



# SURFSIDE III NEWSLETTER



December 2007

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## FROM THE BOARD OF DIRECTORS

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### **Annual Meeting To Be Held In The Clubhouse On Saturday, December 22**

The meeting will start with a question and answer session at 9:00 am with the seven candidates who are running for the Board. Their nomination forms, which include their reasons for nomination and goals, are included with the ballots which have been sent in a separate mailing. The candidates are Bill Betts, Joe Dehorty, Ira Green, Linda Kaplan, Ira Rubinson, Susan Salehi, and Karl Twyman. The question and answer session will continue until about 10:00 and a last call for ballots before the close of polls will be made at that time. We will need at least a majority of owners who are eligible to vote in order to have a quorum. If we do not have a quorum, the meeting will be adjourned and we will have to contact owners who have not voted and reschedule the meeting. We are following our original CC&Rs and so the voting will be cumulative. The new CC&Rs did not get the required 75% to be adopted and we will try to pass them again in a couple of years as discussed below or the new board will have to re-submit the petition.

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### **Petition To Have the CC&Rs Approved Has Been Dismissed Without Prejudice**

Due to financial concerns, the Board of Directors has decided to dismiss the Petition To Reduce Voting Percentage to Amend CC&Rs. The dismissal was "without prejudice," which means that the Association can re-file the Petition in the future. As you may know, two owners, Susan Salehi and Paul Lewow, have filed a formal objection to the Petition in the form of two briefs which encompass over 30 pages and approximately 35 different bases for the objections. Some of these objections involved demanding that your mortgage lenders, the City of Port Hueneme, and the California Department of Real Estate approve these amendments. In addition, based on the lengthy objections by Ms. Salehi and Mr. Lewow and the court's order requiring the Association to publish Ms. Salehi's lengthy brief on the association's website, the court moved the hearing date from December 8, 2007, to March 17, 2008, so that other members could file objections if they so desired. Although the Association's counsel had developed a well-reasoned brief in response to the objections filed by Salehi and Lewow, the Board determined that the significant potential costs which would be incurred in convincing the court that the Objections were without merit, did not justify the expenditure given the extreme financial pressure the Association and its members are currently under. Estimates to further litigate over the Salehi/Lewow objections ranged as high as \$5,000. Another factor in this decision was that only 160 members voted in favor of the amendment, which is slightly more than 50% of the voting power of the Association, and far less than the 75% required under the old CC&Rs. While California law (Civil Code Section 1356) permits a Petition to be granted based on a simple majority, the farther away from the 75% threshold, the less likely the approval would be, particularly if the objections filed by Lewow and Salehi encouraged others to file objections as well.

The Board to be elected at the upcoming annual meeting will have the task of reviewing the situation and determining whether to resubmit the Petition or resubmit a revised version of the CC&Rs to the members for voting. The process

which was implemented by the committee was intended to include anyone that wanted to participate in the drafting and the comments. Unfortunately, the meetings soliciting questions were not attended to the degree anticipated and written questions were not submitted. Had the bases for the objections filed by Salehi/Lewow been raised either during the drafting process or during the pre-vote comment phase, the Board believes that most of the objections could have been satisfactorily addressed and resolved through explanation. However, as the Board learned from the drafting and circulating of the Rules and Regulations for comment, the volume of comments could have significantly increased the cost of the CC&Rs amendment process to the extent legal counsel had to be involved. Consequently, the Committee and Board felt that the proposed Restatement of CC&Rs presented for membership vote, which was comprised of provisions currently in force as to other Associations based on the experience of the Association's legal counsel over the last 20 years, represented the best approach available to create a new set of CC&Rs for the association. Your new Board of Directors will be addressing this situation in the coming year.

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### **Surfside III Shooting in PH: 1 dead 4 injured on Saturday night, November 3**

From the VC Star website:

<http://www.venturacountystar.com/news/2007/nov/05/gunfire-in-port-hueneme-kills-one-and-injures/>

#### **One dead, four critical in Port Hueneme shooting**

From staff reports originally published 07:48 am, November 5, 2007 and updated 07:48 am, November 5, 2007

