

THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

Volume 46 Issue 1 --GSMOL-- Advocating for Homeowner Rights Since 1962

January/February 2011

GREAT NEWS!

**Federal Court Decision
Helps Preserve
Homeowner
Protections**

**Victory in Goleta!
See Page 5**

What are those extra numbers on the address label?

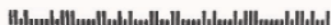
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Periodical Dated Material

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CAR-RT LOT**R-003

JOHN DOE
1 CAPTIVE LANE SPC 5
SOMEWHERE, CA 99999



THE CALIFORNIAN (USPS 898-320)

*Official bi-monthly publication of the
Golden State Manufactured-Home
Owners League, Inc.*

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Editorial and Advertising Offices:

11021 Magnolia Street
Garden Grove, CA 92841
mainline (714) 826-4071
fax line (714) 826-2401
toll-free (800) 888-1727
E-mail: gsmol@earthlink.net

Periodical Postage Paid at Garden Grove, CA and at additional mailing offices.

GSMOL Annual Dues: \$25 yearly, includes annual subscription to the *CALIFORNIAN*.

POSTMASTER: Send address changes to:

THE CALIFORNIAN
11021 Magnolia Street
Garden Grove, CA 92841

GSMOL BOARD OF DIRECTORS

President

JIM BURR

Westlake Village

2400 W. Midvalley Ave., Maple 4

Visalia, CA 93277

Phone & Fax: (559) 732-2177

james-burr@sbcglobal.net

Vice-President Zone A

NORMA BOHANNAN

Mobil Country Club

36 Sunbeam Way

Rancho Cordova, CA. 95670

Phone: (916) 635-3346

norma_sue@sbcglobal.net

Vice-President Zone A-1

ROGER McCONNELL

The Country MHP

156 Shoreham Way

Santa Rosa, CA 95401

Phone: (707) 527-8433

r-nmac@sonic.net

Vice President Zone B

JAMES GULLION

Cascade Estates

PO Box 1460

Jamestown, CA 95327

Phone & Fax: (209) 533-9174

jgullion25@sbcglobal.net

Vice President Zone B-1

CRAIG HULL

Sea Esta Village

47 Sea Esta Place

Ventura, CA 93003

Phone: (805) 676-1728

motorcopboy@gmail.com

Vice President Zone D

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Villa Vista ME

2907 S Santa Fe Ave., #2

San Marcos, CA 92069

Phone & Fax: (760) 727-4495

tpsheahan@cox.net

Vice President ROP

JERRY BOWLES

Brookvale Terrace MP

300 Plum St., #111

Capitola, CA 95010

Pgr: (831) 684-3224

gsmol_rop_vp@charter.net

Treasurer

BOB OGLE

Rancho San Luis Rey

200 N El Camino Real, #29

Oceanside, CA 92058

Phone: (760) 433-3696

gsmolbob@yahoo.com

Secretary

MARY HAHN

Oak Grove Estates

PO Box 19126

Sacramento, CA 95819

Phone (916) 726-2855

Fax: (916) 726-2105

Maryh2811@aol.com

**(See map on page 15 for new Zone boundaries.
Region numbers and boundaries remain the same.)**

President's Report



**Jim Burr, GSMOL
State President**

It's All About Fairness and Affordability

We must be objective and recognize those park owners and managers who are indeed fair and reasonable. They have the best interest of their resident "customers" at heart and some actually live in the park they own. Their managers are approachable and possess the necessary communication and conflict resolution skills. Unfortunately, it is my personal experience that they are becoming rare in today's mobilehome park industry. It is for this reason, we feel the message that follows would be beneficial to the many GSMOL members who are somewhat out of the mainstream and would benefit from this basic dose of reality. This one's for you and I hope it helps!

It is likely that many of you reacted the same as my wife Ginny and I when purchasing our first "immobile" home in a space-rent park. After a few months of experience and learning from other enlightened residents, we said..."Good heavens; how little did we know before buying our home!"

By then we learned of the monopoly that exists in immobile home park residency. Most of the park owners and resident managers do not see us as their "customers" for whom they provide a service. They see us as "captive tenants" who are no longer free to "shop the market and choose the best value" when comparing costs and services. So the friendly, accommodating spirit offered by most other vendors of goods

and services ranges from slim to none in most parks. We see this in the attitudes of so many unprofessional and incompetent resident park managers. If we were to question the service of other vendors, like plumbers, store clerks or even medical services, we are not likely to be told... "If you don't like it, go somewhere else!", or be treated as though they are doing us a favor to answer a question. This is because most vendors of services know we can shop the market, while park owners are fully aware that we cannot, due to the high cost of moving a manufactured home.

So with this in mind, we now see the major difference between manufactured home park residency and tenants in apartments or single-family homes. We are the only "tenants" who have ownership and equity installed on the property we rent. Apartment tenants are therefore much more "mobile" and can seek better values elsewhere - they can pack their household belongings and move to a more "competitive" apartment in a two-day weekend. We certainly cannot! So with or without rent control, it benefits apartment owners to maintain competitive rents and provide better service - even higher caliber management than park owners.

Therefore, this lack of mobility in parks allows owners to build their business plans around knowing they have a "captive customer". In other words, they are running what can be described as a monopoly. To respond to this, we must unite and seek fairness in the form of moral and ethical treatment that most customers deserve. We must seek to enforce our residency rights under the Mobile Home Residency law, as well as the health and safety code standards under Title 25.

Moving on to the affordability factor, as you know this includes the amount of annual rent increases, rent increases upon sale of the home (vacancy decontrol), "pass-throughs" for common area maintenance and the myriad of other miscellaneous costs park owner's often pass through to residents.

The vast majority of immobile homeowners do not have the protection of a rent stabilization ordinance (RSO) in their city or county jurisdiction. While there are over 650 jurisdictions in California, only about 110 of them have a form of rent increase protection.

As a practical matter, RSOs recognize the captive nature of immobile homeowners. And by law, RSOs are required to establish rents that are fair and reasonable to both park owners and homeowners and cannot deprive the park owner of a fair and reasonable return.

