

CASO: SGPA-DGZFM TAC-3189/2011



August 21, 2011

Lic. Jose Luis Gutierrez Miranda
Director General de Zona Federal Maritimo Terrestre y Ambientes Costeros
Av. Revolucion No. 1425, Col. Tlacopac,
San Angel, Del Alvaro Obregon,
C.P. 041040, Mexico, D.F.

SGPA-DGZFMTAC-3189/2011

Dear Director General , Lic. Jose Luis Gutierrez Miranda:

We thank you for the opportunity to address the claims and accusations made by Ms. Otilia Ortiz Maldonado (hereafter referred to as Ms. Ortiz) in her letter of April 11, 2011 to you at SEMARNAT regarding concessions DGZF-832/08 and DGZF-477/10 held by Mr. Alonzo Nava Ortiz (hereafter referred to as Mr. Nava).

Taking private land away from a person is not something our Mexican or American family takes lightly. We all value and cherish our homes and our property. In "2011, Ano del Turismo en Mexico", we ask you to also consider the economic impact these two allegedly mis-checked boxes could have on the Rosarito Beach Malecon project and economic growth for Rosarito Beach through tourism.

We ask you to consider the factual evidence we present and make a decision that is fair and within the law. The Nava family works hard to keep the beach free, clean, safe and handicapped accessible for all Rosaritenses and tourists. We also participate in the on-line education of American and Canadian investors to identify legal land titles and real Title insurance in Baja Norte. If after reading our facts you are compelled to cancel our concessions DGZF-832/08 and DGZF-477/10, we understand and we will support you. Mexico is a country of laws, and the Nava family and Costa La Rancho Azul want to lead Baja by example. It is better to correct a mistake now if one was made. This is a complicated appeal because nothing in the claim of Ms. Ortiz is what it seems, and every square meter of beach we can protect is important.

SECTIONS:

- 1. Chronological Order of Events**
- 2. History of Property- Fracciamiento Villas Del Mar**
- 3. Map for Application of DGZF-832/08**
- 4. The Application of DGZF-832/08 using SEMARNAT experts**
- 5. True Legal Owner of the Land- Rancho La Costa Azul**
- 6. Ownership, Occupancy and Intentions of Ms. Ortiz**
- 7. Fraudulent act of Ms. Ortiz to sell DGZF-832/08 on March 29, 2010**
- 8. Conclusions and Solutions**

SECTION 1: CHRONOLOGICAL ORDER OF EVENTS

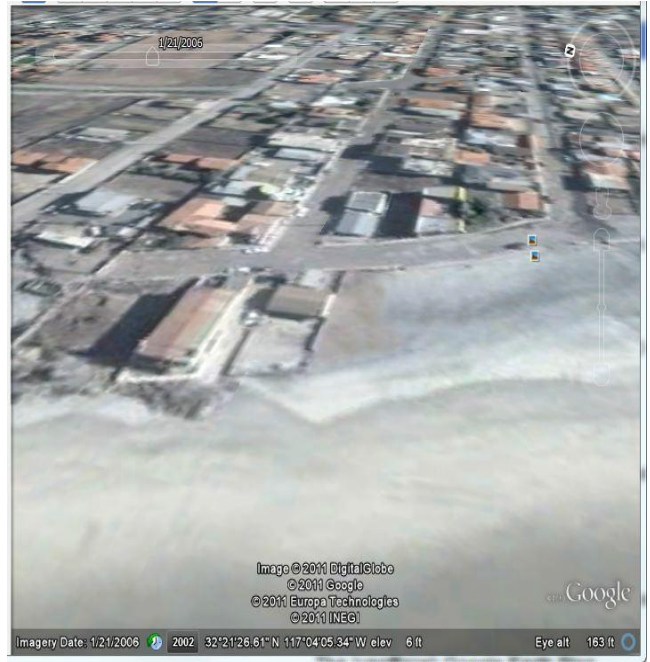
- 1975. Fracciamiento Villas del Mar is established in central Rosarito Beach.
- 1982-1983. El Nino storms take homes in first row away or render them unsafe.
- 1983-2005. Only the Apartment Building is occupied (positioned between Ms. Ortiz and Playa Bonita Condos).
- 1986. Ms. Ortiz claims purchase (“mas de 20 anos” approximately)
- 1988-1989. El Nino storms do more damage to the area.
- 1993. Mar 29. Rancho La Costa Azul purchases and pays for a parcel of land from the National Land Office. Secretaria de la Reforma Agraria folio #507710.
- 2005. Playa Bonita Condos begin building on top of two abandoned first-row foundations (Lot #1 and Lot#2)
- 2006. Aug 22. Mr. Nava files the application for DGZF-832/08.
- 2006. Sep. Ms. Ortiz arrives to claim and restore a previously abandoned first-row building stamped #58 on Fracciamiento Map (Lot #5). Ms. Ortiz also claims Lot #6.
- 2006. Oct 18. Ms. Ortiz and Nava exchange e-mails about having to nail the door closed, the abandoned condition of house and her plans to repair it and rent it.
- 2008. Jun 23. Concession DGZF-832-08 granted to Mr. Nava.
- 2010. Jan 5. Ms. Ortiz hires earth-mover to remove Disabled Beach Access and excavate Lot #6 without the permission of Mr. Nava. She moved rocks to the south and west and excavated the below-surface walls of the previous structure. Mr. Nava shows concession title to Ms. Ortiz, who rejects it.
- 2010. Jan 7. Ms. Ortiz, with police protection, brings 5 truckloads of granite boulders onto lot #6.
- 2010. Jan 12. Mr. Nava files to expand the DGZF-832/08 concession area to protect more beach.
- 2010. Feb 14. Ms. Ortiz removes posted sign for Concession DGZF-832/08 with hammer.
- 2010. Mar 29. Ms. Ortiz lists the two properties (Lot #5, Lot#6) for sale with a legal land title for \$119,000USD
- 2010. May 4. Ms. Ortiz accepts the “Prescription Positiva”
- 2010. Dec 10. Ms. Ortiz leads a group of women who paints over the concession and disabled access signs with white paint.
- 2010. Sept 23. Concession DGZF- 477/10 granted to Mr. Nava to expand concession DGZF-832/08. Both concession deemed current and valid by PROFEPA.
- 2010. Sept 25. Mr. Wutsch delivers a copy of title to Ms. Ortiz offering complete transparency in exchange for respect for the existing concessions in place.
- 2011. April 11. Ms. Ortiz files claim with SEMARNAT to have Mr. Navas’ two concessions annulled based on a mis-checked box on the five year old application.

