

SYLVIA QUAST
Regional Counsel
United States Environmental Protection Agency, Region 9



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United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3362

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

IN THE MATTER OF:)
)
Eric Hauck, individually and as trustee of the)
Acton Holding Trust,)
)
)
Respondent.)
)
Proceedings under Section 1423(c) of the Safe)
Drinking Water Act, 42 U.S.C. § 300h-2(c).)
_____)

DOCKET NO. UIC-09-2023-0029

**COMPLAINANT'S MOTION FOR A
PARTIAL DEFAULT ORDER
ON LIABILITY**

Complainant, Region 9 of the United States Environmental Protection Agency, moves for the entry of an Order for Partial Default on Liability. This motion is made pursuant to 40 C.F.R. § 22.17. Complainant requests a ruling that all allegations in the Complaint are deemed admitted by Respondent, Eric Hauck, and that, as a consequence, Respondent is liable for the violations as set forth in the Complaint. This motion is supported by the accompanying Memorandum in Support of Motion for Partial Default on Liability and the Declaration of Christopher Chen with supporting documents attached thereto.

Respectfully submitted _____, 2023.

ERIN BREWER Digitally signed by ERIN BREWER
Date: 2023.07.27 08:28:47 -07'00'

Erin Brewer
Assistant Regional Counsel
U.S. EPA, Region 9

SYLVIA QUAST
Regional Counsel
United States Environmental Protection Agency, Region 9

ERIN BREWER
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United States Environmental Protection Agency, Region 9
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San Francisco, California 94105
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

IN THE MATTER OF:)
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Eric Hauck, individually and as trustee of the)
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Proceedings under Section 1423(c) of the Safe)
Drinking Water Act, 42 U.S.C. § 300h-2(c).)
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DOCKET NO. UIC-09-2023-0029

**MEMORANDUM IN SUPPORT OF
COMPLAINANT’S MOTION FOR A
PARTIAL DEFAULT ORDER
ON LIABILITY**

I. INTRODUCTION

The Environmental Protection Agency (EPA), Region 9, Enforcement and Compliance Assurance Division (Complainant or EPA Region 9), by and through EPA Region 9’s Office of Regional Counsel, moves for an order finding Eric Hauck (Respondent) in default for failing to answer EPA’s Administrative Complaint and liable for violations of the Safe Drinking Water Act’s (SDWA) underground injection control (UIC) program, 40 C.F.R. Part 144. Complainant submits this memorandum of law in support of its motion.

II. BACKGROUND

A. EPA Region 9 Filed A Complaint And Served The Respondent.

On February 15, 2023, EPA Region 9 filed a Complaint against the Respondent for violations of the SDWA UIC program, (Complaint) in accordance with SDWA section 1423(c), 42 U.S.C. § 300h-2(c), and the *Consolidated Rules of Practice (Consolidated Rules)*, 40 C.F.R. Part 22.¹ A true and correct copy of the Complaint is attached as Exhibit A. The Complaint alleges that Respondent, individually and as trustee of the Acton Holding Trust, owns and/or operates two large capacity cesspools located at the Cactus Creek Mobile Home Park in Acton, California, in violation of the UIC regulatory ban on such systems that took effect on April 5, 2005. Compl. ¶ 28; *see also* 40 C.F.R. § 144.88. The Complaint further alleges that the cesspools are, and have been in service since at least December 2019, when the Los Angeles Regional Water Quality Control Board inspected the property. Compl. ¶¶ 18-24.

On March 4, 2023, through a registered process server, EPA Region 9 served Respondent with the Complaint and *Consolidated Rules*. Declaration of Christopher Chen In Support of Motion for a Partial Default Order on Liability (Chen Decl.), ¶ 5, Ex. A. In addition to informing Respondent of EPA Region 9's allegations against him, the Complaint explained that, to avoid being found in default upon motion by Complainant, a written answer, which could include a request for a hearing, had to be filed with the Regional Hearing Clerk within thirty days of the Complaint's receipt—i.e., by April 3, 2023.² Compl. ¶¶ 39-42. The Complaint further advised Respondent that “[t]he answer must clearly and directly admit, deny, or explain each of the

¹ Complainant electronically filed the Complaint with EPA Region 9's Regional Hearing Clerk in accordance with the Regional Judicial Officer's May 14, 2020, standing order, *Designation of EPA Region IX Part 22 Electronic Filing System*.

² The cover letter transmitting the Complaint likewise informed Respondent of the need for an answer and the risks of default.

factual allegations contained in the Complaint,” and that “Respondent’s failure to admit, deny, or explain any material factual allegation . . . constitutes an admission of the allegation.” *Id.* ¶ 38.

Respondent did not file an answer within the required time or at any point thereafter.³ Chen Decl. ¶ 16. Nor did he serve Complainant with any documents in this proceeding. *Id.*; see 40 C.F.R. § 22.15(a) (requiring that answers be filed with the Regional Hearing Clerk and served on other parties).

B. EPA Region 9 Made Further Effort to Contact the Respondent.

Given the failure to timely file an answer with the Regional Hearing Clerk, on April 18, 2023, EPA Region 9 staff contacted Respondent by telephone to remind him of the need for an answer and notify him of EPA’s intent to move for default if he failed to file one. Chen Decl. ¶ 7. During the telephone call Respondent conferenced in an individual he identified as James Roberts, whom he claimed to be an “administrative manager” or “liaison” for the Respondent and the Acton Holding Trust. *Id.* Neither Respondent nor Mr. Roberts explained why Respondent failed to file an answer by the April 3 deadline. *Id.* Instead, Mr. Roberts indicated that legal counsel for the Acton Holding Trust was working on a formal answer to the Complaint, and that in the meantime, he would contact EPA Region 9 via email with additional information, including contact information for both himself, and for legal counsel. *Id.*

EPA Region 9 did not receive either the email from Mr. Roberts or a copy of the Answer. Chen Decl. ¶ 8. EPA Region 9 staff attempted to contact the Respondent via telephone again on April 20, 2023. *Id.* EPA Region 9 staff was not able to reach the Respondent, and instead left a voicemail. *Id.* EPA Region 9 staff then contacted Mr. Roberts and spoke with him over the phone, reminding him that the Respondent had an obligation to file an answer to the Complaint,

³ On July 11, 2023, EPA Region 9 staff confirmed with the Regional Hearing Clerk that the Respondent had not yet filed an answer to the Complaint. Chen Decl. ¶ 16.

and that EPA Region 9 intended to file a motion for default if Respondent failed to do so. *Id.* Mr. Roberts again claimed that an email with additional information, including contact information for both himself and legal counsel, would be forthcoming. *Id.* Later that day, Mr. Roberts called EPA Region 9 staff back and stated that an answer to the Complaint would be filed by April 26, 2023. Chen Decl. ¶ 9.

