EXHIBIT E-2

EXHIBIT E-3

EXHIBIT - E4

EXHIBIT - E5

EXHIBIT E5

EXHIBIT - E6

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San Mateo, CA 94402
(650) 570-0566; Fax (650) 570-7831

Attorney for Defendants
TEG Partners, LLC, Teginder Singh
Tripatinder S. Chowdhry

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

COURT OF UNLIMITED JURISDICTION

SANDRA P. MCIVER, ET AL. Plaintiff, vs. TEG PARTNERS, LLC. ET AL., Defendants.	Case No. 17 CIV 00720 **DEFENDANTS' POINTS AND AUTHORITIES IN OPPOSITION TO TEMPORARY RESTRAINING ORDER** **Date: Feb. 22, 2017** **Time: 2:00 PM** **Dept: Law & Motion**

Defendants submit the following Points and Authorities:

The opposition to the Application to the Temporary Restraining Oder filed by Plaintiff is based upon the fact that there is no imminent danger, there is no irreparable harm, Plaintiff has unclean hands, and the entire action is without merit.

Plaintiff and Defendants own properties which are adjacent to each other. When Defendants purchased their property (Parcel 1 which includes Lots 1-8 and a portion of Lot 9), their property was burdened by an easement for the benefit of Parcel 2 (which includes Lots 10 to 18 and a portion of Lot 9). A copy of a Map showing the parcels is attached hereto and marked Exhibit A.

The attached Map shows the area described in the Access/roadway Easement (the Easement) and the Driveway Easement.

The Easement is highlighted in yellow for the Court's convenience. Although Defendants dispute the accuracy of the Map based upon the legal Description of the Easement, the inaccuracy is not relevant at this time. The Driveway Easement is highlighted in green for the Court convenience. The reason the distinction is important is that the permit obtained by the County of San Mateo to grade within the easement only references and deals with that portion of the Easement which is the Driveway Easement.

The general location of the fence is shown in pink for the Court's convenience.

No Imminent Danger

The pleadings do not evidence any imminent danger. The fence which is complained about and the boundary markers also complained about do not create any imminent danger.

No Irreparable Injury

Temporary restraining orders may be granted ex parte if it appears from the facts set forth in the affidavit or declaration or the verified complaint that great or irreparable injury would result to the applicant before the matter could be heard on notice [see Code Civ. Proc. § 527(c)(1)].

The affidavits, declarations, or verified complaint must contain specific facts, on personal knowledge, supporting the allegations that are the basis for the request for a TRO. A restraining order may not be granted on an affidavit supported only on information and belief [Low v. Low (1956) 143 Cal. App. 2d 650, 654, 299 P.2d 1022].

It should be pointed out that, although Plaintiff claims that there is an emergency, Plaintiff signed the verification to her complaint on February 13, 2016 – 9 days ago! Plaintiff is therefore in agreement with Defendants that there is no emergency.

The Status Quo Should be Preserved

General purpose of preliminary injunction is to preserve status quo until merits of

action can be determined. Harbor Chevrolet Corp. v. Machinists Local Union (1959, Cal App 2d Dist) 173 Cal App 2d 380, 343. Removal of a fence and boundary markers would not preserve the status quo.

Plaintiff Failed to Provide any Evidence of Interference

Tad Sanders states, in his Declaration filed in support to the TRO, that he is an agent for Plaintiffs (Decl. page 1, para 1) but does not state that he has had engineering or surveyor training to determine the true location of the stakes referred to in his Declaration and/or that stakes are within Easement. Tad Sanders is not qualified to determine whether the stakes are within the easement or outside the easement and his Declaration should be stricken.

Tad Sanders further states that he had a conversation with "a representative of the Fire Department" [not even named by Mr. Sanders] is pure hearsay and should be stricken (Page 2, para 8).

Plaintiff Has Unclean Hands

Injunctions are based upon equity. Plaintiff undertook the grading of the Driveway easement without a permit, Plaintiff's workers masked the license plates of their truck, Plaintiff's agents removed Defendant's surveyor's markers, and Plaintiff damaged Defendants property.

Conclusion

The following should be kept in mind. (1) The fence is located on the property line and NOT within the easement; (2) Defendants have every right to erect a fence on their property line; (3) Plaintiffs are asking the court to redraft the easement description (that Plaintiff's engineer drafted) to create a new easement across Defendants' property. At the time that the easement was created, Defendants did not even own the land where the easement was created.