SECTION 2: HISTORY OF PROPERTY- FRACCIONAMIENTO VILLAS DEL MAR

Villas del Mar is a residential fraccionamiento in central Rosarito Beach established in 1975. Each of the lots is marked on the map and sold individually. The concession area is shown here on the Google Earth Map for January 2006. Two 2004 photos of the abandoned houses and terrain (Lot #5, Lot #6) claimed by Ms. Ortiz.



1975 Lotification



Google Map – 2006



Paseo del Mar, 2005



Ortiz House (Lot #5, Red Roof), 2005

Lot #6 (on left with Graffiti) claimed by Ms. Ortiz



LOTIFICACION

LEVANTO
CALCULO
DIBUJO

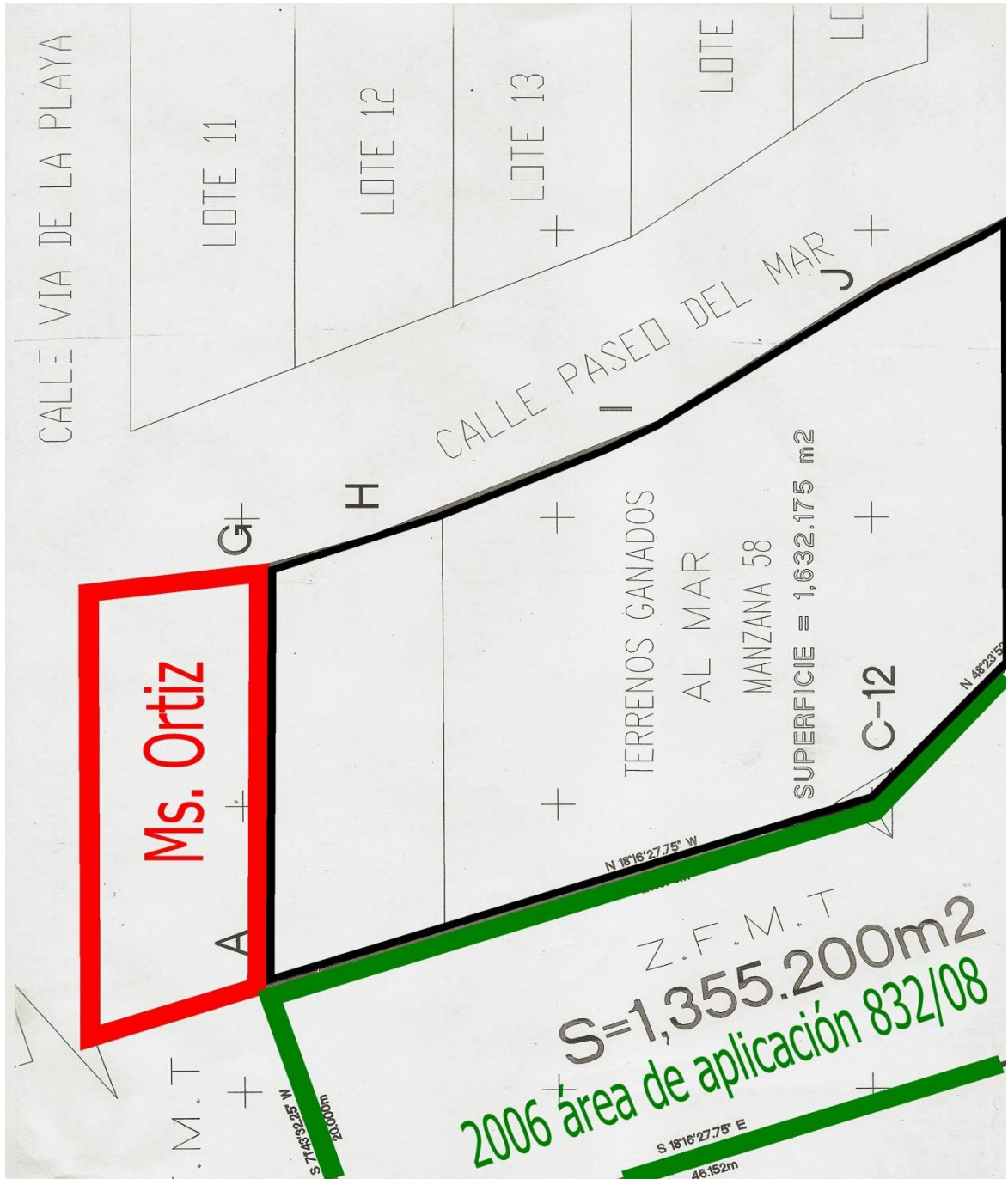


ESCALA 1 : 1000
FECHA NOVIEMBRE DE 1975
HOJA DE 8

SECTION 3: MAP FOR APPLICATION DGZF-832/08

The Map used for the application of DGZF-832/08 was signed in 2006 by lead Federal Zone Engineer, Daniel Martinez Chavira. Ing. Chavira was referred to Mr. Nava by the Rosarito SEMARNAT office, as was the Architect who completed the concession application for Mr. Nava.

Ing Daniel Martinez Chavira is the recognized Lead Federal Zone expert for Baja California and is a recognized expert to the courts of Baja California. With your permission Director General, I ask you to consider his individual report to defend the map he created for this application, should he need to do so.



SECTION 4: THE APPLICATION OF DGZF-832/08

Mr. Nava did not want conflict or complications in the concession process. He believed the fastest way to get an approval by SEMARNAT would be to hire an expert Architect and an expert Engineer. He hired the two experts referred to them by the SEMARNAT office near his home in Villas del Mar, Rosarito Beach.

Mr. Nava avoided the abandoned house later claimed by Ms. Ortiz by applying for the 1355.200m² of ZMFT that was not already in a concession. The application map on the previous page shows that Mr. Nava intentionally left the red-outlined zone out of the Application area. He was aware a "Terrenos Ganados Al Mar" existed between the ZFMT and Paseo del Mar, but he also knew it was not the ZMFT. Ms. Ortiz's claims that Mr. Nava committed an intentional fraud to take her house by filing an incorrect "NO" on the application are not based in fact. There could be no intention to defraud Ms. Ortiz because the abandoned house Ms. Ortiz now claims as her longtime home was outside the application area.

SEMARNAT has the discretion to adjust the location of concessions and they did so. Mr. Nava applied on August 26, 2006 for 1355.200m² of ZMFT and was awarded 358.13m² on June 23, 2008. The nearly two years of time did not work to anyone's advantage. Mr. Nava is a Mexican National who holds the clear land title to property impacted by the ocean waves. He is in first position to the small piece of land in front of his property. None of the area in front of his house was included in concession DGZF-832/08. The area awarded in the concession included part of the property of Ms. Ortiz (Lot #5) and the lot south of it she has vigorously defended (Lot #6). When we discovered Ms. Ortiz was within our concession, the Jefe de ZOFEMAT Ricardo Molina Villarreal ordered us "If Ms. Ortiz is on your concession, it is your contractual obligation to have her removed." Between 2008-2011 we filed eight denuncias against Ms. Ortiz with PROFEPA, PGJE and the PGR with no result.