On April 26, 2023, Mr. Roberts called EPA Region 9 and stated that Respondent would submit an Answer by April 27, 2023. Chen Decl. ¶ 10. Respondent did not file an answer to the Complaint on April 27, 2023. Chen Decl. ¶ 11.

On May 11, 2023, EPA Region 9 staff again attempted to contact the Respondent by phone but was unable to reach him and instead left a voicemail, explaining that if the Respondent failed to file an answer to the Complaint by May 26, 2023, EPA would file a motion for default judgment. Chen Decl. ¶ 12. EPA also contacted Mr. Roberts via phone and reiterated the May 26, 2023 deadline to him. *Id.* Mr. Roberts did not explain why Respondent had failed to file an Answer by April 27, but stated that an answer would be filed by the May 26 deadline. *Id.* Following these conversations, EPA Region 9 staff sent a letter via certified mail to the Respondent at the address at which he was served, which reiterated that if Respondent failed to file an answer to the Complaint by May 26, 2023, EPA Region 9 would file a motion for default judgment. Chen Decl. ¶ 13.⁴ A copy of the letter was also sent to Mr. Roberts via email at an email address he provided. *Id.*

On May 26, 2023, EPA Region 9 staff received a phone call from Mr. Roberts, who stated that an answer to the Complaint was forthcoming. Chen Decl. ¶ 14. Contrary to Mr. Robert's statements over the phone, Respondent did not file an answer to the Complaint. Since

⁴ On June 22, 2023, EPA Region 9 staff received notification that the letter to Respondent had been returned. Chen Decl. ¶ 15.

the May 26, 2023 telephone call, EPA Region 9 has had no further contact with the Respondent or Mr. Roberts. *Id.* ¶¶ 14, 16.

Respondent's deadline to file an answer to the Complaint expired April 3, 2023, more than three months ago, and the Respondent has neither filed a formal answer to the Complaint nor made any effort to contact EPA Region 9 by phone or by email. Further, while Mr. Roberts indicated that the Acton Holding Trust may be engaging legal counsel in this matter, EPA Region 9 staff has not been contacted by anyone purporting to represent Respondent or the Acton Holding Trust in this proceeding.⁵ EPA Region 9 staff has made numerous attempts to engage the Respondent, and has repeatedly explained to the Respondent and his representative that he has an obligation to file an answer to the Complaint and there are potential consequences for failing to do so. Because the Respondent refused to file an answer to the Complaint, or to otherwise participate meaningfully in this action, EPA moves for entry of a default judgment against Respondent.

III. ARGUMENT

Because Respondent failed to timely or otherwise answer the Complaint, EPA Region 9 respectfully requests a partial default order deeming him liable for owning and/or operating two large capacity cesspools in violation of the SDWA UIC program.

⁵ It is not clear at this time whether Respondent has retained legal counsel in this matter. *See* Chen Decl. ¶¶ 7-8. However, even if Respondent is proceeding *pro se* in this matter, this should not excuse his inaction or preclude entry of a default judgment. The Environmental Appeals Board has upheld default judgments against *pro se* respondents, noting that while “both the federal courts and the Agency have adopted the approach that more lenient standards of competence and compliance apply to *pro se* litigants . . . a litigant who elects to appear *pro se* takes upon himself or herself the responsibility for complying with the procedural rules and may suffer adverse consequences in the event of noncompliance.” *In re Rybond, Inc.*, 1996 WL 691675, *10 (EAB 1996) (upholding default judgment where *pro se* litigant had been carefully apprised of the due date).

A. Respondent Has Defaulted For Failing To Answer The Complaint

Under the *Consolidated Rules*, a party “may be found to be in default, after motion, upon failure to file a timely answer to the complaint.” 40 C.F.R. § 22.17(a). To be timely, an answer must be filed within thirty days of the respondent’s receipt of a properly served complaint. *Id.* § 22.15(a); *In the Matter of Medzam, Ltd.*, 4 E.A.D. 87, at *4 (EAB 1992) (discussing the “threshold” issue of valid service). When no answer is filed, and “the Presiding Officer finds that default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued.” 40 C.F.R. § 22.17(c). Moreover, while default orders are disfavored, the Environmental Appeals Board “has not hesitated to enter or affirm” them when warranted. *In re Four Strong Builders, Inc.*, 12 E.A.D. 762, at *4 (EAB 2006) (collecting cases).

Default is warranted here due to Respondent’s failure to file an answer to EPA Region 9’s properly served Complaint with the Regional Hearing Clerk. Service is proper when effectuated by, among other means, “any reliable commercial delivery service that provides written verification of delivery.” 40 C.F.R. § 22.5(b)(1)(i). Respondent was personally served at his home address by Nausir Firas, a registered California process server working for Lowest Rates Process Server.⁶ *See* Chen Decl. ¶ 5, Ex. A. Consistent with the *Consolidated Rules*, Mr. Firas provided proof of service in the form of an affidavit, which Complainant promptly submitted to the Regional Hearing Clerk. *See id.*; 40 C.F.R. § 22.5(b)(1)(iii).

As the process server’s affidavit shows, service occurred on March 4, 2023, making Respondent’s answer due thirty days later, on April 3, 2023. *See* Chen Decl. ¶ 5, Ex. A; *see also* 40 C.F.R. §§ 22.15(a) (defining timeliness), 22.17(a) (computing time). Respondent, however,

⁶ Skip N Serve’s Christopher Demirdjian, another registered California process server, made several unsuccessful attempts to serve Respondent. *See* Chen Decl. ¶ 5, Ex. A.

has yet to file an answer, move for an extension, or otherwise participate in this proceeding, notwithstanding Complainant's numerous attempts to remind him and his representative of the risks of not doing so. As Respondent refuses to engage meaningfully in this action, an entry of default on the issue of liability⁷ is warranted.

