far about 10 have been removed, said Don Duckworth, director of building and safety.

Concerned about clutter, the City Council in January passed an ordinance limiting the number of newsracks in the city, requiring a $5 permit per rack and ordering them to be a uniform white and black instead of the current rainbow of colors.

Keith McCormick, owner of a downtown car auction house, said he was pleased.

One corner in town had as many as 22 newspaper and pamphlet racks, he said.

"Downtown is littered with the multicolored Vegas look," he said.

PASADENA, Calif.

### Molester gets 100 in pen

A Burbank man who molested an 11-year-old neighbor boy was sentenced to 100 years to life in prison.

Mark Ehlers, 42, received the maximum sentence on Monday in Superior Court.

Prosecutors said Ehlers molested the boy in January 2004 and attempted a second lewd act in March of that year. He turned himself in that month.

Ehlers was convicted in June of three felony charges of forcible lewd act upon a child, attempted child molestation and false imprisonment. He also was convicted of 10 misdemeanor counts of possession of child pornography.

Ehler had a prior conviction on two felony charges of sexual battery in Ft. Lauderdale, Fla., Deputy District Attorney Oscar Plascencia said.

MALIBU, Calif.

### Canyon carnage pulled

The California Highway Patrol will begin removing the wreckage of cars that plunged into canyons in Los Angeles County, sometimes years ago.

Beginning this week, tow truck drivers will be called to pull some wrecked vehicles out of Malibu, Tuna and Carbon canyons, CHP Capt. Steve Badilla said.

At least 14 wrecks were spotted in Carbon Canyon alone during an aerial check last week.

Some vehicles will have to be airlifted out because they are too difficult to reach by truck, and that procedure will have to wait for more funding, Badilla said.

Some of the cars may have been abandoned by drunk or reckless drivers who missed turns and plunged down ravines but escaped with only minor injuries, CHP Officer Ray Abramian said.

"A lot of these guys decide to cut their losses and literally just walk away from the wreck," Abramian said.

Badilla, who heads the CHP's Woodland Hills office, said he has changed the procedure for officers responding to off-road crashes.

"It will be standard practice for supervisors and officers responding to collision scenes to assess right away whether we can tow the car right then," he said. "They can elect to recover it the following day, but we're going to get those vehicles out of there."

SIMI VALLEY, Calif.

### Museums busting with heads of state

U.S. presidents get lots of gifts to fill presidential libraries, which are bursting with stuff from heads of state, athletes, school kids and artists.

Besides the permanent displays such as a jellybean portrait of The Gipper, some of the tens of thousands of gifts given Ronald Reagan will be displayed in an exhibit opening Sept. 5 at his hilltop shrine.

There's a portrait of Reagan made out of butterfly wings, a custom saddle, belt buckles, an AK-47 assault rifle captured during the invasion of Grenada and a tattered U.S. flag that flew over the American Embassy in Afghanistan before and after the Russian occupation in the 1980s.

The "Gifts of the President" exhibit showcases more than 400 items culled from underground storage rooms at the Ronald Reagan Presidential Library.

"It's a very difficult thing to do, with more than 100,000 objects to pick what will fit and go together nicely," Zucca said. "We try and lean on the stuff that has a really killer story and make sure that story gets told."

Such items include a large golden emblem with the profiles of Reagan and former Soviet President Mikhail S. Gorbachev commemorating their historic December 1987 Washington summit that greatly altered the relationship between their two countries and hastened the end of the Cold War.

The exhibit will stay open for at least six months.

"We keep adding to it," exhibit curator Thomas Thomas said. "We see something we like and we bring it up."

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# Politicians walk fine line with Hispanic voters

**BY SUZANNE GAMBOA**
Associated Press Writer

**WASHINGTON** — Capturing the immigration debate in political ads this campaign season — without upsetting Hispanic voters — is proving tricky for candidates.

An ad criticizing Stephen Laffey, who is challenging incumbent Sen. Lincoln Chafee for the Republican nomination in Rhode Island, set off grumbling in the Latino community. The ad criticized Laffey, mayor of Cranston, for allowing city police to accept ID cards issued by the Mexican government as identification.

Chafee's spokesman had no comment about the ad. Laffey's campaign called it an insensitive attack on the mayor's attempt to empathize with "people who struggle and who try to make a better life for themselves."

The National Republican Senatorial Committee said the ad, which it sponsored, raises legitimate questions. "This ad is about our national security, and it speaks to concerns raised by the FBI," spokesman Dan Ronayne said Monday.

Polls have shown Laffey and Chafee running neck-and-neck in a race that has gained national attention.

The winner of the Republican primary will likely face Democratic former Attorney General Sheldon Whitehouse in the November election.

The immigration debate was left hanging when Congress adjourned for the summer. Rather than negotiate a compromise on the vastly different bills passed by the House and Senate, Republicans and Democrats have traded barbs over immigration at field hearings and in campaign ads.

"Both parties are crossing the line," said Janet Murguia, president of the National Council of La Raza, which is calling for an end to such ads. "The issue of what to do about immigration is fair game for this election, demonizing an entire community is not."

The Chafee-Laffey race is not the only one bedeviled by this problem.

For example:

■ In his first campaign ad, Sen. Rick Santorum, R-Pa., boasted of his immigrant heritage, but said some immigrants today have sinister motives for entering and lists how he's tried to beef up border security. The ad was intended to appeal to voters worried about losing their jobs to immigrants.

■ Sen. Jon Kyl, R-Ariz., has an ad on his re-election campaign Web site praising his anti-terrorism work. The ad includes an image of him standing in the desert near two white SUVs, similar to those used by the Border Patrol. Critics say the scene looks like the U.S.-Mexican border.

■ Republican Brian Bilbray is believed to have sealed his victory in a June California runoff to fill the House seat of disgraced former Rep. Randy "Duke" Cunningham with an immigration ad suggesting Democrat Francine Busby was encouraging illegal immigrants to vote.

Even Internet ads have drawn ire. Without commenting, the Democratic Senatorial Campaign Committee recently removed a Web ad that Republican and Democratic Hispanics decried as offensive because it squeezed images of two people trying to cross a border fence between video of al-Qaida leader Osama bin Laden and North Korean leader Kim Jong Il.

The ad asked, "Feel Secure?"

Ads attacking immigrants are worrisome because they foretell how a candidate will govern, said Marselo Gaete, senior director of programs for the National Association of Latino Elected and Appointed Officials.

"If you run with a slash and burn tactic addressing the very serious problem of immigration reform, that's how you are going to deal with it," Gaete said.

The Web ad so outraged Houston City Councilwoman Carol Alvarado, who is Mexican-American, that she fired off a letter to the committee's chairman, Sen. Charles Schumer, D-N.Y. Alvarado, who says she's very loyal to the party, said likening illegal immigrants to bazooka-toting terrorists undermined Democrats' positive relationship with Latinos.

"It's a slippery slope if not done carefully," she said. "If you look at the 9/11 attacks those are not people who crossed the Mexican border. Those are people who got through our airports."

Rhode Island state Sen. Juan M. Pichardo, a Dominican-American, was equally critical of the NRSC ad attacking Laffey. "To me and the Latino community and the immigrant community, it is an ad that is mean-spirited, divisive and has no place in Rhode Island," Pichardo said.

Focusing on positive aspects of the Latino culture — family, culture, future — is the best way to reach the community, even in negative ads, said Lorena Chambers, founder of Chambers Lopez & Gaitan, an advertising company.