Along with the application papers, the "Departamento de Uso de Suelo" informed Mr. Nava in writing about the "Uso De Ornato y Proteccion en la Zona Federal Maritima Terestre" with no mention of the "Terrenos Ganados Al Mar." There was also no mention of "Terrenos Ganados Al Mar" on the application. This further reinforced to Mr. Nava that he was applying only for the FMZT area. Mr. Nava answered the questions honestly and in good faith based on what he thought he was applying for and the condition of the ZMFT at the time of the application.

Although Mr. Nava believed his answers on the application applied to the 1355.200m² of ZMFT area, that does still not mean his application was incorrect for two additional reasons:

- A. The submerged foundations, pipes and rocks in the area come and go with the major storms and regular high tide events. The beach is constantly changing. How one answers a question today, may not be the same way you would or could answer it a week from now. It can change between the time a photo is taken and an application is signed.
- B. Here are two photo examples for this exact concession. The top two photos show low sand and the bottom pone show average sand (not even high levels). This is a natural, cyclical process of beach erosion and sand replenishment. But which answers on the application being challenged by Ms. Ortiz is the correct one for the two examples shown below?



According to Ms. Ortiz, all four answers would be “YES” and I do not agree. It is not unreasonable to see how a person could check “NO” from looking at the sand in the two bottom photos. Mr. Nava was not required to conduct an underground survey. We do not believe this is an application error worthy of voiding the two current and valid federal land titles (DGZF-832/08 and DGZF-477/10). Please also remember the house for Ms. Ortiz you see in the foreground was not in the application area- be it the ZMFT or “Terrenos Ganados Al Mar”.

- C. Ms. Ortiz caused the physical changes to Lot #6 on January 5th and 7th 2010. On January 5, 2010 Ms. Ortiz hired an earth-mover to remove the Disable Beach Access. She moved rocks to the south and west and excavated the below-surface walls of the previous structure. She significantly changed the surface of the concession, making it useless for wheelchairs. You can see the machine moving the large rocks and dirt to the south on Lot #6 in the photo below. Mr. Nava demanded Ms. Ortiz to stop this damage to the concession and she refused. Mr. Nava returned with the legal, current and valid title of Concession for DGZF-832/08 and Ms. Ortiz refused to accept it as valid. The video of this exchange is on the CD.

