

1 BARRY VOGEL (State Bar No. 60141)
2 Attorney at Law
3 280 N. Oak Street
4 Ukiah, CA 95482
Telephone: (707) 462-6541
Fax: (707) 462-3253

5 Attorney for Executor - Petitioner
6
7

ENDORSED-FILED

JUN - 8 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF MENDOCINO
10

11 IN RE:

12 THE ESTATE OF CARRIE HAMBURG,
13 Decedent.
14

Case No. SCU-K-CVPB-13-26080

15 VERIFIED PETITION FOR
16 DECLARATORY RELIEF AND WRIT OF
17 MANDATE COMPELLING COUNTY OF
18 MENDOCINO TO ISSUE BURIAL
19 PERMIT AND DEATH CERTIFICATE
20

21 INTRODUCTION
22

23 This is an action for declaratory relief and writ of mandate to overturn Mendocino
24 County's violations of decedent's fundamental rights of Liberty, Property, Safety,
25 Happiness and Privacy, Due Process of Law; Equal Protection of Law; and Civil Rights.
26

27 The facts and legal issues herein concern the right of an individual to be buried on
28 privately owned rural real property where the public is not invited, welcome or expected.
No public health or safety interest is at risk and no member of the public is harmed. No
compelling governmental interest exists to abridge these rights and all legitimate
governmental record keeping interests are protected.

1 Decedent Carrie J. Hamburg herein specifically directed the she be buried on her
2 family's property as authorized and protected by California Health and Safety Code,
3 section 7100.1.¹ This right is guaranteed and protected by the Constitution of the State
4 of California in Article I, Sections 1² and 7, The 14th Amendment to the United States
5 Constitution of the United States, and the United States Civil Rights Act, 42 U.S.C. 1983.

6 Pursuant to her express instructions as she set forth in the Codicil to her Will,
7 and in conformance with §7100.1, decedent Carrie J. Hamburg was interned in a whole
8

9 ¹ California Health and Safety Code Section 7100.1, provides in pertinent part as follows:

10 (a) A decedent, prior to death, may direct, in writing, the disposition of his or her
11 remains and specify funeral goods and services to be provided. Unless there is a
12 statement to the contrary that is signed and dated by the decedent, the directions may not
13 be altered, changed, or otherwise amended in any material way, *except as may be*
14 *required by law*, and shall be faithfully carried out upon his or her death, provided both of
15 the following requirements are met: (1) the directions set forth clearly and completely the
16 final wishes of the decedent in sufficient detail so as to preclude any material ambiguity
17 with regard to the instructions; and, (2) arrangements for payment through trusts,
18 insurance, commitments by others, or any other effective and binding means, have been
19 made, so as to preclude the payment of any funds by the survivor or survivors of the
20 deceased that might otherwise retain the right to control the disposition.

21 (b) In the event arrangements for only one of either the cost of interment or the cost
22 of the funeral goods and services are made pursuant to this section, the remaining wishes
23 of the decedent shall be carried out only to the extent that the decedent has sufficient
24 assets to do so, unless the person or persons that otherwise have the right to control the
25 disposition and arrange for funeral goods and services agree to assume the cost. All other
26 provisions of the directions shall be carried out.

27 (c) If the directions are contained in a will, they shall be immediately carried out,
28 regardless of the validity of the will in other respects or of the fact that the will may not be
offered for or admitted to probate until a later date.

(emphasis added)(All California Code Sections referred to herein are from the Health and
Safety Code unless otherwise noted.)

² Article I, Section 1: "All people are by nature free and independent and have inalienable
rights. Among these are enjoying and defending life and liberty, acquiring, possessing and
protecting property, and pursuing and obtaining safety, happiness and privacy."

1 body burial on her family's homestead, a privately owned 46 acre parcel of rural real
2 property located in Mendocino County. Decedent's codicil specifically cites her spiritual
3 beliefs as one reason, among others, as the basis of her directive for a whole body
4 burial.

5 §7100.1(a) broadly supports decedent's rights and Petitioner's claim by allowing
6 any person to specify and direct the disposition of her or his remains. However, the
7 phrase "except as may be required by law," in the second sentence of §7100.1,
8 functionally renders the entire statute's intent to honor decedent's burial directive
9 impotent and meaningless for individuals who desire to be buried on private real
10 property. It creates a fundamental road block to any private property burial by imposing
11 an overbroad scheme of statutes and policies for which no compelling governmental
12 interest exists or has been asserted.

13
14 It is this scheme of statutes and policies which vitiate, violate and deny the
15 inalienable rights liberty, property, safety, happiness and privacy rights identified in
16 Article I, Sections 1 and 7 of the California Constitution and the 14th Amendment to the
17 United States Constitution, and the United States Civil Rights Act.

18 The California and United States Constitutions, as interpreted by their highest
19 courts require that any limitation of an inalienable and fundamental right be narrowly
20 drawn and address only a specifically identified and strictly scrutinized compelling state
21 interest that would be sufficient to override property and privacy rights.

22 In this matter the Petitioner seeks a declaration from this Court stating and
23 protecting the decedent's rights, and that of all others who may choose to be buried or
24 bury their next of kin on private real property to lawfully do so. Petition further seeks a
25 writ of mandate ordering Mendocino County to issue a death certificate and burial permit
26 for decedent's present interment and that Mendocino County undertake no further
27 investigative enforcement proceeding to disturb decedent's interment.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PARTIES

Petitioner Daniel E. Hamburg is the widower of Carrie J. Hamburg and the executor her estate. Respondent is the County of Mendocino, the Vital Statistics Division of County's Health and Human Services Department.

JURISDICTION

Jurisdiction is found in Probate Code Section 800. "....the individual has sufficient proprietary interest in his own body after his death to be able to make valid and binding testamentary disposition of it. The court in probate and the personal representative acquire jurisdiction from the last testament to see that its provisions in this regard, as in all others, are duly executed." (*O'Donnell v. Slack* (1899) 123 Cal. 285, 288–289, 55 P. 906.) All parties are resident in Mendocino County.

FACTS

1. Decedent Carrie J. Hamburg was born on November 9, 1946, in San Francisco, California. She was a resident of Mendocino County for 40 years. She died from cancer, surrounded by her family on March 5, 2013, at the family homestead at 1330 Boonville Road, Ukiah, California.

2. Decedent's Codicil, dated February 27, 2013, sets forth specific and detailed directions for her burial. A copy of said Codicil is attached hereto as Exhibit "A," and incorporated herein by reference.

3. Decedent's Will and Codicil were admitted to probate by Minute Order of this court, in the instant probate proceeding on May 17, 2013. Said order further appointed Petitioner Daniel E. Hamburg Executor of Decedent's estate with Full Authority under the Independent Administration of Estates Act.

4. Pursuant to decedent's Codicil which specifically sets forth her wishes pursuant to § 7100.1, and in faithful reliance thereon decedent was interned at the location chosen by her on her family's homestead.

1 5. Decedent was buried in a grave five feet deep, 312 feet from a draw which
2 rarely carries water and then only for a very short time after a significant rain fall, 350
3 feet from the nearest boundary line of the homestead property.³

4 6. Title to the real property where Decedent was interned is vested fee simple, free
5 and clear of any encumbrance, in the HAMBURG REVOCABLE FAMILY TRUST, Dated
6 January 25, 2012. Petitioner is the sole acting Trustee of said Trust. Said property is a
7 45.25 acre parcel, located on Shepherd's Lane, a rural subdivision (40 acre minimum
8 parcel size) off Highway 253, and commonly known as 1330 Boonville Road, Ukiah,
9 California.

10 7. No contagious disease risk or public health hazard is caused as a result of the
11 burial of a human body on privately owned rural real property. It is common for owners
12 and residents of rural real property to bury their deceased pets and other animals,
13 including but not limited to canines, felines, equines, bovines, porcines, etc. on their rural
14 real property.⁴

15 8. No compelling governmental interest of any kind whatsoever exists for
16 Mendocino County to refuse to issue a death certificate signed by the decedent's treating
17 physician and a burial permit for the decedent.

18 9. Here the death certificate was signed by Dr. Russell Hardy, decedent's treating
19 physician, along with an application for a burial permit which contains true and accurate
20 information provided by decedent's son and daughter. The death certificate and
21 application were submitted in good faith to the Mendocino County Vital Statistics Division
22 of the Health and Human Services Department on March 14, 2013, by George Leinen,
23 owner of Empire Mortuary.⁵

24
25
26 ⁴ Declarations of Dr. Charles E. Evans, M.D. and Dr. Marvin Trotter, M.D. attached as Exhibits
27 "C" and "D."

28 ⁵ Declaration of George Leinen, dated May 29, 2013 filed herewith and attached as Exhibit "E"

1 10. The Mendocino County Vital Statistics Division refused to accept and then
2 rejected said Death Certificate and the Application for a Burial Permit. The rejection
3 stated "Burial on private property, need proof of 'certificate of authority in order to bury on
4 private land."

5 11. Mendocino County has opened an investigation pursuant to Health and Safety
6 Code §7054⁶ for an alleged misdemeanor violation of law for a burial outside of a
7 cemetery.

8 12. Health and Safety Code §103055⁷ authorizes and requires a burial permit on
9 private land to be issued.

10 13. Notwithstanding the fact that Mendocino County has previously issued death
11 certificates and permits to bury deceased humans on private real property pursuant to
12 §103055, in this matter it has refused and continues to refuse to issue a death certificate
13 and burial permit to decedent. This court is requested to take judicial notice of two cases
14 where burials on private real property have been ordered.⁸
15
16

17 ⁶ §7054(a)(1) Except as authorized pursuant to the sections referred to in subdivision (b), every
18 person who deposits or disposes of any human remains in any place, except in a cemetery, is guilty
19 of a misdemeanor. (b) Cremated remains may be disposed of pursuant to Sections 7054.6, 7116,
20 7117, and 103060.

21 ⁷ §103055 (a) If the certificate of death is properly executed and complete, the local registrar of births and
22 deaths shall issue a permit for disposition, that in all cases, shall specify any one of the following:
23 (1) The name of the cemetery where the remains shall be interred.
24 (2) Burial at sea as provided in Section 7117.
25 (3) *The address or description of the place where remains shall be buried* or scattered.
26 (4) The address of the location where the cremated remains will be kept, as provided in Section 7054.6,
27 under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with
28 public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in
accordance with the prescribed conditions and will not constitute a private or public nuisance.
(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition,
whenever the death occurred from a disease declared by the state department to be infectious, contagious, or
communicable and dangerous to the public health, no permit for the disposition of the body shall be issued
by the local registrar, except under those conditions as may be prescribed by the state department and local
health officers. (Emphasis added.)

⁸ See request for Judicial Notice filed herewith, and Attached as Exhibit "G."

14. Mendocino County has the primary zoning authority within the unincorporated land of the County. The County zoning code does not address cemetery zoning. This lack of zoning, *de facto* permits burials on private property and Respondent has previously allowed such burials as shown the in the files of this court for which Judicial Notice has been requested.

15. On information and belief, Petitioner alleges that California is one of three states that applies and enforces such unreasonable, excessively restrictive, and internally inconsistent burial laws and regulations. These laws and regulations directly result in the functional prohibition of safe and risk free home burials to Petitioner and others. These prohibitions violate the laws and Constitutions of the State of California and the United States.

