



April 2010

SURFSIDE III NEWSLETTER

Daniel Kessner - Editor



FROM THE BOARD OF DIRECTORS AND ON-SITE OFFICE

Crime Free

Due to a number of changes that have been submitted during the comment period, modifications are being made to the Crime Free Rules & Regulations. After legal counsel review, these will once again be sent out for comment.

BICYCLES

Over the past several months, a large number of bicycles were stolen from private carports and from the bike rack behind the Clubhouse. We recommend that you no longer use these areas for bike storage.

Beginning the week of March 22nd, the on-site maintenance staff will remove the bikes which have not been reported by the homeowners. This means that there will be far more room for storage. We highly recommend that you use the bike room for storage rather than the carport because of the recent thefts. The cost of the bike storage is \$50, non-refundable.

YOGA CLASSES

Yoga Classes started at the Clubhouse Library on Tuesdays between 8:30 and 9:30 am and in the evenings from 6:00 - 7:00pm. Classes are \$5. Please call Lida Martin at (805) 890-2581 for additional information and with suggestions for other times that may be more convenient. Bring bottled water, a large towel, a yoga mat (Lida has a few extra) and a willingness to explore the benefits of yoga!

CONSERVATION VS INCREASES IN WATER COST

Saving water is one of the major priorities this year, and moving forward. The Association has made, and is making great strides concerning water conservation within the common areas. All of the landscape irrigation controllers have been upgraded to new, highly sophisticated controllers, which literally communicate via satellite to predict and react to precipitation patterns within a highly localized region. These devices will undoubtedly save a significant percentage of water. The collaboration of this and another project should net at least a 25% savings on water consumption throughout our landscaping infrastructure.

The collaborative project to the controller project I just spoke about is upgrading your sprinkler heads. Wherein, the Association will be replacing all of the sprinkler heads throughout the grounds, which if you're interested, is approximately 1352 total heads! The amount of time it takes to find out that kind of information is astounding. These heads are specifically engineered to produce even watering patterns by optimizing radius and throw, in turn decreasing the time necessary to achieve the same moisture levels as was previously accomplished with longer run periods. Also being utilized are radius specific heads for area specific needs. These should reduce dramatically the constant watering of cement walkways and other unnecessary areas throughout the grounds.

The Association has improved energy management throughout the eight condo buildings. In late November of last year ('09) a contractor was hired to install insulation on all the hot water piping throughout the attics of these eight buildings. Picture your kid's bicycle, the ones with foam padding around the middle of the handlebars and across the top of the frame. That's kind of the idea

behind this insulation. It fits snugly around the hot water pipes to reduce the amount of heat loss while the water travels throughout the distance of the line. This works to minimize run-time of the water-heaters and improve wait time at the faucet or fixture, subsequently saving water.

All of this work is great and is something you all should really be proud of. However; the majority of the water used annually by the Association, is *inside* your homes. This is the area where everyone should really work together and try and save a gallon or two here and there. A minimal amount of effort on everyone's part can really go a long way. I know that sounds cheesy, but Scott has put a lot of this stuff to use in his own home and has already achieved a 30% savings over the last six months.

Now, if you're not into all the environmental aspects of why you should save water, then perhaps you'd be interested in some monetary compensation? Throughout Southern California, right now, there's a rebate program being conducted in which the Southern California Water Smart Rebate Program will provide you with a check for any *approved* fixture installed in your home. The net savings via rebate to you per fixture is significant. Unfortunately, this program is running out of money. At bewaterwise.com you can see the percentage of funds spent. While writing this Scott checked the website; the funds are 83% depleted. The time is right now to move on these things, if you want the rebates. If you've been considering upgrading your fixtures, it's really a no-brainer to act now.