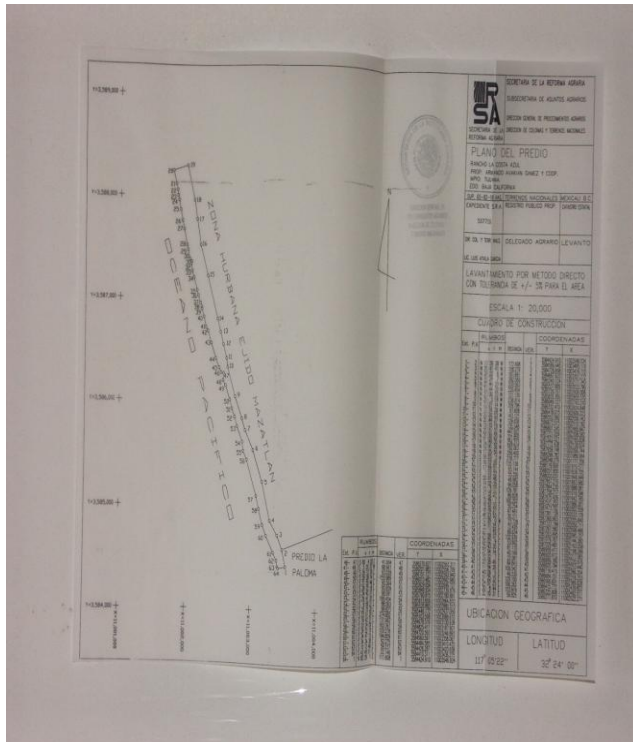


D. Ms. Ortiz changed the erosion patterns by her actions. On January 7, 2010 Mr. Ortiz hired large trucks to dump 5 loads of granite rocks on Lot #6 and in front of her house on Lot #5. Mr. Nava protested again, but this time Ms. Ortiz used a friend in the Rosarito Police to stop Mr. Nava. Ms. Ortiz changed the physical condition of land by excavation. She moved rocks to the south and west and excavated the below-surface walls of the previous structure. We do not believe Ms. Ortiz disclosed this fact to you or any inspectors. Her actions on January 7, 2010 were illegal and a denuncia was filed on March 23, 2010 to PROFEPA and Rosarito Mayor Hugo Torres.



SECTION 5: TRUE LEGAL OWNER OF THE LAND

The land underneath concession DGZF-832/08 and DGZF-477/10 is part of a tract of land called Rancho La Costa Azul. The first step in the title chain is to purchase the land from the National Land Office (SRA). It is impossible to obtain a legal land title without first transferring the land from the National Lands by paying for it. On March 29, 1993 Rancho La Costa Azul paid the Secretaria de la Reforma Agraria for the land for Rancho Costa Azul. The payment receipt is below and is marked as folio #507710. The stamped map is pictured below. An enlargeable copy of the map is on the CD included.



BANORTE		LINEA PANAMER		DEPOSITO EN CUENTA	
NUMERO DE CHEQUE	IMPORTE	NUMERO DE CHEQUE	IMPORTE	CLAVE TRANSACCION	IMPORTE
871				871	
TOTAL		TOTAL		TOTAL	
		NS 66,121.80		NS 66,121.80	

SOLO CHEQUE CERTIFICADO DE CANTIDAD
SECRETARIA DE LA REFORMA AGRARIA
FONACODE
DIRECCION GENERAL DE ADMINISTRACION

C. DIRECTOR DE TERRENOS NACIONALES
PRESENTE:

EL PAGO QUE EFECTUO EL C. ARMANDO AVAKIAN GAMEZ Y COOP.

SEGUN FICHA DE DEPOSITO QUE SE ANEXA, DE FECHA
POR LA CANTIDAD DE \$ 66,121.80 (SESENTA Y SEIS MIL CIENTO VEINTIUN PESOS 80/100 M.N.).

SEGUN ORDEN DE PAGO EN OFICIO N° DEL DEL MUNICIPIO DE TIJUANA ESTADO DE BAJA CALIFORNIA NORTE

CORRESPONDIENTE A LOS SIGUIENTES CONCEPTOS:

COOPERACION AL FONDO DE DESLINDE	100.00
COOPERACION POR INSPECCION DEL PREDIO	100.00
COOPERACION POR DESLINDES Y MEDICION	100.00
PAGO DE GASTOS DE AVALUO	
PAGO TOTAL DEL VALOR DEL TERRENO	65,821.80
TOTAL:	\$ 66,121.80

Mr. Duran has permission to use the land in Rancho La Costa Azul pending the delivery of the legal land title to him by the Secretaria de la Reforma Agraria. The transaction was completed when payment was accepted by the SRA on March 29, 1993 for administrative action # 507710 for Rancho La Costa Azul. No one else can legally claim ownership. No one else has paid the SRA for this land. All other claims against Rancho La Costa Azul are then fraudulent.

Mr. Gorge Duran and Rancho Costa Azul have defended their right as the legal land holder of Rancho La Costa Azul:

- A. A formal Action: In a PGR action against "Club Animale" in Rosarito Beach, Mr. Duran prevailed when an illegal land title was produced in a fraudulent attempt to sell "Club Animale." He prevailed strongly and created a lease for "Club Animale" that is still in effect.
- B. An informal Action: A recent attempt to sell the Playa Bonita Condos on lots #1 and #2 of Villas del Mar fracciamiento for \$5.4 Million USD was stopped by Mr. Duran in July, 2011. Rosarito Beach AMPI President Lic. Eduardo Rosales, the lawyer for the Playa Bonito Condos, removed the sales listing from his office and website after being confronted with the ownership claims of Rancho La Costa Azul. A week later Mr. Rosales made a public statement to the media: "Eduardo Rosales, president of AMPI Rosarito, who agreed to note the urgent need to stop any abuse in the purchase and sale of property and pledged to monitor cases that come to them."