FIRST CAUSE OF ACTION

**Denial of Liberty, Property, Safety, Happiness, Privacy,
Due Process of Law, Equal Protection of the Law, and
Civil Rights as Protected by 42 United States Code §1983**

16. Petitioner incorporates by reference paragraphs 1 through 15 above, as if fully stated herein.

17. Respondent's above described failures vitiate, violate and deny the Decedent, her Estate; and her next of kin Liberty, Property, Safety, Happiness and Privacy, Due Process of Law; Equal Protection of Law; and Civil Rights of law in violation of Article One, Sections One and Seven of the Constitution of the State of California, and the 14th Amendment to the Constitution of the United States. and decedent's express wishes.

18. Respondent's failure to issue a death certificate and burial permit vitiates, violates and denies the Decedent, *post mortem*; the rights of her Estate; and the rights of her next of kin their civil rights as protected by 42 United States Code §1983.

1 19. On information and belief and based upon the opinions of physicians and
2 public health experts, the chance of infectious disease or other public health hazard of
3 any kind caused as a result of manner of decedent's burial of the location thereof is *de*
4 *minimus*.

5 20. Neither the Respondent nor the state laws on which Respondent allegedly
6 relies have advanced any compelling or even substantial governmental right to justify the
7 refusal of Respondent to certify and issue the death certificate and burial permit.

8 21. On information and belief, Petitioner alleges that California is one of three
9 states that applies and enforces such unreasonable, excessively restrictive, and
10 internally inconsistent burial laws and regulations. These laws and regulations directly
11 result in the functional prohibition of safe and risk free home burials to Petitioner and
12 others. These prohibitions violate the laws and Constitutions of the State of California
13 and the United States.

14 22. Respondent's breach is apparently grounded on the phrase "except as may be
15 required by law. . ." found in §7100.1(a). This vague and ambiguous phrase and
16 Respondent's breach in reliance thereon is a serious and egregious overreach by
17 Mendocino County and ignores the social norms underlying the community.

18 23. This breach is an actual, direct, grievous invasion and violation of the
19 aforesaid inalienable rights of the decedent, the Petitioner, decedent's family and other
20 next of kin, and all other people in California who wish to be buried on private real
21 property, all as guaranteed to them individually and collectively by the laws and
22 Constitution of the State of California and the laws and Constitution of the United States.

23 24. The right to determine where one is buried is an intimate, private, personal
24 choice, one of several inalienable rights of privacy, characterized as *autonomy privacy*⁹
25 protected by Article I, Section I, of the California Constitution.

26
27
28 ⁹ *Hill v. National Collegiate Athletic Assoc.* (1994) 7 Cal.4th 1, 35.

25. No compelling governmental interest whatsoever exists and none has been asserted, to allow the County to invade decedent's personal autonomy right of privacy to a whole body burial to the decedent on private rural real property.

26. The legitimate governmental interests of Mendocino County are limited to the recording information which properly identifies the decedent, the fact, date, cause of death, and disposition of the decedent's remains. Said information was provided to the Respondent as evidenced in the exhibits to the Declaration of George Leinen filed herewith and authenticated therein.

27. On information and belief Petitioner alleges that Respondent Mendocino County will refuse and continue to refuse to issue the requested death certificate and burial permit for the decedent herein and will refuse to issue death certificates and burial permits to all others who may direct a burial on private real property in the future.

SECOND CAUSE OF ACTION

Declaratory Relief

28. Petitioner incorporates by reference paragraphs 1 through 27 above, as if fully stated herein.

29. An actual controversy has arisen between the parties in relation to the interpretation of §7100.1 and inalienable rights set forth above, in that the parties are in dispute as to whether, under the law, decedent is permitted to be buried on her family's rural homestead, remain *in situ*, and whether the respondent must issue a death certificate and burial permit.

THIRD CAUSE OF ACTION

Writ of Mandate

28. Petitioner incorporates by reference paragraphs 1 through 27 above, as if fully stated herein.

29. Petitioner is beneficially interested in the performance of respondent's duty in that he requires the issuance of a death certificate and burial permit. This must be done to protect the above described inalienable rights of Petitioner's deceased wife, himself

1 his family and next of kin, which have been denied to them by respondent's refusal to
2 issue these aforesaid required documents.

3 30. Respondent has the present ability to perform the duty and has abused its
4 discretion in failing to do so.

5 31. Respondent's failure to perform its duty has resulted in the opening of an
6 investigation pursuant to Health and Safety Code §7054(a)(1) which investigation will
7 further invade the fundamental constitutional rights of the parties herein and their next of
8 kin.

9 32. Petitioner has no plain, speedy, and adequate remedy in the ordinary course
10 of the law other than the issuance by this court of a writ of mandamus.

11 PRAYER FOR RELIEF

12 WHEREFORE, Petitioner prays as follows:

13 1. For the Court to issue a declaration that the phrase "except as may be required
14 by law" in §7100.1, and the scheme of statutes and regulations related thereto, is vague,
15 ambiguous and overbroad, and thus violates the aforesaid inalienable constitutional
16 rights of liberty property, safety, happiness, privacy, due process of law, equal protection
17 of the law as guaranteed by the Constitution of California and the United States and
18 further protected by the civil rights protected by 42 USC 1983.

19 2. For the Court to issue an alternative writ of mandamus commanding the County
20 of Mendocino to issue a death certificate and burial permit for the decedent for the grave
21 site where she is now *in situ*, or to appear before this court, pursuant to noticed motion,
22 and show cause why the County of Mendocino has not done so, and after hearing issue
23 a peremptory writ of mandamus commanding respondent to issue death certificate and
24 burial permit for the decedent for the grave site where she now *in situ*.

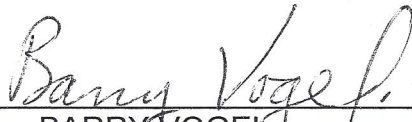
25 3. For the Court to Order Mendocino County to issue a Death Certificate and Burial
26 Permit be issued certifying that the decedent has died;

27 4. For the Court to Order Mendocino County to cease any action pursuant to
28 Health and Safety Code §7054(a)(1);

1 5. Attorney's fees and costs of suit incurred herein pursuant to C.C.P. 1021.5 and
2 42 United States Code §1983; and

3 6. For such other and further relief as the Court may deem just and proper.

4 Dated: June 3, 2013.

5 
6 _____
7 BARRY VOGEL
8 Attorney for Executor - Petitioner
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

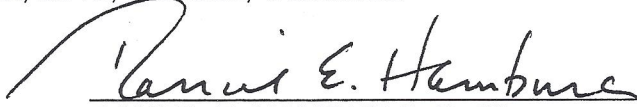
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I am the Executor of the Estate of Carrie J. Hamburg and the Petitioner in this action. I have read the foregoing Petition, and it is true of my own knowledge, except as to those matters stated on information or belief, and as to those matters, I believe it to be true.

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

Executed this 3rd day of June, 2013, at Ukiah, California.



DANIEL E. HAMBURG, Petitioner

**FIRST CODICIL TO THE
LAST WILL AND TESTAMENT
OF
CARRIE J. HAMBURG**

I, CARRIE J. HAMBURG, a resident of Mendocino County, California, being of lawful age and sound mind and not being actuated by any duress, menace, fraud or undue influence, hereby declare this to be the First Codicil to my Last Will and Testament dated January 25, 2012.

FIRST: I delete paragraph SEVENTH of my said Will, and in its place and stead I substitute the following final wishes concerning my burial as follows:

A. With careful thought and deliberation in accordance with my long held spiritual beliefs, I hereby instruct my family to conduct a full-body burial of me on my family's private property located at 1330 Boonville Road, Ukiah, California.

B. My directions as set forth clearly and completely in this Codicil *must not* be altered, changed or otherwise amended in any material way. I direct that they be faithfully carried out upon my death, as specified under the authority of Health and Safety Code section 7100.1.

C. I have written these instructions based on the fact that I have been told that the time of my death is near. I currently receive hospice care and reside at my home. I am of sound mind and not acting under duress, menace, fraud, misrepresentation or undue influence.

D. The directions and instructions described herein are mine. They are based on my personal spiritual beliefs and practices which have guided me throughout my life. I direct that they be carried out.

E. I base them on my fundamental right to privacy, as guaranteed in Article One, Section One, of the California Constitution. They are further based on the legal interpretations concerning fundamental rights as defined by the Supreme Court of California and the Supreme Court of the United States. No state interest or public health reason prohibits the burial of my body on my family's land, which is a 46 acre parcel in a rural and mountainous section of Mendocino County, other than recording a memorandum notice advising future owners that a unique condition exists on the my family's land.

F. My wishes are further based on the fact that from the outset of our nation's history and before, human beings, as well as other large mammals, have been buried without prescription by governmental or religious organizations. There is no difference between burying a human body on rural land than there are cattle or a horse or any other mammal, large or small. It is important to know and understand that I have instructed my family not to bury me within 100 feet of any water way.

G. If any legal objection is made regarding my specific and express wishes, I demand that I be buried first and any legal objections are resolved thereafter. I do not want my family to bear any emotional or other pain if I were to be disinterred or any unnecessary burden and/or cost of storing my body pending legal discussions.

SECOND: In every other respect I hereby confirm and republish my Will dated January 25, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of
February, 2013.

Carrie J. Hamburg.

The foregoing instrument, consisting of three (3) pages, including this page and the one signed by us as witnesses, was, at the date hereof, by CARRIE J. HAMBURG, signed as and declared to be her First Codicil to the Last Will and Testament, in the presence of us, who at her request and in her presence, and in the presence of each other, have subscribed our names as witnesses thereto.

Each of us observed the signing of this First Codicil to the Last Will and Testament by CARRIE J. HAMBURG and by each other subscribing witness and knows that each signature is the true signature of the person whose name was signed.

We are acquainted with CARRIE J. HAMBURG. At this time she is over the age of eighteen (18) years and, to the best of our knowledge, she is of sound mind and not acting under duress, menace, fraud, misrepresentation or undue influence.

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

Executed on this 26th day of February, 2013

at Ukiah, California.

John Schaeffer Residing at 2001 Duncan Springs Road Hopland, CA 95849
Nancy Hensley Residing at 2001 Duncan Springs Rd. Hopland, CA 95849
Nancy Hensley

1 BARRY VOGEL (State Bar No. 60141)
2 Attorney at Law
3 280 N. Oak Street
4 Ukiah, CA 95482
Telephone: (707) 462-6541
Fax: (707) 462-3253

5 Attorney for Petitioner

ENDORSED-FILED

JUN - 3 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

6
7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF MENDOCINO

9 In Re:

Case No.: SCUK - CVPB - 13 - 26080

10 Estate of Carrie J. Hamburg

11 DECLARATION OF KIRT HAMBURG
12 IN SUPPORT OF PETITION FOR
13 DECLARATORY RELIEF AND WRIT OF
14 MANDATE

15
16 I, KIRT HAMBURG, do under oath declare:

- 17
- 18 1. My mother is Carol Jean Hamburg, also known as Carrie J. Hamburg. I grew up in
19 Mendocino County, and currently am a resident of Placer County, California.
 - 20 2. I make the following declaration from my personal knowledge, and if called as a
21 witness I could competently testify to all the facts contained herein.
 - 22 3. I am personally familiar with the entire 46 acre that comprises my parents'
23 homestead located at 1330 Boonville Road, Ukiah, California. My familiarity
24 includes but is not limited to the seasonal water courses and the property boundary
25 lines. There are no year round water courses on the property.
 - 26 4. Prior to my mother's death on March 6, 2013, she made known that her foremost
27 desire was to be buried on our family's 46 acre homestead where she resided with
28

1 my father. She personally selected a site for her grave. The location is 312 feet
2 from a draw which rarely carries water and then only for a very short time after a
3 significant rain. It is approximately 350 feet from the nearest boundary line of the
4 homestead property.