Recently, we find it interesting that park owner associations are trying to remove the term "affordable" from mobilehome living. This flies in the face of a mountain of authority that establishes them as affordable! This starts with the fact that a manufactured home, with similar amenities and size, costs about half that of a site built home. Actually, manufactured homes are the largest form of unsubsidized affordable housing. The park owner's ploy may be to convince local authorities that rents can escalate more before controls are needed. Meanwhile, a larger number of homeowners are "economically evicted" due to the insidious, or subtle nature of continued increases beyond inflation.

During its 48 years of activity, GSMOL has been the principal participant in creating the Mobilehome Residency Law. And for the last 30 years, we have paid a Legislative Advocate (Lobbyist) in Sacramento to represent us--no other mobile/manufactured home owner association has ever done that. Our very capable Legislative Advocate is Attorney Brian Augusta whose article can be found elsewhere in this issue.

If you have an active GSMOL Chapter or HOA in your park, please do all you can to support their efforts. If you do not have one, you must consider organizing a Chapter in your park. You have heard all the metaphors..."United We Stand - Divided we Fall"..."Speak with One Voice"..."Divide and Conquer" and many, many more. They are all very true.

Continued on page 4

Capitol Report

*Christine Minnehan and
Brian Augusta*

The New Brown Era Begins

Jerry Brown was sworn in as the Governor of California January 3rd, stating forcefully that his two terms as Governor in the seventies and eighties uniquely prepared him for ending the budget deficits that have plagued the state since 2001. Brown released his budget on January 10th, a combination of grim program cuts and extensions of existing taxes scheduled to end this year.

The Brown budget would eradicate the multi-billion budget gap that has dominated work in the Capitol and stymied his predecessor for much of the last 8 years. Brown's ambitious plan is to move the budget through the Legislature by early March in order to place the propositions before the people on the June ballot. If the Legislature approves Brown's plans, voters will be asked to consider propositions that would restructure state and local government responsibilities, and raise and redistribute revenues. The budget debate will surely dominate most of the attention in the Capitol over the next few months.

For manufactured home owners, the change in administration is significant for several reasons. First, it brings a change in leadership at the Department of Housing. HCD director Lynn Jacobs stepped down in early January, and Cathy Creswell was immediately named the interim director of the department.

Creswell, who has led several divisions at the Department for the past 25 years, is seen by many as a possible permanent replacement. Her affordable housing background and strong understanding of the issues facing manufactured home owners should be a boon for GSMOL members. Several other equally strong candidates are vying for the position.

Governor Brown's election gives homeowners renewed hope that one of their chief legislative priorities---protection from forced condo conversions---may finally be realized. Brown and his staff are expected to be more receptive to homeowners concerns on the issue than was his predecessor, Gov. Schwarzenegger, who twice vetoed legislation on the subject. GSMOL and its allies in local government will be sponsoring legislation to protect homeowners and discourage park owner litigation. More about this effort will follow in the next Californian.

Park owners are expected to mount a renewed attack on rent control in the legislature this year. Since their most recent attack in the courts on rent control, *Guggenheim v. City of Goleta*, failed, park owners are likely to return to the legislature asking for vacancy decontrol or other proposals to scale back rent control protections for homeowners. GSMOL and other homeowner groups will fight back vigorously in Sacramento to defend the protections that rent control provides for homeowners and their investments in their homes.

Now is the time for homeowners throughout California to get to know their state representatives in the Assembly and Senate. Attend their community events, and talk to them about manufactured housing issues. If you don't know who your representatives are, go to the GSMOL website at www.gsmol.org or directly to the Legislature website at: <http://www.leginfo.ca.gov/yourleg.html> to find yours.

It's All About Fairness And Affordability

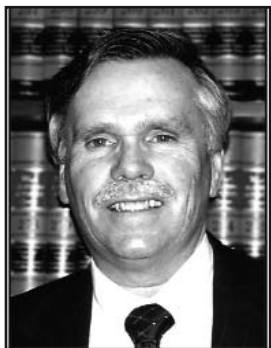
Continued from page 3

So true, in fact, that more and more park owners have become quite effective as they seek to discourage resident's attempts to organize. Do not allow this to happen to you. For help and guidance, see the "Who's - Who" section in this issue for the Region Manager nearest you, or see the GSMOL Board of Directors listed inside the front cover for the Vice President in your "Zone".

And your rights to do this are well protected under the Mobile Home Residency Law. Please see Section 798.51; RIGHT TO ASSEMBLE, MEET, CANVASS, PETITION & INVITE SPEAKERS. The Legislative Intent found in Sect. 798.50 states "It is the intent of the Legislature in enacting this article to ensure that homeowners and residents of mobile-home parks have the right to peacefully assemble and freely communicate with one another and with others with respect to mobile-home living or for social or educational purposes".

Recently we have grown. In the last several months, we have added more Region Officers in all Zones throughout the state. We have revised our training materials and started Leadership Workshops in each of the six Zones. While we are not perfect and our job is never finished, we are better prepared to explain the many resources available from GSMOL and help you help yourselves to improve fairness and affordability in your park.

VICTORY IN GOLETA!



**By: Bruce Stanton,
GSMOL Corporate Counsel**

U.S. NINTH CIRCUIT REVERSES PRIOR DECISION AND UPHOLDS CITY'S MOBILEHOME RENT ORDINANCE

In a decision that can only be characterized as an early Christmas present to California's mobile and manufactured home owners, the U. S. Ninth Circuit Court of Appeal announced on December 22nd its long-awaited decision in the case of *Guggenheim v. City of Goleta*. The Court had agreed last spring to re-hear the case after a three-judge panel had ruled that the rent ordinance could be attacked on its face as a "taking" of the park owner's property in violation of due process. This time an entire en banc panel of 11 Judges heard the case. GSMOL participated by submitting an "Amicus Curiae" (friend of the court) brief. The decision was written by a decisive majority of eight judges with only three dissenting, and represents perhaps the most significant victory for mobilehome residents in the courts since the 1992 Supreme Court decision in *Yee v. city of Escondido*.