On August 25, 2011 Mr. Jorge Duran created a lease for Mr. Nava for the Playa Bonita condos giving him control of the building. He wants there to be no doubt or confusion who the legal land owner of the land Ms. Ortiz claims in her letter- Rancho La Costa Azul. Rancho La Costa Azul will use the rents collected at Playa Bonita to move the Rosarito Malecon project ahead. Mr. Duran is one of the original planners of the Malecon project in 2000. He shares this goal and passion with Mr. Nava. The Malecon is supported by both President Calderon and Rosarito Mayor Tito Robles as being important to the economic growth of Rosarito and to promote tourism. Both Tijuana and Ensenada have a Malecon, but Rosarito does not. The Nava family met with Mayor Robles in March 2010 to donate their concession.



SECTION 6: OWNERSHIP AND OCCUPANCY CLAIMS OF MS. ORTIZ

The Claim that Ms. Ortiz has owned, maintained and occupied her property for the past 20 years is not supported by fact. Photos of the two properties Ms. Ortiz is claiming are below. The house with the red roof is Lot #5, and the house with the graffiti is Lot #6 (now the disabled beach access). This 2005 photo does not support her claim of ownership or continued residency.



- A. 20 Years as owner/occupant: The most important facts we discovered about the history of Ms. Ortiz and these two properties are in the signed, written testimony from 14 neighbors of Fracc. Villas del Mar. They speak of the colorful residents, but mostly about the 20 years before 2006 when it was abandoned and being used by prostitutes and drug addicts. The long-time neighbors provide an excellent historical record of the two properties (Lot # 5, Lot #6) Ms. Ortiz has aggressively defended and claims to have occupied and owned for the past 25 years. We are not going to dwell on the occupancy period prior to 2006 because we are convinced she was not there until that date. The neighbors have written statement and provided photos to support their letters.

Lic. José Luis Gutiérrez Miranda

DIRECTOR GENERAL DE LA ZONA FEDERAL MARITIMO TERRESTRES Y AMBIENTES COSTEROS

PRESENTE: (Originals were scanned to disk and included with appeal)

Lic. José Luis Gutiérrez Miranda

DIRECTOR GENERAL DE LA ZONA FEDERAL MARITIMO TERRESTRES Y AMBIENTES COSTEROS

Presente:

- “Mi nombre es XXXXXX y yo recuerdo haber vivido en la casa del techo rojo. Recuerdo que se le pagaba la renta a un señor mayor. Después la marea llego y tuvimos que salirnos y la casa quedo abandonada esto paso en el año 1988 y para el año 2006 llego esta señora clamando ser la dueña pero en realidad es una paracaidista que haber tenido una visión. Traje una fotografía para comprobarlo“



- “Oxxxx Rxxxx, mexicano mayor de edad, señalado como domicilio para oír y recibir notificaciones ubicado en la calle Paseo del Mar Rosarito B.C. Con teléfono 01-661-612-xxxx en calidad de vecino puedo manifestar por conocimiento de causa siendo residente en la zona desde 1982, puedo atestiguar que lo antes dicho es un escrito por petición de nulidad con fecha 07, Abril, 2011 afirma hechos falsos de la propiedad invadida, la construcción data de los orígenes del Fraccionamiento como consta en los archivos (1976) dicha propiedad a estado deshabitada y semidestruida por un periodo de varios años después de haber sido abandonada donde malvivientes la usaban a menudo, en cuanto a su reparación y ocupación puedo afirmar que data solo de a cuatro años posterior a la fecha actual puedo administrar fotos y evidencias si así lo requieren los hechos.” Oxxxx Rxxxx

- “Llevo viviendo 15 años en este vecindario desde que recuerdo las casas estaban deshabilitadas hasta la demolición de la primera y la invasión de la segunda. Desde antes se cerraba el paso y el acceso a la playa con cadenas, aun siendo acceso público. “ Exxxx Oxxxx
- “Hace 25 años vivía en la casa un americano. 1985 más o menos. Abandono la casa y estuvo vacía desde hace 20 años aproximadamente 1990 una casa se derrumbo y quedo en ruinas. Era dueño de una sola casa. Hace 5 años vivía una mujer joven que venía a cuidar la casa a un sacerdote,(Casa con barda).” BxxxxDxxxx
- “Yo llegue a Vía de las Playas # 97 en el año de 1999. Salía frecuentemente con mis perros y me llamaba la atención el hecho de una casa (la del techo rojo) Estaba abandonada y tenía el patio trasero partido a la mitad y la otra estaba en ruinas y olía a excremento y orines fuertemente y se metían los drogadictos todo el tiempo, la demolieron después. Hace aproximadamente 5 años una mujer empezó arreglar la casa y se mudo mucho tiempo después. Antes de ella creo que vivió otra mujer joven.” Rxxxxxx Mxxxxxx