5
6 5. Shortly before her death my mother asked, on several occasions, that I prepare her
7 grave site at the location she previously identified and is described above.

8 6. She made it clear that it was extremely important to her that she be buried on our
9 family's homestead where she had lived most of her life.

10
11 7. I was compelled and honored to meet her dying wish and create her final resting
12 place in her chosen spot as she directed me to do, and as she set forth in the
13 Codicil to her will.

14 8. The grave I dug for her at her behest is approximately 7 feet long, 5 feet deep, and
15 4.5 feet wide.

16
17 9. On March 14, 2013, my sister Laura Hamburg and I personally met with George
18 Leinen, owner of Empire Mortuary in Ukiah, California. At our request, and pursuant
19 to the information my sister and I know to be true based on our own personal
20 knowledge, Mr. Leinen electronically prepared a Death Certificate and Application
21 and Permit for Disposition of Human Remains for our mother. Exhibits "A" and "B,"
22 attached hereto and incorporated herein by reference contain the correct
23 information about our mother that was provided to Mr. Leinen by my sister and me.

24
25 I declare the above to be true and correct and penalty of perjury under the laws of the
26 State of California.

27 Dated: May 28, 2013, at Ukiah, California.

28 
KIRT HAMBURG

1 BARRY VOGEL (State Bar No. 60141)
2 Attorney at Law
3 280 N. Oak Street
4 Ukiah, CA 95482
Telephone: (707) 462-6541
Fax: (707) 463-3253

5 Attorney for Petitioner
6 DANIEL E. HAMBURG, Executor

ENDORSED-FILED

JUN - 3 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF MENDOCINO

12 In Re:

13 Estate of Carrie J. Hamburg
14

Case No.: SCOK-CVPB-13-26080

DECLARATION OF
DR. CHARLES EDWARD EVANS
IN SUPPORT OF PETITION FOR
DECLARATORY RELIEF AND WRIT OF
MANDATE

19 I, CHARLES EDWARD EVANS, do under oath declare:
20

- 21 1. I am physician and surgeon having been issued License G51002, by the State of
22 California. I reside in Sonoma County and practice medicine full time in Mendocino
23 County, California. My current personal curriculum vitae is attached to this
24 declaration and incorporated herein by reference.
25
26 2. If called to testify in this matter I could competently testify to all the matters
27 contained herein, except as to those based on information and belief, and as to
28 them, I believe them to be true.

- 1 3. I am currently employed by Mendocino County and have been the Tuberculosis
2 controller since 1995. In December 2012 I assumed the role of Communicable
3 Disease Health Officer. I have been employed full time since January 1991 at the
4 Ukiah Valley Medical Center as an Emergency Department physician and have
5 served as the Emergency Department director since 1999.
6
- 7 4. My duties as Mendocino County Communicable Disease Health Officer include, but
8 are not limited to, assessing and reporting on the health of the county using
9 information received as a result of mandated disease reporting. I also provide
10 medical expertise for mandated health protection including communicable disease
11 and chronic disease as requested. As needed, I provide medical consultations in
12 matters of assessment, policy development, assurance and priority settings related
13 to public health.
14
- 15 5. In addition, I review, and with close attention carefully survey and monitor all reports
16 of infectious diseases received by the Public Health Department. No reports of any
17 public health hazard or infectious disease of any kind have been received relative to
18 any in-ground or crypt burial in Mendocino County.
19
- 20 6. Wild animals dying in water courses or cattle defecating in water courses are far
21 more likely to cause infectious diseases than would whole body burials on rural
22 parcels of real property.
23
- 24 7. It is common in rural counties, including Mendocino County, for owners and
25 residents of rural real property to bury their deceased pets and other animals,
26 including but not limited to canines, felines, equines, bovines, porcines, etc on their
27 rural property. This is because there is no likelihood of infectious or other public
28 health hazards as a result.

1 8. As in the burial of domestic and natural decay of wild animals, there is no public
2 health or infectious disease liability or hazard that would require the burial of dead
3 human bodies to be limited to a pre-identified cemetery as opposed to on a rural
4 parcel of real property.
5

6 9. Deceased humans buried at a depth of approximately three feet below the surface
7 of the earth and more than 100 feet from a water course create virtually no
8 likelihood of any public health problem or infectious disease.
9

10 10. In my professional opinion, no likelihood of any infectious disease or public health
11 risk is created if the remains of a deceased human were to be buried on a rural 46
12 acre parcel of real property. A burial of a person encased in a pine box prior to
13 burial that would further reduce the already *diminimus* likelihood of any infectious
14 disease of public health risk.

15 11. On information and belief, I am informed and believe to be true that the Russian
16 River Cemetery is a 27 acre parcel, located next to Ukiah High School on Low Gap
17 Road in Ukiah; more than 16,000 people are buried there at approximately 18
18 inches below the surface of the earth. Ukiah High School has an average daily
19 population of 1652 people. It is important to recognize and consider this information
20 in considering public health and safety. .
21

22 I declare the above to be true and correct under penalty of perjury under the laws of the
23 State of California.
24

25 Dated: May 31, 2013 at Ukiah, California
26

27 
28 CHARLES EDWARD EVANS, M.D.

CURRICULUM VITAE

CHARLES E. EVANS, MD, FACEP
433 NORTH STREET
HEALDSBURG, CA 95448
DRCEEVANS@COMCAST.NET

EDUCATION

Undergraduate
University of California, Berkeley, BA with Honors in Health Arts
And Sciences, Phi Beta Kappa (1973-1978)

Medical School
University of California, San Francisco, MD (1978-1982)

Residency
Community Hospital of Sonoma County, Family Practice Residency
Program (1982-1985)

QUALIFICATIONS

Licensure
1983: Diplomate, National Board of Medical Examiners
1983-present: California State License #G051002
1988-1990: Kenya Medical License

SPECIALTY BOARD CERTIFICATION

American Board of Emergency Medicine, 1991, (recert 2001, 2011)
American College of Emergency Physicians, fellow, 1994
American Board of Family Practice 1985, (recert 1994, 2001)

FACULTY APPOINTMENTS

Assistant Clinical Professor of Medicine, Department of Family and
Community Medicine, UCSF (1986-1991)
Cost Containment Coordinator under Federal Health Manpower Grant
(1986-1988)

CLINICAL EXPERIENCE

1983-1985—Attending Emergency Department Physician, Sonoma
County Community Hospital
1985-1986—Attending Emergency Department Physician, Petaluma
Valley Hospital
1986-1988—Practicing Family Physician including operative obstetrics,
Faculty Practice Medical Group in Santa Rosa, Ca

CLINICAL EXPERIENCE (continued)

- 1988-1990—Medical Director, solo practitioner at Matoso Clinic (A rural health clinic with 28,000 visits per year in South Nyanza, Kenya.)
- 1991-present—Attending Emergency Department Physician, Ukiah Valley Medical Center
- 1995-1999—Attending Physician, Orthopedic Clinic at UVMC
- 1995-present— Tuberculosis Controller, Mendocino County Public Health
- 2012-present—Communicable Disease Health Officer, Mendocino County

MANAGEMENT EXPERIENCE

- 1986-1988—Faculty Advisor, Family Pracitce Residency Program, Santa Rosa, CA
- 1988-1990—Medical Director Matoso Clinic, South Nyanza, Kenya (29 Employees, oversight and care for rural population of 750,000)
- 1995-1999—Medical Director Urgent Care Clinic, Ukiah, CA
- 1998-2012—Medical Director of California Shock Trauma Air Rescue in Ukiah (CALSTAR—Air Ambulance providing service to Mendocino, Lake, and Sonoma counties)
- 1993-1998—Board of Directors, Pacific Redwood Medical Group
- 1998-present—Chief Executive Officer, Pacific Redwood Medical Group
- 2007-present—Chief Executive Officer, Pacific Redwood Medical Service
- 1999-2012—Chairman of Department of Emergency Medicine, Ukiah Valley Medical Center
- 2007- present—Medical Advisor, Amigos de las Americas
- 2012-present—Member of the Governing Board, UVMC
- 2012-present—Chief of Staff Elect, UVMC

EXPERT TESTIMONY

I have qualified and testified as an expert witness in the Superior Court of California for Mendocino and Sonoma Counties on numerous occasions over the past 25 years.

PROFESSIONAL ORGANIZATIONS

California Medical Association, Mendo-Lake Medical Society chapter
American College of Emergency Physicians, California chapter

HOBBIES

Kayaking, cycling, woodworking, skiing, hiking, backpacking, and travel

LANGUAGES

Spanish, Luo

1 BARRY VOGEL (State Bar No. 60141)
2 Attorney at Law
3 280 N. Oak Street
4 Ukiah, CA 95482
5 Telephone: (707) 462-6541
6 Fax: (707) 463-3253

7 Attorney for Executor

ENDORSED-FILED

JUN - 3 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF MENDOCINO

10
11 IN RE: BURIAL RIGHTS
12 ESTATE OF CARRIE J. HAMBURG

Case No: SCUk CVPB '13 26080

13 DECLARATION OF
14 DR. MARVIN TROTTER
15 IN SUPPORT OF PETITION FOR
16 DECLARATORY RELIEF AND WRIT OF
17 MANDATE

18 I, MARVIN TROTTER, do under oath declare:

- 19
20 1. I am physician and surgeon licensed by the State of California, having been issued
21 License No. G42597.
22
23 2. I am a resident of Mendocino County, currently employed and have been since
24 June 2012, as the Chief Medical Officer of the Ukiah Valley Medical Center. I have
25 been employed by the Ukiah Valley Medical Center as a physician since 1986.
26
27
28

DECLARATION OF DR. MARVIN TROTTER
IN SUPPORT OF DECLARATORY RELIEF AND WRIT OF MANDATE

- 1 3. I was previously employed for the half-time position as Officer of Public Health for
2 Mendocino County from 1997 to 2009. I was trained in and remain familiar with all
3 aspects of the duties of a California county Public Health Officer.
- 4 4. My duties as Public Health Officer for Mendocino County included, but were
5 not limited to, surveying, monitoring and controlling infectious diseases within
6 Mendocino, and signing the certificates of death for persons dying in Mendocino
7 County. During my tenure as Public Health Officer for Mendocino County I
8 reviewed and carefully monitored all reports of infections diseases received by the
9 Public Health Department. No reports of any public health hazard or infectious
10 disease of any kind were received relative to any in-ground or crypt burial in
11 Mendocino County.
- 12 5. During my tenure as Officer of Public Health for Mendocino County I was
13 concurrently employed half-time as an emergency room physician at the Ukiah
14 Valley Medical Center. I returned to full time employment at the Ukiah Valley
15 Medical Center upon the conclusion of my work as Public Health Officer.
- 16 6. After my tenure as Public Health Officer and as part of my current duties as Chief
17 Medical Office of the Ukiah Valley Medical Center, I continue to monitor and track
18 infectious diseases in Mendocino County.
- 19 7. At no time since I have lived and worked in Mendocino County has any reports of
20 any public health hazard or infectious disease of any kind have been brought to my
21 attention relative to any whole body in-ground burial or crypt burial in Mendocino
22 County.
- 23
24
25
26
27
28

1 8. In my professional opinion no public health or infectious disease liability require
2 the whole body burial of deceased Homo sapiens to be limited to an preexisting
3 cemetery.

