



January 2015

Dear neighbors:

As we begin 2015, your Board would like to wish you all a happy, healthy, and prosperous New Year, and bring you up to speed with various issues we have been dealing with on your behalf. Please see the most pressing matters before the Board below, and please join us at our next Board Meeting.

LEGAL MATTERS:

- **The Bankruptcy of Marvin Goodfriend 3925 Malibu Vista Dr.**

As notified in the previous e-Blasts, there was an attempt through the Bankruptcy Trustee to sell the Goodfriend home free and clear of the CC&Rs. SMPOA Board members, Linda Kaye and Gregg Bernstein, as well as other owners, were present in the courtroom when the Goodfriend bankruptcy case was heard on Dec 17. The Board filed a Brief objecting to the Trustee attempting to obtain Court permission to sell the property on 3925 Malibu Vista Dr. without it being subject to the CC&Rs and the governing documents of the SMPOA. The Board's position was that the CC&Rs had been in place for over 50 years and that the homeowner was aware of them, bought subject to them, and the Trustee had no legal authority to use the bankruptcy action and seek Court's intervention to ignore and bypass them. The Bankruptcy Court agreed with the Board's position and instructed the Trustee and his attorney to work with SMPOA's attorney to draft the sale deed in a manner acceptable to SMPOA. Linda will coordinate this matter with the attorney.

Owners will be glad to know that this was a very timely intervention and a resounding "win" by the Board. If the Court had not upheld the Board's objection, most likely the sale order would have been approved, providing an undesirable precedent where the CC&Rs could be over-ridden. It should be noted that the CC&Rs were the only non-Tax and non-Government objections to be upheld.

- **The Trial Involving Alda Shelton 3900 Castlerock**

As many of you know, Alda Shelton and Jon Sherman, the owners of 3900 Castlerock, have had an ongoing litigation with adjoining neighbors regarding a large tree and hedges on the corner of Castlerock and Wakecrest for ocean view interference and other violations. The trial is scheduled to begin next week. The Board has been subpoenaed by Alda to furnish information about the 2012 CC&Rs. The Board has named Natasha Roit as a PMK (Person Most Knowledgeable) for the Association and she has graciously accepted.

- **Treasurer's Report as of December 31, 2014**

Balances: UBS \$101,401.23; Stiffel: \$32,773.14; Wells Fargo \$131,629.21.

Upon maturity of the securities in Stiffel, the balance will be moved to Wells Fargo. The Board continues to believe that short term, liquid securities guaranteed by US Government (either Treasuries or funds held in FDIC secured banks) is the best option for investment in the current economic and interest climate.

Membership

Dues: additional \$200 received in Membership dues in December

Unpaid Dues

Unfortunately, where we all benefit from the protection of our CC&Rs and seek the assistance of the Board or the AC to maintain and preserve our quality of life in the Mesa, many homeowners have not assisted by paying the meager dues of the Association. In an ongoing effort to rectify this long-term problem, Linda and Shyam will coordinate in sending out invoices to members who have not paid their 2014-2015 dues. Linda will inform the owners about the new Getty cards which will be handed out to members in good standing.

Architecture Committee

Site visit scheduled for January 11, 2015

3516 Surfwood -- regrading, landscaping and new fencing

3722 Surfwood -- concerning erection of a retractable awning, it was decided that the owner needs to provide additional information after which a site visit will be scheduled.