- “Ella recuerda que las dos casas estaban abandonadas y que eran del mismo dueño, estamos hablando de Enero de 1988, que es cuando se metió el mar. Hace aproximadamente 5 años la empezaron a reconstruir y vivió una muchacha joven que tuvo algún problema marital y aparentemente la golpeaba el marido y se fue. Después llego la Sra. Que vive actualmente” Flora Avila “Siempre las he visto abandonadas yo vivo aquí desde los 3 años y ahora tengo 15 años ósea que e vivido aquí 12 años y siempre las he visto abandonadas. Algunas personas se acercan de vez en cuando, el lugar siempre lo he visto solo.” Axxxxxx Mxxxx

- “En lo que ami me consierne, ami me toco conocer esas casas. Yo tengo mas de 40 años viviendo por la calle Villas del Mar, y han estado abandonadas, asi que se me hace muy bien que le quieran dar un buen uso a ese lugar.” Lxxxx Cxxxxxx
- “Recuerdo que esas casas ya estaban construidas en el año 90s año en que vine a vivir a Rosarito, realmente desconocí que esas casas, una de ellas deshabitada completamente como desde el año 2000 y la otra se habitada y deshabitada, posteriormente la casa se destruyo con las marejadas, y una de ellas se mantiene, pero es muy notorio su descuido; me parece una buena idea que se construya en ese lugar algo que jale turismo a la zona.” Lxxxx Hxxxx
- “Yo Lxxxx Txxxx vivo en la calle Vía de las Playas #xxxen la misma colonia. Donde se ubican estas casas las cuales han servido para nido de malvivientes refugio de ladrones desde que radico en esta colonia. Tengo 23 años de edad quien estoy de acuerdo en que sean demolidas que dan mal aspecto y quitan acceso a la playa.” Lxxxx Txxxx
- “Tengo 20 años viviendo en esta calle yo recuerdo que mi mama me llevaba a jugar a la playa y ya estaban esas casas hay una ya estaba completamente abandonada pero las dos ya estaban bastante deterioradas. Me parece buena idea que construyan algo turístico en esta área.”

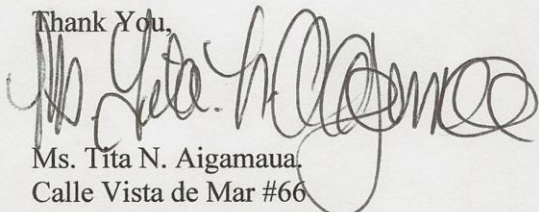
Lic., Jose Luis Gutierrez Miranda,

August 23, 2011

I am a regular visitor to the beautiful beaches of Rosarito in Baja California. I am also an American with Disabilities. My Fiancé lives on Calle; Villas del Mar and I spend weekends and as much time with him as possible. One of our favorite things to do is to visit the beach which is only a sort distance from where he lives. Due to my disability walking can be challenging for me at times. For this reason I am so great full as I'm sure other visitors that are handicap for the "Blue" handicap parking on calle; Paseo del Mar. The parking situation can be very challenging during the summer time for it is very congested with people and their cars.

I applauded the city or whoever is designated and/or maintains the handicap space at this particular site. I hope there are many more designated spots through out the beach fronts. It makes life easier for tourist and citizens of Rosarito alike. Please keep up the good work.

Thank You,



Ms. Tita N. Aigamaua,
Calle Vista de Mar #66
Rosarito Beach, BC 22710



- B. Proof of arrival date of MS.. Ortiz: Ms. Ortiz arrived at the abandoned house in 2006, after Mr. Nava had filed the application for concession DGZF-832/08. Ms. Ortiz and Mr. Nava were friendly at first. Mr. Nava had just filed his application in 2006 when Ms. Ortiz arrived to claim the abandoned house. Mr. Nava didn't apply for the area near her house so he was curious about who she was and what she was doing, but he did not interfere or expect conflict. In the following e-mail exchange we can determine Ms. Ortiz arrived just prior to October 12, 2006 and she admits the "abandoned looking" condition of the property after Mr. Nava tells her he nailed the door closed to keep drug addicts out. The following month she fenced and gated the perimeter of the lot and hired people to live and fix it up without acquiring city or federal permits. She added electricity, plumbing, windows, and doors. No repairs were made to the broken foundation. In her e-mails to me she talked about fixing up the house and renting it out for profit.

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> ----- Original Message -----
> Received: Wed, 18 Oct 2006 01:45:22 PM PDT
> From: "Tila Ortiz" <tortiz@el-tejon.org>
> To: "Wooooosh" <cwutsch@usa.net>
> Subject: Re: tu vecino en rosarito
>
> > Hi Alonzo and Craig:
> > Yes, I agree it does not look good for the house to look so abandoned.
> > I think I will take vacation time (from my job) as soon as I can,
> > and
go
> > and try and fix the house a little so I can rent it out, until I
> > decide
what
> > to do. Again, mooochas gracias for looking over my place! Tila
> >
> > ----- Original Message -----
> > From: "Wooooosh" <cwutsch@usa.net>
> > To: <tortiz@el-tejon.org>
> > Sent: Wednesday, October 18, 2006 11:19 AM
> > Subject: tu vecino en rosarito
> >
> > Hi Tila.
> > I nailed your front door closed again, but someone broke into the
> > house anyway. There were some Federal Zone people taking photo of
> > the outside of your house and the front part of the lot where the
> > wall is sinking into the sand. I think you should do something with
> > it
> > soon- it isn't good for them to see it vacant in the current condition.
> >
> > If they try to take the land, maybe Alonzo and I could buy it from
> > you
first
> > and add it to the "environmental concession" we have set up to
> > protect
the
> > other part of the beach.
> > craig and alonzo
> >
> > Craig Wutsch (just say Wooooosh)
> > Resort Training Solutions, Inc.
> > Innovative F&B Consulting
> > Cwutsch@USA.net (858)539-3997
> >
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- C. Residency during 2006-2009. Ms. Ortiz worked and lived full time in California during 2006-2009. Ms. Ortiz works in California for the Sate of California public schools systems. In 2006 she was employed by the Unified School District. In 2009 she was employed by the Eastside Union School District and was living in Sun City, CA:

