

DECLARATION OF DEBORAH SCHWARTZ

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2 I, Deborah Schwartz, declare as follows: I have personal knowledge of the facts
3 set forth herein, which are known by me to be true and correct, and if called as a witness, I
4 could and would competently testify thereto.

5 1. I have been riding horses in the Santa Monica Mountains for most of my life.
6 I began riding in 1960 when I was just 9 years old. Since then, I have been riding on a
7 near-daily basis. Today, I own eight horses, which are stabled in the Chatsworth area of
8 Los Angeles.

9 2. My first horse, Sonny, was initially stabled at the Crestwood Stables in
10 Brentwood, near the Kenter Fire Road off Kenter Avenue. At that time, 1960-1961, I rode
11 with others from Crestwood Stables, near the origin of the Kenter Fire Road, to the old
12 Nike Missile site, which was at the end of the Kenter Canyon Fire Road.

13 3. In 1961, I was invited to stable Sonny on the private residential property of
14 Fred and Kay Worden. The Wordon residence, known as "Amber Hills," is a large hillside
15 property located in Upper Mandeville Canyon. A trail connects the Amber Hills property
16 to the Kenter Fire Road, which is above Amber Hills along the eastern hillside slopes
17 above Mandeville Canyon. This point of entry onto the Kenter Fire Road is located south-
18 east of the Canyonback Ridge area. I stabled Sonny at Amber Hills from 1961-1972. My
19 second horse, Joey, was stabled at Amber Hills from 1972-1979. My third horse, Kubla
20 Khan, was stabled there from 1979-1984.

21 4. From 1960 through 1983, I rode along the trails in the Santa Monica
22 Mountains on a daily basis. During that entire time, my point of access to the Santa
23 Monica Mountains trails was the Kenter Fire Road above Amber Hills. On countless
24 occasions, I rode up the Kenter Fire Road along and through the current location of
25 Canyonback Road. This section of the Kenter Fire Road is visible on Exhibit "N," a copy
26 of which is attached. [The black arrow on the lower right-hand corner points to the
27 approximate location of the Kenter Fire Road as it approaches the Canyonback Ridge area
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1 from the south. As depicted on Exhibit N, the Kenter Fire Road proceeds to the left/north
2 of the Water Tank, and then follows the ridgeline north-west/left until it meets the area
3 where the Mountaingate development begins.]

4 5. Before the Mountaingate development, the Kenter Fire Road continued
5 north, along the approximate location of Canyonback Road, which is depicted at the lower
6 right-hand corner of Exhibit K (a copy of which is attached). [The Kenter Fire Road is
7 also depicted along the right-hand side of Exhibit "K".] Canyonback Road is contiguous
8 with the Kenter Fire Road. Canyonback Road was constructed over the approximate
9 location of the Kenter Fire Road, thereby connecting the two sections of the Kenter Fire
10 Road that were bisected by the Canyonback Road. The Kenter Fire Road proceeds north
11 of the Canyonback/Mountaingate area as depicted on Exhibit "R," attached, along the area
12 marked "Fire Road." The Kenter Fire Road continues north to the old Nike Missile Base,
13 where it connects with the Westridge Fire Road (also known as the West Mandeville Fire
14 Road).

15 6. I rode the Kenter Fire Road on thousands of occasions from 1960 through
16 1983, alone, in groups, and with friends. This trail was popular and used regularly by the
17 public (night and day) for recreational purposes without restriction. When I rode through
18 the Mountaingate/Canyonback area, I typically saw others riding horses, hiking, strolling,
19 walking dogs and riding bikes throughout the 1960-1983 period. During the long time
20 period of my equestrian use of the Kenter Fire Road, I never saw or heard any indication
21 that recreational use of the Kenter Fire Road was restricted or limited in any way. Nobody
22 ever told me and I never saw any sign or other indication that the section of the Kenter Fire
23 Road passing through Canyonback Ridge or Canyonback Road was "private property" or
24 in any way restricted.

25 7. The Canyonback Ridge area is also an important connection point to popular
26 recreational trails located south and east of the area. From 1960 through 1983, I regularly
27 rode up the Kenter Fire Road to the Canyonback area and, instead of proceeding on the
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1 Kenter Fire Road to the north, I would often ride east along the approximate area depicted
2 on Exhibit "R" as "Mountaingate Drive," which connects to a Fire Road along the ridge
3 between Bundy Canyon and Mission Canyon. This trail connects the Kenter Fire Road to
4 the residential areas near Mount St. Mary's College, which is not otherwise conveniently
5 accessible within the mountains. [This Fire Road is depicted on Exhibit "M" (a copy is
6 attached), where it begins along the area labeled "Stoney Hill Road" and proceeding along
7 the ridge to Mount St. Mary's College.]