B. Respondent Is Liable Under The SDWA And UIC Program.

A respondent's default constitutes "admission of all facts alleged in the complaint and a waiver of [the] respondent's right to contest such factual allegations." 40 C.F.R. § 22.17(a); accord *In re Four Strong Builders*, 12 E.A.D. at *2 n.1. The Complaint alleges facts that, now deemed admitted because of Respondent's failure to file an Answer, establish Respondent's liability for violating the SDWA UIC program. The UIC regulations at 40 C.F.R. § 144.88(a) prohibit new large capacity cesspools and required owners and operators of existing large capacity cesspools to close them no later than April 5, 2005, in accordance with the closure specifications contained in 40 C.F.R. § 144.89. The UIC regulations define "large capacity cesspools" to mean cesspools that receive sanitary waste from "multiple dwellings, community or regional cesspools, or other devices," but exclude single family residential cesspools or non-residential cesspools which receive solely sanitary waste and have the capacity to serve fewer than 20 persons per day. 40 C.F.R. § 144.81(2). In other words, with respect to residential cesspools, a person is liable under the SDWA for violating the ban on large capacity cesspools where (1) the "person" (2) owns or operates a cesspool after April 5, 2005, (3) that receives sanitary waste from multiple dwellings. *Id.* As explained below, the facts alleged in the Complaint, which are deemed true, establish a *prima facie* case for violations of the SDWA UIC program for the failure to close two large capacity cesspools.

⁷ As stated above, EPA Region 9 is seeking an entry of partial default solely on the issue of liability. EPA Region 9 does not seek to resolve the issue of penalties through this motion.

i. Respondent is a “Person”.

First, the Complaint alleges that Respondent is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300(f) and 40 C.F.R. § 144.3 because he is an individual. Compl. ¶ 26.

ii. Respondent owned and operated a cesspool after April 5, 2005.

Second, the Complaint alleges that Respondent owned or operated a cesspool after April 5, 2005. Under the UIC regulations, “owner or operator” is defined as “the owner or operator of any ‘facility or activity’ subject to regulation under the UIC program.” 40 C.F.R. § 144.3. A “facility or activity” is defined as “any UIC ‘injection well,’ or another facility or activity that is subject to regulation under the UIC program.” *Id.* A “cesspool” is one type of injection well. *Id.* The Complaint alleges (1) that Respondent, in his capacity as trustee of Acton Holding Trust, has owned the real property located at 3740 Smith Avenue, Acton, California 93510 with Assessor Parcel Number 3208-026-048 (the “Property”) since at least 2011, (2) that the Respondent has operated the Cactus Creek Mobile Home Park (the “Park”) on the Property since at least 2015, and (3) that since at least 2019, the Park’s wastewater system has consisted of two cesspools. Compl. ¶¶ 17-21. The Complaint therefore alleges that the Respondent owned and operated two cesspools after April 5, 2005.

iii. The cesspools at issue are Large Capacity Cesspools.

Finally, the Complaint alleges that the cesspools on the property are large capacity cesspools. *Id.* ¶ 21. As explained above, the UIC regulations define “large capacity cesspools” to mean cesspools that receive sanitary waste from “multiple dwellings, community or regional cesspools, or other devices,” but exclude single family residential cesspools or non-residential cesspools which receive solely sanitary waste and have the capacity to serve fewer than 20

persons per day. 40 C.F.R. § 144.81(2). “Sanitary waste” is defined to include: “wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses and utensils are cleaned.” 40 C.F.R. § 144.3. Here, the Complaint alleges that the Park’s wastewater disposal system has, since at least 2019, and at all times relevant to this action, consisted of two residential cesspools located on the Property, each of which receives sanitary waste, including human excreta, from at least two of the Park’s mobile homes. Compl. ¶¶ 19-25. The Complaint alleges that the cesspools on the Property receive sanitary waste from “multiple dwellings,” and are therefore large capacity cesspools.

Because the Complaint alleges that Respondent is a “person” who owned or operated a cesspool after April 5, 2005, that receives sanitary waste from multiple dwellings, the Complaint establishes a *prima facie* case for violations of the SDWA UIC program for the failure to close two large capacity cesspools.

IV. CONCLUSION

In view of Respondent’s failure to answer the Complaint or otherwise participate in this proceeding, EPA Region 9 respectfully requests that the Presiding Officer issue a default order against Respondent for failure to file an Answer and deeming Respondent liable under section 1423(c) of the SDWA, 42 U.S.C. § 300h-2(c), for violating the regulatory prohibition on large capacity cesspools.

Respectfully submitted,

**ERIN
BREWER**

Erin Brewer
Assistant Regional Counsel
Attorney for Complainant

Digitally signed by
ERIN BREWER
Date: 2023.07.26
15:52:07 -07'00'



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

IN THE MATTER OF:)
Eric Hauck, individually and as trustee of the)
Acton Holding Trust,)
Respondent.)
Proceedings under Section 1423(c) of the Safe)
Drinking Water Act, 42 U.S.C. § 300h-2(c).)

DOCKET NO. UIC-09-2023-0029

**DECLARATION OF
CHRISTOPHER CHEN**

Declaration of Christopher Chen In Support of Motion for a Partial Default Order on Liability

I, Christopher Chen, declare under penalty of perjury as follows:

1. My name is Christopher Chen. I am over the age of 18 years, I have personal knowledge of the facts stated herein, and could competently testify to them if called as a witness.
2. Since September 2009, I have been employed as a physical scientist at the U.S. Environmental Protection Agency Region 9 (“EPA Region 9”). I have served as an inspector for the Enforcement and Compliance Assurance Division (“ECAD”) since 2013.
3. I hold a Bachelor of Science degree in Environmental Sciences from the University of California, Berkeley.
4. I have been assigned to work on the above captioned case brought against Eric Hauck, individually and in his capacity as trustee of the Acton Holding Trust (“Respondent), for violation of the Safe Drinking Water Act, Underground Injection Control Program, 42 U.S.C. § 300h-2(c) and 40 C.F.R. Part 144.
5. On February 15, 2023, I engaged a process server to serve the Complaint in the above captioned matter on the Respondent.