Authorities this morning identified the 20-year-old Oxnard man who was shot to death at an apartment complex in Port Hueneme *[that is Surfside III]* this weekend. Sophear Riem was pronounced dead at the scene in the 600 block of Lighthouse Way at 12:19 a.m. Sunday, said Senior Deputy Medical Examiner Craig Stevens. An autopsy is scheduled for today. When police arrived at the scene of the shooting on Sunday, they found Reim and four other men with multiple gunshot wounds. Three of the wounded men remained in hospitals in critical condition this morning, said Sgt. Peter Freiberg of the Port Hueneme Police Department. The fourth man was listed in stable condition. Police believe the wounded men, whose ages range from 23 to 33, are all from Oxnard, Freiberg said. The shooting victims were attending a bachelor party when the shooting occurred. Police this morning had not determined what motivated the shooting, but they are looking into the possibility that it was gang-related, said the sergeant. Anyone with information on the shootings is asked to contact **Port Hueneme Police Detective Gary Jones at 986-6530 or 986-6619 or voicemail (805)986-6621. You may also send e-mail to [gjones@ci.port-hueneme.ca.us](mailto:gjones@ci.port-hueneme.ca.us).**

At our last open board meeting on November 14<sup>th</sup>, two Port Hueneme officers attended and discussed this event with us for over an hour. They said that it was not a random event and you can NOT infer any repetition based on what happened. In addition, they said that they do expect to make arrests.

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### **2008 Budget**

The 2008 budget calls for a modest increase in the monthly dues of \$10 per month.

While this is a modest increase, it does not signal financial stability. It does signal that the Board is unwilling to significantly increase the dues in light of the special assessment and the current real estate market where a large dues increase would hurt values even further.

Everyone should be very clear that the needs at Surfside exceed our capacity. Prioritizing is key to managing our capacity until we complete the special assessment repairs, which will free up capacity (financial, contractor and employee) for other needs.

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### **Special Assessment**

We are moving along on the special assessment repairs.

Half of the townhouses have had the water lines coated with epoxy. In two cases, pinhole leaks were detected just before the scheduled epoxy date. The contractor was moved over to those units and the coating process sealed the leaks.

There is a ten-year warrantee on this process, the first year is an unlimited warrantee, and the next nine years are limited.

Three elevators have been completely renovated. Two others are in progress. The leaking exterior tower envelope has been replaced, and the elevator electrical and hydraulic components have been replaced. The interior of the cab has been remodeled with stainless steel; cherry laminate wall panels. A new control panel has been installed with an automatic emergency phone. Just press the telephone symbol; it will automatically dial the elevator company's emergency answering service. The new elevators run smooth and are faster.

There is a one-year warrantee on the renovated elevators.

The remaining elevators will be completed by the end of January 2008.

Planning is underway for the condo units' drain line replacements. We are planning to accelerate that work so that 90% of the drain line problem is eliminated by the end of 2008. To do this we need a loan in order to bridge between our available cash and what is needed for acceleration. We have final approval from First Bank on a \$3,000,000 loan. The Board will review the terms and conditions and will decide whether to proceed.

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#### **Water Line Epoxy**

The contractor doing the epoxy process has caused some problems for which they have accepted responsibility but each owner should be aware of the following:

When Ace DuraFlo works under sinks they sometimes loosen or move the drain line J trap, and hit the garbage disposal unit. This can cause some minor leaks. We have identified this to them and they should be more careful.

In building 2 they accidentally left water running in a sink with the drain stops in place. This resulted in damage to that unit and the unit below. They have accepted responsibility and will make all repairs.

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#### **Gang Injunction and Shooting on Lighthouse Way**

After the shooting on Lighthouse Way the Board contacted the city to see if the gang injunction zone can be expanded to include Surfside III. The gang injunction is a court order, which prohibits gang members from associating with other gang members in the injunction zone. The Port Hueneme police don't believe we have enough gang activity in the area to expand the injunction zone. The shooting on Lighthouse is suspected to be gang related but it is has not been proven.

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#### **Citizens on Patrol @ Surfside (COPS)**

The Neighborhood Watch Committee is reforming. Volunteers are needed for walking patrols. The program has been dubbed COPS (Citizens On Patrol @ Surfside). If you are interested in more details please contact Valerie Lameka at (805) 986-2855 or cell (972) 831-5516 or [v.lameka@yahoo.com](mailto:v.lameka@yahoo.com).

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#### **Loss of Use Insurance**

Every owner should carry loss of use insurance, in the event of a natural disaster or if your unit is affected by a problem, which may require you or your tenant to temporarily use alternative housing. Please ask you insurance agent about this

coverage, it can save you some expense.

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### **New Mural In The Clubhouse**

Thanks to Katy Greenstreet for painting a new mural in the clubhouse pool area. Funds for supplies were donated by Tom Barwick from building 8. Thank you Tom.

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## **Committee Briefs**

For more committee information visit <http://www.surfsideiii.com/docs/committee/committee.htm>  
Please contact the committee chair to volunteer

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The Chair of the Neighborhood Watch Committee has resigned. Valerie Lameka has volunteered to take on the position of Chair of this very important committee and the Board has approved her taking this position. We appreciate Val volunteering and look forward to her organizing the committee. You can contact her at (805) 986-2855 or cell (972) 831-5516 or [v.lameka@yahoo.com](mailto:v.lameka@yahoo.com).