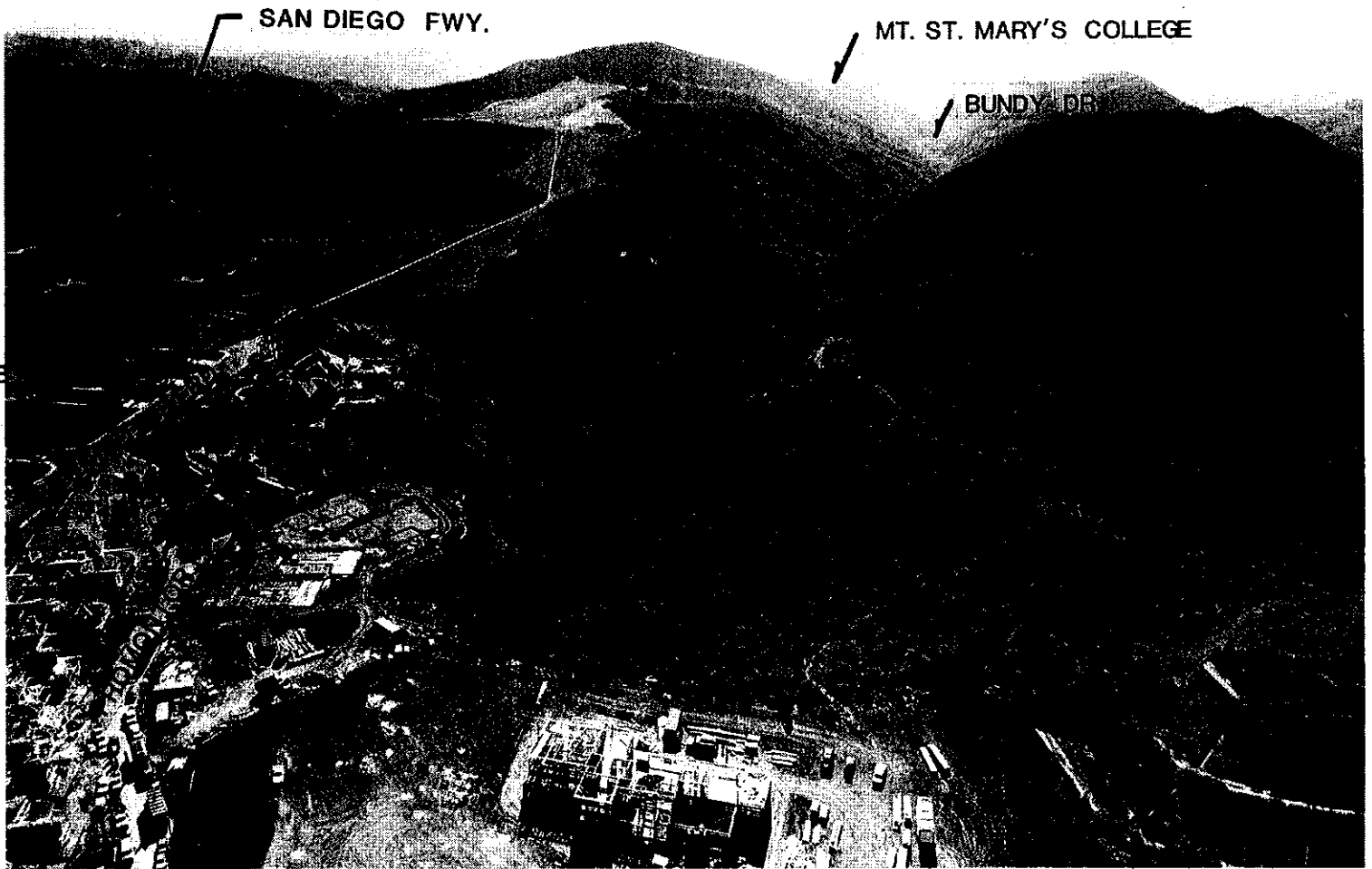
8 8. This Fire Road was a very popular recreational trail throughout the time that
9 I rode in the area. It is relatively flat, making it an ideal trail to cantor. I commonly rode
10 from the area depicted as Stoney Hill Road in Exhibits "L" (attached) and M, to the end of
11 the Fire Road at Mount St. Mary's College (which is depicted on Exhibit "P," attached),
12 then back along the Fire Road to the area marked as Stoney Hill Road. From there, I
13 would ride back to Amber Hills, or north along the upper section of the Kenter Fire Road.
14 When I rode along this Fire Road, I usually saw others riding horses, walking, strolling,
15 riding bikes, hiking, and walking dogs along this Fire Road. In the many years I rode
16 along this Fire Trail, I never saw or heard any indication that public recreational access
17 was restricted.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed May __, 2005, at Los Angeles, California.