6. On March 5, 2023, I received notice from the process server that the Complaint had been successfully served. The process server effectuated service of process on March 4, 2023, making the due date for Respondent's answer to the Complaint April 3, 2023. The process server transmitted an affidavit to me which confirmed successful service. A true and correct copy of the process server's affidavit is attached hereto as Exhibit A.

7. On April 18, 2023, after the deadline for Respondent to file an answer to the Complaint had expired and EPA Region 9 had not yet received an answer, I contacted the Respondent by phone. During that phone call, the Respondent conferenced in an individual he identified as James Roberts, who he stated was an "administrative manager" or "liaison" for the Respondent and the Acton Holding Trust. Mr. Roberts indicated that legal counsel was working on a response to the Complaint. Mr. Roberts stated that he would provide me the contact information for both himself and for legal counsel via email within 48 hours. I informed Mr. Roberts and the Respondent that the Respondent had an obligation to file an answer to the Complaint, and informed them that the steps for filing the answer could be found on page 8 of the Complaint. Neither Mr. Roberts nor the Respondent explained why the Respondent had failed to file an answer by the April 3 deadline.

8. On April 20, 2023, I followed up with the Respondent and Mr. Roberts, because I had not yet received an email from either individual with the requested information. I first called the Respondent, but he did not answer the phone, and I instead left a voicemail. I then called Mr. Roberts, who did answer my phone call. Mr. Roberts once again promised to send me an email with additional information, including the contact information for legal counsel. I encouraged Mr. Roberts to have any legal counsel who might be working on this matter to contact legal

counsel for EPA Region 9, and stated that EPA Region 9 intended to file a motion for default judgment if no answer to the Complaint was filed.

9. Later that day, on April 20, 2023, I received a phone call from Mr. Roberts. He again stated that he would send me an email with additional information regarding this matter by the following day. He also stated that an answer to the Complaint would be filed by April 26, 2023, at 4:00 PM.

10. I did not receive an email from Mr. Roberts or the Respondent, nor did the Respondent file an answer to the Complaint. Instead, on April 26, 2023, I received another phone call from Mr. Roberts. He stated that an answer to the Complaint would be filed by the following day, on April 27, 2023 at 2:00 PM.

11. The Respondent did not file an answer to the Complaint on April 27, 2023, nor did I receive an email from either the Respondent or Mr. Roberts.

12. On May 11, 2023, I called the Respondent, but Respondent did not pick up the phone. Instead, I left the Respondent a voicemail informing him that if he did not file an answer to the Complaint by May 26, 2023, EPA Region 9 would file a motion for default judgment. I then called Mr. Roberts, who answered the phone. I also informed him that if no answer was filed by May 26, 2023, EPA Region 9 would file a motion for default judgment. Mr. Roberts did not explain why Respondent had failed to file an Answer by April 27, but stated that an answer would be filed by the May 26 deadline. At this time, Mr. Roberts provided me with the following email address, which he claimed to be his own: kdkomerx@gmail.com.

13. After leaving a voicemail with the Respondent, and speaking with Mr. Roberts via telephone, I mailed a letter via certified mail to the Respondent at the address where the process server effected service, which again informed the Respondent that if he did not file an answer to

the Complaint by the May 26, 2023 deadline, EPA Region 9 would file a motion for default judgment. I also emailed a copy of the letter to Mr. Roberts, at the email address he provided me.

14. On May 26, 2023, I received a call from Mr. Roberts. He stated that the Respondent would attempt to file an answer by May 31, 2023. The Respondent did not file an answer by May 31, 2023.

15. On June 22, 2023, I received a notification that the letter I sent to the Respondent had been returned.

16. As of the date of this declaration, EPA Region 9 has not received a formal answer to the Complaint, nor have I received any written communication, via email or otherwise, from the Respondent, Mr. Roberts, or the purported legal counsel for the Acton Holding Trust. I have had no further contact with either the Respondent or Mr. Roberts as of the date of this declaration. On July 11, 2023, I reached out to the Regional Hearing Clerk to confirm that no Answer to the Complaint had been filed.

17. On June 30, 2023, I reached out to Dusan Pavlovic, Senior Deputy County Counsel in the Los Angeles Office of County Counsel, and his paralegal, Laura Salazar, and asked them to send me a copy of the deed for real property located at 3740 Smith Avenue, Acton, California 93510, which is the property where the cesspools at issue in this case are located. On July 2, 2023 Dusan Pavlovic transmitted the deed to me via email. A true and correct copy of the deed for 3740 Smith Avenue, Acton California, and the email transmitting the deed to me, is attached hereto as Exhibit B. The deed confirms that the property is owned by the Acton Holding Trust, and that the Respondent is listed as the Trustee for the Acton Holding Trust.

I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct.

CHRISTOPHER
CHEN

Digitally signed by
CHRISTOPHER CHEN
Date: 2023.07.25 11:40:18
-07'00'



Christopher Chen

Exhibit A

<i>Attorney or Party without Attorney:</i> SYLVIA QUAST U.S. Environmental Protection Agency 75 HAWTHORNE ST. SAN FRANCISCO, CA 94105 Telephone No: 415-972-3926				<i>For Court Use Only</i>
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i>	
<i>Insert name of Court, and Judicial District and Branch Court:</i> UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 9				
<i>Plaintiff:</i> UNITED STATES ENVIRONMENTAL PROTECTION AGENCY <i>Defendant:</i> ERIC HAUCK, INDIVIDUALLY AND AS TRUSTEE OF THE ACTON HOLDING T				
PROOF OF SERVICE ADMINISTRATIVE	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> UIC-09-2023-0029