In *Guggenheim*, the park owner brought a "facial" challenge against the City of Goleta's mobilehome rent control law. The basis of such a challenge is that "the very enactment of the statute has reduced the value of the property or has effected a transfer of property interest." This is different from an "as applied" challenge, which is filed after a rent hearing occurs which a park owner alleges was decided

unfairly. Because a "facial challenge" objects to the law as written, it would have far greater ramifications state-wide if the original three-judge decision were upheld. Thankfully, the en banc panel agreed with the original District Court decision, and upheld the judgment entered in favor of the City.

The decision is filled with language which should prove very helpful in future rent control challenges, and in several places the decision contains language which is very close to what GSMOL argued for in the *Amicus Curiae* brief which it submitted to the Court. Our GSMOL brief argued that the courts should not intrude into the political process, and that local governments should be allowed to protect mobilehome residents from exorbitant rents. We also argued that mobilehome residents are essentially trapped by the immobility of their homes, and that their substantial investments and equity must be protected.

In reaching its decision to deny the park owner's challenge and uphold the rent ordinance, the Court noted the following:

"Because the owner of the mobile home cannot readily move it to get a lower rent, the owner of the land has the owner of the mobile home over a barrel."

"[The ordinance] protects owners of mobile homes from the leverage owners of the pads have, to collect a premium reflecting the cost of moving the mobile home on top of the market value of the use of the land. This is a legitimate government purpose, related to but distinct from lowering housing prices for all renters." The park owner argued that enactment of the Goleta ordinance interfered with its "investment-backed expectations", a phrase which is defined by courts as a "primary factor" in determining the validity of a "takings" claim. The Court found that because the park owner had owned the park while it was located within Santa Barbara County and subject to a similar

ordinance, its "expectations" could not reasonably have been that there would be no rent control. In so doing, the court colorfully described that such "[D]istinct investment-backed expectations implies reasonable probability, like expecting rent to be paid, not starry eyed hope of winning the jackpot if the law changes." "The Guggenheims bought a trailer park burdened by rent control, and had no concrete reason to believe they would get something much more valuable, because of hoped-for legal changes, than what they had."

The Court then turned the park owner's "expectation" argument on its ear, with a critical piece of judicial writing:

"The people who really do have investment-backed expectations that might be upset by changes in the rent control system are tenants who bought their mobile homes after rent control went into effect. Ending rent control would be a windfall to the Guggenheims, and a disaster for tenants...they would lose, on average, over \$100,000.00 each if the rent control ordinance were repealed. The tenants who purchased during the rent control regime have invested an average of over \$100,000.00 each in reliance on the stability of government policy. Leaving the ordinance in place impairs no investment-backed expectations of the Guggenheims, but nullifying it would destroy the value these tenants thought they were buying."

The Court also favorably addressed GSMOL's argument that the courts should not intrude upon the decisions of local political bodies to protect their citizens: "Whether the City of Goleta's economic theory for rent control is sound or not, and whether rent control will serve the purposes stated in the ordinance of protecting tenants from housing shortages and abusively high rents or will undermine those purposes, is not for us to decide."

Continued on page 8

THE RENT CONTROL VICTORY IN GOLETA: WHAT'S NEXT?

As long-time mobilehome residents know, while cases such as *Guggenheim v. City of Goleta* might represent important battles in the fight to protect rent ordinances, the war seems to go on and on. Some park owners keep trying to invent new legal theories in the courts, or to hoodwink the voters into passing legislation which will do away with rent control or some of the important protections contained in local rent ordinances. Though an important victory has been won, mobilehome residents need to stay vigilant and ready to respond whenever and wherever the next challenge might occur. Despite their losses in courts over the years, park owners who bring these challenges seldom admit defeat until they have exhausted all available appeals and remedies.

This is standard operating legal procedure for important issues such as these. And so it comes as no surprise that, despite the decisive ruling issued against them, the park's attorneys in the *Guggenheim* case are putting their best spin on the result, and predicting an appeal to the next highest court. In this case, the only destination left for a Federal Court appeal after the entire 9th Circuit panel has ruled is: the United States Supreme Court in Washington, D. C. So with news sources quoting *Guggenheim's* attorney saying that an appeal is "probable", and that they "have lost the battle but will win the war", what are the chances that this lawyer's bravado will result in any appeal actually going forward?

The easiest thing to predict at this point is that the park owner will almost certainly file a petition with the Supreme

Court to have them hear an appeal of the Ninth Circuit en banc opinion. This is because the park owner has nothing to lose but some attorney's fees by doing so; and with all of the tens of thousands of legal dollars already invested in the case, the owners will probably ante up some more. But unlike almost any other appellate system, merely filing a petition with the High Court does not guarantee that the case will even be heard, let alone reversed. Far from it. In fact, as the statistics show, very few petitions to the Supreme Court are granted.

The procedural vehicle to take a case to the Supreme Court is called a Petition for Certiorari (or "Cert" as lawyers call it). The annual term for the Court begins each year in October. Each year the Court receives approximately 10,000 Petitions for Cert. In the 2007 term, 73 petitions were granted. In 2008, a total of 82 were granted. In 2009, the total was 86. As one can see, less than one per cent (1%) of the filed Petitions are granted. The Justices discuss the Petitions during a private conference, and the votes of four Justices are required to "grant Cert". If Cert is denied, typically the Court issues a simple one sentence denial without any explanation.

The miniscule number of Ninth Circuit cases that are annually accepted by the Supreme Court does nothing but add weight to the notion that a grant of Cert is unlikely. In 2009, a total of 12,211 cases were appealed to the U. S. Ninth Circuit. Of those, an unknown number of appeals were filed with the Supreme Court, with a total of 15 cases accepted. Of those, 4 cases were af-

firmed, 9 were reversed and 2 were reversed in part. And so out of over 12,000 cases filed, a grand total .07% of the cases were reversed.

Assuming that a long-shot were to occur, and the Supreme Court were to take the case, GSMOL and its allies will of course mobilize, just as we did back in 1992, to meet the threat and oppose the appeal. Despite what any park attorney might say to try and find a "silver lining" in the Ninth circuit opinion, it represents a devastating defeat, and they will have an incredibly strong burden to overturn the eight Federal Court Judges who ruled against them. In this, homeowners can be confident.