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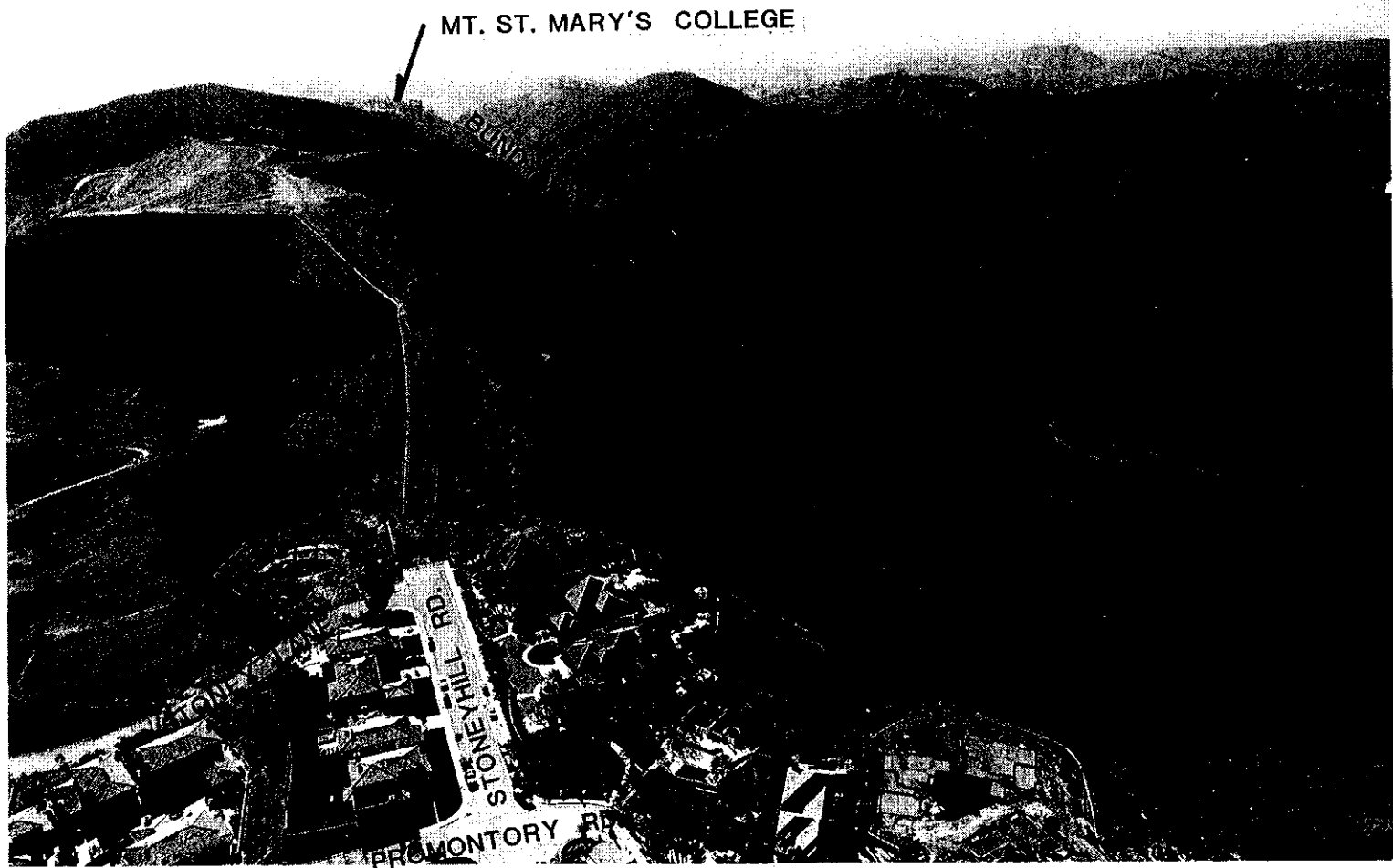