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the ADMINISTRATIVE COMPLAINT; NOTICE OF OPPORTUNITY FOR HEARING; COMPLAINT LETTER; CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES; 1993 UIC PROGRAM JUDICIAL AND ADMINISTRATIVE ORDER SETTLEMENT PENALTY POLICY; STANDING ORDER; DESIGNATION OF EPA REGION IX PART 22 ELECTRONIC FILING SYSTEM; CERTIFICATE OF SERVICE
3. *a. Party served:* ERIC HAUCK, INDIVIDUALLY AND AS TRUSTEE OF THE ACTON HOLDING TRUST
4. *Address where the party was served:* 12803 AUTUMN LEAVES VICTORVILLE, CA 92395
5. *I served the party:*
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Sat., Mar. 04, 2023 (2) at: 7:21PM
7. **Person Who Served Papers:**
 - a. NAUSIR FIRAS
 - b. **LOWEST RATES PROCESS SERVER**
28448 YOSEMITE DR.
TRABUCO CANYON, CA 92679
 - c. 951-275-7799
 - d. **The Fee for Service was:** \$1,342.00
Recoverable Cost Per CCP 1033.5(a)(4)(B)
 - e. I am: (3) registered California process server
 - (i) Owner
 - (ii) *Registration No.:* 001917
 - (iii) *County:* Riverside
 - (iv) *Expiration Date:* Thu, Mar. 09, 2023



8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*
Date: Sun, Mar. 05, 2023

<i>Attorney or Party without Attorney:</i> SYLVIA QUAST U.S. Environmental Protection Agency 75 HAWTHORNE ST. SAN FRANCISCO, CA 94105 Telephone No: 415-972-3926				<i>For Court Use Only</i>	
<i>Attorney for:</i> Plaintiff			<i>Ref. No or File No.:</i>		
<i>Insert name of Court, and Judicial District and Branch Court:</i> UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 9					
<i>Plaintiff:</i> UNITED STATES ENVIRONMENTAL PROTECTION AGENCY <i>Defendant:</i> ERIC HAUCK, INDIVIDUALLY AND AS TRUSTEE OF THE ACTON HOLDING T					
DECLARATION OF DUE DILIGENCE		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> UIC-09-2023-0029

1. I, CHRISTOPHER DEMIRDJIAN, and any employee or independent contractors retained by SKIP-N-SERVE are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant ERIC HAUCK, INDIVIDUALLY AND AS TRUSTEE OF THE ACTON HOLDING TRUST as follows:

2. **Documents:** Administrative Complaint; Notice Of Opportunity For Hearing; Complaint Letter; Consolidated Rules Of Practice Governing The Administrative Assessment Of Civil Penalties; 1993 Uic Program Judicial And Administrative Order Settlement Penalty Policy; Standing Order; Designation Of Epa Region Ix Part 22 Electronic Filing System.

Day	Date	Time	Location	Results
Wed	02/15/23	7:10pm	Home	NO ANSWER; Attempt made by: CHRISTOPHER DEMIRDJIAN. Attempt at: 12803 AUTUMN LEAVES VICTORVILLE, CA 92395.
Thu	02/16/23	11:05am	Home	NO ANSWER; Attempt made by: CHRISTOPHER DEMIRDJIAN. Attempt at: 12803 AUTUMN LEAVES VICTORVILLE, CA 92395.
Sat	02/18/23	8:35am	Home	NO ANSWER; Attempt made by: CHRISTOPHER DEMIRDJIAN. Attempt at: 12803 AUTUMN LEAVES VICTORVILLE, CA 92395.
Sun	02/19/23	3:35pm	Home	NO ANSWER; Attempt made by: CHRISTOPHER DEMIRDJIAN. Attempt at: 12803 AUTUMN LEAVES VICTORVILLE, CA 92395.
Mon	02/20/23	1:20pm	Home	NO ANSWER; Attempt made by: CHRISTOPHER DEMIRDJIAN. Attempt at: 12803 AUTUMN LEAVES VICTORVILLE, CA 92395.

3. *Person Executing*
 a. CHRISTOPHER DEMIRDJIAN
 b. SKIP-N-SERVE
 P.O. BOX 6848
 San Pedro, CA 90734
 c. (310) 831-1160, FAX (310) 833-7240

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d. The Fee for service was:

e. I am: (3) registered California process server
 (i) Owner
 (ii) Registration No.: 4159
 (iii) County: Los Angeles
 (iv) Expiration Date: Wed, Jul. 05, 2023

4. **I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**
 Date: Sun, Mar. 05, 2023

(CHRISTOPHER DEMIRDJIAN)

DECLARATION OF DUE DILIGENCE

16584.ageepa.16347

Exhibit B

From: [Dusan Pavlovic](#)
To: [Chen, Christopher](#)
Cc: [Brewer, Erin](#)
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)
Date: Monday, July 3, 2023 1:19:44 PM
Attachments: [image001.png](#)
[image003.png](#)
[3740 SMITH AVECA93510 \(1\).pdf](#)

Chris,

Here it is.

Dušan Pavlović
Senior Deputy County Counsel
Affirmative Litigation and Consumer Protection Division
Office of the County Counsel
648 Hall of Administration, 500 West Temple Street, Los Angeles, California 90012
Office No. (213) 974-1900
Cell No. (213) 308-4604
E-mail: dpavlovic@counsel.lacounty.gov



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From: Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>
Sent: Friday, June 30, 2023 2:49 PM
To: Laura Z. Salazar <LZSalazar@counsel.lacounty.gov>; Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>
Cc: Brewer, Erin <Brewer.Erin@epa.gov>
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)

CAUTION: External Email. Proceed Responsibly.

Laura/Dusan,

I hope you are both doing well. I was wondering whether you can assist in pulling the deed for 3740 Smith Ave one more time. We want to have the most current record of ownership as possible to demonstrate who the owner is.

Please let me know if you have any questions.

Thanks,

Chris

Christopher Chen
Drinking Water Section, EPA Region 9
Enforcement and Compliance Assurance Division
600 Wilshire Blvd, Suite 940 (ENF-3-3)
Los Angeles, CA 90017
Phone: (213) 244-1853

From: Laura Z. Salazar <LZSalazar@counsel.lacounty.gov>
Sent: Monday, November 7, 2022 4:29 PM
To: Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>; Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>
Cc: Boesch, Nathaniel <boesch.nathaniel@epa.gov>; Munoz, Maureen (she/her/hers) <Munoz.Maureen@epa.gov>
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)

You're welcome.

