



January 2011

SURFSIDE III NEWSLETTER

Daniel Kessner – Editor



FROM THE BOARD OF DIRECTORS

Gates on Patios

The capital repair program will result in new railings on all condo and townhouse buildings. Some condo owners have gates cut into their existing first floor railings. Because new railings are being installed, owners have the opportunity to request that the new railing be built with a gate. There is no cost for this alteration, either to the owner or the association. If you would like your new railing to have a gate, please send an email to Mike Madrigal at michael.madrigal@surfsideiii.com.

Capital Repairs

Building 8 is nearly complete. Buildings 12 and 13 are under renovation. The contractor is developing a work schedule that will be posted in the newsletter and on the web site. The association will migrate from building to building over the next 16 months.

January Open Board Meeting Cancelled

The open meeting for January is cancelled. Instead the Board will meet in a planning session.

COMMITTEE BRIEFS

For more information visit: <http://www.surfsideiii.com/docs/committee/committee.htm>

Please contact the chair to volunteer.

New Budget Committee Formed: Michelle Hoffman; ss3budget@gmail.com

By now you have heard that the monthly dues are scheduled to go up at Surfside III in July, 2011. A budget committee was officially formed at the December 2010 Board meeting. The seven homeowner committee members will be spending the next four months reviewing past, current and proposed 2010/2011 operating budgets. Hopefully, a way will be found to lower the expected July 2011 dues increase. If you have any suggestions to help keep our expenses down, please e-mail Michelle Hoffman (e-ddress above) or send a written suggestion to Surfside III c/o Budget Committee, at 600 Sunfish Way, Port Hueneme, CA 93041.

Neighborhood Watch Committee: Val Lameka; 805-986-2855; v.lameka@yahoo.com

November was a very good month for police responses at Surfside III. Congratulations to all of our watchers (whether you attend meetings or not) for making this happen. We met our new Chief of Police, Kathleen Sheehan, and caught up with all the good things happening in Port Hueneme. Sr. Officer Ron Burns also filled us in locally, and our new Watch contact, Maggie Federico, brought us up-to-date information on "Christmas Scams." Because of the big joint meeting on January 20 (see below), our next meeting will be

Thursday, February 3, 2011 at 7 pm in the clubhouse. For questions or reports, call Val Lameka.

SPECIAL MEETING ON IDENTITY THEFT

Surfside III will host a pot luck and meeting at our clubhouse from 6 pm to 8 pm on Thursday, January 20, 2011. All of our neighboring associations are invited to learn the latest information on this important topic. We will have dinner and socialize first, and then listen and ask questions about the presentation. Dr. Judy Yates, a Criminologist and Volunteer for the Port Hueneme Police Department, will be speaking. Her presentation will include actual cases from Port Hueneme, focus on how the thefts happened, and how we can protect ourselves.

Dr. Yates has provided the following agenda: (1) How a person becomes a victim of identity theft (IDT), (2) What do to once you have been victimized, and (3) How to protect yourself and loved ones from becoming a victim. She will also provide handouts to get a free credit report, reduce junk mail, and get rid of telephone marketers. There will be a question and answer segment.

Mark this date on your calendars! We will send out reminder notices after the holidays. Call the office or Val Lameka for further information.

FROM THE EDITOR

Please send all newsletter submissions to me at dkessner@csun.edu. Please avoid any special formatting and use Arial 10-point font if you have it. The deadline is the 10th of each month for the following month's issue. Owners and renters should be aware that the Newsletter is always available on the website: www.surfsideiii.com. This includes back issues.

The **Owners' Corner** is a forum for all of you to voice your opinions on anything that might be of interest to everyone else. Please feel free to take advantage of this.

The City of Port Hueneme now has a free electronic newsletter with information on various city-related matters and events. To sign up to receive it, visit the city website: www.ci.port-hueneme.ca.us, then in the column at the far left, click on "Sign Up for E-News."

CONTACT INFORMATION

MAINTENANCE/RESIDENT SUPPORT (PHONE NUMBERS AND E-MAILS BELOW):

Contact Lordon Management, Jennifer Critchfield; for e-mails always copy Donalea Bauer

Include your phone number(s) and/or e-mail for response before end of next business day. If you get her voice mail, but would like to speak with her directly, hit zero and talk to the operator.

If more urgent, call Donalea Bauer.

Surfside III On-site Property Manager's Office: 600 Sunfish Way, Port Hueneme, CA 93041

Phone: 805-488-8484

Please note that calls regarding maintenance or billing should be directed to Lordon Management.

Surfside III Direct Contact:

Surfside III COA
600 Sunfish Way
Port Hueneme, CA 93041
<http://www.surfsideiii.com>
manager@surfsideiii.com
Phone: 805-488-8484

Scott Walker, On-site Property Manager
Carol Short, Assistant On-site Property Manager
Management Company:

Lordon Property Management
1275 Center Court Drive
Covina, CA 91724
Phone: 800-729-5673
For after-hours emergencies, dial 5 or
626-771-1075

Donalea Bauer, Vice President, community manager

Email: donleabauer@lordonmanagement.com
Phone: 800-729-5673 x 3342

Jennifer M. Critchfield, assistant community manager

Email: jcritchfield@lordonmanagement.com
Phone: 800-729-5673 x 3380

Our Board:

Bill Betts - President bill.betts@surfsideiii.com
Ira Green - Vice-president ira.green@surfsidediii.com
Skip Perry - Treasurer skip.perry@surfsideiii.com
Michael Madrigal - Secretary michael.madrigal@surfsideiii.com
Bob Banfill - Director bob.banfill@surfsideiii.com