Rebates are currently offered on low-flow toilets. These toilets decrease the amount of water used when flushing. Technology has been made much better recently. The pressure and speed of these new toilets are much smoother and quicker than before. The current rebate offered on them is **\$50 per toilet**. They are at Home Depot and Lowe's and they're not too expensive, especially after the rebate. If you're strapped for cash you can turn your existing high flow toilet, into a low flow toilet by simply applying a float booster within your toilet tank. This device simply fits underneath your existing balloon, inside your tank, making it react as if your tank was full. In actuality, the tank has approximately 1 gallon less water in it. This device is only **\$5** and there's plenty more like it, here: <http://eartheasy.com/store/proddetail.php?prod=FBOOSTER>

That's just one way to save water, here are some others:

- Turning off the water when you brush your teeth..... **3 gallons/day**
- *Spend only five minutes in the shower*..... **25 gallons/day**
- *For every leaky faucet you fix* **20 gallons/day**
- *Do all full loads of laundry and dishes* **15-50 gallons/load**
- *Install <1.0 gpm. shower heads* **>40% more efficient**
- **Search "water conservation" & "saving water in the home" and you'll have a wide array of resources.**

There are literally hundreds of resources out there to help give you ideas on how you can make an impact at home. Scott will print out a rebate form to get you started. He would be happy to take a moment with you and walk-through your home and help you brainstorm some ideas. The easiest way to get started would be to e-mail him at scott.walker@surfsideiii.com if you want to set up an appointment. Please put the subject heading "*water conservation*".

If you've got access to the internet, here's a list of resources that should get you headed in the right direction:

- <http://www.bewaterwise.com>
- <http://wateruseitwisely.com/>
- <http://www.eartheasy.com>
- <http://www.saveourh2o.org/>
- <http://www.csgnetwork.com/waterusagecalc.html> (this one's cool)

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 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."

OWNERS' CORNER

The Owners' Corner is a place in the newsletter for owners to voice their observations and suggestions about the association operations or make announcements about any Surfside III social event or activity. While the newsletter Editor and the Board do review these submissions, the opinions and content only represent the author and not the association. We will refuse and return to the author for re-writing any material that is not factual or is in bad taste or denigrates any individual. We are not perfect and apologize in advance if you find the content of anything in this section offensive.

The Surfside III Condominium Association ("association") is not responsible for the content and accuracy of any information provided by owners or third parties. The association and its Board of Directors will not accept any liability for any direct, indirect, incidental, special or consequential damages that result from or are related to material submitted by the owners or other third parties. By submitting any material for publication in this newsletter, all individuals agree to indemnify, defend and hold the association, its officers, directors, members, representatives, managers and agents harmless to the fullest extent permitted by California Law, from any and all claims, actions, and/or lawsuits, arising out of or related in any way to their material published in this newsletter.

CRIME FREE PROGRAM

We had no idea what a horrible program this is. Are we living in some gulag in Russia?

Perspective tenants must have a background check for past misdemeanors or felonies, and then turn it over to the office where everyone will know all their private information. Is this even legal? Who is going to decide if they can rent. The Board of Directors, the Police, a vote of the association members? Is it not the owner's right to decide who they may rent to?

If someone is on parole or probation the police have the right to search the premises at any time. If someone has been previously involved in major or minor crimes, and have turned their lives around, are they not allowed to have a decent life?

It's our unit, and we will decide who will rent it, and follow our lease requirements.

My lease state's, tenant must follow CCR'S, must pay any fines for infractions or go to hearing to explain said infraction. If there are repeated valid complaints they can and will be evicted.

As for banning sling shot's, etc. This is silly. No tolerance can be expected for threats of violence or intimidation. Maybe we should ban, baseball bats, hammers, forks.....

We screen our tenant's because we do not want our condo trashed, neighbors annoyed, and the rent on time.

What's next, selling your condo to only people without a record?

Come on people. You would be turning over control of your condo, the condo that you have bought and paid for or paying for, to someone else.

We are sure that we can come up with a better solution to handle troublemakers without restricting the constitutional rights of responsible condo owners and tenant's.

Say no to the crime free program.