Laura Zuluaga Salazar, MPA
Paralegal
Affirmative Litigation & Consumer Protection
Office of the County Counsel
lzsalar@counsel.lacounty.gov

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Please consider the environment before printing this e-mail.

From: Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>
Sent: Monday, November 7, 2022 4:18 PM
To: Laura Z. Salazar <LZSalazar@counsel.lacounty.gov>; Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>
Cc: Boesch, Nathaniel <boesch.nathaniel@epa.gov>; Munoz, Maureen (she/her/hers) <Munoz.Maureen@epa.gov>
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)

CAUTION: External Email. Proceed Responsibly.

Laura/Dusan,
Thank you for your prompt assistance on this matter.

Christopher Chen
Drinking Water Section, EPA Region 9
Enforcement and Compliance Assurance Division
600 Wilshire Blvd, Suite 940 (ENF-3-3)
Los Angeles, CA 90017
Phone: (213) 244-1853

From: Laura Z. Salazar <LZSalazar@counsel.lacounty.gov>
Sent: Monday, November 7, 2022 4:01 PM
To: Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>
Cc: Boesch, Nathaniel <boesch.nathaniel@epa.gov>; Munoz, Maureen (she/her/hers) <Munoz.Maureen@epa.gov>; Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)

Dear Dusan,

As requested, attached please find the deed for 3740 Smith Ave, Acton, CA 93510-2610; APN: 3208-026-048.

Laura Zuluaga Salazar, MPA
Paralegal
Affirmative Litigation & Consumer Protection
Office of the County Counsel
lzsalar@counsel.lacounty.gov

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 Please consider the environment before printing this e-mail.

From: Laura Z. Salazar
Sent: Friday, November 4, 2022 2:35 PM
To: Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>
Cc: Boesch, Nathaniel <boesch.nathaniel@epa.gov>; Munoz, Maureen (she/her) <Munoz.Maureen@epa.gov>; Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)

Dusan,

I requested the deed from DRP and will share upon receipt.

Laura Zuluaga Salazar, MPA
Paralegal

Affirmative Litigation & Consumer Protection
Office of the County Counsel
lzsalar@counsel.lacounty.gov

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Please consider the environment before printing this e-mail.

From: Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>
Sent: Friday, November 4, 2022 2:30 PM
To: Laura Z. Salazar <LZSalazar@counsel.lacounty.gov>
Cc: Boesch, Nathaniel <boesch.nathaniel@epa.gov>; Munoz, Maureen (she/her) <Munoz.Maureen@epa.gov>; Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>
Subject: RE: Cactus Creek Mobile Home Park (Acton Holding Trust)

Laura,

When you get a moment next week, please pull the most recent grant deed for 3740 Smith Avenue, Acton, California 93510 (APN 3208-026-048) and share it with our colleagues at EPA. We need to confirm that Eric Hauck is still the owner of record.

Thank you.

Dušan Pavlović
Senior Deputy County Counsel
Affirmative Litigation and Consumer Protection Division
Office of the County Counsel
648 Hall of Administration, 500 West Temple Street, Los Angeles, California 90012
Office No. (213) 974-1900
Cell No. (213) 308-4604
E-mail: dpavlovic@counsel.lacounty.gov



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From: Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>
Sent: Friday, November 4, 2022 10:42 AM
To: Dusan Pavlovic <dpavlovic@counsel.lacounty.gov>

Cc: Boesch, Nathaniel <boesch.nathaniel@epa.gov>; Munoz, Maureen (she/her) <Munoz.Maureen@epa.gov>

Subject: Cactus Creek Mobile Home Park (Acton Holding Trust)

CAUTION: External Email. Proceed Responsibly.

Dusan,

Thank you for the information shared yesterday during our phone call. I was wondering whether you can pull property records for 3740 Smith Ave, Acton CA. We wanted to confirm that Eric Hauck is the owner of the property according to the most recent records. Any other records regarding the property and Eric Hauck that your office may have access to would be greatly appreciated in our attempts to locate him.

Thanks,
Chris

Christopher Chen
Drinking Water Section, EPA Region 9
Enforcement and Compliance Assurance Division
600 Wilshire Blvd, Suite 940 (ENF-3-3)
Los Angeles, CA 90017
Phone: (213) 244-1853

Property Detail Report

3740 Smith Ave, Acton, CA 93510-2610

APN: 3208-026-048

Los Angeles County Data as of: 06/29/2023

Owner Information

Owner Name: Acton Holding Trust / Hauck Eric TR
Vesting:
Mailing Address: 17100 Bear Valley Rd #B, Victorville, CA 92395-5852
Occupancy: Absentee Owner

Location Information

Legal Description: Mr 52-7*Vac Alley Adj On S And Lots 1 And Lot/Sec 2 Blk/Div/Twn 3
County: Los Angeles, CA
APN: 3208-026-048
Alternate APN:
Census Tract / Block: 910805 / 1065
Munic / Twncshp: Lancaster /Av-Mob Hom Park
Twncshp-Rng-Sec:
Legal Lot / Block: 1 / 3
Subdivision: Town Of Acton
Tract #:
Legal Book / Page: 52 / 7
Neighborhood:
School District: Acton-Agua Dulce Unified School District
Elementary School: Meadowlark Element...
Middle School: High Desert School
High School: Vasquez High Schoo...
Latitude: 34.46782
Longitude: -118.19866

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date: 04/21/2011 / 04/27/2011
Price: \$40,000
Transfer Doc #: 2011.606561
Buyer Name: Acton Holding Trust
Seller Name: Bayview LN Svcs LLC
Deed Type: Deed

Last Market Sale

Sale / Rec Date: 07/04/2003 / 07/11/2003
Sale Price / Type: \$140,000 / Full Value
Deed Type: Deed
Multi / Split Sale:
Price / Sq. Ft.: \$169
New Construction:
1st Mtg Amt / Type: \$120,000 / Conventional
1st Mtg Rate / Type: 522.0 / Fixed
1st Mtg Doc #: 2003.1978236
2nd Mtg Amt / Type:
2nd Mtg Rate / Type:
Sale Doc #: 2003.1978235
Seller Name: Murrison, TR
Lender: Murrison Trust
Title Company: Chicago Title