For Massachusetts Sen. John Kerry's 2004 presidential campaign, Chambers created an award-winning ad that criticized President Bush's education policies, but featured a Latina in cap and gown with her mother.

Frank Guerra, who helped produce an ad for Bush's 2004 presidential campaign, said creating ads for Hispanics is complicated by the population's diversity. Their views on immigration are just as varied.

"It's tricky and precarious no matter what you do because this is an issue where the people are all over the map. You are going to make some people happy and you are going to make some furious," said Guerra, founder of Guerra DeBerry Coody marketing and communications

His advice to campaigns: "Tread carefully."

*(Associated Press Writer M.L. Johnson in Providence, R.I., contributed to this report.)*

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# Good news for landlords: Apartments are where it's at

**DAYS ON THE MARKET**
BY JODI SUMMERS

Those in the know keep saying that it's an excellent time for apartment building owners.

"Monthly rents have definitely moved up, especially in Los Angeles County, but also in Orange County," said Delores Conway, director of the Casden Real Estate Economics Forecast for the USC Lusk Center for Real Estate.

Rent increases of 6 percent to 7 percent are forecast in Los Angeles and Orange counties in 2006, according to the Casden Forecast. In 2005, the average monthly rent was $1,416 in LA County and $1,390 in Orange County. Inland Empire rents, which averaged $1,012 per month at the end of 2005, should rise about 5 percent this year.

The Antelope Valley continues to be LA's most affordable submarket, with 2005 average monthly rents of $916. In contrast, the average rental rate in Newport Beach is $1,892 per month, or about 33 percent higher than the rest of the nation.

"Now that the housing market is cooling and interest rates are moving up, more people are choosing to live in apartments," Conway said. "Because the housing market has been white-hot and there have been so many condo conversions, the supply of apartments actually went down and the demand went up.

"So what we're seeing is tight occupancy, over 97 percent."

The national vacancy rate is 5 percent to 6 percent, but as Conway notes, "Anything less than 5 percent is considered full occupancy."

"After blowing past all records in 2005, sales of apartment properties may be headed for a bit of a breather," notes Mark Obrinsky, chief economist for the National Multi Housing Council, a group that represents apartment owners, developers, managers and financiers. "This may reflect the widely predicted cooling of the condo market in some parts of the country, hence some ebbing of the condo conversion demand. However, with the demand for apartment residences still climbing, there is good reason to expect apartment transactions to remain strong by historical standards."

According to the statistics, 25 percent of the Los Angeles apartment sales during 2005 were sold for condominium conversion. That figure rises to 60 percent in San Diego.

Renters comprise approximately 34 million households in the U.S., according to a report by Harvard University's Joint Center for Housing Studies titled "America's Rental Housing."

The study notes that renters are a diverse economic group. Nearly 20 percent of renters earn median incomes exceeding $60,000, but opt to rent for reasons that include maintaining a flexible lifestyle, easy access to amenities and shorter commutes.

"Demand is increasing for apartments because people say house prices are too high, and with interest rates going up, the affordability of home buying is less achievable," said Rachel Drew, a research analyst with the Center for Housing Studies.

At the other end of the scale, 20 percent of renters earn less than $10,000 annually. Nearly 2.4 million (57 percent) seniors pay more than 30 percent of their income to rent, while 1.4 million (34 percent) pay more than 50 percent of their income to rent.

"Because rental production has been low and replacement of existing units is not good, the supply is not expanding," Drew said. "So higher demand raises the price."

The supply of rental housing in the country has fallen, with an estimated 2.3 million rental units, or 6 percent of the overall inventory, demolished or otherwise permanently eliminated. The Harvard study concludes that 2 million low-cost rental units were razed or withdrawn from the market between 1993 and 2002. Part of that can be attributed after a 10-year slide of renters that started in 1986. The Harvard report notes that the U.S. is losing approximately 200,000 rental units each year because of demolition, according to the center.

The Low-Income Housing Tax Credit program and other programs supply about 100,000 new units of affordable rental housing each year, but that is not enough to compensate for the overall decline.

Another issue is that many newly-constructed units are larger high-end units that provide more amenities than many renters want or afford. As an example, only 35 percent of units built in 1984 had two or more bathrooms, compared with 57 percent of all units built in 2004.

In LA County, in the near future, the demand for apartments is expected to grow because of the addition of 45,000 to 60,000 new jobs, notes the Casden Forecast. LA County leads the nation in multi-family development, with 10,900 new apartments under construction at the end of 2005. Constrained by available land, those projects average 57 units each.

Downtown LA accounted for one-third of all apartments completed in the county in 2005. Occupancy rates downtown — now at 98.2 percent — are the highest in the county and will continue to be tight.

The area around Ontario Airport and includes Rancho Cucamonga; Southwest Riverside County, including Temecula, Murrieta and Wildomar, is the market leader in new construction with 3,000 units underway.

Apartment projects in Orange County average 270 units. There has been no new apartment construction in Newport Beach since 2002.

"The Hollywood submarket's makeover in Hancock Park, Los Feliz, Silver Lake and Park La Brea should keep apartment demand strong this year," surmises Conway. "The South Bay submarket is on a steady path to recovery, boosted by federal spending and accelerated growth in global trade."

For more on Southern California investment properties there is a great information blog at www.socalindustrialrealestateblog.com.

*(**Jodi Summers** is director of the investment division at Boardwalk Realty. For your real estate needs, e-mail her at jodis@boardwalkrealty.com, or call (310) 309-4219, or visit her Web site at www.santamonica-landmarks.com.)*

**SANTA MONICA'S APARTMENT SCENE**

According to the Action Apartment Association, a support group for Santa Monica apartment building owners, here are some facts about the apartment market activity in Santa Monica through 2005:

- The 4.66 percent Capitalization Rate (CAP Rate) is nearly a half a percent point lower than the Los Angeles County average for the same period (5.03 percent).
- The 14.54 Gross Rent Multiplier (GRM) is trending about 10 percent higher than the Los Angeles County average for the same period.
- The $187,167 Price Per Unit is significantly higher than the Los Angeles County average for the same period ($143,701).
- The $260.84 Price Square Foot is significantly higher than the Los Angeles County average for the same period ($184.15).

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## THE HOA ADVISOR
BY MICHAEL CHULAK

### Flooded with homeowner questions

**Q Our homeowner's association has serious water intrusion problems in the common areas. We have attempted several times to obtain a set of plans from the developer without success. What should we do?**

A Sections 19850 and 19851 of the California Health and Safety Code require that every city or county maintain a copy of the plans for every common interest development during the life of the building(s) for which the building department has issued a permit.

These plans and specifications are open for inspection and may be copied, with some limitations.

Your association board also should contact an attorney who specializes in construction defects as soon as possible. The statutes of limitation extinguish the legal rights of the association after the passage of time, as set forth in the various statutes.

**Q I own a townhouse, however, I don't reside in it. Am I still eligible to be a member of the board of directors?**

A It depends upon your bylaws. Some bylaws permit nonresident owners to be members of the board. Some do not. There is nothing in the California Corporations Code to prohibit you from being a member.

**Q Our association has recently adopted an amendment to our Covenants, Conditions and Restrictions (CC&Rs) that requires purchasers of homes in our community to put at least 50 percent down. The intention is to discourage buyers who cannot afford to pay our association's assessments. We are tired of dealing with delinquency problems. Is this amendment enforceable?**

A Probably not. Courts will not enforce unreasonable restraints on alienation — the sale or leasing of property. A 50 percent down payment requirement will probably be considered unreasonable because most second trust deed lenders do not require such large down payments or equity positions. Your association is effectively in the same position as a second trust deed lender, in terms of risk.