4 9. It is common in rural counties, including Mendocino County, for owners and
5 residents of rural real property to bury their deceased pets and other animals,
6 including but not limited to canines, felines, equines, bovines, porcines, etc on their
7 rural property.
8

9 10. In my professional opinion, the burial of a human being, in a casket or in a shroud,
10 three to five feet below the surface of the earth, would not cause infectious disease
11 of other public health problem.
12

13 11. I am advised that the remains of Carrie J. Hamburg contained in a pine box, 75.5"
14 long x 18" deep x 26" wide tapering to 17.5" at the head and 15" at the feet and
15 located in a grave 7' x 3' x 4' deep, located more than 100 feet from the nearest
16 seasonal water course.

17 12. Based on the location and manner in which the remains of Ms. Hamburg are buried
18 I conclude that the likelihood of any infectious disease or public health problem
19 occurring as a result of is diminimus. There is no cause for any concern of any kind
20 as it relates of the public health of Mendocino County.
21

22 13. If called as a witness I could competently testify to all matters contained in this
23 declaration.
24

25 I declare the above to be true and correct under penalty of perjury under the laws of
26 the State of California.

27 Dated: May 21, 2013 at Ukiah, California.

28 
MARVIN TROTTER, M.D.

ENDORSED-FILED

JUN - 3 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

BARRY VOGEL (State Bar No. 60141)
Attorney at Law
280 N. Oak Street
Ukiah, CA 95482
Telephone: (707) 462-6541
Fax: (707) 462-3253

Attorney for Executor - Petitioner

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

In Re: The Estate of
Carrie J. Hamburg

Case No.: SCUK-CVPB-13-26080

DECLARATION OF
GEORGE LEINEN
IN SUPPORT OF PETITION FOR
DECLARATORY RELIEF AND WRIT OF
MANDATE

I, GEORGE LEINEN, do under oath declare:

1. I am resident of Mendocino County, California, and co-owner along with my spouse, of Empire Mortuary.
2. If called as a witness in the matter, I could competently testify as to matters stated herein and that the exhibits attached here are official business records of Empire Mortuary.
3. On or about March 13, 2013 I met with Laura Hamburg and Kirt Hamburg, children of Carol J. Hamburg, also known as Carrie J. Hamburg. At their request and based on the information they supplied to me about their mother and her death that occurred on March 5, 2013, I electronically prepared the Death Certificate for Carol

- 1 Jean Hamburg, also known as Carrie J. Hamburg. A true and correct working copy
2 of this is incorporated herein by reference and attached hereto as Exhibit "A."
3
4 4. I electronically sent the Physician Attestation Copy of the Death Certificate to Dr.
5 Russell I. Hardy, 260 Hospital Drive, Ste. 103, Ukiah, CA 95482. Shortly thereafter,
6 on March 14, 2013, I reviewed and printed the "Physician Attestation Copy," on line
7 at California Electronic Death Registration System website, signed by Dr. Hardy.
8 A true and correct copy of thereof is incorporated herein by reference and attached
9 hereto marked as Exhibit "B."
10
11 5. I then electronically created an "Application and Permit for Disposition of Human
12 Remains," for Carol J. Hamburg, also known as Carrie J. Hamburg. A true and
13 correct copy of thereof is incorporated herein by reference and attached hereto
14 marked as Exhibit "C."
15
16 6. Both the Death Certificate and Application and Permit for Disposition of Human
17 Remains were then electronically submitted on March 14, 2013 to the Mendocino
18 County Vital Statistics Clerk's office for registration of the Death Certificate and
19 issuance of the Permit for Disposition of Human Remains.
20
21 7. Shortly thereafter, on March 14, 2013 the registration of the Death Certificate and
22 issuance of the Permit were rejected electronically by the Mendocino County Vital
23 Statistics Clerk's office. A true and correct copy of said rejection is incorporated
24 herein by reference and attached hereto marked as Exhibit "D."

25 I declare the above to be true and correct and penalty of perjury under the laws of the
26 State of California.

27 Dated: May 29, 2013, at Ukiah, California.

28 
GEORGE LEINEN

CERTIFICATE OF DEATH

STATE OF CALIFORNIA
USE BLACK INK ONLY / NO ERASURES, WHITEOUTS OR ALTERATIONS
VS-1 (REV 3/08)

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
DECEDENT'S PERSONAL DATA	1. NAME OF DECEDENT - FIRST (Given) CAROL		2. MIDDLE JEAN
	3. LAST (Family) HAMBURG		
	4. DATE OF BIRTH mm/dd/ccyy 11/09/1946		
	5. AGE Yrs. 66		
USUAL RESIDENCE	9. BIRTH STATE/FOREIGN COUNTRY CA		10. SOCIAL SECURITY NUMBER 116-46-7071
	11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		12. MARITAL STATUS/SRDP* (at Time of Death) MARRIED
	13. EDUCATION - Highest Level/Degree (see worksheet on back) 10		14/15. WAS DECEDENT HISPANIC/LATINO(A)/SPANISH? (if yes, see worksheet on back) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	16. DECEDENT'S RACE - Up to 3 races may be listed (see worksheet on back) WHITE		
INFORMANT	17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED ACCOMPANIST		18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) MENDOCINO COLLEGE
	19. YEARS IN OCCUPATION 20		
	20. DECEDENT'S RESIDENCE (Street and number, or location) 1330 BOONVILLE RD.		
	21. CITY UKIAH		
SPOUSE/SRDP AND PARENT INFORMATION	22. COUNTY/PROVINCE MENDOCINO		23. ZIP CODE 95482
	24. YEARS IN COUNTY 42		25. STATE/FOREIGN COUNTRY CA
	26. INFORMANT'S NAME, RELATIONSHIP DAN HAMBURG, HUSBAND		
	27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) 1330 BOONVILLE RD., UKIAH, CA 95482		
FUNERAL DIRECTOR/LOCAL REGISTRAR	28. NAME OF SURVIVING SPOUSE/SRDP - FIRST DANIEL		29. MIDDLE EUGENE
	30. LAST (BIRTH NAME) HAMBURG		
	31. NAME OF FATHER/PARENT - FIRST HERBERT		32. MIDDLE T.
	33. LAST BLOOD		34. BIRTH STATE OH
PLACE OF DEATH	35. NAME OF MOTHER/PARENT - FIRST GLADYS		36. MIDDLE -
	37. LAST (BIRTH NAME) INGALLS		38. BIRTH STATE ND
	39. DISPOSITION DATE mm/dd/ccyy 03/17/2103		
	40. PLACE OF FINAL DISPOSITION PRIVATE PROPERTY: DAN HAMBURG 1330 BOONVILLE RD., UKIAH, CA 95482		
CAUSE OF DEATH	41. TYPE OF DISPOSITION(S) BU		42. SIGNATURE OF EMBALMER NOT EMBALMED
	43. LICENSE NUMBER -		
	44. NAME OF FUNERAL ESTABLISHMENT DAN HAMBURG		45. LICENSE NUMBER NONE
	46. SIGNATURE OF LOCAL REGISTRAR -		
PHYSICIAN'S CERTIFICATION	47. DATE mm/dd/ccyy -		
	101. PLACE OF DEATH OWN RESIDENCE		
	102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DOA		
	103. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/LTC <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Other		
CORONER'S USE ONLY	104. COUNTY MENDOCINO		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) 1330 BOONVILLE RD.
	106. CITY UKIAH		
	107. CAUSE OF DEATH Enter the chain of events --- diseases, injuries, or complications --- that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. (A) CARDIOPULMONARY ARREST (B) METASTATIC UTERINE CANCER (C) _____ (D) _____ 112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 NONE		108. DEATH REPORTED TO CORONER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO REFERRAL NUMBER 7 YRS
	109. BIOPSY PERFORMED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		110. AUTOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
111. USED IN DETERMINING CAUSE? <input type="checkbox"/> YES <input type="checkbox"/> NO			
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.) HYSTERECTOMY, 10/05/2006, ENDOSCOPIC LYMPH NODE BIOPSY, 06/16/2011			
113A. IF FEMALE, PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK			
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. Decedent Attended Since mm/dd/ccyy 06/29/2011 Decedent Last Seen Alive mm/dd/ccyy 03/04/2013		115. SIGNATURE AND TITLE OF CERTIFIER RUSSELL I HARDY M.D.	
116. LICENSE NUMBER G59375		117. DATE mm/dd/ccyy 03/14/2013	
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE RUSSELL I HARDY M.D. 260 HOSPITAL DRIVE, STE 103, UKIAH, CA 95482			
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined			
120. INJURED AT WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
121. INJURY DATE mm/dd/ccyy		122. HOUR (24 Hours)	
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)			
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)			
125. LOCATION OF INJURY (Street and number, or location, and city, and zip)			
126. SIGNATURE OF CORONER / DEPUTY CORONER		127. DATE mm/dd/ccyy	
128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER			
<div style="display: flex; justify-content: space-between;"> <div> STATE REGISTRAR A B C D E </div> <div> Printed on: 03/14/2013 10:47 AM By LEINEN, GEORGE (GLEINEN) </div> <div> FAX AUTH.# </div> <div> CENSUS TRACT </div> </div>			

Exhibit "A"