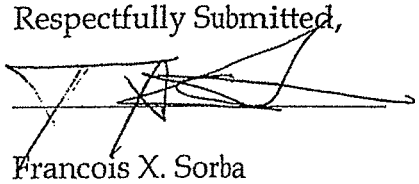
1. Mr. Sander's general statement that the fence is [now] jeoparding the safety of the McIver property is not based upon any evidence and is pure speculation.

2. The last statement made by Mr. Sanders is that Defendants "have no right to interfere with the legal use of the easement..." [page 3, para 10]. But there is no interference. The markers are located outside the easement and the fence is located on the property line – NOT on the easement. As a result, there is no interference.

3. The work to be done by Plaintiffs within the easement is described in the Certificate of Exemption attached to Mr. Sanders' Declaration. It states in part: "Project Description: Maintenance of our access easement by scraping the center of the road and distributing the scraping in the wheel ruts along the driveway. Add in 2 inches of gravel and level it." How the planting of the markers and the erection of a fence outside the easement could interference with the work describe above is a mystery.

Plaintiff's request for a Temporary Restraining Order should be denied.

Respectfully Submitted,



Francois X. Sorba

(Hermosa Ave) abandoned

Miramar Drive

Block 4

APN 048-076-120

Lot 1 | Lot 2 | Lot 3 | Lot 4 | Lot 5 | Lot 6 | Lot 7 | Lot 8 | Lot 9 | Lot 10 | Lot 11 | Lot 12 | Lot 14 | Lot 15 | Lot 16 | Lot 17 | Lot 18

APN 048-076-070

APN 048-076-130

Property Line

Northerly limits of Roadway Easements

Southerly Edge of Gravel Road

Typical 80d Nail set on Edge of Road or on edge of Road easement

Southerly limits of Roadway Easement

End of existing Chainlink fence

Typical 80d

12' wide Lane (per recorded map 5/19)

Set 5/8" Rebar

Alto Avenue (paper Street)

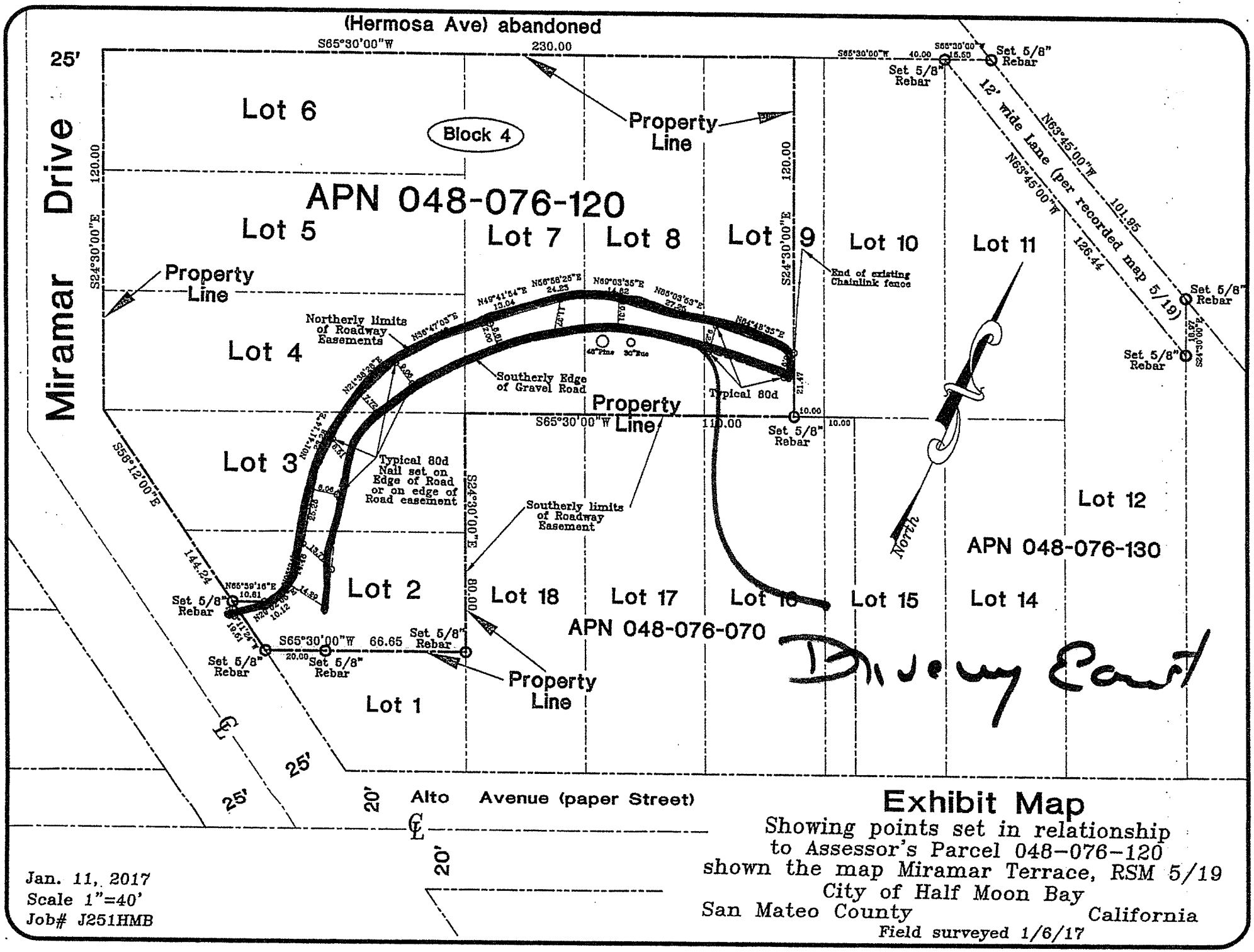
Easement

North

Jan. 11, 2017
Scale 1"=40'
Job# J251HMB

Exhibit Map

Showing points set in relationship to Assessor's Parcel 048-076-120 shown the map Miramar Terrace, RSM 5/19
City of Half Moon Bay
San Mateo County California
Field surveyed 1/6/17



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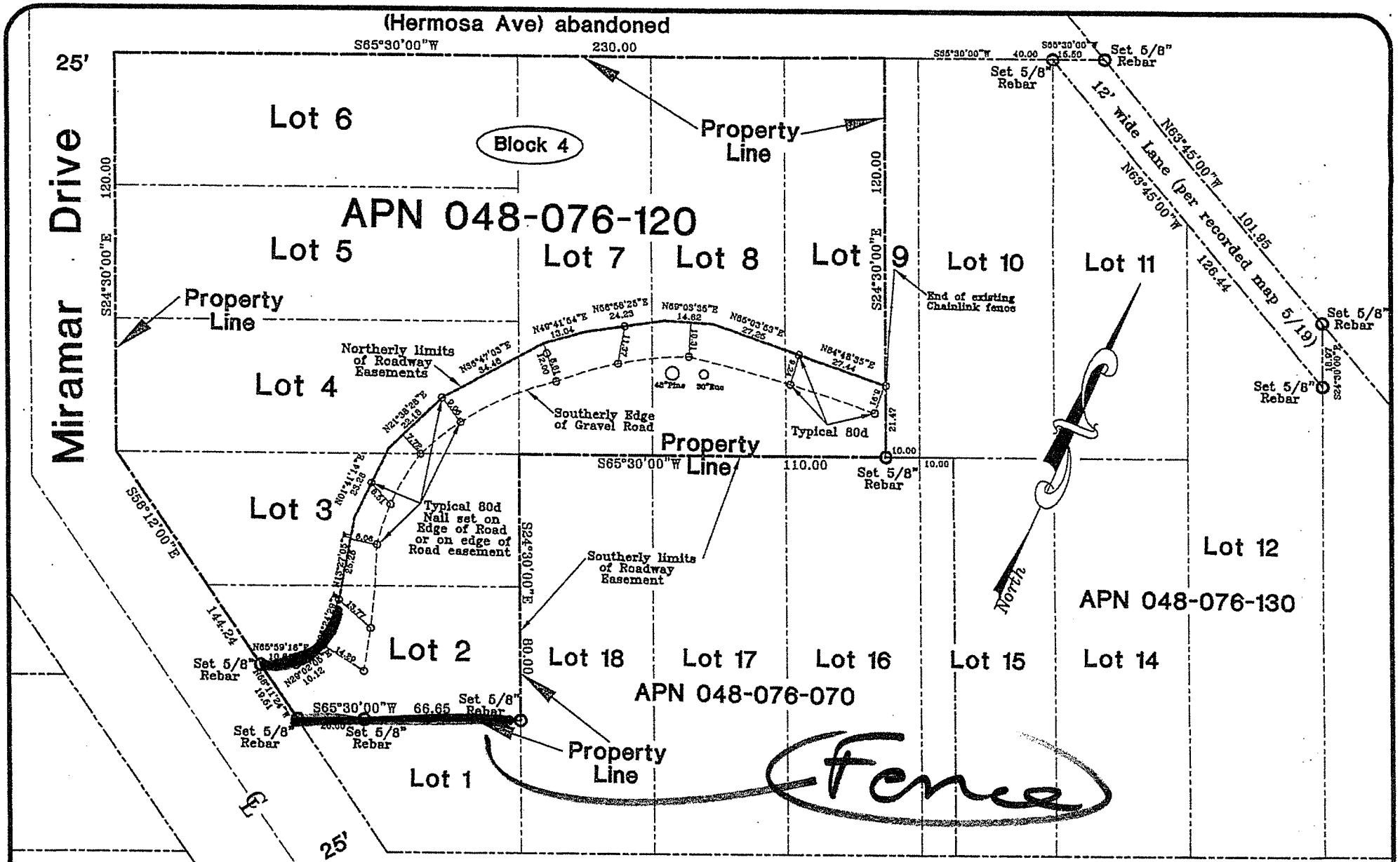
to Assessor's Parcel 048-076-120
shown the map Miramar Terrace, RSM 5/19
City of Half Moon Bay
San Mateo County California
Field surveyed 1/6/17