**Q One of the members of our homeowner's association refuses to pay her monthly assessments because the developer has not made repairs to the interior of her individual home. The developer is still in control of the association. What should the board do?**

A The board must enforce the established delinquency policy and should assume no responsibility in assisting the owner in her dispute with the developer. An owner's dispute with the developer is not an effective defense to the payment of assessments.

*(**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 www.MTCLaw.com and www.HOAQandA.com.)*

**IN YOUR SPACE** BY RANDY BERDEL

# The nuts and bolts of making a real estate exchange is key to success

A 1031 transaction creates many opportunities for hospitality owners. In a 1031 transaction, a party defers capital gains taxes on the sale of the asset by having the sales proceeds held by a qualified intermediary; identifying replacement property within 45 days and closing on the replacement property within 180 days of sale.

For hospitality owners, a 1031 transaction involves both personal property and real property. They July issue of AAHOA sets forth the basic rules which govern the allocation of purchase price between real and personal property. If more than 15 percent of the purchase price is allocated to personal property, the personal property must be separately identified. For most selling hospitality owners, a 1031 transaction allows sellers to move to a bigger hotel, a better geographic market, a more prestigious flag, a more desirable climate, and making the transition to a full service hotel or some combination of the foregoing.

Hospitality owners who have a portfolio of properties also can use the 1031 exchange to diversify their holdings. While hospitality proprieties can be highly profitable in a favorable economic climate, owners may use a 1031 transaction to diversify their portfolio to other asset classes that offer lower returns with more consistent cash flow.

Diversification can put hospitality owners in the enviable position of being able to buy additional hospitality properties when economic conditions in the hospitality market are not favorable to sellers. Investing in liquid commercial real estate allow investors to buy on cyclical downturns that occur in the hospitality market, like Sept. 11 or a general economic slow down. Frequent assets bought for this purpose are national credit tenant triple net lease properties that cash flow through both good and bad economic times, and require little to no management.

#### 1031 TIMING STRATEGY

In the present market, the most difficult aspect of a 1031 transaction is identifying a replacement property within 45 days of the close of escrow. There are several strategies used to effectively extend the 45-day identification period.

The simplest approach is arranging with the buyer of the property to have extension options to delay the closing of their escrow to allow extra time to seek a replacement property. Many buyers will allow an additional 30 to 90 days to close provided the extensions are part of the original negotiations.

Another approach is to do a reverse exchange. In a reverse exchange, the 1031 investor first buys the replacement property, then sells the relinquished property. In a reverse exchange, the investor has 45 days from the close of his replacement property to identify the property he is going to sell (relinquished property) and 180 to complete the exchange. Such an exchange requires that the seller have additional cash to invest in the replacement property before selling his property.

The precise timing of a hospitality sale also raises some very practical issues for hospitality buyers and sellers. For hospitality properties with strong, or weak seasonal income, the timing of a sale significantly affects the income of the seller and the buyer.

As an example, a seller of a property located in a skiing area in the mountains would prefer to complete the sale in April just after the peak of the season and let the new owner take over the property before the slower summer and fall months.

Conversely, the new buyer would like to complete the sale just before Thanksgiving to maximize the income during the first few months of ownership. These timing issues must also be addressed on a 1031 transaction.

The timing of the close of the relinquished property also should carefully be considered. Generally, it is most advantageous to close the sale of property immediately after the first of the year. That way, even if the seller does not complete a 1031 transaction, the seller maximizes the deferral of capital gains and depreciation recapture tax liability until April 15 of the following tax year. In order to complete a sale by the first of the year, sellers need to actively market their property for sale during the late summer or early fall.

Sellers of hospitality property also must decide what class of property they will choose as replacement property. The "like kind" requirements of a 1031 exchange allow investors to change asset classes. Sellers can decide against the demands of hospitality ownership and can acquire triple net leased properties as replacement property. Hospitality investors also can invest their proceeds into retail, office or industrial property.

Since replacement properties must be identified within 45 days of closing, prudent buyers generally have their next property under contract, and all due diligence and financing in place by the end of their 45 identification period. The risk of not doing this is that if the sale is not consummated after the 45 days passes the investor cannot name another property.

#### REPLACEMENT OF DEBT

In a 1031 transaction, sellers must reinvest all their cash and replace any debt (mortgage) associated with the sold property. In other words, if a hospitality owner sells a property for $2. 5 million and has a mortgage of $1 million, and closing costs of $100,000, the owner must buy a property for $2.4 million or greater in a 1031 transaction.

#### IS A 1031 TRANSACTION FOR YOU?

If you are a hospitality owner seeking a bigger property, a more prestigious flag, a better demographic market, a different geographic area or a bigger challenge, a 1031 transaction is for you. A 1031 transaction also is an opportunity to lever-

See **EXCHANGE**, page 12

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# Hospitality investors have opportunity to cash in on debt market

**EXCHANGE**, from page 11

age existing equity and create additional income through positive leverage.

Take the example of the investor who sells a property for $2.5 million and nets $1.4 million in cash and then reinvests in a $6.4 million property with a cap rate of 12 percent and a new mortgage at 8.5 percent on $5 million. The investor would earn 12 percent on his $1.4 million or $168,000. The investor also would generate additional income of 3.5 percent on $5 million — the difference between the cap rate on the property and the interest rate on the loan. That amount is $175,000.

The current debt market provides opportunities for hospitality investors. Experienced hospitality investors generally obtain preferential rates and terms from lenders, which allows the investor to earn a rate of return on equity provided by lenders. Since hospitality investments are often highly leveraged, this helps investors generate additional cash flow.

By leveraging their equity, aggressive hospitality investors also can take advantage of an appreciating market. A 10 percent increase in value on a $2.5 million property is $250,000 while the same 10 percent increase on a $6.4 million property is $640,000. The investor needs to factor in the risk that the same leverage can go against him in a declining market.

Buying bigger assets also provides hospitality investors with traditional real estate tax benefits from increased depreciation expense — to the extent the 1031 investor buys an asset greater in value than the relinquished asset. These tax benefits increase after tax yields.

A 1031 transaction provides hospitality owners with opportunities and challenges. For hospitality owners seeking to generate more income from their existing equity, a 1031 transaction is a way to complete a tax free exchange of equity into a higher quality hospitality property. Higher quality assets generate more revenue and creates more potential for long term gain.

A 1031 transaction also is a way to leverage equity and take advantage of favorable treatment from lenders because of hospitality ownership experience. Experienced and established hospitality owners can borrow at very favorable rates and create positive leverage in the present debt market. The challenges lie in selling a property, finding a property and obtaining financing within the time limitations of a 1031 transaction.

*(You can reach **Randy Bendel** at 1-877-4 TM 1031, or e-mail him at randy@tm1031exchange.com to discuss your specific needs. TM 1031 Exchange assists investors in planning and executing successful real estate investment strategies. Visit us at www.tm1031exchange.com.)*

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# Polygamist fugitive Jeffs arrested outside 'Sin City'

**BY KEN RITTER**
Associated Press Writer

**LAS VEGAS** — A fugitive polygamist leader who was on the FBI's Most Wanted List was found with cell phones, laptop computers, wigs and more than $50,000 in cash when he was arrested in Nevada, authorities said Tuesday.

Warren Steed Jeffs, 50, was arrested without incident and no weapons were found when he and two others were pulled over on a routine traffic stop and taken into custody late Monday, said FBI special agent in charge Steven Martinez.