Prior Sale Information

Sale / Rec Date: 09/06/1991 / 09/13/1991
Sale Price / Type: \$200,000 / Full Value
Prior Deed Type:
1st Mtg Amt / Type: \$190,000 / Conventional
1st Mtg Rate / Type:
Prior Sale Doc #: 1991.1438129
Prior Lender: Seller

Property Characteristics


Gross Living Area: 828 Sq. Ft.
Total Rooms: 0
Year Built / Eff: 1952
Living Area: 828 Sq. Ft.
Bedrooms: 1
Stories:
Total Adj. Area:
Baths (F / H): 3 /
Parking Type:
Above Grade: 828 Sq. Ft.
Pool:
Garage #:
Basement Area:
Fireplace:
Garage Area:
Style:
Cooling:
Porch Type:
Foundation:
Heating: Heated
Patio Type:
Quality: Below Average
Exterior Wall:
Roof Type:
Condition:
Construction Type:
Roof Material:

Site Information

Land Use: Mobile Home Park
Lot Area: 13,339 Sq. Ft.
Zoning:
State Use:
Lot Width / Depth:
of Buildings: 3
County Use: 0900 - Manufactured Home Park
Usable Lot: 13339
Res / Comm Units: 1 / 1
Site Influence:
Acres: 0.306
Water / Sewer Type:
Flood Zone Code: Ae
Flood Map #: 06037C0880G
Flood Map Date: 06/02/2021
Community Name: Los Angeles County
Flood Panel #: 0880G
Inside SFHA: True

Tax Information

Assessed Year: 2022
Assessed Value: \$48,283
Market Total Value:
Tax Year: 2022
Land Value: \$36,215
Market Land Value:
Tax Area: 08-929
Improvement Value: \$12,068
Market Imprv Value:
Property Tax: \$892.69
Improved %: 24.99%
Market Imprv %:
Exemption: 2019
Delinquent Year:

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20110606561



Pages:
0003

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

04/27/11 AT 08:00AM

FEES :	32.00
TAXES :	44.00
OTHER :	0.00
PAID :	76.00



LEADSHEET



201104270290002

00004081130



003280591

SEQ:
01

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T03

ORT

RECORDING REQUESTED BY:
Old Republic Title Company

AND WHEN RECORDED MAIL TO:

Eric Hauck, Trustee
The Acton Holding Trust
485 E. Foothill Blvd., #A353
Upland, CA 91786



2

THIS SPACE FOR RECORDER'S USE ONLY:

25

Title Order No.: 2607098602 Escrow No.: 01-010528-TWA

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) 82
DOCUMENTARY TRANSFER TAX is \$44.00

computed on full value of property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale.
 Unincorporated area City of AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company

hereby GRANT(s) to:

Eric Hauck, Trustee of The Acton Holding, Trust dated 4/15/11

the real property in the County of Los Angeles, State of California, described as:
LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF
Also Known as: 3740 Smith Avenue, Acton, CA 93510
AP#: 3208-026-048

DATED April 21, 2011

STATE OF FLORIDA
COUNTY OF

On 4/21/2011 at Miami Dade
before me, Doris T. Macias

A Notary Public in and for said State personally appeared
Matthew Coburn
Assistant Secretary

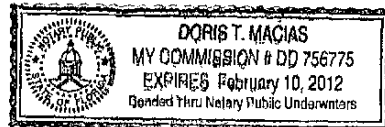
who proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) is/are subscribed to the within
Instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State
of Florida that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Bayview Loan Servicing, LLC, a Delaware Limited
Liability Company

By:

[Handwritten Signature]
Matthew Coburn
Assistant Secretary



Signature

(Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

1A

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Los Angeles, State of California, and is described as follows:

Parcel 1:

Lot 1 in Block 3 of The Town of Acton, in the County of Los Angeles, State of California, as per map recorded in Book 52 Page 7 of Miscellaneous Records, in the Office of the County Recorder of said County, together with the Northerly half of that certain 16 foot wide abandoned alley adjoining said land on the South as said alley is shown on said Town of Acton and abandoned by the Los Angeles County Board of Supervisors by Board Order 42 recorded on December 26, 1968 as Instrument No. 1284, in the office of the county recorder of said county.

Parcel 2:

Lot 2 in Block 3 of The Town of Acton, in the County of Los Angeles, State of California, as per map recorded in Book 52 Page 7 of Miscellaneous Records, in the office of the county recorder, together with the Northerly half of that certain 16 foot wide abandoned alley adjoining said land on the South as said alley is shown on said Town of Acton and abandoned by The Los Angeles County Board of Supervisors by Board Order 42 recorded on December 26, 1968 as Instrument No. 1284, in the office of the county recorder of said county.

Parcel 3:

An easement for ingress and egress and incidental purposes over the Easterly 20 feet of Lot 3 in Block 3 of the Town of Acton as per map recorded in Book 52 Page 7 of Miscellaneous Records, in the Office of the County Recorder of said County.

The easement shown as Parcel 3 of the legal description shall be limited to the grantee's use for as long as Lot 2 in Block 3 of the Town of Acton shall retain its present use as a trailer park. Upon change in the use of said Lot 2 of said subdivision, this easement shall be terminated and shall no longer exist.

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20110606562



Pages:
0004

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

04/27/11 AT 08:00AM

FEES :	46.00
TAXES :	0.00
OTHER :	0.00
PAID :	46.00



LEADSHEET



201104270290002

00004081131



003280591

SEQ:
02

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T03

2607098602-56

ORT

RECORDING REQUESTED BY

The Whitfield Family Trust

AND WHEN RECORDED MAIL TO

The Whitfield Family Trust
29112 South Highmore Ave
Rancho Palos Verdes, CA 90275



2

3/2

**DEED OF TRUST
WITH ASSIGNMENT OF RENTS AS ADDITIONAL SECURITY**

This DEED OF TRUST, made April 26, 2011, between

The Acton Holding Trust, dated April 15, 2011, Eric Hauck, Trustee, herein called TRUSTOR,
whose address is 485 East Foothill Blvd #A353 Upland CA. 91786