This is the park owner's last resort. GSMOL will stand ready to file an Amicus "friend of the Court" brief if needed, and we also look forward to continuing this fight in the companion case of *Contempo Marin v. City of San Rafael*, which is still pending before the U. S. Ninth Circuit. We can also expect that with this defeat the park owners may return to the Legislature in 2011 to pass some sort of repeal of local rent control protections. If that occurs, we can thank the Ninth Circuit for drafting some excellent language which can be used to support the protection of affordable mobilehome housing.

Until then, homeowners need not be worried about a lawyer's "paid for" press release, but should instead remain confident and focused, as we prepare for the next battle to be fought.

SOME QUESTIONS MOBILEHOME OWNERS ARE ASKING WITH ANSWERS PROVIDED BY BRAD HARWARD (SUPPLEMENT)

Mr. Harward is Mobilehome Parks and Special Occupancy Parks Programs Manager for California Department of Housing and Community Development. Several questions and answers appeared in the Nov/Dec issue of the Californian and Mr. Harward has provided some further detail and clarification to what was previously published. We are very appreciative of this information

1. Fire hydrants - how often should they be inspected? What if park management does not inspect/maintain? What about low water pressure?

All parks constructed after September 1, 1968 were required to have a hydrant system. Some have public systems, some were exempted by their local Fire Districts because of better public systems nearby. Prior to 1968 date the requirements were VERY minimal and only for parks with more than ten cabins.

Parks built after 1968 must have an operational test every year verified by the park and a water flow test (certified) every 5 years, to be done by certified person (local fire district, local water district, licensed C-16 contractor or fire protection engineer). Park must file a Private Fire Hydrant Test and Certification Report annually to get their "Permit to Operate". Without the test report a permit to operate application is incomplete and late fees accrue.

Minimum water flow in a park is based on the date of construction. Parks built between 1979 and 2004 are allowed to have a minimum 15 pounds per square inch of water pressure; however, that is insufficient for an effective

hydrant test, which is a minimum 20 pounds. Parks built before 1979 and after 2004 must maintain 20 pounds at maximum operating conditions.

3. Lot lines - How should they be marked? How can they be changed?

They must be marked; Title 25 section 1104 defines the materials for marking lot lines. Prior to July, 1979 there were no restrictions on the movement of lot lines and a park could move them at will. Now the movement of a lot line requires a permit from HCD or the local enforcement agency if they have assumed enforcement from the state, and written authorization from the affected residents. They have to show on map where existing lot line is and where it will be changed to. During inspection lot line will be moved at that time. HCD does not keep park maps. However, if a home or accessory structure is not too old the enforcement agency may have individual plot plans signed by the park for the home or accessory structure installation. If you question it get a copy of parks plot plan for your own resources.

12. Emergency Preparedness Plans. Who approves them; what is the deadline. What happens if there is no approved plan by that date?

Must have had plan submitted by Sept 10; if they do not, a park will not be able to obtain their annual Permit-to-operate. As with the Hydrant Test and Certification Report, late fees will accrue against the permit-to-operate if there is not an approved plan in place. If a park is cited for not having a plan, the legislation allows them 60 days to correct the violation and create a plan. The booklet a plan is based on is available on HCD website. The legislative intent is very clear that the purpose of the legislation is to provide basic information so residents can prepare themselves and not to physically evacuate anyone. . . " It is not the intent of the Legislature that an owner or operator be responsible for physically evacuating residents from their homes during an emergency. It is further the intent that residents take personal responsibility for themselves during an emergency."

Editor's note: Additional questions and answers, along with the 2011 MRL are posted on the GSMOL website at: www.gsmol.org. As a reminder, HCD does not enforce the MRL. It does enforce the Health and Safety Code relating to manufactured home communities.

Notice to members of Zone A

Your new Vice President, Norma Bohannon, was selected by the GSMOL Board of Directors to serve out the unexpired term of former Vice President, Lloyd Logan. The Board action followed a request for nominations and subsequent vote by leaders in Zone A. Thank you to Norma for her willingness to serve and thank you to Lloyd Logan for agreeing to continue serving as a consultant.

NEWS AROUND THE STATE

Zone B-1 Region 8 Jan. 19, 2011

The Thousand Oaks Rent Adjustment Commission has limited a park owner's proposed \$ 260 per month rent increase at the Thunderbird Oaks MHP to only \$ 62 a month. The proposed raise was initially \$ 322 per month. The park owners were arguing for a reasonable return on the property.

The rent increase will consist of a \$31 raise assessed in 90 days. The remainder will be assessed later.

The park's Homeowner's Association will still have to determine ways to assist seniors in the park who won't be able to afford the increase. A number of the resident seniors are receiving only \$700 to \$900 a month in Social Security income.

Zone A-1 Region 2 Nov. 23, 2010

The County of Mendocino will make a \$600,000 grant available to fund programs for home ownership and home improvement, under two separate programs.

The Homeownership Assistance program will provide loans to qualified first-time homebuyers. The Home Improvement program will offer loans to make repairs to homes, including replacement of mobile or Manufactured homes.

Persons interested in the Homeowner Assistance program should contact Joanna Rossi, Community Development Commission development specialist, at 707-463-5462, ext. 105.

Those interested in the Home Improvement program should contact Keith Hoyt, Community Development

Commission housing rehabilitation specialist, at 707-463-5462, ext. 106.

Zone D Region 7 Dec. 9, 2010

Residents of De Anza Cove in San Diego's Mission Bay recently reached a \$3.6 million settlement with the city of San Diego for the poor treatment they received from a property management company hired by the City. The City has been trying to force homeowners to move since 2003 but offered only \$4,000 to \$8,000 for relocation costs.

The settlement stemmed from the City's decision to hire Hawkeye Asset Management, in 2003. Hawkeye installed barbed-wire fences, concrete speed bumps and strict rules. Armed guards roamed the grounds and work crews tore down trees and facilities.

A judge later harshly criticized the City over Hawkeye's conduct when more than 200 residents filed abuse lawsuits.

Litigation continues to resolve the issue of fair compensation for costs of relocation for homeowners of De Anza.

VICTORY IN GOLETA!

Continued from page 5

We are a court, not a tenure committee, and are bound by precedent establishing that such laws do have a rational basis." "[T]he Due Process Clause does not empower courts to impose sound economic principles on political bodies."