Jeffs, who was not driving, was stopped in a red 2007 Cadillac Escalade by a Nevada Highway Patrol trooper on Interstate 15 just north of Las Vegas.

He was being held as a fugitive in the Clark County jail. He faces sexual misconduct charges in Utah and Arizona for allegedly arranging marriages between underage girls and older men. It was not immediately clear if Jeffs would face extradition to Arizona or Utah.

"The inventory search is not complete. No weapons were found in the car, thus far, or at the scene," Martinez told reporters in Las Vegas.

Martinez said Jeffs initially used an alias, but Martinez would not disclose the name.

The two people traveling with Jeffs, one of Warren Jeffs' wives, Naomi Jeffs, and a brother, Isaac Steed Jeffs, both 32, were interviewed and released, Martinez said.

After consulting with authorities in Utah and Arizona, "it was determined they would not be charged for harboring or any other offenses," he said. "They are now on the street."

"Needless to say I'm extremely proud of our Department of Public Safety state troopers," said George Togliatti, director of the Nevada Department of Public Safety. "Our trooper did a fantastic job."

Isaac Jeffs was driving the SUV, which was stopped for having no visible registration, Togliatti said.

An FBI agent was summoned to confirm Jeffs' identity, authorities said.

Jeffs, leader of the polygamous Fundamentalist Church of Jesus Christ of Latter Day Saints, was indicted in June 2005 on an Arizona charge of arranging a marriage between a 16-year-old girl and a married man, and unlawful flight to avoid prosecution. He is charged in Utah with two felony counts of rape as an accomplice, for allegedly arranging the marriage of a teenage girl to an older man in Nevada.

The FLDS Church split from the Church of Jesus Christ of Latter-day Saints when the mainstream Mormon Church disavowed plural marriage more than 100 years ago.

Most of the church's estimated 10,000 members live in Hildale, Utah, and Colorado City, Ariz.

Arizona Attorney General Terry Goddard called news of Jeffs' arrest important in showing Jeffs' followers that he would be prosecuted, and said he expected more alleged victims of sexual abuse would come forward.

"I think it is the beginning of the end of ... the tyrannical rule of a small group of people over the practically 10,000 followers of the FLDS sect," Goddard told radio station KTAR in Phoenix. "That, I think, is the important part of this story."

Goddard said it had not been decided whether Jeffs would be tried first in Arizona or Utah, although he said the charges in Utah were more serious.

Jeffs has been called a religious zealot and dangerous extremist by those familiar with his church.

He assumed leadership of the sect in 2002 after the death of his 98-year-old father, Rulon Jeffs, who had 65 children by several women. Jeffs took nearly all of his father's widows as his own wives. He is said to have at least 40 wives and nearly 60 children.

The sect has long practiced the custom of arranged marriages, but dissidents say young girls were rarely married off until Jeffs came to power.

He exercised extraordinary control over 10,000 or so followers. During his four-year rule, the number of underage marriages — some involving girls as young as 13 — escalated into the hundreds, church dissidents said.

People expelled from the community said young men were sent away to avoid competition for brides. Older men were cast out for alleged disobedience, and their wives and children were reassigned by Jeffs to new husbands and fathers, the former members said.

Ward Jeffs, an older half brother of Warren, said he was delighted by the news of the arrests because it will likely bring an end to his brother's rule over the FLDS church, which Ward Jeffs has called destructive.

Since Warren Jeffs took over the church, dozens of families have been fractured after Jeffs deemed some men "unworthy," casting them out of the community and assigning their wives to new husbands.

"If this will bring an end to that, that will be a good thing," Ward Jeffs said. "We're excited for the people down there, but we're very concerned about who might step up and take the leadership role."

It remained unclear Tuesday what would happen to the leadership of the church while Jeffs was incarcerated.

Church members and affiliated businesses had reportedly been migrating to southern Nevada to escape the spotlight placed on Hildale and Colorado City. In May, a manager at a construction company with operations in Las Vegas told the Las Vegas Sun newspaper the company had ties to the sect. JNJ Engineering Construction President Jacob Jessop did not return a call for comment Tuesday.

*(Associated Press writers Jennifer Dobner in Salt Lake City contributed to this report.)*

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Santa Monica Daily Press

## MOVIEGUIDE

SHOWTIMES: WEDNESDAY, AUGUST 30, 2006

**AERO THEATRE**
**1328 Montana Avenue**
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**Friday**
The Day the Earth Caught Fire / Last Man on Earth 7:30
**Saturday**
Beach Party / The Girls on the Beach 7:30
**Sunday**
Viva Las Vegas / King Creole 7:30

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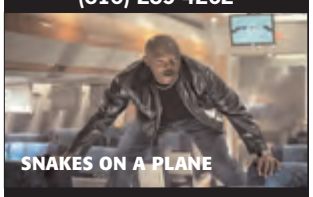
SNAKES ON A PLANE

**Accepted (PG-13)**
11:45, 2:10, 4:50, 7:20, 9:40, 11:30
**Snakes on a Plane (R)**
11:00, 12:00, 1:30, 2:30, 4:15, 5:15, 7:00, 8:00, 9:30, 10:30, 12:00
**Step Up (PG-13)**
11:55, 2:30, 4:55, 7:35, 10:05
**Barnyard: The Original Party Animals (PG)**
11:30, 2:00, 4:35, 7:05, 9:20
**Talladega Nights: The Ballad of Ricky Bobby (PG-13)**
11:40, 2:20, 5:05, 7:40, 10:20
**Pirates of the Caribbean: Dead Man's Chest (PG-13)**
11:50, 3:20, 6:45, 10:00

**AMC LOEWS BROADWAY 4**
**1441 3rd Street**
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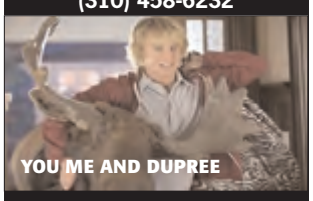

YOU ME AND DUPREE

**Miami Vice (R)**
11:30, 3:00, 10:05
**You, Me and Dupree (PG-13)**
11:40, 2:10, 4:40, 7:10, 10:00
**Scoop (PG-13)**
11:45, 2:30, 5:00, 7:30, 10:15
**The Devil Wears Prada (PG-13)**
11:55, 2:40, 5:20, 8:00, 10:30

**LANDMARK NUWILSHIRE**
**1314 Wilshire Blvd**
**(310) 281-8228**

**Factotum (R, No Passes)**
11:15, 2:00, 4:45, 7:30, 10:00
**The Illusionist (PG-13, No Passes)**
11:00, 1:40, 4:30, 7:15, 9:50

**LAEMMLE'S MONICA**
**1332 2nd Street**
**(310) 394-9741**

**Friday, Saturday, and Sunday:**
**The Quiet (R)**
1:00, 3:20, 5:40, 8:00, 10:15
**Trust the Man (R)**
1:30, 4:10, 7:10, 9:45
**Quinceanera (R)**
1:00, 3:15, 5:30, 7:50, 10:10
**Little Miss Sunshine (R)**
12:00, 2:30, 5:05, 7:40, 10:10
**Friday:**
**Wrestling with Angels: Playwright Tony Kushner**
11:30 a.m.
**Saturday and Sunday:**
**Wrestling with Angels: Playwright Tony Kushner**
10:00 a.m.
**An Inconvenient Truth (PG)**
11:00 a.m.
**The Celestine Prophecy (PG)**
11:00 a.m.
**Crossing the Bridge: The Sound of Istanbul**
11:00 a.m.