CERTIFICATE OF DEATH

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

1. NAME OF DECEASED - FIRST, MIDDLE, LAST CAROL		2. SEX F		3. DATE OF BIRTH (MM/DD/YYYY) 03/05/2013		4. AGE (Years) 1750	
5. SOCIAL SECURITY NUMBER		6. DATE OF DEATH (MM/DD/YYYY) 03/05/2013		7. TIME OF DEATH (MM/DD/YYYY) 1750		8. PLACE OF DEATH (MM/DD/YYYY)	
9. COUNTY OF DEATH UKIAH		10. COUNTY OF DEATH UKIAH		11. COUNTY OF DEATH UKIAH		12. COUNTY OF DEATH UKIAH	
13. COUNTY OF DEATH UKIAH		14. COUNTY OF DEATH UKIAH		15. COUNTY OF DEATH UKIAH		16. COUNTY OF DEATH UKIAH	
17. COUNTY OF DEATH UKIAH		18. COUNTY OF DEATH UKIAH		19. COUNTY OF DEATH UKIAH		20. COUNTY OF DEATH UKIAH	
21. COUNTY OF DEATH UKIAH		22. COUNTY OF DEATH UKIAH		23. COUNTY OF DEATH UKIAH		24. COUNTY OF DEATH UKIAH	
25. COUNTY OF DEATH UKIAH		26. COUNTY OF DEATH UKIAH		27. COUNTY OF DEATH UKIAH		28. COUNTY OF DEATH UKIAH	
29. COUNTY OF DEATH UKIAH		30. COUNTY OF DEATH UKIAH		31. COUNTY OF DEATH UKIAH		32. COUNTY OF DEATH UKIAH	
33. COUNTY OF DEATH UKIAH		34. COUNTY OF DEATH UKIAH		35. COUNTY OF DEATH UKIAH		36. COUNTY OF DEATH UKIAH	
37. COUNTY OF DEATH UKIAH		38. COUNTY OF DEATH UKIAH		39. COUNTY OF DEATH UKIAH		40. COUNTY OF DEATH UKIAH	
41. COUNTY OF DEATH UKIAH		42. COUNTY OF DEATH UKIAH		43. COUNTY OF DEATH UKIAH		44. COUNTY OF DEATH UKIAH	
45. COUNTY OF DEATH UKIAH		46. COUNTY OF DEATH UKIAH		47. COUNTY OF DEATH UKIAH		48. COUNTY OF DEATH UKIAH	
49. COUNTY OF DEATH UKIAH		50. COUNTY OF DEATH UKIAH		51. COUNTY OF DEATH UKIAH		52. COUNTY OF DEATH UKIAH	
53. COUNTY OF DEATH UKIAH		54. COUNTY OF DEATH UKIAH		55. COUNTY OF DEATH UKIAH		56. COUNTY OF DEATH UKIAH	
57. COUNTY OF DEATH UKIAH		58. COUNTY OF DEATH UKIAH		59. COUNTY OF DEATH UKIAH		60. COUNTY OF DEATH UKIAH	
61. COUNTY OF DEATH UKIAH		62. COUNTY OF DEATH UKIAH		63. COUNTY OF DEATH UKIAH		64. COUNTY OF DEATH UKIAH	
65. COUNTY OF DEATH UKIAH		66. COUNTY OF DEATH UKIAH		67. COUNTY OF DEATH UKIAH		68. COUNTY OF DEATH UKIAH	
69. COUNTY OF DEATH UKIAH		70. COUNTY OF DEATH UKIAH		71. COUNTY OF DEATH UKIAH		72. COUNTY OF DEATH UKIAH	
73. COUNTY OF DEATH UKIAH		74. COUNTY OF DEATH UKIAH		75. COUNTY OF DEATH UKIAH		76. COUNTY OF DEATH UKIAH	
77. COUNTY OF DEATH UKIAH		78. COUNTY OF DEATH UKIAH		79. COUNTY OF DEATH UKIAH		80. COUNTY OF DEATH UKIAH	
81. COUNTY OF DEATH UKIAH		82. COUNTY OF DEATH UKIAH		83. COUNTY OF DEATH UKIAH		84. COUNTY OF DEATH UKIAH	
85. COUNTY OF DEATH UKIAH		86. COUNTY OF DEATH UKIAH		87. COUNTY OF DEATH UKIAH		88. COUNTY OF DEATH UKIAH	
89. COUNTY OF DEATH UKIAH		90. COUNTY OF DEATH UKIAH		91. COUNTY OF DEATH UKIAH		92. COUNTY OF DEATH UKIAH	
93. COUNTY OF DEATH UKIAH		94. COUNTY OF DEATH UKIAH		95. COUNTY OF DEATH UKIAH		96. COUNTY OF DEATH UKIAH	
97. COUNTY OF DEATH UKIAH		98. COUNTY OF DEATH UKIAH		99. COUNTY OF DEATH UKIAH		100. COUNTY OF DEATH UKIAH	

Physician Attestation Copy

If the form is correct, sign field 115 and fax this page to **1-916-668-5400**.

DO NOT ALTER. NO COVERSHEET

Alterations invalidate the signature. If you require changes, additions, or corrections, contact the sender to re-fax a corrected form.

OWN RESIDENCE

104. COUNTY MENDOCINO		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and Number of Residence) 1330 BOONVILLE RD.		106. CITY UKIAH	
107. CAUSE OF DEATH CARDIOPULMONARY ARREST		108. DATE OF DEATH 03/04/2013		109. TIME OF DEATH 7 YRS	
110. METASTATIC UTERINE CANCER		111. DATE OF DEATH 03/04/2013		112. TIME OF DEATH 7 YRS	
113. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE (List in #)		114. DATE OF DEATH 03/04/2013		115. TIME OF DEATH 7 YRS	
116. Hysterectomy, 10/05/2008, Endoscopic Lymph Node Biopsy, 06/18/2011		117. DATE OF DEATH 03/04/2013		118. TIME OF DEATH 7 YRS	

119. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		120. DATE OF SIGNATURE 03/04/2013		121. COUNTY OF SIGNATURE UKIAH	
122. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		123. DATE OF SIGNATURE 03/04/2013		124. COUNTY OF SIGNATURE UKIAH	
125. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		126. DATE OF SIGNATURE 03/04/2013		127. COUNTY OF SIGNATURE UKIAH	
128. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		129. DATE OF SIGNATURE 03/04/2013		130. COUNTY OF SIGNATURE UKIAH	
131. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		132. DATE OF SIGNATURE 03/04/2013		133. COUNTY OF SIGNATURE UKIAH	
134. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		135. DATE OF SIGNATURE 03/04/2013		136. COUNTY OF SIGNATURE UKIAH	
137. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		138. DATE OF SIGNATURE 03/04/2013		139. COUNTY OF SIGNATURE UKIAH	
140. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		141. DATE OF SIGNATURE 03/04/2013		142. COUNTY OF SIGNATURE UKIAH	
143. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		144. DATE OF SIGNATURE 03/04/2013		145. COUNTY OF SIGNATURE UKIAH	
146. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		147. DATE OF SIGNATURE 03/04/2013		148. COUNTY OF SIGNATURE UKIAH	
149. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		150. DATE OF SIGNATURE 03/04/2013		151. COUNTY OF SIGNATURE UKIAH	
152. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		153. DATE OF SIGNATURE 03/04/2013		154. COUNTY OF SIGNATURE UKIAH	
155. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		156. DATE OF SIGNATURE 03/04/2013		157. COUNTY OF SIGNATURE UKIAH	
158. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		159. DATE OF SIGNATURE 03/04/2013		160. COUNTY OF SIGNATURE UKIAH	
161. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		162. DATE OF SIGNATURE 03/04/2013		163. COUNTY OF SIGNATURE UKIAH	
164. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		165. DATE OF SIGNATURE 03/04/2013		166. COUNTY OF SIGNATURE UKIAH	
167. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		168. DATE OF SIGNATURE 03/04/2013		169. COUNTY OF SIGNATURE UKIAH	
170. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		171. DATE OF SIGNATURE 03/04/2013		172. COUNTY OF SIGNATURE UKIAH	
173. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		174. DATE OF SIGNATURE 03/04/2013		175. COUNTY OF SIGNATURE UKIAH	
176. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		177. DATE OF SIGNATURE 03/04/2013		178. COUNTY OF SIGNATURE UKIAH	
179. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		180. DATE OF SIGNATURE 03/04/2013		181. COUNTY OF SIGNATURE UKIAH	
182. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		183. DATE OF SIGNATURE 03/04/2013		184. COUNTY OF SIGNATURE UKIAH	
185. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		186. DATE OF SIGNATURE 03/04/2013		187. COUNTY OF SIGNATURE UKIAH	
188. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		189. DATE OF SIGNATURE 03/04/2013		190. COUNTY OF SIGNATURE UKIAH	
191. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		192. DATE OF SIGNATURE 03/04/2013		193. COUNTY OF SIGNATURE UKIAH	
194. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		195. DATE OF SIGNATURE 03/04/2013		196. COUNTY OF SIGNATURE UKIAH	
197. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		198. DATE OF SIGNATURE 03/04/2013		199. COUNTY OF SIGNATURE UKIAH	
200. SIGNATURE OF PHYSICIAN <i>Russell Hardy M.D.</i>		201. DATE OF SIGNATURE 03/04/2013		202. COUNTY OF SIGNATURE UKIAH	

Enlarge Cancel

Help | Contact Us | About CA-EDRS | Privacy Policy | Credits
Handbook - DC | Handbook - Disposition | Handbook - Amendment
Handbook - Appendix B | Handbook - Appendix C | CoD Guidelines
CA-EDRS Version 3.0.1 (55) 2012-02-13 15:04:22 *frd8

<https://ca.edrs.us/edrs/registration/certificate.edrs>

3/14/2013

EXHIBIT "B"

APPLICATION AND PERMIT FOR DISPOSITION OF HUMAN REMAINS

USE BLACK INK ONLY — MAKE NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR OTHER ALTERATIONS

1A. NAME OF DECEDENT—FIRST CAROL		1B. MIDDLE JEAN	1C. LAST HAMBURG
2. SEX F	3. DATE OF BIRTH (MONTH, DAY, YEAR) 11/09/1946	4. DATE OF DEATH (MONTH, DAY, YEAR) 03/05/2013	5. (FETAL DEATH ONLY) DATE OF EVENT (MONTH, DAY, YEAR)
6A. CITY OF DEATH UKIAH		6B. COUNTY OF DEATH—IF OUTSIDE OF CALIFORNIA, ENTER STATE MENDOCINO	
7A. NAME OF INFORMANT DAN HAMBURG		7B. RELATIONSHIP TO DECEDENT HUSBAND	8A. TYPED NAME AND ADDRESS OF CALIFORNIA-LICENSED FUNERAL DIRECTOR OR PERSON ACTING AS SUCH—STREET NUMBER AND NAME, CITY, STATE, ZIP CODE DAN HAMBURG 1330 BOONVILLE RD., UKIAH, CA 95482
7C. INFORMANT'S FULL MAILING ADDRESS—STREET NUMBER AND NAME, CITY, STATE, ZIP CODE 1330 BOONVILLE RD., UKIAH, CA 95482		8B. CALIFORNIA LICENSE NUMBER—IF APPLICABLE NONE	

ACKNOWLEDGEMENT OF APPLICANT—I hereby acknowledge as applicant that I have the right to control disposition pursuant to Health & Safety Code Section 7100, and that the disposition stated herein is one of the dispositions authorized by Health & Safety Code Section 103055.

9A. APPLICANT SIGNATURE

9B. DATE SIGNED

03/14/2013

PERMIT AND AUTHORIZATION OF LOCAL REGISTRAR—ANY CHANGE IN DISPOSITION REQUIRES A NEW PERMIT TO SHOW FINAL DISPOSITION

This permit is issued in accordance with provisions of the California Health and Safety Code and is the authority for the disposition specified in this permit. NOTE: This permit gives no right of disposal outside of California.