Jan. 11, 2017
Scale 1"=40'
Job# J251HMB



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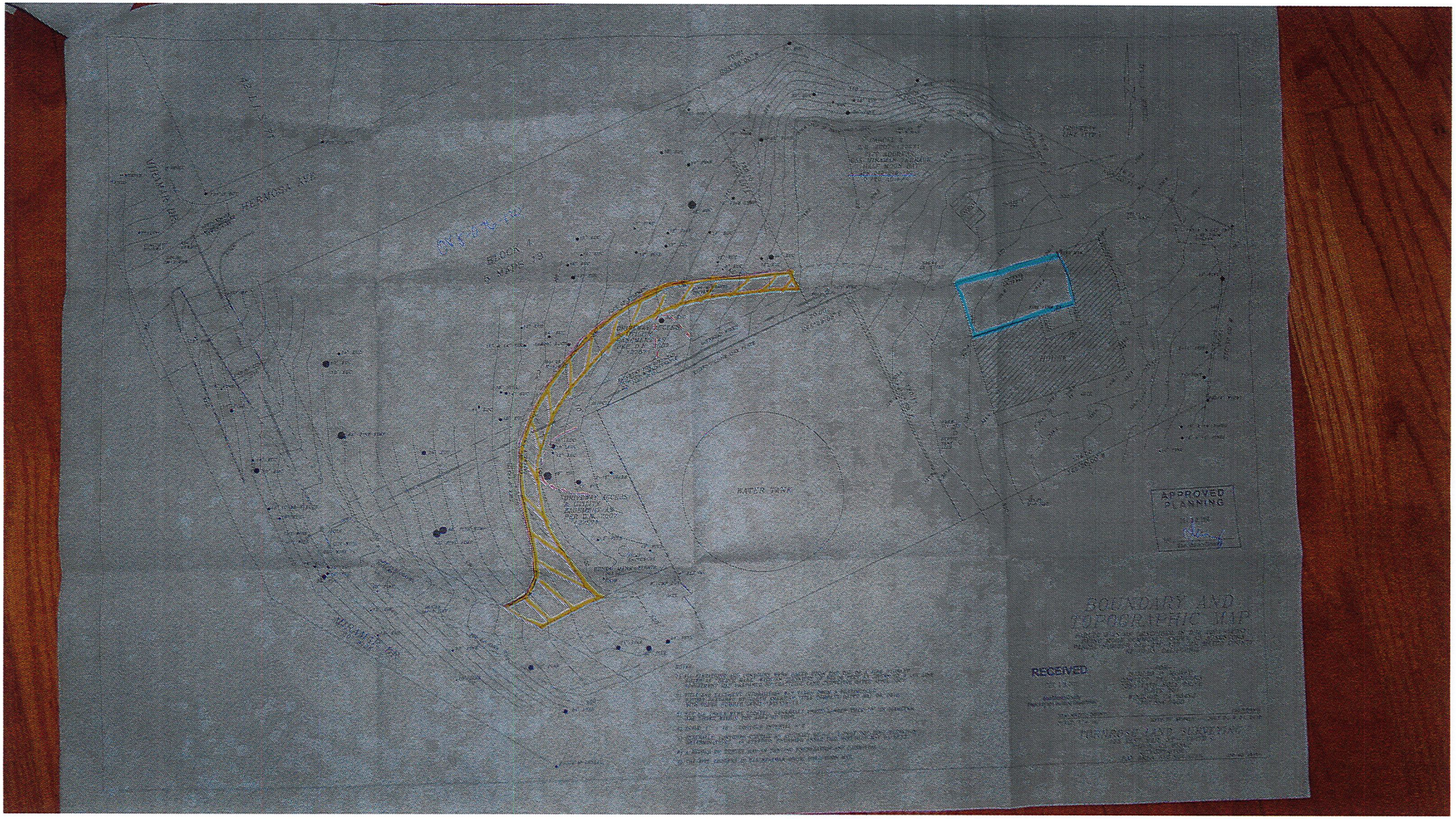
Showing points set in relationship
to Assessor's Parcel 048-076-120
shown the map Miramar Terrace, RSM 5/19
City of Half Moon Bay
San Mateo County California
Field surveyed 1/6/17