First American Title CO, a California Corporation, herein called TRUSTEE,

And The Whitfield Family Trust, Dated May 13, 1992, herein called BENEFICIARY,

Trustor irrevocably grants, transfers and assigns to Trustee in Trust, with Power of Sale that property in
County of Los Angeles state of California, described as:

Legal Description attached hereto as Exhibit A and made a part hereof
A.P.N.: 3208-026-048
More commonly known as 3740 Smith Avenue, Acton, California

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter
given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing (1) payment of the sum of \$100,000.00 with interest thereon according to the terms
of a promissory note or notes of even date herewith made by Trustor, payable to order of Beneficiary, and
extensions or renewals thereof; (2) the performance of each agreement of Trustor incorporated by reference or
contained herein or reciting it is so secured; (3) Payment of additional sums and interest thereon which may
hereafter be loaned to Trustor, or his successors or assigns, when evidenced by a promissory note or notes
reciting that they are secured by this Deed of Trust.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly
makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the
terms and provisions set forth in subdivision A of that certain Fictitious Deed of Trust referenced herein, and it
is mutually agreed that all of the provisions set forth in subdivision B of that certain Fictitious Deed of Trust

2A

recorded in the book and page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	1288	556	Kings	858	713	Placer	1028	379
Alpine	3	130-31	Lake	437	110	Plumes	166	1307
Amador	133	438	Lassen	192	367	Riverside	3778	347
Butte	1330	513	Los Angeles	T-3878	874	Sacramento	71-10-26	615
Calaveras	185	338	Madera	911	136	San Benito	300	405
Colusa	323	391	Marin	1849	122	San Bernardino	6213	768
Contra Costa	4684	1	Mariposa	90	453	San Francisco	A-804	596
Del Norte	101	549	Mendocino	667	99	San Joaquin	2855	283
El Dorado	704	635	Merced	1660	753	San Luis Obispo	1311	137
Fresno	5052	623	Modoc	191	93	San Mateo	4778	175
Glenn	469	76	Mono	69	302	Santa Barbara	2065	381
Humboldt	801	83	Monterey	357	239	Santa Clara	6626	664
Imperial	1189	701	Napa	704	742	Santa Cruz	1638	607
Inyo	165	672	Nevada	363	94	Shasta	800	633
Kern	3756	690	Orange	7182	18	San Diego Series 5 Book 1964, Page 149774		

Shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivisions A and B, (identical in all counties) are preprinted on the following pages hereof and are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge thereof does not exceed the maximum allowed by laws.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinbefore set forth.

Eric Hauck Trustee 4/23/11
Trustor
The Acton Holding Trust
Eric Hauck, Trustee

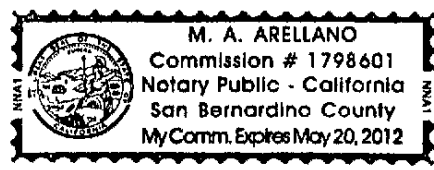
State of California
County of SAN BERNARDINO)

On April 23 2011 before me, M. A. ARELLANO Notary Public
(Insert name and title of the officer)

personally appeared Eric Hauck, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature M. A. Arellano (Seal)



4

**EXHIBIT A
LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF **LOS ANGELES**, STATE OF **CALIFORNIA**, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 1 IN BLOCK 3 OF THE TOWN OF ACTON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 52 PAGE 7 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE NORTHERLY HALF OF THAT CERTAIN 16 FOOT WIDE ABANDONED ALLEY ADJOINING SAID LAND ON THE SOUTH AS SAID ALLEY IS SHOWN ON SAID TOWN OF ACTON AND ABANDONED BY THE LOS ANGELES COUNTY BOARD OF SUPERVISORS BY BOARD ORDER 42 RECORDED ON DECEMBER 26, 1968 AS INSTRUMENT NO. 1284, IN THE OFFICE OF THE COUNTY.

EXCEPT THEREFROM THE MOBILE HOME LOCATED THEREON.

PARCEL 2:

LOT 2 IN BLOCK 3 OF THE TOWN OF ACTON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 52 PAGE 7 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE NORTHERLY HALF OF THAT CERTAIN 16 FOOT WIDE ABANDONED ALLEY ADJOINING SAID LAND ON THE SOUTH AS SAID ALLEY IS SHOWN ON SAID TOWN OF ACTON AND ABANDONED BY THE LOS ANGELES COUNTY BOARD OF SUPERVISORS BY BOARD ORDER 42 RECORDED ON DECEMBER 26, 1968 AS INSTRUMENT NO. 1284, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE MOBILE HOME LOCATED THEREON.

PARCEL 3:

A EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES OVER THE EASTERLY 20 FEET OF LOT 3 IN BLOCK 3 OF THE TOWN OF ACTON AS PER MAP RECORDED IN BOOK 52, 2, PAGE 7 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE EASEMENT SHOWN AS PARCEL 3 OF THE LEGAL DESCRIPTION SHALL BE LIMITED TO THE GRANTEE'S USE GRANTEES USE FOR AS LONG AS LOT 2 IN BLOCK 3 OF THE TOWN OF ACTON SHALL RETAIN ITS PRESENT USE AS A TRAILER PARK, UPON CHANGE IN THE USE OF SAID LOT 2 OF SAID SUBDIVISION, THIS EASEMENT SHALL BE TERMINATED AND SHALL NO LONGER EXIST.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the foregoing **COMPLAINANT'S MOTION FOR PARTIAL DEFAULT (LIABILITY)** and **MEMORANDUM IN SUPPORT OF MOTION FOR PARTIAL DEFAULT (LIABILITY)**, In the Matter of Eric Hauck, individually and as trustee of the Acton Holding Trust, Docket No. CWA-09-2023-0029 was filed with the Regional Hearing Clerk for EPA Region 9 and sent to the following parties in the manner indicated below, in accordance with the EPA Region IX Part 22 E-Filing Management System:

Originals by Electronic Mail to:

Regional Hearing Clerk
EPA Region 9
R9HearingClerk@epa.gov

Copies by UPS/Adult Signature Required:

Erick Hauck, Trustee
Acton Holding Trust
12803 Autumn Leaves
Victorville, CA 92395

Carol Sachs

JUL 27 2023

Carol Sachs
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
brewer.erin@epa.gov