10A. AMOUNT OF FEE PAID \$ 11.00	10B. DATE PERMIT ISSUED	10C. SIGNATURE OF LOCAL REGISTRAR ISSUING PERMIT
10D. ADDRESS OF REGISTRAR OF DISTRICT OF DEATH—IF DEATH OCCURRED IN CALIFORNIA MENDOCINO HEALTH DEPARTMENT 1120 SOUTH DORA STREET UKIAH, CA 95482		10E. ADDRESS OF REGISTRAR OF DISTRICT OF DISPOSITION—IF DIFFERENT FROM 10D --

11. AUTHORIZED DISPOSITION(S)

BURIAL

FOR CORONER'S USE ONLY

BURIAL OR SCATTERING IN A CEMETERY (INCLUDES ENTOMBMENT)	12A. NAME AND ADDRESS OF CALIFORNIA CEMETERY -	12B. DATE BURIED	12C. INTERMENT NUMBER—IF APPLICABLE
		12D. SIGNATURE OF PERSON IN CHARGE OF BURIAL OR SCATTERING	
CREMATION	13A. NAME AND ADDRESS OF CALIFORNIA CREMATORY -	13B. DATE CREMATED	13C. CREMATION NUMBER—IF APPLICABLE
		13D. SIGNATURE OF PERSON IN CHARGE OF CREMATION	
SCIENTIFIC USE	14A. NAME AND ADDRESS OF CALIFORNIA FACILITY RECEIVING REMAINS -	14B. DATE RECEIVED	
		14C. SIGNATURE OF PERSON IN CHARGE OF FACILITY	
TRANSIT	15A. NAME AND ADDRESS IN RECEIVING STATE OR COUNTRY WHERE REMAINS OR CREMATED REMAINS ARE TO BE SHIPPED -	15B. NAME AND ADDRESS OF PERSON IN CHARGE OF PLACING WITH THE CARRIER	
		15C. SIGNATURE OF PERSON IN CHARGE OF PLACING WITH THE CARRIER	15D. DATE SHIPPED
SCATTERING/ BURIAL AT SEA OR DISPOSITION OTHER THAN IN A CEMETERY	16A. ADDRESS, NEAREST POINT ON SHORELINE, OR OTHER DESCRIPTION SUFFICIENT TO IDENTIFY FINAL PLACE AND CALIFORNIA DISTRICT OF DISPOSITION; IF BURIAL AT SEA, ONLY ENTER LATITUDE AND LONGITUDE PRIVATE PROPERTY: DAN HAMBURG, 1330 BOONVILLE RD., UKIAH, CA 95482	16B. DATE OF DISPOSITION	16C. LICENSE NUMBER OF CREMATED REMAINS DISPOSER—IF APPLICABLE
		16D. SIGNATURE OF PERSON IN CHARGE OF SCATTERING OR BURIAL	

UPON AUTHORIZATION OF PERMIT, DISTRIBUTE COPIES AS FOLLOWS:

COPY 1 — ACCOMPANIES REMAINS TO THE STATED PLACE OF DISPOSITION. PERSON IN CHARGE OF DISPOSITION IS RESPONSIBLE FOR COMPLETING AND FORWARDING THE PERMIT WITHIN 10 DAYS OF DISPOSITION TO THE REGISTRAR OF THE DISTRICT IN WHICH DISPOSITION OCCURRED OR THE DISTRICT NEAREST THE POINT WHERE THE CREMATED REMAINS WERE SCATTERED AT SEA.
COPY 2 — RETAINED BY PERSON IN CHARGE OF THE CEMETERY, CREMATORY, FACILITY FOR SCIENTIFIC USE, OR BY THE PERSON IN CHARGE OF DISPOSING OF THE CREMATED REMAINS.
COPY 3 — RETURN TO COUNTY OF DEATH WHEN THE REMAINS ARE DISPOSED OF IN ANOTHER DISTRICT. IF NOT APPLICABLE, COPY 3 MAY BE DISCARDED.
COPY 4 — RETAINED BY REGISTRAR ISSUING THE PERMIT.*

* THE LOCAL REGISTRAR MAY DESTROY ANY ORIGINAL OR DUPLICATE PERMIT AFTER ONE YEAR FROM ISSUE DATE.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, OFFICE OF VITAL RECORDS

Printed on: 03/14/2013 10:48 AM
By LEINEN, GEORGE (GLEINEN)

Ex "C"

VS 9e Rev. 01/01/2008

California Department of Public Health
Center for Health Statistics

User: GEORGE LEINEN (FUNERAL DIRECTOR) | Profile | Date: 03/14/2013 | Log Out

Certificates

Reporting

Record Options

Help References

Decedent Folder

The Decedent Folder provides an overview of the record's status and basic decedent information. Registration numbers are provided for registered records.

[View Record](#)**Decedent Information**

Last Name : HAMBURG	Record Number : 2003068	LRN :
First Name : CAROL	DTN :	SFN :
Date of Death : 03/05/2013		

Status Values

Record : INC	MI Rem Attest : ATT	MI Review : ACC
Embalmer Sign : UNSIGN	Token Issued : 03/14/2013 09:04:26	DC Registration : INC
ME/C Referral : NOT REF	Last Sent : 03/14/2013 09:04:42	Paper : NOT PRINT
PI Auth : NOT AUTH	Fax Auth # : 0200306803	
	Fax Status : SENT	
	MI Attest Method : FAX	
	MI Attest : MC ATT	

Reasons/Messages

ME/C Certify :
MI Review :
LR Reject : BURIAL ON PRIVATE PROPERTY. NEED PROOF OF "CERTIFICATE OF AUTHORITY" IN ORDER TO BURY ON PRIVATE LAND.
LR w/Exception :
SR Reject :
SR w/Exception :
SR Void :

SSN Verification Information

Current Status : UNVERIF Valid Attempts : 1

[Help](#) | [Contact Us](#) | [About CA-EDRS](#) | [Privacy Policy](#) | [Credits](#)
[Handbook - DC](#) | [Handbook - Disposition](#) | [Handbook - Amendment](#)
[Handbook - Appendix B](#) | [Handbook - Appendix C](#) | [CoD Guidelines](#)
CA-EDRS Version 3.0.1 (55) 2012-02-13 15:04:22 *frd8

EXHIBIT "D"



CEMETERY AND FUNERAL BUREAU

1625 N. Market Blvd. S208
 Sacramento, CA 95834
 (916) 574-7870 fax (916) 928-7988



REQUIRED SUBMISSIONS FOR COMPLETING THE APPLICATION FOR CERTIFICATE OF AUTHORITY

1. Completed Certificate of Authority application with the filing fee of \$400.00.
2. A corporate resolution delegating authority to submit the application on behalf of the corporation.
3. A certified copy of your Articles of incorporation (may be obtained from the Secretary of State's web site located at www.ss.ca.gov/business).
4. Application for permit to sell and issue securities or permit to sell and issue securities. If not applicable, submit a statement that securities will not be sold or issued.
5. Application to the city or county planning commission for a cemetery use permit or rezoning for cemetery purposes, or a certified copy of a land use or zoning permit.
6. Declaration of dedication for cemetery purposes certified by the county recorder.
7. Deed to the property, contract of purchase or any other instrument which provides the applicant with merchantable title thereto.
8. Endowment care trust agreement executed by the board of directors of the cemetery authority.
9. **A statement signed by a majority and verified by one of the directors of the applicant, which statement shall set forth the following eleven requirements:**
 - A. Names and addresses of the incorporators, directors, officers, trustees of the endowment care fund, the cemetery broker and the designated cemetery manager, together with a statement of their experience and fitness to engage in the cemetery business.
 - B. Statement of compensation received or to be received by the officers, directors and sales agents and/or manager.
 - C. A complete and detailed financial statement showing assets, liabilities and reserve.
 - D. If the applicant is a new corporation, the statement shall designate the amount of stock subscribed, the consideration paid for all stock issued and the amount of promotional stock involved.
 - E. If the applicant has engaged in business for a period of time, the statements shall include complete operating profit and loss statements for the preceding three (3) years, or such period of time as the applicant has been in business if less than three years.
 - F. An itemized statement of estimated receipts (from all sources, capitalization, sales, loans, etc.) and expenditures of the applicant for at least five (5) years or such other period as the Bureau may require by written notice to the applicant.
 - G. A statement setting forth the size, location and topography of, and water available for, the property to be used for cemetery purposes.
 - H. A statement of the applicant's proposed plan of operation, which shall include type of selling, approximate size of sales department, along with number of acres initially developed.
 - I. A statement of the amount deposited to the Endowment Care Fund, type of investment made or to be made and the proposed rate of contribution for the future.
 - J. An independent confirmation from the depository or other such proof of deposit of the initial contribution of \$35,000.00 to the endowment care fund as required by Health and Safety Code (HSC) § 8738.1.
 - K. A \$50,000.00 Fidelity bond coverage for Endowment and Special Care Fund Trustees, (HSC § 8734).
10. Submit Certification Affidavit's for all officers and trustees.
11. Verification of publication of change of ownership (if applicable).
12. Once all required documents have been submitted and approved by the Bureau, a field representative will inspect your cemetery before final approval is given and a Certificate of Authority license issued.

As part of the inspection process, the field representative will review your cemetery maps. Please have available for inspection a copy of the map(s) that have been filed with the county recorder for retention by the field representative. Upon completion of a satisfactory inspection, the field representative will submit the maps to the Cemetery and Funeral Bureau in accordance with the licensing requirement.

**CEMETERY AND FUNERAL BUREAU**

1625 N. Market Blvd., S208

Sacramento, CA 95834

(916) 574-7870 FAX (916) 928-7988

**APPLICATION FOR CERTIFICATE OF AUTHORITY****FILING FEE****\$400****COA NUMBER ISSUED****SECTION A: CEMETERY INFORMATION**

Name of Cemetery		License number (If an existing Cemetery) COA	
New Name of Cemetery (If applicable)		Telephone Number ()	
Address of Cemetery	City	State CA	Zip Code
Mailing Address of Cemetery (If different than above)	City	State	Zip Code
Fax Number ()	Email address (Not required)		

SECTION B: NAME OF PERSON FILING THE APPLICATION (Attach a corporate resolution delegating authority to applicant to submit the application on behalf of the corporation.)

Last Name	First	Telephone Number (If different than above) ()	
Mailing Address (For correspondence relating to this application, if different than above.)		City	State Zip Code

SECTION C: NAME OF DESIGNATED CEMETERY MANAGER (Attach a written statement demonstrating two years experience in the cemetery business in a cemetery of the same size, type, and scope of operation.)

Last Name	First	License Number CEM	Expiration Date
-----------	-------	------------------------------	-----------------

SECTION D: APPROVAL TO SHARE CEMETERY MANAGER (If applicable, must be under common ownership and within 60 miles of the designated main office.)

Name of Cemetery Designated as Main Office		License Number COA	Miles From New Cemetery
Address of Main Office	City	State CA	Zip Code
COA Numbers for Additional Cemeteries Managed.	COA #	COA #	COA #

SECTION E: CORPORATION

Name of Corporation (Exact name as shown on Articles of Incorporation)		
Incorporated in State of	Date Incorporated	FEIN Number

FOR OFFICE USE ONLY

Date Cashiered	Amount Cashiered	ATS Number	Receipt Number
Affidavit's	CEM	Broker	Inspection Notice Sent
			License Issued On

SECTION F: CORPORATE OFFICERS (List Names and Titles of the Top 4 Corporate Officers.)

Title	Last Name	First	Middle Initial
President			
Vice President			
Treasurer			
Secretary			

ATTACH A COMPLETED CERTIFICATION AFFIDAVIT FOR EACH OFFICER.**SECTION G: TRUSTEES** (List all Trustees, only one Trustee can be an Officer or Employee of the Corporation.)

Last Name	First	Middle Initial

ATTACH A COMPLETED CERTIFICATION AFFIDAVIT FOR EACH TRUSTEE.**SECTION H: APPLICANT CERTIFICATION**

I certify under penalty of perjury under the laws of the State of California that all statements furnished in connection with this application are true and accurate.

Signature _____

Title _____

Date _____

Note: The information solicited on this form is required pursuant to Business and Professions Code Sections 9702.1 and 9715. All items in this application are mandatory; none are voluntary, unless indicated. Failure to provide any of the requested information will result in the application being considered incomplete, (incomplete applications are subject to abandonment one year from the date the applicant is notified of deficiencies). All information provided will be used to determine qualification for licensure, per the Business and Professions Code Section that authorizes the collection of this information. Per California Civil Code Section 1798.17, (Information Practice Act), the Chief of the Cemetery and Funeral Bureau is responsible for maintaining information in this application. This information may be transferred to other governmental and enforcement agencies. Individuals have the right to review the records maintained on them by the agencies, unless the records are exempt by Section 1798.40 of the Civil Code. Requests for information may be addressed to The Custodian of Records, Bureau Chief, Cemetery and Funeral Bureau, 1625 North Market Blvd., Suite S-208, Sacramento, CA 95834, (916) 574-7870.

Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with the bureau. You are obligated to pay your state tax obligation and your license may be suspended if the state tax obligation is not paid per Business and Professions Code Section 31(e).



CEMETERY AND FUNERAL BUREAU

1625 N. Market Blvd., S208

Sacramento, CA 95834

(916) 574-7870 FAX (916) 928-7988



CERTIFICATION AFFIDAVIT

To be completed by each Owner, Partner, Officer, and Trustee (Make additional copies as needed).

I am completing this Affidavit as a:

☐ Sole Owner ☐ Partner ☐ Officer ☐ Trustee

Name of Funeral Establishment, Cemetery, Crematory or Corporation this affidavit is being submitted on behalf of

Phone Number

License Number of FD, CR or COA (If applicable)

()

Last Name

First

Middle Initial

Address

City

State

Zip Code

Date of Birth

Social Security Number

Title (If applicable)

Have you previously submitted fingerprint cards or a copy of a Request for Live Scan Service Form to the Cemetery and Funeral Bureau?

If yes, for what license, and the approximate date.

☐ Yes ☐ No

If no, submit a copy of your completed Request for Live Scan Service form, along with this application, verifying that fingerprints have been scanned and all applicable fees have been paid.

Have you ever been convicted of, or pled no contest to, a violation of any law of a foreign country, the United States, any state or local jurisdiction? You must include all misdemeanor and felony convictions, regardless of the age of the conviction, including those which have been set aside and/or dismissed under Penal Code section 1000 or 1203.4. (Traffic violations of \$500 or less need not be reported.)

☐ Yes ☐ No

If "yes," please attach an explanation that includes the type of violation, the date, circumstances and location, and the complete penalty received.

Have you ever had any professional or vocational license or registration denied, suspended, revoked, placed on probation or other disciplinary action taken by this or any other governmental authority in this state or any other state, or any foreign country

☐ Yes ☐ No

If "yes," please attach an explanation that includes license type, action, and company name (if applicable), year of action and state.

I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers and representations made in the foregoing certification affidavit, including all supplementary statements.

Signature

Date

FOR BUREAU USE ONLY

Fingerprints on File with

Live Scan Results Received on

Approved by

Enforcement Approval

Date

Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C.A. 405 (c)(2)(c)) authorizes the collection of your Social Security Number (SSN). The disclosure of your SSN is mandatory. The information will be used exclusively for tax enforcement purposes and for purposes of compliance with Section 11350.6 of the Welfare and Institutions Code. If you fail to disclose your SSN, you will be reported to the Franchise Tax Board, which may assess a \$100.00 penalty against you. Questions regarding this requirement must be directed to the Franchise Tax Board: So. California (800) 852-7050, No. California (800) 852-5711, or Sacramento at (916) 369-0500.

ENDORSED-FILED

JUN - 3 2013

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

BARRY VOGEL (State Bar No. 60141)
Attorney at Law
280 N. Oak Street
Ukiah, CA 95482
Telephone: (707) 462-6541
Fax: (707) 462-3253

Attorney for Executor -- Petitioner

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

IN RE ESTATE OF CARRIE HAMBURG,

Case No. SCU-K-CVPB-13-26080

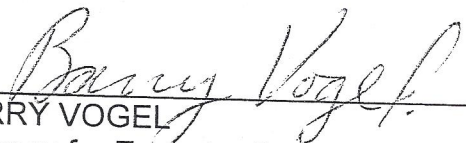
REQUEST FOR JUDICIAL NOTICE

Executor-Petitioner through his attorney of record, requests that the Court take judicial notice pursuant to Evidence Code sections 450, *et seq.*, and California Rules of Court, Rule 3.1306, of the contents of its file *In the Matter of Jay Baker's Request For Burial Permit*, Case No. SCU-K CVPT-01 84961, and also the contents of its file *In the Matter of Request For Burial Permit By Christopher Tebbutt And Stephanie Tebbutt On Behalf Of Their Daughter Oona Miriam Tebbutt*, Case No. SCU-K CVPT-02 87582. Executor-Petitioner, specifically requests judicial notice of the Court's Orders granting each Request for Burial Permit, dated January 5, 2001 and March 20, 2002, respectively. Executor-Petitioner also requests that the Court take judicial notice pursuant to Evidence Code sections 450, *et seq.*

Pursuant to California Evidence Code Section 453, this Court "shall take judicial notice of any matter specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with

1 sufficient information to enable it to take judicial notice of the matter." In compliance
2 therewith, Executor-Petitioner respectfully requests this Court take judicial notice of the
3 requested court files, orders therein, and regulations.

4
5 Dated: June 3, 2013


BARRY VOGEL
Attorney for Executor-Petitioner

COPY

FILED
ARENA BRANCH

4

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO
ARENA BRANCH

JAN 05 2001

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA
(m)

181A
IN THE MATTER OF)
JAY BAKER'S REQUEST)
FOR BURIAL PERMIT.)
_____)

Case No. SCUK CVPT 010084961
Order on Request for Burial Permit

Pursuant to the investigation summarized in the attached declaration of Kelli C. Mason,

Pursuant to the final stated wishes of Jay D. Baker as set forth in the attached declaration (treated as a petition),

The Local Registrar of Vital Statistics, Mendocino County Public Health Department, is directed to issue a permit honoring said request under the authority of Health and Safety Code Section 103055.

The Local Registrar may place reasonable conditions on said permit pursuant to the provisions of subsection (b) of Health and Safety Code section 103055, or in keeping with public sensibilities, applicable laws and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

So Ordered.

Dated: January 5, 2001


VINCENT T. LECHOWICK

JAY D. BAKER

GENERAL CONTRACTOR

LICENSE #261777

P.O. BOX 589 38820 SOUTH HIGHWAY ONE

GUALALA, CA 95445

(707) 884-3503 FAX (707) 884-1308

PETITION

FILED

ARENA BRANCH

January 2, 2001

JAN - 5 2001

CLERK OF MENOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

To whom it may concern:

I, Jay D. Baker, would like to make this statement of my final wishes concerning my burial. In the past, my family has been buried in Annapolis, CA and I planned the same for me. With much thought and deliberation, I have decided that I want to be buried on my private property located at 38820 S. Highway One, APN 145-183-19, Gualala, California otherwise known as Bakertown. I am not requesting a family plot, only my gravesite. The northwest corner of the property, inside the perimeter fence bordering Sedalia and Hubert, is the location I have chosen. I would like a full-body burial, as I strongly object to cremation.

Bakertown, and what it stands for, means more to me than words can express. It has been my life's work. I cannot think of another place I would rather reside for all eternity.

Sincerely,

Jay D. Baker
Jay D. Baker

We, the undersigned, have witnessed the signing of this document by Jay D. Baker.
Under penalty of perjury,

James W. Daniel

JAMES W. DANIEL

Witness: sign & print name

Jack Raper

JACK RAPER

Witness: sign & print name

1-2-01

Date

1-2-01

Date

JAY BAKER TRUE VALUE HARDWARE

38820 SOUTH HIGHWAY ONE

P.O. BOX 589

GUALALA, CA 95445

(707) 884-3534 FAX (707) 884-1308

- She suggested I contact the Department of Consumer Affairs, Cemetery & Funeral Bureau, which I had already done, and also the Planning Department in the event they have restrictions

Alan Falleri

Chief Planner

Mendocino County Planning Department

501 Low Gap Rd.

Ukiah, CA 95482

707/463-4281

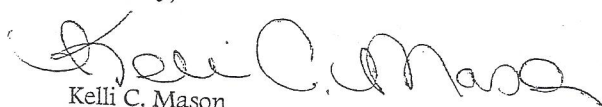
Alan Falleri imparted the following information:

- I asked if they had any codes pertaining to burial on private property, such as a fence around the gravesite, a 30 foot setback from the property line, etc. He said that they do not have any regulations for burial on private property.
- He recommended I contact Department of Consumer Affairs, Cemetery & Funeral Bureau, which I had already done.

In summary, I feel I have taken the necessary steps to thoroughly research this issue. Although Health & Safety Code #7054 discourages burial on private property, it has been done with permits from Vital Statistics. Ron DeMaderios of the Consumer Affairs Cemetery and Funeral Bureau advised us as to the course we might take in obtaining a permit, such as contacting Vital Statistics and requesting permission from a judge. The Planning Department does not have any regulations pertaining to this matter. The Public Health Vital Statistics Department will issue a Permit for Burial of Human Remains upon presentation of a death certificate and judge's order/permission.

I thank you for your time and consideration of this statement, which has been prepared to the best of my knowledge and understanding, under penalty of perjury.

Sincerely,



Kelli C. Mason

JAY BAKER TRUE VALUE HARDWARE

38820 SOUTH HIGHWAY ONE
P.O. BOX 589
GUALALA, CA 95445
(707) 884-3534 FAX (707) 884-1308

December 29, 2000

My name is Kelli C. Mason. I work for Jay D. Baker as his personal assistant/office manager/secretary. Jay expressed a strong desire to be buried on his private property located at 38820 S. Highway One, Gualala, Mendocino County, California and asked me to research the issue. Jay is not open to the idea of cremation, therefore, he is requesting a full-body burial. He does not wish to have a family plot, only his remains buried at the site. The purpose of this statement is to document my findings, which I have described below to the best of my recollection and understanding.

Ron DeMaderios
Field Representative
Department of Consumer Affairs
Cemetery & Funeral Bureau
400 R Street, #3040
Sacramento, CA 95814
916/322-7737

I spoke with Ron DeMaderios on three different occasions and obtained the following information:

- Ron DeMaderios is a field representative in the State of California for Department of Consumer Affairs, Cemetery & Funeral Bureau.
- He referenced Health & Safety Code #7054, which discourages full-body burials on private property. He indicated that it has been done with a permit for the interment through the Vital Statistics Department, which in our case is the Mendocino County Public Health Vital Statistics in Ukiah, CA.
- Ron asked the location of the future gravesite, which we decided will be on the northwest corner of the property inside the perimeter fence. His concern was regarding the possibility of a subdivision falling in the location of the interment. A subdivision of this property is not possible, due to current zoning and the location of existing buildings.
- He recommended we obtain permission from a judge, which would be used along with a death certificate in acquiring a permit for the burial.
- Recently, Ron has had several interments on private property all over California, including Santa Cruz and Napa. Permits were issued by Vital Records.

Rosemary Rodriguez
Deputy Registrar
Mendocino County Public Health Vital Statistics
890 N. Bush St.
Ukiah, CA 95482
707/463-4134

I spoke with Rosemary Rodriguez on a couple of occasions and obtained the following information:

- Rosemary Rodriguez is the Deputy Registrar for the Public Health Vital Statistics Department in Mendocino County.
- She confirmed that they are the agency which issues the Permit for Burial of Human Remains. They would need Jay's death certificate and the judge's order before they could issue the permit. This would be their only involvement in our case.

Sent By: PUBLIC INTEREST LAWYERS GROUP; 15106471905;

Mar-20-02 12:45PM; Page 3/3

FILED
ANDERSON VALLEY BRANCH

MAR 20 2002

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO

IN THE MATTER OF REQUEST FOR
BURIAL PERMIT BY CHRISTOPHER
TEBBUTT AND STEPHANIE TEBBUTT
ON BEHALF OF THEIR DAUGHTER
OONA MIRIAM TEBBUTT

CASE NO. SCUK-CVPT-02-82582
ORDER ON REQUEST FOR BURIAL
PERMIT

Pursuant to the Petition for Issuance of Burial Permit filed by Christopher and Stephanie Tebbutt on behalf of their daughter, Oona Miriam Tebbutt.