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## **FROM THE EDITOR**

Please send all newsletter submissions to me at [dkessner@csun.edu](mailto:dkessner@csun.edu). Please avoid any special formatting and use Arial 10-point font if you have it. The deadline for submissions is the 10th of the month for the following month's issue.

Thanks, Dan Kessner, Editor

Also, many owners have expressed interest in seeing current Surfside III real estate listings. Sondra Briggs has offered her considerable expertise and experience in this area. You may contact her directly at: [sondrabriggs@kw.com](mailto:sondrabriggs@kw.com).

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## **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 and 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.

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I am extremely frustrated with our decision to withdraw our petition to have the new CC&Rs approved. It really shows that two owners can make a difference. If I am re-elected, I plan to ask the new Board to approve having our attorneys resubmit the petition.

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Dear Fellow Homeowners and Investors:

I urge you to vote for Linda Kaplan for the upcoming Board of Directors Elections. I believe that her experience, enthusiasm, community relations, and vast HOA related knowledge will greatly benefit Surfside III. This will directly protect the value of our property and the safety of our neighborhood.

- I truly believe that she acts in our behalf in all of our HOA's business.
- She strives to stay within the budget proposed by last year's Board and her votes have reflected that.
- Her decisions are based on what is fair for all and not a personal agenda.
- She thinks things over thoroughly and uses her previous board experience to benefit all of us.
- She constantly seeks advise from professionals in her huge network of professionals.
- Linda has good relationships with local businesses, city and other government officials.
- She has many contacts that are board members at other associations and we benefit from their input as they run into the same situations as we do. We can benefit from their experiences and save time and money by learning from their mistakes and successes.
- Linda acts in the best interest of all homeowners and not just a few select vocal residents and tenants.
- She helps keep other board members stay in compliance with the law and researches money saving new technologies available to save homeowners money at Surfside III.
- One way she saves the HOA money is by not charging travel charges to go to meetings.

Sincerely, Tim McCoy, Resident

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Dear Surfside III Owners:

As a group of homeowners interested in promoting the popular vote for the board of directors' election on December 22, we have sent out a campaign letter to encourage you to vote for a Popular-Vote Slate of Candidates: **Bill Betts, Ira Green, Karl Twyman, Joe Dehorty and Ira Rubinson**. If you did not receive our mailing, we will email it to you if you contact us at: [ss3forpopularvote@gmail.com](mailto:ss3forpopularvote@gmail.com).

Lynn & Dave Cannon

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## Contact Information

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

Contact 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 Direct Contact:

Surfside III COA  
600 Sunfish Way  
Port Hueneme, CA 93041  
<http://www.surfsideiii.com>  
[manager@surfsideiii.com](mailto:manager@surfsideiii.com)

#### **Donalea Bauer, Vice President, community manager**

Email: [donaleabauer@lordonmanagement.com](mailto:donaleabauer@lordonmanagement.com)  
Phone: 800-729-5673 x 3342

#### **Jennifer M. Critchfield, assistant community manager**

Email: [jcritchfield@lordonmanagement.com](mailto:jcritchfield@lordonmanagement.com)  
Phone: 800-729-5673 x 3380

**Management Company:**

Lordon Property Management  
1275 Center Court Drive  
Covina, CA 91724  
Phone: 800-729-5673  
For after hours emergencies, hit 0

**Our Board:**

Bill Betts - President [bill.betts@surfsideiii.com](mailto:bill.betts@surfsideiii.com)  
Ira Green - Vice-president [ira.green@surfsidediii.com](mailto:ira.green@surfsidediii.com)  
Wayne Matayoshi - Treasurer [wayne.matayoshi@surfsideiii.com](mailto:wayne.matayoshi@surfsideiii.com)  
Karl Twyman - Secretary [karl.twyman@surfsideiii.com](mailto:karl.twyman@surfsideiii.com)  
Linda Kaplan - Director [linda.kaplan@surfsideiii.com](mailto:linda.kaplan@surfsideiii.com)

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**LORDON MANAGEMENT: OTHER DEPARTMENT EXTENSIONS**

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All escrow issues: Chelia, ext. 3339; [crubalcava@lordonmanagement.com](mailto:crubalcava@lordonmanagement.com)  
All insurance, lien, and other legal matters: Patty, ext. 3337; [patty@lordonmanagement.com](mailto:patty@lordonmanagement.com)  
Your account, billing address, etc: Cara, ext. 3319; [cwoellhof@lordonmanagement.com](mailto:cwoellhof@lordonmanagement.com)