**MANN'S CRITERION THEATRE**
**1313 3rd Street**
**(310) 395-1599**

**Material Girls (PG)**
11:50, 2:20, 4:50, 7:10, 9:40
**Pulse (PG-13)**
12:00, 2:40, 5:10, 7:40, 10:10
**Zoom (PG)**
11:40, 2:10, 7:00, 9:20
**World Trade Center (PG-13)**
12:30, 3:30, 4:30, 6:30, 7:30, 9:30, 10:30
**The Descent (R)**
12:10, 2:30, 5:00, 7:20, 9:50
**Monster House (PG, No Passes)**
11:30, 2:00, 4:40

More information email **news@smdp.com**

# Simpson silent

## Jessica Simpson goes public but quietly

Talk about bad timing. At the start of a media blitz to support her new album, "A Public Affair," **JESSICA SIMPSON** is on vocal rest.

"It is true that she has indeed lost her voice," Simpson's publicist, Rob Shuter, told The Associated Press on Tuesday. "She's been ordered to rest. ... She can talk, she can croak out a few sentences. She sounds a little off, but, you know, she can't sing."

Simpson, 26, fell ill Friday and has "a strain, a bruise on her vocal cord," Shuter told the AP.

She canceled a planned appearance on CBS' "Late Show With David Letterman" this week but was to appear on MTV's "Total Request Live" on Tuesday afternoon to promote the album _ but not sing, Shuter said.

Simpson hopes her condition improves by Friday, when she is scheduled to perform on NBC's "Today" show, he said.

"She's trying," Shuter said. "Everybody is hoping and keeping their fingers crossed."

**ASSOCIATED PRESS**

# Coastal fame: Where young meets old

**KEVIN COSTNER** and **ASHTON KUTCHER** visited a U.S. Coast Guard station to promote their new film, "The Guardian," about two Coast Guard swimmers who rescue fisherman and boaters from dangerous ocean waters.

Costner told the assembled "Coasties" during the first stop of a planned multistate tour of Coast Guard stations that actors "are not nearly as impressive in person as we seem to be on film."

"We get to portray these men and women who are often tougher than we are, men and women who are often smarter than we are, and in the case of 'The Guardian,' we are talking about men and women with the personal courage to put themselves in danger in a way I don't know I would," the 51-year-old actor-director said Monday.

Costner plays a veteran Coast Guard swimmer sent to teach in Kodiak, Alaska, after his crew is lost in a crash. Kutcher's character is a cocky newcomer.

Kutcher, 28, said he hoped the movie would give the public more appreciation for the Coast Guard's "courageous and honorable" work.

"When I first read the script, I thought it was all made up because I didn't think anyone got to be that cool," he said.

"The Guardian" is set for release Sept. 29.

**AP**

# Sex in the City hubby hospitalized

**MATTHEW BRODERICK**'s vacation in Ireland was marred this weekend when he suffered a broken collarbone after falling off a horse.

The 44-year-old actor, accompanied by actress-wife Sarah Jessica Parker, was treated and released from a hospital Sunday, Broderick's publicist, Simon Halls, told The Associated Press on Monday.

"He's fine. He's just been in a little bit of pain," Halls said.

Broderick co-starred with Nathan Lane on Broadway in "The Producers." They reprised their roles in a 2005 film. Broderick's screen credits also include "Ferris Bueller's Day Off," "The Stepford Wives" and "Election."

**AP**

# Eminem goes for air with Nike

**EMINEM** has collaborated with Nike Inc. to create a limited-edition collection of Air Max sneakers to be auctioned for charity.

The Grammy-winning rapper designed uppers for eight shoes in the series, including the Air Max '87 and the most recent Air Max 360. His reinterpretation of the upper has been laid onto the original blueprints for each of the Air Max shoes to create a unique set of designs.

Eight sets of the footwear — a total of 64 pairs — will be produced for the auction. Proceeds will benefit Eminem's Marshall Mathers Foundation, which provides funds for organizations working with troubled youth in southeast Michigan, and nine-million.org, a global campaign to bring education and sports programs to children in refugee camps across the globe.

"We're always looking for new ways to try to raise money and awareness for the foundation, so when Nike approached us we jumped at the chance," Eminem said in a statement on his Web site.

"Who wouldn't want to design their own line of Nikes? And to do it for charity makes it that much better," the 33-year-old singer said.

The sneakers, autographed by Eminem, will be auctioned at Nike stores in London, Berlin and Paris and on the eBay Web site over a four-week period. The auction starts Thursday at Niketown in London and on eBay Sept. 12.

**AP**

## QUEEN OF POP IN QUAGMIRE

Posters throughout the Russian capital had proclaimed the venue and date for a month, and 40,000 tickets had already been sold.

But a long-awaited concert by **MADONNA** had become mired in security concerns, and it was anyone's guess where and when the show would take place, if at all.

After more than a week of negotiations — spiced up by protests against the 48-year-old pop star performing anywhere in Moscow — an agreement was struck Monday for the show to be held Sept. 12 at the Luzhniki stadium.

Originally, promoters said it would be Sept. 11 in Vorobyovye Gory, the hills that rise on the south bank of the Moscow River, in a vast space framed by the tower of Moscow State University.

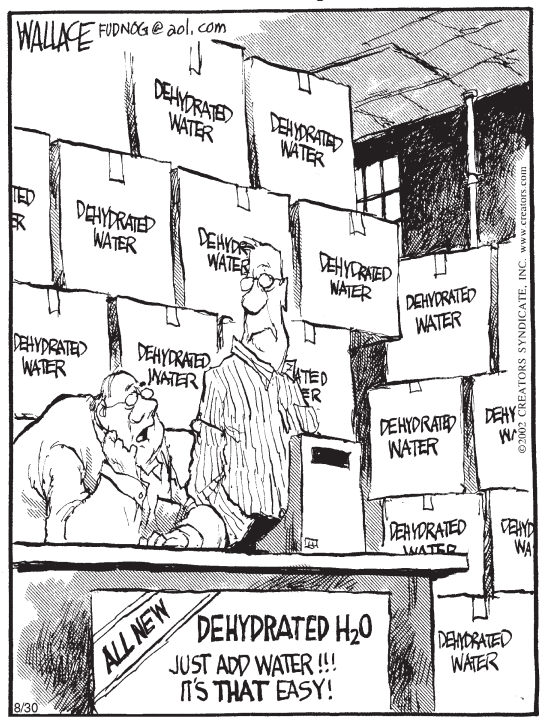
It's not clear whether promoters had firm permission for that site, but city officials began raising an array of objections, primarily that the huge space would be impossible to police properly.

The new Sept. 12 date would mean there was "no connotation or parallel with this tragic date in world history," he said.

## The Dinette Set by Julie Larson

## Natural Selection®

By Russ Wallace




"I was sure this was going to be a great hit."