IN 2009 OTILA ORTIZ MALDONADO WAS EMPLOYED BY THE
EASTSIDE UNION SCHOOL DISTRICT
45006 30th Street E
Lancaster, CA 93535
Tel: (661) 952-1200
Fax: (661) 952-1220

Tila Ortiz
Foster Youth Liaison
661-952-1224
661-952-1292
tortiz@eastside.k12.ca.us

In 2006 she was employed by the:
El Tejon Unified School District
(661) 248-6247
tortiz@el-tejon.org

IN 2003 she was employed by the:
VAL VERDE UNIFIED SCHOOL DISTRICT
PERRIS, CALIFORNIA 92571
Tila Ortiz, Coordinator, Bilingual Education 2003

She has lived at various addresses in Southern California:
TILA ORTIZ
29027 OLD WRANGLER RD
SUN CITY, CA 92587
(909) 244-2598

As of July 2, 2010, Ms. Ortiz still owned a home in California worth \$202,211:

Data Through: 07/01/2010
Record Type: RESIDENTIAL SOURCE ONE

Name: ORTIZ TILA (BORN 1953)
Added: 06/23/2000
Status: Archived 01/25/2002

Name: ORTIZ TILA
Added: 02/20/2003
Status: Current

Name: ORTIZ OTILA (BORN 1953)
Added: 01/25/2002
Status: Archived 05/01/2010

Address: 29027 OLD WRANGLER RD
SUN CITY, CA 92587
County: RIVERSIDE

Phone: (909) 244-2598

D. No Land Title or accepted proof of ownership.

- a. Ms. Ortiz has never produced an ownership document for Fraccionamiento Villas de Mar Lot #5 (item 56) or Lot #6 in for Mr. Nava to inspect. Ms. She clearly did not have one in 2006 when she fenced and claimed the land as private property. Nor did she have one when she tried to sell the land fraudulently in 2010.
- b. Ms. Ortiz filed a legal action to claim Lot # 4, Lot #5 and Lot #6 by method of "prescription", or squatting. No one can obtain Federal Zone Land by prescription. You obtain the title to Federal

- Zone through a Federal Zone Concession. The “owners” of the apartment building in Lot #4 are two Argentinos, who cannot legally own land in Mexico. It is likely the Argentinos are working with Ms. Ortiz.
- c. Ms. Ortiz claims ownership with a certificate of some type from the Rosarito Beach Palacio. No local municipal papers carry legal weight on granting the title to Federal Zone property. Certainly no local papers can be placed above the Federal ownership claim of Rancho La Costa Azul who has already paid the Secretaria de la Reforms Agraria for the land on March 29, 1993.
 - d. It is strange Ms. Ortiz can provide no legal ownership or 25 years of tax records for the “house of her dreams” she purchased, cared for and occupied. She is a public school administrator who is meticulous with records at work and this does not match. When she tried to sell DGZF-832/08 on March 29, 2010 for \$199,000USD she wrote:” It’s all legal, I have the deed to the house and the lot. The lot is big”. Why did she not present these legal documents to you?
 - e. Ms. Ortiz has been aggressive in the possession of both Lot #5 and Lot #6. Her house is on Lot #5 and the Disabled access is on Lot #6. When does she claim to have bought the house on Lot #6 and where is her proof? Her real estate ad where she claims legal title says “the lot is big” and she was bold in having the police protect her actions on January 7, 2010. The foundation on Lot #5 is badly broken and it is hollow underneath. We suspect Ms. Ortiz is asking you for 193.73m2 of land to be awarded going north to south over both Lots #5 and Lot #6. With the broken foundation there is not 193.73m2 remaining of lot #5 that is usable.

SECTION 7: FRAUDULENT ACT OF MS. ORTIZ TO SELL DGZF-832/08

On March 29, 2010 Ms. Ortiz attempted to defraud American investors by listing the complete DGZF-832/08 concession area for sale for \$199,000USD. Her ad below claims to have the legal land title and papers for the house and the lot (Lot #5 and Lot #6):

January 4, 2010: Mr. Nava shows Ms. Ortiz the Concession and demands she respect it.




March 23, 2010: Ms. Ortiz removes the concession sign.



March 29, 2010: Ms. Ortiz offers house and land for sale to American investors with a legal land title.