Deborah Schwartz



LOOKING SOUTH INTO MAIN CANYON
THRU TRACT

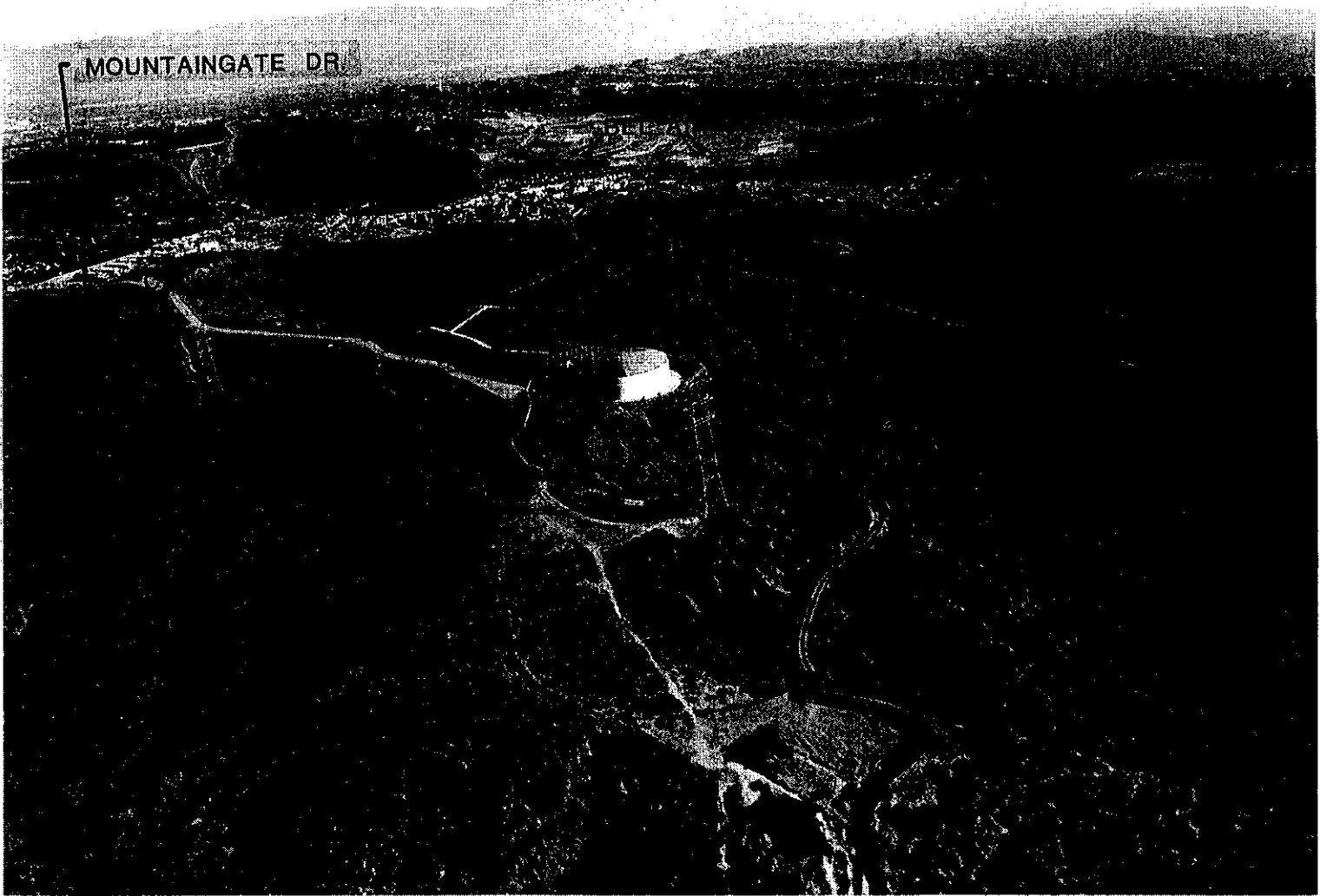
TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA

EXHIBIT L



LOOKING SOUTH ALONG EASTERN RIDGE
EXHIBIT M

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZB/



WESTERN RIDGE AT WATER TANK

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA

EXHIBIT N



LOOKING NORTH UP KENTER CANYON

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA

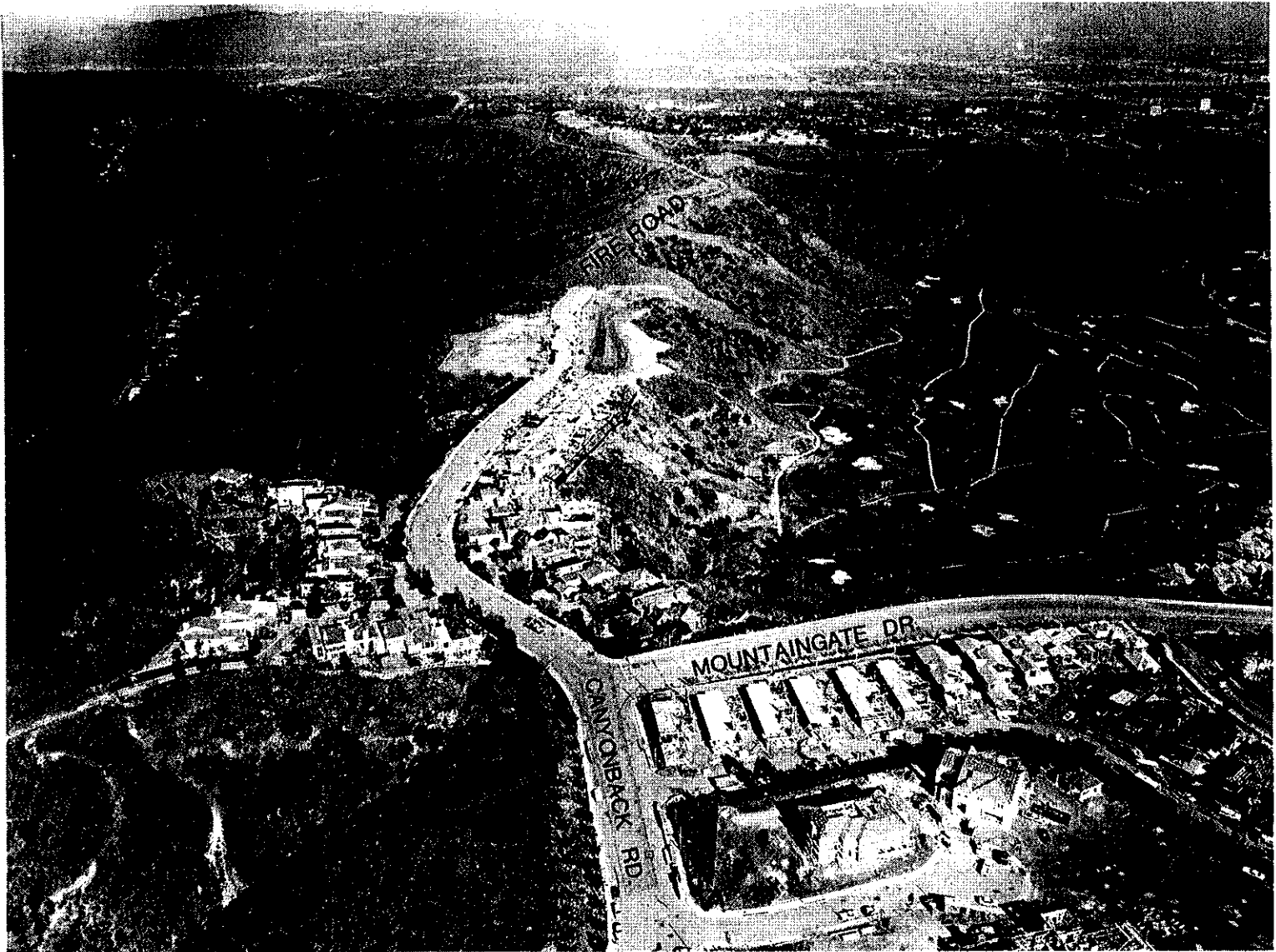
EXHIBIT O



VIEW LOOKING UP BUNDY DRIVE
TO MOUNTAINGATE

EXHIBIT P

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA



LOOKING NORTH UP FIRE ROAD TO
MULHOLLAND DRIVE

EXHIBIT R

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA