

First Supplement to Memorandum 2010-46

**Common Interest Development: Statutory Clarification and Simplification of CID Law (Further Public Comment)**

The Commission has received two more letters, commenting generally on the Commission’s proposal to recodify the Davis-Stirling Common Interest Development Act. They are attached in the Exhibit as follows:

- Exhibit p.*
- Malinda Curry, Wildomar (8/26/10).....1
- Ed Weber, Hornbrook (10/7/10) .....2

We also received an anonymous letter, which is summarized below.

DISCUSSION OF COMMENTS

Ms. Curry opposes the proposed law, which she believes is too complicated and confusing. She also expresses distrust of the Commission and its staff. She endorses everything said by Donie Vanitzian in her August 12, 2010, letter. See Exhibit p. 1. (The reproduction of Ms. Curry’s letter was delayed because it was mailed to the Commission’s former address and was not forwarded until recently.)

Mr. Weber is “in full support” of the Commission’s work to recodify the Davis-Stirling Common Interest Development Act. See Exhibit p. 2. However, he believes that the Commission is too ready to assume that most CID board members have good intentions.

I would most importantly point out to you that the apologist’s approach I have noted from the commission’s voice, constantly projecting the commission’s assumption that CID directors are, after all, just simple citizens, volunteers who must not be held to a high and strict legal standard, is the most egregious error in your processes.

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Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

*Id.* He believes that it is too easy for scofflaw boards to disregard the protections provided in the Davis-Stirling Act without consequence, and that some attorneys counsel them to do so. *Id.*

The anonymous letter writer describes his or her association board as bullying and unaccountable. The person argues for some sort of outside oversight to protect homeowners from abusive boards.

Respectfully submitted,

Brian Hebert  
Executive Secretary



**EMAIL FROM ED WEBER**  
**(10/7/10)**

Hi Brian!

As a California CID member in good standing, I have respectfully commented previously on CLRC's activities in developing the Davis-Stirling Act, in full support of the commission's work. I have not lost faith in your current efforts, because I believe that re-codification can be important to consumer understanding of the law.

Further, I must place my faith in the CLRC, for I have no place else to invest my belief in justice when it comes to CID governance. Yet, had I possessed a clearer consumer warning from the DRE prior to making this property investment, I would have run in the opposite direction. I wish I could afford to do that now!

Since 2005, when I purchased my membership, my life as a shareholder in the R-Ranch POA in Hornbrook CA has been polluted with disinformation, management deceptions, self-serving directors dealing fraudulently without recourse and stealing elections, misrepresentation to shareholders as a routine activity, and resultant property owner lawsuits which have cost shareholders more than \$500,000, paying for lawyers on both sides of the issues. Malfeasance is the modus operandi at R-Ranch; law-breaking is the practice, in overt defiance and loud-mouthed mockery of the Davis-Stirling Act.

Superior Court offers no true recourse; one Siskiyou County Superior Court Judge, in the privacy of a personal conversation, told me that judges are too busy to stay current with this vital law and just use "common sense." Of course, common sense would insist that jurists stay up on the law, so sadly, the Davis-Stirling Act is failing to be enforced at the most local level, rendering it, well, candidly, worthless. The Attorney General wants no involvement in local enforcement and refers to the local D.A.; the D.A. says he is too busy chasing marijuana growers and he watches dispassionately as property owners, mostly seniors like me, continue to lose their fortunes and suffer at the hands of rogue directors.

I would most importantly point out to you that the apologist's approach I have noted from the commission's voice, constantly projecting the commission's assumption that CID directors are, after all, just simple citizens, volunteers who must not be held to a high and strict legal standard, is the most egregious error in your processes. The fat-cat association attorneys who work so hard to persuade CLRC and legislators of the innocence of the disingenuous directors who keep attorney coffers

filled, are, themselves, disingenuous and guilty of deceiving the commission.

Being a CID attorney has been turned by unscrupulous lawyers into a highly profitable practice; long ago, CID association attorneys must have learned that friction between directors, managers and owners = ever-increasing income to those fat-cat lawyers. It is a disgusting situation in which CIDs, microcosms of the American Democracy, operate as if they were the corrupt government of Afghanistan, with the same lack of accountability.

This is the area in which I must agree with the intense objections of Donie Vanitzian; the lack of serious consequences for CID directors acting in self interest outside of the law makes a mockery in the enforcement of the Davis-Stirling Act... not in all instances, not in all properties... but in my CID, with the encouragement of an attorney from a leading CID law firm, the protections I rely on from Davis-Stirling are virtually set aside and derided.

I and a few other owners, courageous to take a stand for honest dealing and American justice, continue to suffer, only for placing our faith in the legal process, after 4 years of targeting and printed public derision. How very sad to personally experience such failure of California Law. It rattles one's belief in our nation's future to be personally damaged as the courts sleep.

Thanks for Listening

Mr Ed

Ed Weber  
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