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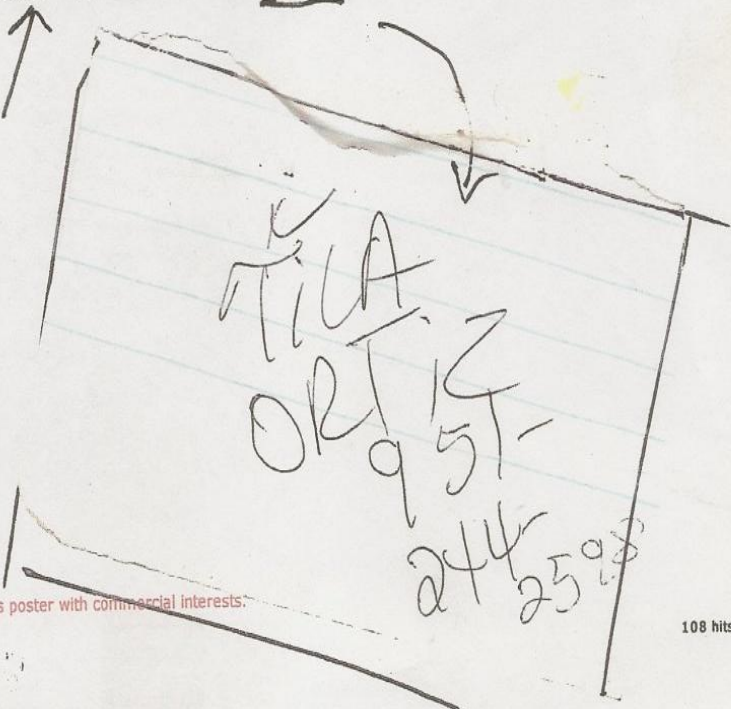
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 - Offices
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 - Other
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Oceanfront cottage in Rosarito, Baja Mexico \$199000 2bd (Los Angeles)

Post#: A3514061
Posted on: Friday, 05 February, 2010 20:28
Updated on: Monday, 29 March, 2010 21:33
Expires on: Sunday, 16 May, 2010 20:38
Reply to: (Use contact form below)
(Please mention muamat.com when contacting)

Price(USD) : (Not Provided)

Price is not an error! Illness forces sell of my Baja vacation home; it is 20 minutes from San Diego. Enjoy San Diego mild climate at a fraction of the cost, It is all legal. I have deed to the house and lot. The lot is big. Stainless steel appliances, marble floor, granite countertop, t.v., internet, phone, etc. Call Lola at 951-244-2598 for more info.



It is **NOT** ok to contact this poster with commercial interests.

Contact this User:

108 hits

SECTION 8: CONCLUSION AND SOLUTIONS

Mexico is a country of laws and we respect that. If after reading these facts you feel an error was made by Mr. Nava in 2006, you must do what is correct. The rights of private property are most important. That is why Mr. Nava put a copy of the federal concession in the mailbox of Ms. Ortiz on September 25, 2010 for her to do exactly what she has done. I believe in that much transparency. Had we not prompted Ms. Ortiz into action to write the letter that exposed her, this situation would never have come to an end. Some very good things have already happened because of the letter Ms. Ortiz sent to you:

- Rancho La Costa Azul has come forward to support Mr. Nava and identify themselves as the only legitimate legal land owner of this area.
- Rancho La Costa Azul is leasing the Playa Bonita Condos to Mr. Nava to raise money for the Malecon.
- The neighbors of Vilas del Mar are energized about working together to create the Beach Fitness Trail for our children and families.

I do not know what is appropriate for us to say to you beyond this. I have had two weeks to consider what is legal, fair and reasonable in this case. I am not a lawyer or expert as you are Director General. Only you know the full range of options available to you. Please consider these possible solutions that address the issues and are based in the facts we presented:

- The Private Property rights of Ms. Ortiz. These were our primary concern- but the facts, photos and neighbor statements do not support her claim of 25 years of ownership, repairs, and occupation. Ms. Ortiz has claimed two lots (#5, #6) when she cannot document paying for one. She arrived without any legal basis in 2006 and immediately set into motion a plan to defraud US investors. She claimed, repaired and advertised the concession area for sale with a legal land title in March 2010. If she had the legal land title and "all the papers" for American investors, why did she not present them to you? Rancho La Costa Azul was paid for and established in 1993 when Ms. Ortiz house was long abandoned and being used by prostitutes and drug addicts. She has proven no credible claim to the land past, present or future. For these reasons I believe Ms. Ortiz should be eliminated from any future consideration by SEMARNAT in this action.
- The concession application and the two checked boxes. Mr. Nava hired two experts referred to him by SEMARNAT to create the map and application. If they cannot do this correctly, who does one hire? We presented three reasons why we believe Mr. Nava answered the application questions correctly. I have proven there was no intent to defraud Ms. Ortiz because her house was not in the application area and Mr. Nava had no control over the concession area that was awarded. Even with these three scenarios and proof of Mr. Nava's good intentions you may need to cancel the two concessions to comply with the law.
- If the concessions are cancelled, we ask for special consideration given what Mr. Nava has been through the past five years. He paid for the concession for five years without access to it, and protected the concession using great restraint, even after his family was physically attacked. In her letter Ms. Ortiz admits her intentions to further develop Lot #5 and lot #6, and only Mr. Nava acted correctly to stop her.
- The special request we would ask you to consider is for a pre-planned re-instatement of the concessions immediately after they are cancelled. Mr. Nava would admit to making a clerical error, pay the administrative fee, and present the corrected application page. You would cancel and re-instate the concessions with the same action.

Clearly Mr. Nava deserves special consideration and we ask you to find the wisdom to arrive at a solution that is legal, fair and can be accepted by all the parties involved as legitimate.

Sincerely yours,

Concessionaire.