## edge City

by TERRY & PATTY LABAN

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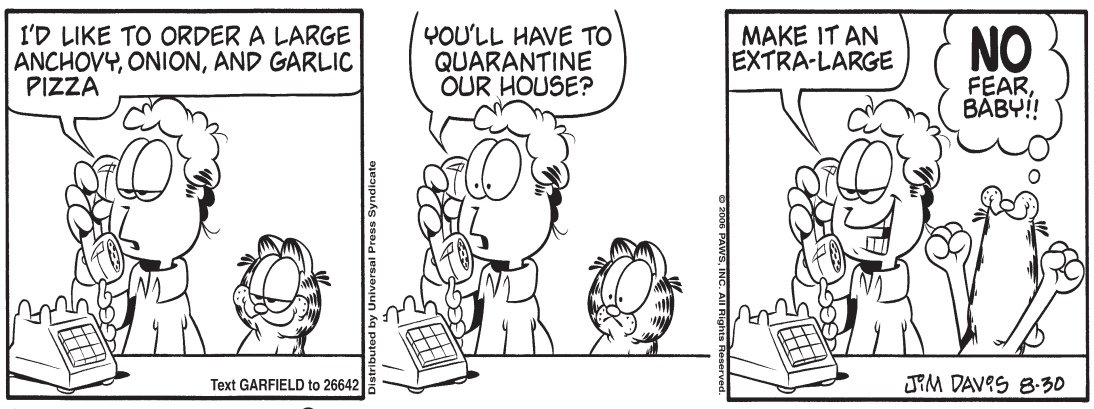
By Jim Davis




## Speed Bump®

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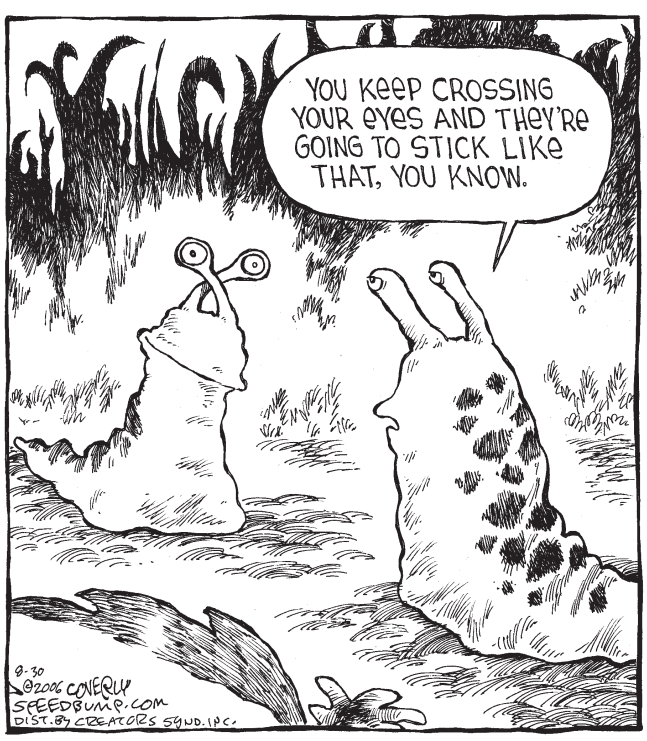


## CROSSWORD

By THOMAS JOSEPH

**ACROSS**

1 Almanac info
6 Amorphous mass
10 Exhaust
11 Forsaken
12 Fool
13 Enter port
14 Postmark part
15 Evergreen tree
16 Greek vowel
17 Mamie's husband
18 Harden
19 Inferring
22 Pen pals?
23 Love song, often
26 Undertaking with enthusiasm
29 Rep.'s foe
32 Inverted nine
33 Lennon's love
34 Track bet
36 Celeb
37 Edison's — Park
38 Ionian island
39 Heart, for one
40 Visitor from afar
41 Put away
42 Noted diarist

**DOWN**

1 Backed
2 From the East
3 Peso part
4 Melody
5 Bond, for one
6 Photo problem
7 Water lily
8 In reserve
9 "John Brown's Body" poet
11 Book back part
15 Enjoy Aspen
17 Require
20 Rep.'s foe
21 Colt creation
24 Selfish doings
25 "SNL" star
27 Through
28 Pitcher's hope
29 Floor models
30 Wield
31 Juicy fruit
35 Lobster part
36 Foot feature
38 Top

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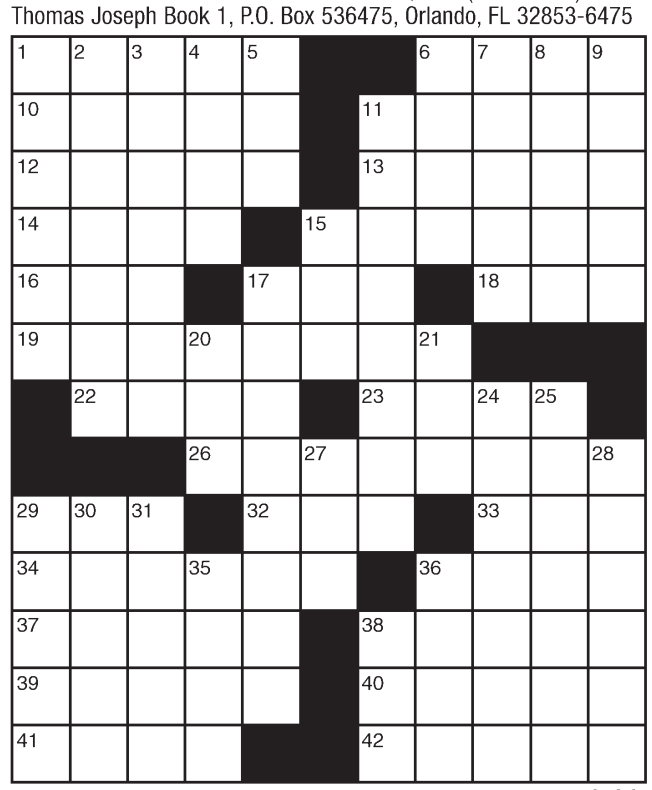

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Santa Monica Daily Press

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| 7 YEAR/1 ARM | 6.25% |
| 5 YEAR/1 ARM | 6.0%** |
| 3 YEAR/1 ARM | 5.875%** |
| 1 YEAR/1 ARM | 5.625% |
| 6 MO./6 MO. ARM | 5.375% |
| 1 MO./1 MO. ARM | 1.0%** |

*Rates subject to change
* As of August 14, 2006
** Denotes an interest only loan

**NEW CONFORMING LOAN AMOUNTS**

| | |
|---|---|
| 1 Unit | $417,000 |
| 2 Units | $533,850 |
| 3 Units | $645,300 |
| 3 Units | $645,300 |
| 4 Units | $801,950 |

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**LUXE FOR LESS**. WLA near Santa Monica/Brentwood 2+2. High ceilings, marble entry, laundry, central air. Monthly hoa only $365. Priced to sell at $639,000. Agent (310) 866-9306

**MULTI-LEVEL TOWN house**, Brentwood adj. 3 bed, 2.5 ba. Corner, tons of light, wood floors, 2 story ceilings, $699,000. Agent 310.420.7861 Portnoy Properties

## Houses for Sale

**RESTORED CAPE Cod Home/Estate in Santa Monica**
$1,875,000. 5 rooms 4 baths including the 2 private guest quarters or rental units to subsidize the mortgage. House located at 1802 Euclid Street, includes dinning room, living room with fireplace, basement, private backyard/garden, 4 car garage and much more. Situated close to the beach with almost 9000 sq. ft. lot to expand. Broker-Kevin 323-864-4214

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EXQUISITE, INTUITIVE, strong and tender relaxing body work by mature Europen. Very Professional, Sonja (310) 397-0433.

