

## **CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
FAX (415) 904-5400  
TDD (415) 597-5885



# **W12a**

**A-4-MAL-21-0034 (Cuthbert Surf LLC)**

**JULY 7, 2021**

**CORRESPONDENCE**

July 2, 2021

California Coastal Commission  
Public Hearing A-4-MAL-21-0034 Item #W12a  
Date of hearing: 7/7/2021 at 9 a.m.  
RE: 30181 Cuthbert Road, Malibu, CA (Applicant: Cuthbert Surf, LLC)

Esteemed members of the California Coastal Commission,

Rights of ownership/easement are defined in the City of Malibu LCP, Chapter 2, page 11 as “- a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.” There is no distinction between private and public easement in this definition, hence they both should be treated equally.

The CCC is a quasi-legal entity which must consider the law in its decision-making.

The present case is regarding the definition of a view easement and the decision to be made about who has the legal right to the view, between two neighbors whose properties are in the jurisdiction of the CCC.

We have attached three legally recorded documents, beginning fifty years ago, with two of them prepared and recorded by the same title company which is now supporting the Applicant in his suit against us.

The Applicant, as Plaintiff, who purchased the lot recently, is not only pursuing a lawsuit against us but has also recorded a Lis Pendens against our property, asking the court to overturn our legally recorded view easements and declare them to be invalid. This is a case of ownership rights and required proofs, as defined in the LCP section 13.6.2 which states that Applicants must “prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the City to process the application.” The Applicant has neither proven that he owns the rights to our view, nor has he received consent from us to obstruct that view. He is planning to build a 19’ high structure which defies even the City’s own rules for Woolsey fire rebuilds. The lawsuit the Applicant brought against us is case #20STCV44283 (Los Angeles court), with honorable judge Lia Martin. This case is set for trial in May 2022. Any decision made by the CCC might be contrary to the court’s verdict, which then would be contrary to the quasi-legal nature of the CCC.

Regarding the concept of “substantial issue” this case is substantial because private and public easements should be treated equally as per LCP definition. In addition, if the private easement

is treated differently than a public one, this will result in a precedent that can be detrimental in future issues.

The CCC staff report of 6/24/21 indicates that the conflict of ownership rights should be addressed “elsewhere.” This is precisely the legal procedure that is in progress in the county court, initiated by the Applicant as Plaintiff in his suit against us.

As per above, we respectfully request that any decision on this case be left to the courts, as the CCC quasi-legal status requires.

Thank you very much.

Saeed and Anne Sadeghpour

[REDACTED]



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04 0608952

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA  
03/15/04 AT 08:00am

TITLE(S) : **DEED**



FEE	
FEE \$27	RR
A.F.N.F. 94	1

D.T.T

CODE  
20

CODE  
19

CODE  
9

NOTIFICATION SENT-\$4 ©

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

4469 - 007 - 003

THIS FORM NOT TO BE DUPLICATED

3/15/04

04 0608952

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:  
Saeed Sadeghpour  
Charlton Anne King Sadeghpour  
531 N. 18th Street  
Montebello, Ca. 90640

Space Above This Line for Recorder's Use Only

## INDIVIDUAL QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) DOCUMENTARY TRANSFER TAX \$NONE  
[ ] 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 Malibu, and

GIFT

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,  
Kurt Amboss and Phyllis Evelyn Amboss, husband and wife

hereby remise, release and forever quitclaim to  
Saeed Sadeghpour and Charlton Anne King Sadeghpour, husband and wife as joint tenants

any and all rights, title, and/or interest in and to that certain height restriction recorded against Lot 2 of Tract No. 17351 as more fully set forth in the Grant Deed recorded August 19, 1971 as Instrument No. 1612.

Kurt Amboss

Kurt Amboss

Phyllis Evelyn Amboss  
Phyllis Evelyn Amboss

Document Date: March 10, 2004

STATE OF CALIFORNIA

COUNTY OF Los Angeles

SS

On March 12, 2004

before me, Nicole Nordgreen, notary public

personally appeared Kurt Amboss and Phyllis Evelyn Amboss

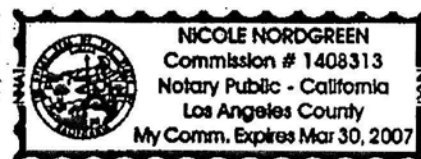
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the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

WITNESS my hand and official seal.