This decision is essentially final at the Court of Appeal level. The park owner's last resort of appeal is to have the United States Supreme Court in Washington hear the case. The losing park owner will have to file a Petition for Certiorari with the court to request its review. The filing of such a petition is likely, but is seldom granted. But there is a footnote in the 1992 Yee v. Escondido case which leaves the door open for the High Court to hear a regulatory taking case of this type. Our GSMOL coalition, along with the City of Goleta, the California League of Cities and other supporting parties, must remain vigilant and ready to fight such an appeal if and when it comes. And GSMOL is well prepared to do so. But in the meantime, a judicial disaster has been averted, and the facial constitutionality of mobilehome rent control upheld.

We look forward to continuing this fight in the companion case of *Contempo Marin v. City of San Rafael*, which is also before the U. S. Ninth Circuit, and in whatever other court that might decide to hear the issue. We can also expect that with this defeat the park owners may return to the Legislature in 2011 to pass some sort of repeal of local rent control protections. If that occurs, we can thank the Ninth Circuit for drafting some excellent language which can be used to support the protection of affordable mobilehome housing

Visit our website



www.gsmol.org

ZONE B REPORT

For the residents living in Zone B, I wish to thank you folks who have been busy doing what you can to promote and support GSMOL. The **"Who's Who"** section of the Californian identifies all of the Counties located in Zone B.

If any of you or someone you may know (with their approval) would like to volunteer to be an Associate Manager or Manager in Regions 12 or 13, please feel free to contact me either by telephone or e-mail. There is always a need for those who can become more active and be of great help to our cause. The only reason we have the Mobilehome Residency Law (MRL) today, is because of the pioneering action of residents like you and I who were living in Mobilehome Parks in San Jose, CA in 1962, with the vision to establish GSMOL.

I am confident that many of you have read the **"GSMOL Story"**. This document explains very clearly how GSMOL became an entity.

The more we read and understand all of the MRL laws, the quicker we are able to recognize when something isn't being followed, which many times has a serious impact on our rights. When I attend a meeting for the first time with a new mobilehome park group, I ask if there is anyone present who is not a GSMOL member. These are the folks that I choose to have explain to me who GSMOL is. As all of you may already know, we do not function from "outside funds". This is all being done from the funds that are raised from only our membership dues.

At the age of '85', I know that we naturally become somewhat slower. However, we are an educated group

of folks who have respect and compassion for our fellow man. When those of us who are willing seriously begin helping one another, we can accomplish very positive results. Please, we do need a lot of help in making GSMOL stronger. In unity, we can strengthen our lifestyle.

In Regions 12 and 13, there are only **"three of us"** trying desperately to answer resident homeowners questions about their problems and trying to provide solutions for them. Besides myself, I have only two Associate Managers. One, a lady in Calaveras County and the second, a gentleman in Tuolumne County. These two have been a huge help for me, but Zone B has 14 counties. We do not have Managers for Region 12 or 13. If any of you were in our shoes, I know you would feel overwhelmed with too much to accomplish and not enough volunteer help. Sorry folks, **"Cloning is not an option"**.

Please give this some thought. Without enough volunteers to help us with the necessary needs of so many, GSMOL may become a thing of the past. Wouldn't this put a huge smile on the owners of our parks? What I have shared with you is reality, we need for more folks to step forward and help us. There is a very critical need for your involvement.

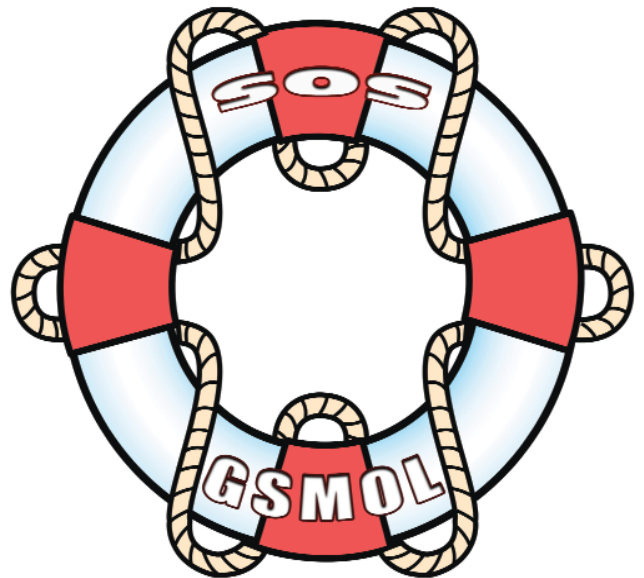
Until next time, may you all be blessed with **"Good Health"** and have a very **"Healthy New Year"**. Page two of the Californian has my contact information for you.

God Bless.

Jim Gullion, Vice-President - GSMOL Zone B

Editorial note: Not only do Regions 12 and 13 need leaders, others in the state do too. See the Who's Who for areas with the greatest need. It takes Leadership and Membership to keep the "SOS GSMOL" afloat. Please seek new members and new leaders in your area to help continue our advocacy and enhance our clout at the state and local level.

YOU NEED US...WE NEED YOU!



GSMOL has been a lifesaver (or **"lifestyle saver"**) for threatened homeowners in California for nearly 50 years. Without more volunteer leaders and an increase in membership, we will face a need to reduce member services, something we are trying our best to avoid. Our continued success in the Courts and in the Capitol is good reason for owners of manufactured homes to belong to GSMOL!

C.O.U.N.T.D.O.W.N TO THE CONVENTION

Our milestone Convention celebrating 50 years of service to homeowners is not much more than a year away. It's time for you and your GSMOL chapter to start preparing for what will be a convention to remember! **Reserve the dates April 13, 14, 15, 2012 in Sacramento, CA.**

For those of you who need help managing your finances in order to save for convention expenses, we have created a "lay-away" program. The following is a description of the program:

NEW LAY-AWAY SHARES PROGRAM

Saving For Convention Expenses for GSMOL's 50th Anniversary Convention.