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## Notices

**NOTICE TO CREDITORS OF BULK SALE**
**(UCC Sec. 6105)**
**Escrow No. 30425-LO**

NOTICE IS HEREBY GIVEN that a bulk sale is about to be made. The name(s) and business address(es) of the seller(s) is/are: SHANTA SUBWAY, INC. & DILIP H. PATEL, 4949 W. SLAUSON AVE #A3, LOS ANGELES, CA 90056
Doing business as: SUBWAY SANDWICH #6082
All other business name(s) and address(es) used by the seller(s) within the past three years, as stated by the seller(s), is/are: NONE
The location in California of the Chief Executive Office of the seller is: 3021 GLENN AVE, SANTA MONICA, CA 90405
The name(s) and business address of the buyer(s) is/are: MARWAHA FOODS, INC. ROHIT MARWAHA & RAVINDER MARWAHA, 7 BLUESAIL COVE, BUENA PARK, CA 90621
The assets being sold are generally described as: FURNITURE, FIXTURES AND EQUIPMENT OF THAT CERTAIN BUSINESS and is located at: 4949 W. SLAUSON AVE #A3, LOS ANGELES, CA 90056
The bulk sale is intended to be consummated at the office of: DISCOVERY ESCROW COMPANY, 7777 CENTER AVE, STE 180, HUNTINGTON BEACH, CA 92647, ESCROW NO. 30425-LO, ESCROW OFFICER: LAURIE J. ORR and the anticipated sale date is SEPTEMBER 18, 2006
The 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: DISCOVERY ESCROW COMPANY, 7777 CENTER AVE, STE 180, HUNTINGTON BEACH, CA 92647, ESCROW NO. 30425-LO, ESCROW OFFICER: LAURIE J. ORR and the last day for filing claims by any creditor shall be SEPTEMBER 15, 2006, which is the business day before the anticipated sale date specified above.
Dated: AUGUST 17, 2006
MARWAHA FOODS, INC, Buyer(s)
PCTS LA121682 SANTA MONICA DAILY PRESS 8/30/06

**NOTICE TO CREDITORS OF BULK SALE**
**(UCC Sec. 6105)**
**Escrow No. 30426-LO**

NOTICE IS HEREBY GIVEN that a bulk sale is about to be made. The name(s) and business address(es) of the seller(s) is/are: HRITHIK SUBWAY, INC. & DILIP H. PATEL, 5339 W. CENTINELA AVE #A, LOS ANGELES, CA 90045
Doing business as: SUBWAY #12484
All other business name(s) and address(es) used by the seller(s) within the past three years, as stated by the seller(s), is/are: NONE
The location in California of the Chief Executive Office of the seller is: 3021 GLENN AVE, SANTA MONICA, CA 90405
The name(s) and business address of the buyer(s) is/are: MARWAHA FOODS, INC., ROHIT MARWAHA & RAVINDER MARWAHA, 7 BLUESAIL COVE, BUENA PARK, CA 90650
The assets being sold are generally described as: FURNITURE, FIXTURES AND EQUIPMENT OF THAT CERTAIN BUSINESS and is located at: 5339 W. CENTINELA AVE #A, LOS ANGELES, CA 90045
The bulk sale is intended to be consummated at the office of: DISCOVERY ESCROW COMPANY, 7777 CENTER AVE, STE 180, HUNTINGTON BEACH, CA 92647, ESCROW NO. 30426-LO, ESCROW OFFICER: LAURIE J. ORR and the anticipated sale date is SEPTEMBER 18, 2006
The 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: DISCOVERY ESCROW COMPANY, 7777 CENTER AVE, STE 180, HUNTINGTON BEACH, CA 92647, ESCROW NO. 30426-LO, ESCROW OFFICER: LAURIE J. ORR and the last day for filing claims by any creditor shall be SEPTEMBER 15, 2006, which is the business day before the anticipated sale date specified above.
Dated: AUGUST 17, 2006
MARWAHA FOODS, INC., Buyer(s)
PCTS LA121685 SANTA MONICA DAILY PRESS 8/30/06

**NOTICE OF PETITION TO ADMINISTER ESTATE OF:**
**RUTH RITTER HUMPHREYS**
**CASE NO. SP006919**

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the WILL or estate, or both of RUTH RITTER HUMPHREYS.
A PETITION FOR PROBATE has been filed by LaVERNE HANELL in the Superior Court of California, County of LOS ANGELES.
THE PETITION FOR PROBATE requests that LaVERNE HANELL be appointed as personal representative to administer the estate of the decedent.
THE PETITION requests the decedent's WILL and codicils, if any, be admitted to probate. The WILL and any codicils are available for examination in the file kept by the court.
THE PETITION requests authority to administer the estate under the Independent Administration of Estates 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 required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless 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 10/27/06 at 9:15AM in Dept. F located at 1725 Main St., Santa Monica, CA 90401
IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections 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 personal 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 interested 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 assets 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
DAVID A. OGDEN
OGDEN & MOTLEY
1670 CORINTH AVE
LOS ANGELES CA 90025
8/23, 8/24, 8/30/06
**CNS-1010561#**
**SANTA MONICA DAILY PRESS**

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**'04 Cayenne $42,995**
Pearl White, Call Us Before Shopping Porsche Dealers. This Price-Out. Vin #: 4LA69663
**Toyota Santa Monica**
**(800) 579-6047**

**'02 Lexus RX 300...$24,900**
White with tan, leather, loaded, immaculate.
Stock # PT4942
**Toyota Santa Monica**
**(800) 579-6047**

**'04 Sienna XLE $22,995**
LLLoaded, Leather, Moonroof
Vin #: F4S084068
**Toyota Santa Monica**
**(800) 579-6047**

**'05 Chrysler Town & Country $14,995**
Auto, 6cyl, AC, Best Buy, Full Power Pkg. Stock #: PT4964
**Toyota Santa Monica**
**(800) 579-6047**

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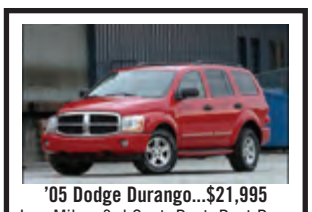
**'05 Dodge Durango...$21,995**
Low Miles, 3rd Seat, Best, Best Buy
Stock # T9935
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CONVERTIBLE, Wht/Tan, Lthr, Super Clean (YF150840)
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**'99 Toyota Tacoma Xtra Cab**
**$10,990**
SR5, Auto, A/C, Alloys, Full Power, 6Cyl. Vin #: FXZ572996
**Toyota Santa Monica**
**(800) 579-6047**

**'04 Tundra $21,995**
V8, Access Cab, Auto, Alloys, Full Pwr, XInt! Vin #: 4S446299
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**'04 Grand Prix**
Slvr/gray, N/C Trade
$11,981 (41110793)
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**'01 E430 $25,981**
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**'03 Range Rover**
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**www.wisimonson.com**

## Vehicles for sale

**'03 C230WZ $19,981**
Pewter/Blk
(3A506315)
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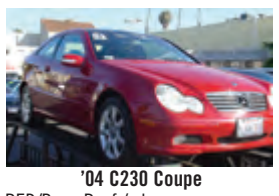
**www.wisimonson.com**

**'04 GX470 $39,981**
Blur/Tan, DVD
N/C Trade (40034945)
**800-784-6196**
**www.wisimonson.com**



**'04 C230 Coupe**
RED/Pano Roof /cd
(4A600085) $21,981
**800-784-6196**
**www.wisimonson.com**

**03' Toyota Tundra SR5**
Black Step Side
$19,981 (25390808)
**800-784-6196**
**www.wisimonson.com**

**'04 Pilot EX $25,981**
White/Tan, only 6KMi!!
(4H605035)
**800-784-6196**
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**'02 Ford Explorer Sport Trac**
Stock #: L15502
Price: $13, 950
**Lexus Santa Monica Pre-Owned**
**(800) 406-7782**

