

First Supplement to Memorandum 2009-12

Statutory Clarification and Simplification of CID Law (Status Report)

PUBLIC COMMENT

We have received letters from Carole Hochstatter and Norma Walker of Bakersfield, commenting on the status of the CID statutory simplification study. The letters are attached as an Exhibit.

AUTHORITY OF CID ADVISORY COMMITTEE

The staff has been asked to clarify that the CID Advisory Committee is acting under the auspices of the Real Property Law Section of the State Bar, and does not represent the entirety of the State Bar.

Respectfully submitted,

Brian Hebert
Executive Secretary

E-MAIL delivery

Brian Hebert
Executive Secretary
California Law Revision Commission
3200 5th Ave
Sacramento, CA 95817

Dear Mr. Hebert:

Norma and I have attended CLRC in order to resolve many issues living in a homeowner association in California. We have been welcomed and treated with respect, unlike the treatment in our own Association.

Most recently, we attended the September 2008, meeting in Burbank, California. We spoke in response to Mary Howell of Epstein, Grinnell & Howell, APC, San Diego, Calif. After Ms. Howell's request to extend the deadline period of analysis of the Simplification to the December 2008 meeting, Carole asked whether these 25 attorneys analysis was for "Expertise or Bias. Carole shared that she had researched the 25 attorneys on the internet, and all who had links to a web page were members of firms that took cases from association, but not members. Norma commented that Carole, and I are homeowners/members of The Vineyards Homeowners Association, and we drove to the Burbank meeting from Bakersfield at our own expense. Norma shared that those attorneys who represent themselves as homeowner association attorneys most often represent association boards, not the members. The use of the label Homeowner Association Attorneys leads to confusion because most members believe these attorneys represent members' interest also, commented Norma. During this September 2008 meeting, we commented to the CLRC that after their public comment period for the Simplification issue was over, the 25 lawyer group was able to halt the process.

After the September meeting, and reading the latest memoranda, we find we have these questions:

1. With regard to the current discussion concerning small associations having less access to legal advice, would the Simplification of Davis Stirling be of assistance to ALL associations?
2. Would the CLRC be open to having a discussion with 25 homeowners in association who do not have access to large legal firms that only represent Associations with regard to the Simplification?
3. Does the CLRC understand that legal advice to Associations mean advice to the management and board only?

4. Since small associations are supposed to be having less access to legal advice will this “group of 25” address the problems in the use of Small Claims Court which several individual homeowners have found to be inherently flawed?

5. Why had the “group of 25” waited so long to vent their concerns? Many others have heeded the deadline for public comments.

6. There has been so much conversation, and comments about the election process in Davis-Stirling costing too much. WHAT IS A “SECRET BALLOT” WORTH?

7. Will the “group of 25” analysis benefit only homeowner association vendors, and association boards? Will the “Simplification” speak clearly that legal advice given to Associations represents only the board not homeowners?

8. This proposed “Simplification” is supposed to make governance by volunteer boards simpler; how will this be accomplished by the group of 25?

Respectfully submitted,

Carole Hochstatter

February 18, 2009

E-MAIL delivery

Brian Hebert
Executive Secretary
California Law Revision Commission
3200 5th Ave
Sacramento, CA 95817

From: Norma J. Walker
Subject: Simplification, and the 25 Attorney Group

Dear Brian:

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See our web-page for more info at:

<http://bakersfieldhoacidadvocates.com/Bakersfield%20Advocates/Advocates.html>

Respectfully submitted,
Norma J. Walker