Jan. 11, 2017
Scale 1"=40'
Job# J251HMB

"A"


BOUNDARY AND
TOPOGRAPHIC MAP
APPROVED
PLANNING
RECEIVED
WATER TANK
BLOCK 1
PLANE 19
HERMOSA AVE
VIRGINIA DR
TUNNEL RD

County of San Mateo
Planning & Building Department
455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849
Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

PERMIT NUMBER: BLD2016-02574 **BUILDING PERMIT** FOR INSPECTION CALL: 650-306-8415
SITE ADDRESS: 655 MIRAMAR DR, HALF MOON BAY, CA CITY CODE: MIRAMAR

OWNER INFORMATION	APPLICANT INFORMATION	CONTRACTOR INFORMATION
TEG PARTNERS LLC 18 TERRACE AVENUE HALF MOON BAY CA, 94019 Phone #:	TAD SANDERS 1360 19th Hole Drive, Suite #201 Windsor, CA 95492 Phone #:	T M K BUILDERS INC Tom Kline PO BOX 790 PENNGROVE, CA 94951 Phone #: 4156861178 LIC #: 947975 WC Policy #: TMWC700009 WC Expires: 03/01/2017

PROJECT NAME: EROSION CONTROL

PROJECT DESCRIPTION: Erosion control. To perform maintenance to driveway on easement on parcel 048076120 that serves as access to 655 Miramar (048076130). Scrape the center of the road and redistribute the soil into the wheel ruts that have formed over the years. Spread approximately 2" of road base gravel and level it. Gravel stockpile on 655 Miramar (048076130). This permit to track wet season EC inspections.

BUILDING		AREA (SF)	YARDS (FT)
TYPE OF WORK: Other	ZONING DIST:	BUILDING:	FRONT:
TYPE OF USE: Single-Family Detache	LOT AR/DU:	GARAGE:	R SIDE:
BUILDINGS:	LOT WIDTH:	DECK:	BACK:
STORIES:	LOT COVER:	PORCH/BREEZE:	L SIDE:
UNITS:	BLD HEIGHT:		
BEDROOMS:			
TYPE OF CON: Type 5			
OCC. GROUP: R3		TOTAL VALUATION: $0.00	

This permit does NOT INCLUDE any construction within the Public Right of Way. Permits for such construction shall be obtained from the Public Works Department. Permit shall expire by time limitations as set forth in the San Mateo County Ordinance Code. Extensions beyond that specified time will require reinstatement of the permit and compliance with applicable codes and zoning regulations in effect at the time of reinstatement.

This permit shall also expire by time limitation if authorized work is not commenced within 180 days, or if work is abandoned for a period of 180 days. Evidence of continuation of work is a progress inspection which can demonstrate substantial progress within the 180 day period.

LICENSED CONTRACTOR DECLARATION

✓ I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class: GENERAL BUILDING CONTRACTOR License Number: 947975

Date: ✓ 1/24/17 Signature: ✓ [signature]