

Finally, the retaining wall in question was built to decrease the possibility of an erosion-induced landslide onto Cowpens Way. Removing any part of the wall could result in damage to both persons and property, which NexGen Builders would be responsible to remedy.

Before taking any action, I hereby request to see all relevant documentation related to this issue, including all surveys, boundary surveys/maps/drawings, title documents, documents describing the governance of the above easement, etc.

Depending on the production and content of the documents requested, I am willing to discuss resolution of any dispute, which may include the purchase of an easement or lot line adjustment. Also, I am willing to have my landscape architect work with Lot 11's landscape architect to design and build a boundary between the two properties that is functional, safe, and visually appealing.

Sincerely,
Tom Finke

2067 New Brunswick Drive
San Mateo, CA 94402

From: [Camille Leung](#)
To: [Amy Ow](#)
Subject: FW: Lot 11 Property Line
Date: Thursday, October 7, 2021 9:10:26 PM

From: Tom Finke <tomfinke2010@gmail.com>
Sent: Thursday, October 7, 2021 9:07 PM
To: Robert Pellegrine <robertpellegrine@yahoo.com>; Noel Chamberlin <noel@nexgenbuilders.com>; Jack Chamberlain <jtuttlec@aol.com>
Cc: Camille Leung <cleung@smcgov.org>; David Jung <djungmann@bkf.com>; Jason Hauns <jhauns@bkf.com>; bob.p@nexgenbuilders.com
Subject: Lot 11 Property Line

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To: NexGen Builders / Chamberlain Group
From: Tom Finke (owner/resident 2067 New Brunswick Drive, San Mateo Highlands)
Date: October 7, 2021
Subject: Lot 11 Property Line

Please be advised that on September 29, 2021, staff from NexGen Builders intruded into my backyard unannounced and uninvited. As I was not home at the time, their presence caused great distress to my wife. Thereafter, these persons proceeded to threaten my wife with a lawsuit if parts of the retaining wall and fence in my backyard were not removed within 24 hours. This type of intimidation and coercion is not acceptable to me personally, is disrespectful to the Highlands community as a whole, and has been reported to the San Mateo County Planning and Building Department.

Regarding the property line between my property and Lot 11, the County and NexGen Builders have been surveying that area for over 10 years. The retaining wall and fence have openly existed for over 8 years. NexGen's verbal threat to my wife was the first and only communication I have ever received from anyone regarding the property line. It is unreasonable to expect major landscape/hardscape changes to occur within a 24-hour period without any evidence that these improvements are encroaching. Further, as these improvements have openly existed for more than 5 years, I believe I may have legal rights to retain them.

In addition, the Lot 11 building plans designate a 20-foot deep section of land between my backyard and Lot 11 as "Private Trail and Access Easement for the Benefit of the Designated Remainder Parcel". When asked about the status of this land easement, on December 6, 2020, NexGen Builders responded in writing: "After a discussion with my employer [NexGen] the owner [Chamberlain Group] and Camille [San Mateo County] we are all in agreement any work on this site easement should be done with the new owner of this property".