A LAY-AWAY SHARES PRO-

GRAM is established for members who want to pay for their registration in small amounts over time. The plan allows members to deposit money ahead of time to cover convention registration expenses. When a member registers for convention, the shares are redeemed and applied to the registration fee. Each share costs \$5.00. If you buy a share for \$10.00, that is 2 shares. Here's an example. A member purchases shares amounting to \$50.00 (\$5.00 each month or more). The cost of registration is \$100.

The \$50.00 in shares will be applied to the registration cost of \$100. (Registration cost \$100 less shares \$50 = \$50 remaining to be paid.) This allows members to use the Lay-Away Plan and pay ahead of time and not have to come up with a big amount in a lump sum.

or Mary Hahn, (916)-726-2855, email: **MaryH2811@aol.com.**

What is an Amicus Brief?

Amicus curiae is a Latin term literally translated as "friend of the court", that refers to someone, not a party to a case, who volunteers to offer information on a point of law or some other aspect of the case to assist the court in deciding a matter before it. The information may be a legal opinion in the form of a brief, a testimony that has not been solicited by any of the parties, or a learned treatise on a matter that bears on the case. The decision whether to admit the information lies with the discretion of the court.

GSMOL has filed many Amicus Briefs through the years and most recently filed briefs in support of the cities of Goleta and San Rafael, in facing legal challenges to their local Rent Stabilization Ordinances.



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When a share is purchased, a receipt will be given to you. When you pay for registration, the receipts will be applied to the total registration cost. If you have purchased shares and are unable to attend the Convention, your money will be returned with interest.

The money can be sent to the Garden Grove office, or possibly there will be other contacts who will take the deposits. At the present time, the Convention Co-Chairs will be selling shares. If you have any questions, please call Diana Johnson, phone (650)-369-6842 or cell (650)207-5666, email: **gsmolreg1@yahoo.com**

In Remembrance

We regret to report the passing of the following leaders or their spouses:

- Former Zone A VP Lloyd Logan's wife, Jackie, on January 20, 2011. They had been married for 56 years!
- Region 9 Associate Manager Gail Mertz's husband, Bob, on December 25, 2010.
- Former Region 14 leader, Bob Carson, on December 30, 2010.

Please keep the surviving family members in your thoughts and prayers with the hope they can dwell on their fond memories more than the pain of their loss.

Why Have My Home Registration Fees Gone Up?

Owners of older mobilehomes and paying annual Vehicle License Fees (VLF) on their homes saw a dramatic increase in those fees starting in 2009. The VLF is a value-based tax charged to vehicle/MH owners when they renew their vehicle/MH registration with the DMV/HCD each year. Automobile registration fees were increased at the same rate.

Previously, the VLF was set at 0.65 percent of the purchase price of the vehicle (65 cents per 100 dollars of the sale price). New legislation pushed through to combat California's budget deficit increased the fee to 1.15 percent, or \$1.15 per 100 dollars of the purchase price of the vehicle/home. The increase is earmarked for the state's general fund with a portion going towards the Transportation Tax Fund.

Manufactured homes built on or after July 1, 1980 don't qualify for the VLF roles; instead, those homes are taxed at the same rate as conventional "stick-built" homes. In addition, many pre-1980 homes formerly with VLF classification may have been converted to "property tax" roles at the time of resale, as a way of avoiding paying sales tax. Once switched to property tax classification, it cannot revert back to VLF status.

Below are questions and answers relating to the fee:

Vehicle License Fee (VLF) Increase FAQs

Q What is Vehicle License Fee (VLF) and how is the amount determined?

A The VLF was established by the Legislature in 1935 in lieu of a prop-

erty tax on vehicles. The formula for VLF assessment established by the Legislature is based upon the purchase price of the vehicle/MH or the value of the vehicle/MH when acquired. The VLF decreases with each renewal for the first 11 years. The VLF is part of the total fees due upon initial and annual vehicle/MH registration renewal. This amount temporarily increased to 1.15 percent for most vehicles/MHs effective May 19, 2009.

Q Where does the money go?

A The DMV returns almost all vehicle license fee revenue to the cities and counties. For more details on how your VLF money is used, contact your local city or county government officials. The VLF revenue of 0.65 percent will continue to be distributed to cities and counties and deposited into the Local

Revenue Account and Motor Vehicle License Fee Account in the Transportation Tax Fund. The VLF increase of 0.50 percent will be allocated as follows:

- 0.35 percent to the General Fund
- 0.15 percent transferred to the Local Safety and Protection Account established in the Transportation Tax Fund.

Q Why did the vehicle license fee (VLF) increase?

A The VLF increase is part of the budget plan designed to reduce California's deficit.

Q How long does the increase last?

A The increase will be through June 30, 2011, but may be extended to June 30, 2013.

Continued on page 13

When GSMOL Corporate Counsel, Bruce Stanton, compares the recent Goleta victory with that of the City of Escondido against Yee in 1992, he has first-hand knowledge for such statements. Below, a photo that appeared in the Californian shows Stanton outside the U.S. Supreme Court with a fellow attorney involved in the landmark Yee v. City of Escondido case.



GSMOL's TEAM...

GSMOL CORPORATE COUNSEL Bruce Stanton (left) along with San Francisco Attorney Fran Layton (right) and Law Professor Joseph Sax (not shown), were the authors of GSMOL's important Amicus Brief in defence of Escondido's Vacancy Control Ordinance. (Californian Photo)

FROM THE FILES—1992

GSMOL Legal Fund Contributes \$50,000 to the City of Escondido in the *Yee v. City of Escondido* lawsuit that was heard by the U.S. Supreme Court.



ESCONDIDO MAYOR Jerry Harmon (right), accepts \$50,000 donation from GSMOL War Chest/Legal Fund, from GSMOL State Treasurer Pat Lowery. Donation is to help Escondido's U.S. Supreme Court defense of their historic mobilehome vacancy control ordinance. (Californian Photo)

Yee vs. City of Escondido

GSMOL 'War Chest' donates \$50,000 to Escondido's Vacancy Control Court battle

By Burrell Woodring

ESCONDIDO — A check for \$50,000 from GSMOL's Legal Fund was presented by State Treasurer Pat Lowery to Escondido Mayor Jerry Harmon to help their legal battle in defending the 'Yee' ruling before the U.S. Supreme Court. The ceremony took place Dec. 11 at Escondido's City Hall.

