

LAND DISPUTE



SUSAN TRIPP POLLARD/TIMES

THIS TREE is one of many that will be removed to make way for 22 new Davidon Homes on the Weber property off Matadera Way in Danville.

Friends say woman wants acreage saved

■ Weber deeded land to Salvation Army in apparent hopes it would be kept as open space, but charity sold it to developer

By Linda Davis
TIMES STAFF WRITER

A woman's apparent wish to give her property to the Salvation Army, so it one day could become a children's riding academy — or remain open space — after her death will not come true.

That is what Lucille Weber's friend Thomas Kerrins said she wanted; she and her brother Carroll had made many such statements in years past, he said.

Those close to Lucille Weber — now 82, frail and bedridden — claim she thought the land would be preserved under Salvation Army guardianship.

That didn't happen. For reasons unclear, Weber's trust never specified she wished her land to be left as recreational open space.

Instead, her decades-old farmhouse will likely be surrounded soon by new houses, and a new street will run past the front door. A development plan for 22 luxury houses on the property will be considered tonight by the Danville Planning Commission.

An annuity agreement was reached in 2003 between Weber's and the Salvation Army's attorneys, with the Salvation Army acquiring all of Weber's property before her death in exchange for



SUSAN TRIPP POLLARD/TIMES

FIVE HORSES owned by Lucille Weber graze on her property Monday. Weber, 82, deeded the property to the Salvation Army in hopes it would be kept as open space. The organization sold the property to Davidson Homes, which plans 22 homes on the site.

Weber

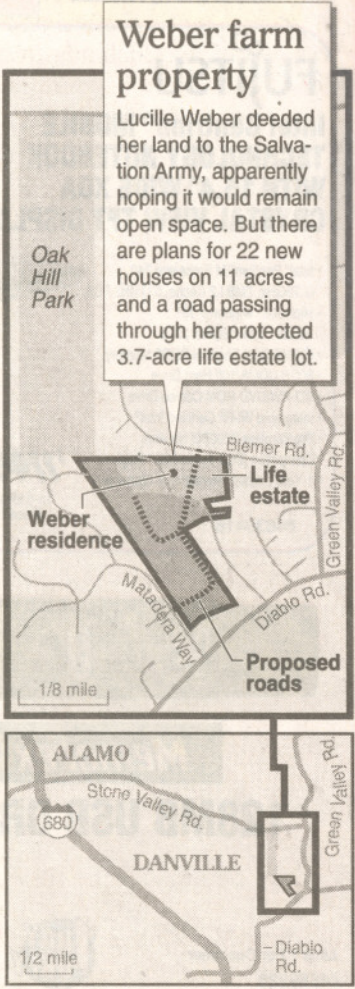
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a monthly payment of \$22,583 for her life care. Salvation Army attorneys convinced the court it was not in Weber's best interests to leave the land open space and that she was not fully competent to make such a decision.

The Salvation Army took title to the Weber land in April 2004 and sold it the following September to developer Davidson Homes for more than \$9 million. A development application is pending. Weber's house has been fenced off to block her views of construction.

Those trying to help Weber call the Salvation Army greedy and insensitive in this case, even though it had every legal right to sell the land. Some of Weber's neighbors have their own concerns — about traffic and environmental issues and loss of nearby open space. And they bemoan Weber's plight; some ask why construction can't wait at least until Weber dies or leaves.

"Lucille is a human being who is still living on her property without knowledge that it is no longer hers and will be developed around her," said Kristen Trisko, who cares for Weber's horses and lives nearby. "I am afraid when (heavy construction) does start, it will kill her."



JONI MARTIN/TIMES

The Salvation Army issued a statement in response to questions for this story. Its legal counsel Michael Angel said "the Lucille Weber estate is a matter of public record" and that all parties in the process had attorneys and a voice in the matter. Angel declined further comment.

The Weber family from Missouri purchased the Danville ranch in the 1950s, to provide Lucille with a permanent home and an opportunity to earn a living. Five Weber siblings were college graduates, many of them teachers. Lucille did not attend college but trained and bred horses and gave riding lessons, said Jenell Havekost of Colorado, wife of Weber's cousin Dale.

For half a century, Weber operated a 15-acre horse ranch between Matadera Way and Blumer Road. Afflicted with cerebral palsy and a speech impediment since birth, she successfully managed the ranch, and her other affairs, until she suffered a stroke in 1998. She now requires in-home care.

Weber never married and has no children. She created a living trust in 1994, bequeathing her 15 acres of prime real estate to the Salvation Army after her death. Family friend Kerrins said the Webers chose the Salvation Army because it was helpful to their family after their mother's death.

It was Kerrins who, in 2000, tried to help Weber amend her living trust to reflect what he and others said were her adamant wishes: that the family homestead remain intact as ranchland. A three-year court battle ensued; Kerrins was unsuccessful.

Other Contra Costa County court documents contain assertions of the failure of the overall agreement to honor Weber's wishes. Attorney Bette Epstein said an agreement was struck to ensure income for the future care

IF YOU GO

- **What:** Danville Planning Commission's review of development plan for the Weber property
- **When:** 7:30 p.m. today
- **Where:** Town hall, 201 Front St., Danville

of Weber, who had valuable land but little money.

"Under the guise of protecting Lucille Weber from acting imprudently, the Salvation Army's real interest is in maximizing the value of the gift it will receive ..." attorney Bette Epstein wrote in court documents. "Despite Ms. Weber's ... wish to preserve her 15-acre parcel ... in its present state, the Salvation Army is trying to prevent her from restricting its use. ... The Salvation Army's greed should not be rewarded."

The resulting legal agreement gave the Salvation Army the right to dispose of 11 acres of Weber's property as it saw fit. It granted an easement over her remaining "life estate" property to build a street for the new subdivision. Weber can remain on that four acres for the remainder of her life.

Danville Councilwoman Candace Andersen wants to ensure Weber's privacy is protected and that her remaining years are as pleasant as possible. But, she added, Davidson is entitled to build there per Danville's general plan. She said there is a possibility the development could be phased in to lessen the impact on Weber.

Nowadays, Weber becomes confused and upset with strangers or anyone on her land, said Lomekina Prescott, her caretaker.

"She thinks they are coming to take her land away," Prescott said. "She loves being in her home on her land, and looking at the horses."

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