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11 **In Pro Per Third Party Objector**

12 **SUPERIOR COURT OF CALIFORNIA**

13 **COUNTY OF CONTRA COSTA**

14 **ROBERT TIERNAN, et al.,**

15 **Plaintiffs,**

16 **v.**

17 **DIABLO COMMUNITY SERVICES**  
 18 **DISTRICT, et al.,**

19 **Defendants.**

Case No. MSC17-02529

**DECLARATION OF CAROL BERENDSEN IN SUPPORT OF THIRD PARTIES DAVID HAMMOND AND HAL SEIBERT'S MOTION TO SET ASIDE STIPULATED JUDGMENT BETWEEN INTERVENORS AND U.S. BANK**

Date: 05/17/24  
 Time: 9:00am  
 Dept.: 18

22 **AND RELATED CROSS-ACTION AND**  
 23 **ACTION IN INTERVENTION**

1 I, Carol Berendsen, declare as follows:

2 1. I am currently a resident of the unincorporated community of Diablo, County of  
3 Contra Costa. I make this Declaration based on my own personal knowledge, and if called as a  
4 witness, could and would testify to the same.

5 2. I am familiar with a gravel trail approximately 100 to 125 feet in length connecting  
6 Alameda Diablo and Mount Diablo Scenic Boulevard (leading to Mount Diablo State Park's  
7 "South Gate" entrance ("the Easement"), which is at the southerly end of the property located at  
8 2354 Alameda Diablo, Diablo, California.

9 3. I live on Mount Diablo Scenic Blvd. directly across from the Easement and have  
10 lived there since February 1999, so for 25 years. On a daily basis I use the Easement to walk on  
11 the quiet safe streets of Diablo to avoid the increasing traffic on Mount Diablo Scenic Blvd. I also  
12 use the Easement to get my mail at the Diablo Post Office since we do not have home U.S. Postal  
13 delivery. I have also parked my car on the other side of the Easement during the storms of 2022-  
14 23 when it was questionable that our road would endure the storms and possibly strand us.

15 4. The Easement has been continuously open and unobstructed for the 25 years I have  
16 lived in Diablo, until September 28, 2023 when the metal fence was installed to completely block  
17 the Easement.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed on FEBRUARY 9, 2024 in DIABLO, California.

20  
21  
22   
23 CAROL BERENDSEN