

#3 !!! WOODSBOROUGH UNIT OWNERS ALERT !!! #3

(Renters please forward to your landlord perhaps with the next rent payment)

Herein is the sad news that the voting on the proposed replacement documents is useless due to fatal flaws in the voting procedures.

Page 15 of the 2013 "Condominium Blue Book" (a discussion and the full text of the California Civil Code and the California Corporation Code sections that apply to condominiums) states "The voting deadline must be stated on the ballot or voting instructions". This is supported by California Civil Code Section 1363.03(a)(4) which requires that an Association shall adopt rules (for 6 topics, including) that establish the "...voting period for elections, including the times at which the polls open and close ...". I know of no such rules adopted by the Board of Directors, and the voting deadline does not appear in either the voting instructions or on the ballot. Instead, a requested return of the ballot is stated. A request has no special meaning, and it was the specifically selected term by the Documents Committee. It does not meet the deadline requirement of California law.

California Civil Code Section 1355(b) states that an amendment (our complete replacement of our documents is included under the term amendment) "...is only effective after (1) the proposed amendment has been distributed to all of the owners of separate interests in the common interest development by first class mail postage prepaid or personal delivery not less than 15 days nor more than 60 days prior to any approval being solicited...". This is clear, specific language that was not complied with at all. Thus, the current voting activity is completely useless due to the failure to follow the law.

#### SUBSTANCE

While the current voting activity fails on mere procedural matters, it still leaves the content/omissions of the proposed replacement documents as the major concern. Some of my major concerns were listed in the 4-page #2 !!! WOODSBOROUGH UNIT OWNERS ALERT !!! #2. I found them full of mischief that we all will pay for – both with money and otherwise. During the writing of this document, I realized that the requirement that Association funds be invested in interest bearing, insured, investments seems to have disappeared. That provision has saved us from inappropriate investment of your funds. Periodically, proposals have been made to invest in the stock market or even speculating in commodities.

It is possible that we could see another attempt to approve these exact same proposed documents using procedures that do meet the procedure requirements of the law. All I can say is BEWARE.

I expect criticism of why I didn't attend the Documents Committee meetings and raise these concerns there. I have not received one contact from either the Board members or the Documents Committee concerning my Alerts to you. Doesn't that give you a clear reason why I did not attend ?

Adios amigos again, and I hope that I do escape my urges to protect us all and keep our investment in Woodsborough safe.

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