Pursuant to the investigation summarized in the attached declaration of Sharon E. Duggan.

Pursuant to the stated wishes of Christopher Tebbutt and Stephanie Tebbutt, husband and wife and parents of Oona Miriam Tebbutt, as set forth in the Application for Request for Burial Permit.

The Local Registrar of Vital Statistics, Mendocino County Public Health Department, is directed to issue a permit honoring said request under the authority of Health and Safety Code Section 103055.

The Local Registrar may place reasonable conditions on said permit pursuant to the provisions of subsection (b) of Health and Safety Code section 103055, or in keeping with public sensibilities, applicable laws and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a public or private nuisance.

SO ORDERED.

Dated: March 20 2002

Eric Labowitz
Hon. Eric L. Labowitz

Order on Request for Burial Permit

1 Sharon E. Duggan, CSB 105108
2 Law Offices of Sharon E. Duggan
3 2070 Allston Way Suite 300
4 Berkeley, CA 94704
5 (510) 647-1904 telephone
6 (510) 647-1905 facsimile
7 by fax

8 Attorney for Christopher and Stephanie Tebbutt

FILED
ANDERSON VALLEY BRANCH

MAR 20 2002

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF MENDOCINO

11 IN THE MATTER OF REQUEST FOR
12 BURIAL PERMIT BY CHRISTOPHER
13 TEBBUTT AND STEPHANIE TEBBUTT
14 ON BEHALF OF THEIR DAUGHTER
15 OONA MIRIAM TEBBUTT

CASE NO. SCUK-CUPT-02-87582

PETITION FOR ISSUANCE OF BURIAL
PERMIT

16 1. Christopher Tebbutt and Stephanie Tebbutt, as the married parents of Oona
17 Miriam Tebbutt, hereby petition this Court for an Order directing the Mendocino County Health
18 Department to issue a Burial Permit for private burial on their land, located at 11800 Anderson
19 Valley Way, in Boonville, California. This petition is based upon the following facts and law.

20 2. Christopher and Stephanie Tebbutt are residents of Mendocino County, and
21 owners of real property located at 11800 Anderson Valley Way, Boonville, California.

22 3. Oona Miriam Tebbutt was born on February 22, 2002 in San Francisco, California
23 at the Pacific Medical Center. Oona Miriam Tebbutt was born without sufficient kidney and
24 lung function for her survival. Oona Miriam Tebbutt was released from the Pacific Medical
25 Center on March 13, 2002 into the care of her parents, and with the assistance of the hospice
26 program. Oona Miriam Tebbutt is now at home with her parents at 11800 Anderson Valley Way
27 in Boonville, California.

28 4. Oona Miriam Tebbutt is expected to die at any time now. Christopher and
Stephanie Tebbutt petition the Court for burial of Oona Miriam Tebbutt on their real property at
11800 Anderson Valley Way, APN 046-170-70, Boonville, California. The northwest corner of

Petition for Issuance of Burial Permit

1 the property, which is completely away from roadway or highway, is the location we have
2 chosen. Christopher and Stephanie Tebbutt would like a full-body burial. The zoning of the
3 property is such that subdivision of the land is not a possibility. Christopher and Stephanie
4 Tebbutt intend to protect the burial site in perpetuity.

5 5. The Mendocino County Health Department is authorized and required to issue a
6 burial permit for internment on private land if a Court so orders. Such burial is authorized
7 pursuant to Health and Safety Code section 103055.

8 WHEREFORE, Christopher and Stephanie Tebbutt pray for relief as follows:

9 1. For an Order Granting this Petition for Issuance of a Burial Permit, directing the
10 Mendocino County Health Department to issue a burial permit to Christopher Tebbutt and
11 Stephanie Tebbutt for their daughter, Oona Miriam Tebbutt, authorizing Christopher and
12 Stephanie Tebbutt to bury their infant daughter, Oona Miriam Tebbutt, on their private land,
13 located at 11800 Anderson Valley Way, APN 046-170-70 in Boonville, Mendocino County,
14 California.

15 DATED: March 20, 2002

Respectfully submitted,



Sharon E. Duggan
Attorney for Christopher and
Stephanie Tebbutt

19
20 I do hereby certify under penalty of perjury that the document to
21 be filed is the full, complete and unaltered facsimile produced document
22 received.

23 Dated: 3/20/02

24 
Kathy Bailey, Fax Filing Agent

25
26
27
28 Petition for Issuance of Burial Permit

FILED
ANDERSON VALLEY BRANCH

MAR 20 2002

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

Sharon E. Duggan, CSB 105108
Law Offices of Sharon E. Duggan
2070 Allston Way Suite 300
Berkeley, CA 94704
(510) 647-1904 telephone
(510) 647-1905 facsimile
by fax

Attorney for Christopher and Stephanie Tebbutt

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO

IN THE MATTER OF REQUEST FOR
BURIAL PERMIT BY CHRISTOPHER
TEBBUTT AND STEPHANIE TEBBUTT
ON BEHALF OF THEIR DAUGHTER
OONA MIRIAM TEBBUTT

CASE NO. SCUK-CVPT-02-87582

EX PARTE APPLICATION FOR
REQUEST FOR BURIAL PERMIT

To whom it may concern:

We, Christopher Tebbutt and Stephanie Tebbutt are the married parents of Oona Miriam Tebbutt and would like to make this statement of and application for final wishes concerning the burial of our infant daughter, born on February 22, 2002. Oona was born without sufficient kidney and lung function for her survival. She is expected to die at any time now, and has been in our personal care with the assistance of hospice care since her release from the hospital on March 13, 2002. We would like to bury her on our property at 11800 Anderson Valley Way, APN 046-170-70, Boonville, California. The northwest corner of the property, which is completely away from roadway or highway, is the location we have chosen. We would like a full-body burial.

Our land in Boonville is our home, and means more to us than a place of residence. Over the past twenty years, we have made it our life's work, as a place of solace and a model of restoration.

We make this application with intention to honor the life of our daughter, and to protect the burial site in perpetuity.

Application for Request for Burial Permit/Declaration

FROM : NDC

PHONE NO. : 16503443393

Mar. 19 2002 09:13PM P1

Sent By: PUBLIC INTEREST LAWYERS GROUP;

15108471905;

1 Dated: March 20, 2002

Respectfully submitted,

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

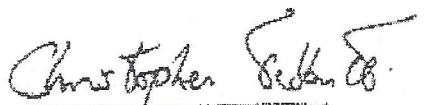
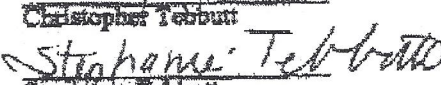
24

25

26

27

28 Application for Request for Burial Permit/Declaration


Christopher Tebbutt

Stephanie Tebbutt

**DECLARATION OF SHARON E. DUGGAN
IN SUPPORT OF APPLICATION FOR BURIAL PERMIT**

I, SHARON E. DUGGAN, do declare and if called as a witness would testify as follows:

1. I am an attorney licensed to practice in the State of California and am an attorney for Christopher Tebbutt and Stephanie Tebbutt. Christopher and Stephanie have expressed a strong desire to bury their infant daughter, Oona Miriam Tebbutt, on their family land located at 11800 Anderson Valley Way in Boonville, Mendocino County, California. They asked me to research the issue. The purpose of this statement is to document my findings, which I describe below to the best of my recollection and based upon notes that I took while conducting this investigation. I conducted my research on March 10-20, 2002.

2. I first spoke with Rosemary Rodriquez of the Mendocino County Health Department, 707-463-4136. Rosemary Rodriquez is the Deputy Registrar for the Public Health Vital Statistics Department in Mendocino County. Her office is located at 890 N. Bush Street, Ukiah, California, 95482. She informed me that her agency issues the Permit for Burial of Human Remains. She advised me that she would need a death certificate and either the paperwork from a cemetery or a court order authorizing burial before her agency would issue the permit. She advised me on two separate occasions that a burial on one's property can occur pursuant to a Court order, and that there is precedent for such an order in Mendocino County. She told me that her agency would be bound by the Court order, and that would be the only involvement by her agency in the matter. She encouraged me to contact the California Department of Consumer Affairs, Cemetery & Funeral Bureau.

3. I then spoke with Dorie at the California Department of Consumer Affairs, Cemetery & Funeral Bureau in Sacramento, (916) 322-7737. She advised me to review the website for her agency, at www.dca.ca.gov/cemetery. I did this and subsequently called her again. She was unavailable so I spoke with Paulette McDonald. She referred me to Health & Safety Code section 7054 which discourages full-body burials on private property. She faxed me a document that describes this provision. It also refers inquiries to Ron DeMaderios, Cemetery

Application for Request for Burial Permit/Declaration

1 Field Representative, State of California for Department of Consumer Affairs, Cemetery &
2 Funeral Bureau. Ms. McDonald advised me that any private burial on one's lands would be
3 subject to permit from Vital Statistics, and that one could obtain a court order for such a permit.


4 4. I attempted to contact Mr. DeMaderios, but without success. I am aware, having
5 researched how to obtain a court order for a burial permit, that he has previously advised that a
6 permit for interment could be obtained from the Vital Statistics Department, and that
7 permission from a judge can be obtained, which would be used along with a death certificate in
8 acquiring a permit for the burial. Mr. De Maderios has advised as recently as a year ago that
9 there have been several interments on private property in California, including in Santa Cruz
10 and Napa Counties. Permits were issued by Vital Records departments for those counties.

11 6. I have also spoken with Dennis Chaty, a planner for the Mendocino County
12 Planning Department. His office is located at 501 Low Gap Road in Ukiah, California 95482.
13 His phone number is 707-463-4281. The County does not presently have a Chief Planner. I
14 asked him if the County had any codes pertaining to burial on private property, such as a fence
15 around the gravesite, a setback from the property line, or any other physical requirements. He
16 said they the County does not have regulations for burial on private property or for family burial
17 plots. He advised me to contact the County Health Department, which I had already done.

18 7. In summary, I believe I have taken the necessary steps to thoroughly research the
19 issue of burial of Oona Miriam Tebbutt on her family's land. Although Health & Safety Code
20 section 7054 discourages burial on private property, it has been done with permits from Vital
21 Statistics. Rosemary Rodriguez of the Vital Statistics for Mendocino county advised us as to the
22 course we might take in obtaining a permit. This was confirmed by representatives from the
23 Department of Consumer Affairs, Cemetery and Funeral Bureau. The Planning Department
24 does not have any regulations pertaining to this matter. The Public Health Vital Statistics
25 Department will issue a Permit for Burial of Human Remains upon presentation of a death
26 certificate and judge's order/permission.


27
28 Application for Request for Burial Permit/Declaration

1 I declare under penalty of perjury that the foregoing is true and correct and that this
2 declaration was issued on March 20, 2002.

3 
4 Sharon E. Duggan

5 I do hereby certify under penalty of perjury that the document to be
6 filed is the full, complete and unaltered facsimile produced document
7 received.

8 Dated: 3/20/02

9 
Kathy Bailey, Fax Filing Agent



THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DATED 3-20-02

ATTEST:
TANIA G. UGRIN-CAPOBIANCO
CLERK/ADMINISTRATOR SUPERIOR COURT
COUNTY OF MENDOCINO, STATE OF CALIFORNIA

BY 

DEPUTY COURT CLERK

28 Application for Request for Burial Permit/Declaration