"This donation from the 'Hall' War Chest/Legal Fund," Treasurer Lowery said in her presentation. "Represents the contributions of thousands of GSMOL members statewide," and she said, it reinforces State President Dave Hennessy's and GSMOL's Board of Directors commitment to help Escondido in any way they request.

Mayor Harmon as a city councilman, led the fight several years ago to pass the mobilehome rent ordinance that included vacancy control. He and his fellow council members; Sid Hollins, Kris Murphy, Rick Foster and Mayor Pro Tempore Carla De-Dominicis, have stood fast in

Escondido's legal battles to protect mobilehome owners in their city.

Mayor Harmon, accepting the GSMOL donation said, "On be-

half of the citizens of Escondido we appreciate the financial support this \$50,000 GSMOL has provided, it means a lot to us."

Continued on Page 24

Supreme Court Case Will Be Escondido 'Team Effort'

By Burrell Woodring

The defense of Escondido's rent ordinance in the Supreme Court will definitely be a 'team effort', reports Assistant City Attorney Jeffrey Epp in an exclusive interview with the Californian.

"You have to use a team approach", said Epp as he discussed the upcoming presentation of the *Yee v. City of Escondido* case to the United States Supreme Court, "whether you are pushing legislation or arguing a case before the Supreme Court, and that is what we have done."

Epp said that it was his privilege to have been appointed by Escondido City Attorney David

Chapman to handle the Yee case. He has now been joined by "a good team of conservative law-



ESCONDIDO Assistant City Attorney Jeff Epp

Continued on Page 24

At left, is a reprint from an article that appeared in the *Californian* in 1992.

GSMOL used its "War Chest/Legal Fund" to support the City of Escondido in its fight against *Friendly Hills* park owners John and Irene Yee in a landmark case heard by the U.S. Supreme Court. The Court ruled **unanimously** in favor of Escondido, preserving homeowner protections and the right of cities to enforce protective ordinances. Today, GSMOL's "**Homeowner Defense Fund**" can be used for similar Court cases, or to help ward-off threats at the Capitol. Most MH owners in California have lower rents today than if rent protection ordinances had been outlawed, even if their tenancy is not subject to rent regulation.

MH owners owe a debt of gratitude to the City of Escondido and GSMOL for fighting the "Yee" battle so that rent stabilization ordinances can be enforced today. Ironically, support of MH owners by the citizens and City Council of Escondido has waned in recent years and Escondido is now the only city in San Diego County with a rent stabilization ordinance but no limits on rent increases when homes are sold. Consequently, some park owners more than double the rent upon sale and now own a majority of homes in their communities after confiscating devalued homes for nothing, or pennies on the dollar.

As we face a future of uncertainty, the GSMOL "**Homeowner Defense Fund** (HDF)" is prepared to lend some financial help to the City of Goleta if *Guggenheim v. City of Goleta* is heard by the U. S. Supreme Court. We want to thank all members, MH park HOAs and MH owner advocacy groups that have already contributed to the GSMOL HDF. The Fund will definitely be needed for some purpose in the future and we urge everyone to make some contribution on a regular basis. All you and your neighbors need ask is "**What is maintaining my home value and MH lifestyle worth to me?**"

VEHICLE LICENSE FEE (VLF) INCREASE FAQs

Continued from page 11

Q How can I determine the amount of VLF increase?

A Generally the increase is approximately \$5.00 per \$1000 in vehicle/MH value. For example, a vehicle/MH valued at \$5,000 (when purchased) would see an increase of approximately \$25.00.

Home Owners Paying Property Tax Might Qualify For a Tax Reduction

Drops in home values due to rising rents and the depressed economy might mean you can qualify for a reduction in your property tax. You may also have the right to claim an automatic \$7000 exemption to lower the taxed value on your home. Property tax is based upon value of homes and one way to verify that your home value has decreased is to track sales of comparable homes in your community. If you can document that similar homes have sold for less than your County appraises your home for, you should contact them and request a "Proposition 8" tax reduction. For more information on how you can seek a re-assessment of your home value to lower your property tax, contact your County Assessor.

NEW MH LAWS NOW IN EFFECT

Senate Bill 183 (Lowenthal) - CARBON MONOXIDE ALARMS

Current law requires that smoke alarms be installed in manufactured

homes or mobilehomes. Current law also requires, on the sale of real property or resale of a manufactured home or mobilehome, that a seller provide a buyer with a transfer disclosure statement (TDS) making specified disclosures or certifications regarding the property or home. This measure requires that owners of all existing single-family dwelling units on or before July 1, 2011, and all other existing dwelling units, although not specifically mobilehomes, on or before January 1, 2013, install a carbon monoxide device listed by the State Fire Marshal. The bill also requires the State Fire Marshal to certify and approve carbon monoxide devices for residential use.

Senate Bill 951 (Correa) – MOBILEHOME PARKS ACT: MOBILEHOME PARK MAINTENANCE PROGRAM

This bill extends the sunset for the inspection program to January 1, 2019.

Assembly Bill 2087 (Torres) – CAL-VET HOME LOAN: DEFINITION OF "HOME"

This bill expands the definition of "home" (including mobilehome) to include residences with 2-4 units, inclusive, that satisfy specified requirements and that are only occupied by veterans and their families.

Assembly Bill 2120 (Silva) – MOBILEHOME PARKS: MOBILEHOME RESIDENCY LAW

Existing law requires the management of a mobilehome park to provide all homeowners with a copy of the Mobilehome Residency Law by February 1 of each year, if a significant change was made in those provisions by legislation enacted in the prior year. **This bill requires management to provide all homeowners with a copy of that law or to**

notify all homeowners that a change has been made in those provisions and provide a copy to the homeowner upon request.