Larry and Lynne Navis
536 Ebttide Circle

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

Jennifer M. Critchfield, assistant community manager

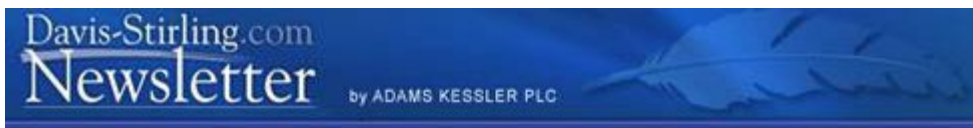
Email: jcritchfield@lordonmanagement.com
Phone: 800-729-5673 x 3380

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: Kasy 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)



REQUIRING OWNERS TO CARRY INSURANCE

QUESTION: Can owners be made to purchase H06 policies? Can docs be amended to include this requirement?

ANSWER: Yes, CC&Rs can be amended to require owners to carry insurance. The requirement can extend to tenants as well.

Renter's Policy. Renters can be required to carry an HO4 policy which protects a tenant's personal property against loss and limits exposure to personal liability claims. Protecting the tenant against loss protects the association.

Owner's Policy. Owners should be required to carry an HO6 policy ("Homeowners 6" or "Condominium Unit Owner Policy"). Without it, they are exposed to loss and are more likely to sue the association. Moreover, the secondary mortgage market is now requiring protection for owners. Owners' insurance should cover the following:

1. *Personal Property Coverage* that insures unit contents such as clothing and furniture.
2. *Personal Liability Protection* which pays for bodily injury and property damage.

3. *Loss of Use Protection* that pays for extra expenses (hotel, restaurants, etc.) while the owner's home is uninhabitable because of damage.
4. *Loss Assessment Coverage* that covers the owner's portion of special assessments levied by the association resulting from insured losses.
5. *Real Property Coverage* that insures those portions of the premises not insured by the association's master policy.

RECOMMENDATION: Associations should amend their CC&Rs to require both owners and tenants to carry insurance. To avoid potential liability, the amendment should also relieve the association of enforcement requirements related to the amendment. In addition, boards should regularly publish reminders that owners and tenants need to carry their own insurance.

Thank you to Margot Crowl Brick of the Frank Crowl Co. and Timothy Cline, President of the Timothy Cline Insurance Agency for their input on this issue.

LEGAL FEES CLAUSE

QUESTION: Our CC&Rs are silent on the issue of attorneys' fees. To discourage lawsuits, should we amend our CC&Rs to allow the award of attorneys' fees if a matter goes to litigation?

ANSWER: Attorneys' fees clauses are double-edged swords. While the provision allows an association to recover legal fees, it often becomes the driving force behind litigation. For example, each side might spend \$50-100,000 litigating a matter that has a disputed value of \$12,000. When that happens, settlement becomes almost impossible. The plaintiff wants \$12,000 in damages PLUS another \$100,000 to cover his legal expenses. The defendant might agree to pay \$7,000 to make the litigation go away but will never pay plaintiff's legal fees (nor will the insurance carrier). That means each side will spend another \$50-75,000 taking the matter to trial just to get a shot at recovering their legal fees.

Eliminating Fee Awards. If each side had to bear its own legal fees each time a matter was litigated, they would be forced to weigh the costs before jumping in. This would slow down the filing of lawsuits. Once in litigation, legal fees would also speed settlement since neither side wants to spend a non-recoverable \$100,000 over a \$12,000 dispute. Unfortunately, putting the brakes on litigation would require amending the Davis-Stirling Act. Currently [Civil Code 1354\(c\)](#) provides:

In an action to enforce the governing documents, the prevailing party shall be awarded reasonable attorney's fees and costs.

It is unlikely the legislature will ever eliminate this provision, which means legal fees will continue to encourage litigation because plaintiffs always think they have a winning case and will recover legal fees. And, legal fees will continue to impede settlements when expenses spin out of control. It also means that owners who live in litigious associations will inevitably face higher dues for insurance premiums and potential special assessments for legal fees.

FEEDBACK

Legal Fees - Peer Pressure. It seems that special assessments for legal fees would result in peer pressure against owners who repeatedly sue the association since everyone will know who caused the problem. -David A.

RESPONSE: For some people, peer pressure has no effect. They don't mind isolating themselves from their neighbors--some delight in it. Chronically litigious owners are not suited for community association living. They would be happier living with unabomber Ted Kaczynski in a remote cabin in Montana, except that making their neighbors miserable makes them even happier.