Signature

Nicole Nordgreen

This area for official notarial seal.



Mail Tax Statements to: SAME AS ABOVE or Address Noted Below



# Malibu Escrow Corporation

22241 Pacific Coast Highway • Malibu, CA 90265

(310) 456-2058 • Fax (310) 456-1256

Saeed Sadeghpour  
Charlton Anne King Sadeghpour  
531 N. 18th Street  
Montebello, CA 90640

Date : May 25, 2004  
Escrow No. : **15633**

**RE: vacant land- Cuthbert, Malibu, CA 90265**

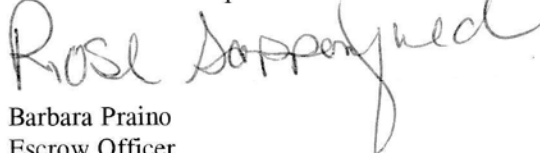
Dear Mr. and Mrs. Sadeghpour:

In connection with the above numbered escrow, we enclose the following:

Copy of recorded Individual Quitclaim Deed

We appreciate the opportunity to be of service to you in this transaction. Should you have any questions, please call us at the telephone number(s) referenced above.

Malibu Escrow Corporation

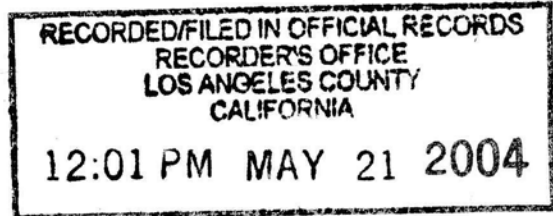


Barbara Praino  
Escrow Officer

RS

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04 1302986



TITLE(S) : **DEED**



FEE

FEE \$10	G
2	

D.T.T

CODE  
20

CODE  
19

CODE  
9

NOTIFICATION SENT-\$4 ©

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

THIS FORM NOT TO BE DUPLICATED



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:  
Saeed Sadeghpour  
Charlton Anne King Sadeghpour  
531 N. 18th Street  
Montebello, Ca. 90640

Space Above This Line for Recorder's Use Only

## INDIVIDUAL QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s) DOCUMENTARY TRANSFER TAX \$NONE  
this Deed transfers any right to a deed restriction only  
☐ 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 Malibu, and

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,  
**Kurt Amboss and Phyllis Evelyn Amboss, husband and wife**

hereby remise, release and forever quitclaim to  
**Saeed Sadeghpour and Charlton Anne King Sadeghpour, husband and wife as joint tenants**

any and all rights, title, and/or interest in and to that certain height restriction recorded against Lot 2 of Tract No. 17351 as more fully set forth in the Grant Deed recorded August 19, 1971 as Instrument No. 1612.

The transfer of rights, title and interest in and to this height restriction is being done in connection with and as part of the sale of property between the Grantors and Grantees herein for property known as the Northerly 145 feet of Lot 2 of Tract No. 17351, in the County of Los Angeles, State of California as per map recorded in Book 441 Page 40 and 41 of Maps, in the office of the County Recorder of said County.



QUITCLAIM DEED CONTINUED ON NEXT PAGE

Mail Tax Statements to: SAME AS ABOVE or Address Noted Below

## QUITCLAIM DEED - CONTINUED

Kurt Amboss  
Kurt Amboss

Phyllis Evelyn Amboss  
Phyllis Evelyn Amboss

Document Date: May 17, 2004

STATE OF CALIFORNIA

COUNTY OF Los Angeles

)SS

On May 17, 2004

before me,

Nicole Nordgreen, notary public

personally appeared

Kurt Amboss andPhyllis Evelyn Amboss

~~personally known to me~~ (or 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.

WITNESS my hand and official seal.

Signature

Nicole Nordgreen

This area for official notarial seal.