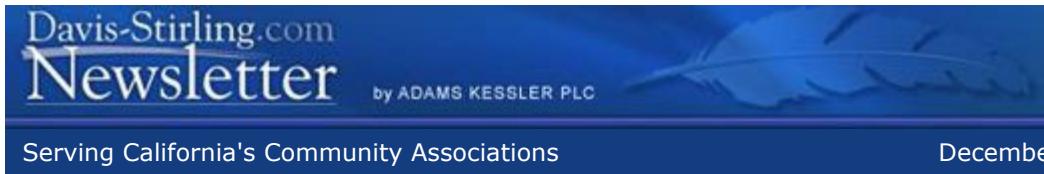
LORDON MANAGEMENT: OTHER DEPARTMENT EXTENSIONS

All escrow matters: Kasey Lane, ext. 3339; klane@lordonmanagement.com

All insurance and collections: Patty Bosch-Barrios, ext. 3337; pbarrios@lordonmanagement.com

Your account, billing address, etc: Liz Lopez, ext. 3319; llopez@lordonmanagement.com

Liens, legal issues: Donalea Bauer (see above)



TEAR IT DOWN!

A recently decided case makes clear the dangers of ignoring an association's restrictions.

Despite warnings from neighbors and the Architectural Committee, Robert Cramer built a 2-story house that violated architectural height restrictions and blocked views. As a result, the HOA sued. Cramer defended by, among other things, claiming it would be too expensive to comply with the rule (at least \$200,000). The court was not sympathetic and ordered Cramer to reduce the height of his house by nine feet. Following are reasons given by the court:

- It was not an innocent error; Cramer was aware of the restriction and had been warned before his foundations were poured.
- Neighbors were harmed because Cramer's house blocked their views and invaded their privacy by looking into their houses.
- Allowing Cramer to keep his violation would cause irreparable harm to the HOA since the association would

effectively lose the power to enforce its CC&Rs.


Another important outcome was the court's ruling that circumstantial evidence was sufficient to establish that the association's rules were validly adopted. To read the entire decision, see [Clear Lake Riviera Community Association v. Cramer](#).

CHRISTMAS GIFTS

QUESTION: On the subject of giving gifts to our property manager either from the board or from members, I was under the impression that this is not allowed. The reason being that even homeowners wanting to say "thank you" with a nice houseplant for the property manager could be misinterpreted as buying favors.

ANSWER: The association and its members can give gifts of appreciation to vendors and employees. There is nothing illegal with the practice. Some associations allow gift-giving in keeping with the spirit of the season while others discourage it for fear it may influence the manager's objectivity in dealing with owners. The particular practice for your association is a business decision for the board to make.

SEWAGE BACKUP

Another important case this year involved an association's failure to investigate the cause of repeated sewer back-ups. 

Over the course of 10 years, sewage flooded the Affan's unit eight times. Each time it happened, the association cleaned it up but failed to investigate the cause. The ninth time sewage flooded their unit the Affans sued the HOA claiming it breached its duties to maintain and repair the common area plumbing.

The association argued that it was protected by the [Lamden decision](#) which established the principle that courts defer to the maintenance decisions of associations. The court disagreed and ruled against the association. It pointed out that Lamden did not apply because:

The judicial deference doctrine does not shield an association from liability for ignoring problems; instead it protects the Association's good faith decisions to maintain and repair common areas . . . Put simply, the clogged drain lines and resulting sewage eruption do not implicate any decision by the Association [based upon reasonable investigation], but rather reflect the Association's abiding indecision and inattention to plumbing maintenance issues. [[Affan v. Portofino Cove HOA](#)]

RECOMMENDATION: Whenever a board has evidence of an underlying maintenance problem, it should investigate the issue and make appropriate repairs. Fixing a problem is much less expensive than litigating the issue (and then fixing it under court order). Avoid the aggravation and legal fees by fixing problems before they erupt into a messy ones.

FHA FINANCING

As a reminder, the Federal Housing Administration (FHA) [adopted rules](#) that will decertify condominium developments throughout California. When that happens, owners who want to refinance or sell their condominiums will be cut off from a major source of financing. That means market prices may fall in affected associations, which could lead to more foreclosures as distressed owners find it difficult to sell their units.

Unless they were recently certified, condominium associations need to be [recertified](#) and then again every two years thereafter. There are a number of companies, such as [FHA Pros](#), that specialize in helping condominium projects get FHA certification. Boards should explore the costs and benefits of certification to see if it is appropriate for their development. To find out if your association has approval, go to [FHA's website](#).

City of Bell. If there is one thing many cities should adopt from HOAs it's the method of management. For one minute do you believe little Bell would have been in the fix they're in if they had a zero based budget, enforced all collections, hired outside management, out-sourced services to best bid annually, set the reserves to meet expected needs, and held meetings each month with financial reports open to all?

The 45,000 plus HOAs in Californian do quite well for the most part. And the reason they do is the above. So any city (i.e. San Diego) that's going back to the well to take more from those that do more, should be a reason for revolt. Because community associations do what they do so well (maintain high values) that means the cities and counties enjoy greater taxable income. The next time we hear such dribble from another politician like Sanders (He's a former union member you know) then the local CAI had better get on the stick and move forward. If not, we are failing in

our responsibility as advocates for our civic contribution to society.

-James M.