**'97 Lexus SC 300**
Stock #: L15491
Price: $14, 950
**Lexus Santa Monica Pre-Owned**
**(800) 406-7782**

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## Vehicles for sale

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Stock #: L15498
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**'00 Saturn S-Series SL1**
Stock #: L15436
Price: $5, 950
Back to School Special!
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**(800) 406-7782**

**'89 560 SL**
Low Miles, Immaculate, Chrome
$21,981
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**2000 Lexus RX 300 – 4dr SUV**
Factory Certified Preowned
Mileage: 66,851
Exterior Color: White
Stock #: PL15390
Price: $16,950
**Lexus Santa Monica Pre-Owned**
**(800) 406-7782**

**2004 Nissan Quest – Passenger Minivan**
Mileage: 45,041
Exterior Color: Silver
Stock #: L15419
Price: $19,950
**Lexus Santa Monica Pre-Owned**
**(800) 406-7782**

**2001 Lexus RX 300 – 4dr SUV**
Mileage: 66,806
Exterior Color: Blue V.
Stock #: L15418
Price: $17,950
**Lexus Santa Monica Pre-Owned**
**(800) 406-7782**

## Vehicles for sale

**2003 Audi A4 – Sedan**
Mileage: 39,037
Exterior Color: Navy Blue
Stock #: L15433
Price: $19,950
**Lexus Santa Monica Pre-Owned**
**(800) 406-7782**

**1999 GMC Suburban – 4dr SUV**
Mileage: 72,887
Exterior Color: Pewter
Stock #: L15403
Price: $10,995
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**'01 BMW 740i**
48,000 Miles, Navigation
$26,981
Vin: 1DN86906
**800-784-6196**
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**2002 Lexus ES 300 – Sedan**
Mileage: 49,317
Exterior Color: Silver
Stock #: L15357
Price: $18,950
**Lexus Santa Monica Pre-Owned**
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**'05 Mustang Saleen Certified**
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**Santa Monica Ford**

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$17,988
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## Vehicles for sale

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$18,988
Stock #: P593
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**'03 Harley Davidson F150 Certified**
BLACK / SILVER
$29,988
Stock #: R541
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**Santa Monica Ford**

**'01 Grand Marquis**
Maroon
Mileage: 56853
$10,988
Stock #: P504
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**'02 Mitsu Lancer OZ**
$10,988
Stock #: 55643A
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Signature limited edition, loaded
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**40,000 original miles**
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**$2,995**
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VIN C05788
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VIN 458427
**$4,495**
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Priced to sell, Fully Loaded
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**Hyundai of Santa Monica**
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**'05 ACCENT $8,995**
GLS, Auto, Lo Mil, Full Power
(U671255)
**Hyundai of Santa Monica**
**(866) 309-6705**

**'04 Wrangler X $16,995**
Only 14K Miles, Columbia Edition,
(P726470)
**Hyundai of Santa Monica**
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**'03 ECLIPSE $14,995**
GT Spyder Convertible, R-Spoiler, Alloys, Lthr. NICE! (3E137972)
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(E165370)
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## Vehicles for sale

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**'01 ECLIPSE GT $8,995**
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**Hyundai of Santa Monica**
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**2002 Santa Fe GLS**
Auto, 4WD, Fully Loaded
(U175332) $12,995
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**'05 SPORTAGE EX $19,995**
Sport Utility, 4DR, Auto, V6, Kml
(041210)
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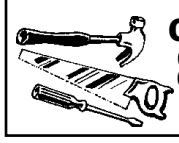

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**Workers' Compensation dial ext. 22**
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Making a false or fraudulent workers' compensation claim is a felony subject to up to 5 years in prison or a fine up to $50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.

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# Pacific Ocean Properties

2212 Lincoln Boulevard, Santa Monica **310.392.9223**

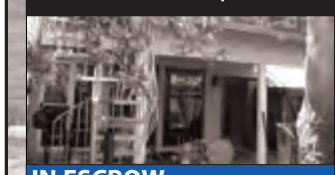
## PREMIER LISTINGS

**THE WEATHER ISN'T THE ONLY THING THAT'S HOT!**
CHECK OUT THESE PROPERTIES

NO PHOTO AVAILABLE
100521 National Blvd. #206, Los Angeles
**IN ESCROW**

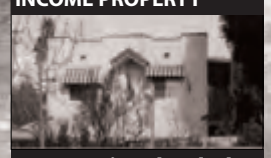
NO PHOTO AVAILABLE
1705 S. Westgate Ave. #9, Los Angeles
**IN ESCROW**

JUST REDUCED $100K



IN ESCROW
124-126 Fowling
Ocean View Duplex
Playa del Rey
**$1,499,000**

COMING SOON
INCOME PROPERTY



2957 Lincoln Blvd.
Duplex
Santa Monica
$1,375,000
$7850 Per Mo Gross Income

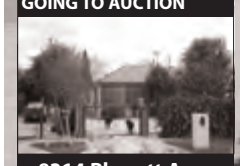
IN ESCROW
7912 Osage
Westchester
$630,000

BUILD TWO TOWNHOUSES PLANS AND PERMITS $6,700 PER MO/GROSS INCOME
Venice Canals
$1,900,000 or
$4,400,000
When built

NEW LISTING
NO PHOTO AVAILABLE
522 W. Sunview
Palm Springs
$305,000

5601 W. 83rd St.
3BR, 1BA, POOL
Los Angeles
$720,000

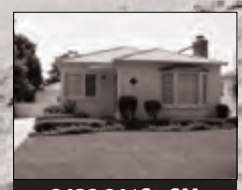
GOING TO AUCTION



8314 Blewett Ave.,
North Hills
$539,000

NO PHOTO AVAILABLE
3565 Lindon Ave.
Long Beach
$329,000

INCOME PROPERTY
$7,900 PER/MO GROSS INCOME
IN ESCROW
Saviers Rd.
Oxnard
$975,000



2432 21st St. SM
4BR, 2BA
$1,300,000

NO PHOTO AVAILABLE
10521 National Blvd
#6 Marina del Rey
IN ESCROW

NO PHOTO AVAILABLE
601 35TH ST.
Manhattan Beach
IN ESCROW

## RECENT TRANSACTIONS

NO PHOTO AVAILABLE
2102 1/2-2104 Vineyard Ave.
3 Units
Los Angeles

NO PHOTO AVAILABLE
345 40TH PLACE
LOS ANGELES

Pacific Ocean Properties Broker Rob Schultz, #01218743
Department of Real Estate Phone - (916) 227–0864

# END OF SUMMER SPECIAL!
# RATES AS LOW AS 6.5%

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**Rob Schultz**
Broker
Licensed California Broker
#01381120

### NEW CONFORMING LOAN AMOUNTS

| | |
|---|---|
| 1 UNIT | $417,000 |
| 2 UNIT | $533,850 |
| 3 UNIT | $645,300 |
| 4 UNIT | $801,950 |

## VERY AGGRESSIVE RATES

| | |
|---|---|
| **30 year fixed 6.5%** | 10 year/1 arm 6.375% |
| 7 year/1 arm 6.25% | 5 year/1 arm 6.0%** |
| 3 year/1 arm 5.875%** | 1 year/1 arm 5.625% |
| 6 mos./6 mo. arm 5.375% | 1 mo./1 mo. arm 1.0%*** |

** Rates subject to change * As of August 14, 2006 ** Denotes an interest only loan *** Denotes Neg Am*

# Pacwest Mortgage

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