Assembly Bill 2136 (Perez; Salas) – CalHOME MOBILEHOME REHAB FUNDS

Existing law permits CalHOME loans to be used to enable low-income mobilehome owners to repair, rehabilitate or replace their mobilehomes in mobilehome parks. These secured forgivable loans requirement have been changed as follows: due and payable in 10 years, with 20% of the original principal to be forgiven annually for each additional year beyond the 5th year that the mobilehome is owned and continuously occupied by the borrower

Did your park owner provide you with a copy of the 2011 CA Mobilehome Residency Law (MRL), or a notice that it is available to you? The MRL is the homeowner "**Bill of Rights**" that provides important rights and protections and should be made available no later than February 1 of each year. If you don't have a copy, you should ask for one, or find it at: **www.gsmol.org**. Study it; know it; value it; **USE IT!**

GSMOL WHO'S WHO

ZONE A

(REGIONS 4, 11 & 14)

REGION 4

COUNTIES: *Butte, Glenn, Shasta, Siskiyou, Tehama and Trinity*

REGION MANAGER Anne Rucker

Chico Mobile Country Club
1901 Dayton Rd. #132
Chico, CA 95928
Phone: (530) 343-3904
karucker@sbcglobal.net

ASSOCIATE MANAGERS Gail Lawrence

Chico Mobile Country Club
1901 Dayton Road #135
Chico, CA 95928
Phone: (530) 342-7550
gail.lawrence@sbcglobal.net

Dick Ault

Dingerville
5813 Pacific Heights Rd., #104
Oroville, CA 95965
Phone: (530) 534-5878

REGION 11

COUNTIES: *Amador, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas and Sierra*

REGION MANAGER Michelle Smith

Crestview Mobile Park
6387 Mother Lode Dr. #33
Placerville, CA 95667
Phone: (530) 622-9865
melizabeth2@sbcglobal.net

ASSOCIATE MANAGER Shirley Dajnowski

Rollingwood Mobile Estates
20 Rollingwood Dr. #125
Jackson, CA 95642
Phone: (209) 223-3348
SadieBlu@att.net

REGION 14

COUNTIES: *Colusa, Sutter, Sacramento, Yolo and Yuba*

ASSOCIATE MANAGERS Kenneth (Ken) McNutt

Golden Palms MH Estates
8181 Folsom Blvd. #243
Sacramento, CA 95826
Phone: (916) 383-1820
kenmac@dslextrame.com

Ruth DeGroot

Galt Mobile Estates
820 N. Lincoln Way #90
Galt, CA 95632
Phone: (209) 745-6570
r-rdegroot@softcom.net

ZONE A-1

(REGIONS 1 and 2)

REGION 1

COUNTIES: *Alameda, San Mateo, Contra Costa, Santa Clara and San Francisco*

ASSOCIATE MANAGER Chet Smith

Palo Mobile Estates
1885 E Bayshore Rd. #45
Palo Alto, CA 94303
Phone: (650) 323-5757
chetsm1c@unionplus.net

REGION 2

COUNTIES: *Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano and Sonoma*

ASSISTANT MANAGER Bill Donahue

Sandalwood Estates
28 Oakwood Dr.
Petaluma, CA 94954
Phone: (707) 765-2556
WilliamDonahue28@hotmail.com

ASSOCIATE MANAGERS Larry Asp

Napa Olympia
244 American Canyon Rd., #84
American Canyon, CA 94503
Phone: (707) 557-4968
lasp@worldnet.att.net

Richard Hofmann

Olympia Mobilodge
97 Palm Drive
Vallejo, CA 94589
Phone: (707) 642-8650
rhofmann2001@yahoo.com

Barbara Butler

Calistoga Springs
35 Magnolia Drive
Calistoga, CA 94515
Phone: (707) 942-8119
barbutler@hotmail.com

Herbert Golenpaul

Pueblo Serena
91 La Paz Drive
Sonoma, CA 95476
Phone: (707) 996-5964

Linda Adrain

Journey's End
571 Biltmore St
Santa Rosa, CA 95403
Phone: (707) 577-0783
lindaadrain@yahoo.com

Richard Olden

Rancho Benicia
300 E. H St #195
Benicia, CA 94510
Phone: (650) 315-6799
oldenconsulting@yahoo.com

Mary Kay Macy

Rancho de Calistoga
2412 Foothill Blvd., #12
Calistoga, CA 94708
Phone: (707) 341-3140
kate10033@comcast.net

ZONE B

(REGIONS 12 and 13)

REGION 12

COUNTIES: *Fresno, Inyo, Kern, Kings, Madera and Tulare*
[Vacant]

REGION 13

COUNTIES: *Alpine, Merced, Calaveras, Mariposa, Mono, San Joaquin, Stanislaus and Tuolumne*

ASSOCIATE MANAGERS Bill Toth

Sonora Estates
22466 S. Airport Rd. #53
Sonora, CA 95370
Phone: (209) 588-9146

Jacque Record

Dun-Rovin MHP
395 Stanley Rd., #34
West Point, CA 95255
Phone: (209) 293-7141

ZONE B-1

(REGIONS 8 and 10)

REGION 8

COUNTIES: *San Luis Obispo, Santa Barbara and Ventura*

CO-REGION MANAGER Marie Pounders (North)

Sea Oaks
1675 Los Osos Valley Rd. #205
Los Osos, CA 93402
Phone: (805) 528-0825
merrymp@yahoo.com

ASSISTANT MANAGERS Barbara Tolerton

Country Estates
109 Blackburn Place
Ventura, CA 93004
Phone: (805) 647-1935
oldvalleygirl@aol.com

Bill Heintz

Casa Grande Mbl Ests
519 W. Taylor St., #305
Santa Maria, CA 93458
Phone: (805) 260-4809
jjent20@hotmail.com

Joan Harper

Laguna Lake Mbl Ests
1012 Kerry Dr
San Luis Obispo, CA 93405
Phone: (805) 543-7946
nutmegger36@att.net

ASSOCIATE MANAGERS Ventura County

Pat Brown

Royal Palms Mobile Park
205 Drifill Blvd. # 11
Oxnard, CA 93030
Phone: (805) 483-7575
South Santa Barbara Co.

Sam Herr

Rancho Granada MHP
5750 Via Real, #214
Carpinteria, CA 93013
Phone: (805) 684-3328
samuelh66@aol.com

Anne B. Anderson

Rancho Santa Barbara
333 Old Mill Rd., #161
Santa Barbara, CA 93110
Phone: (805) 895-8319
a.bushnell.anderson@gmail.com

REGION 10

COUNTIES: *Monterey, San Benito and Santa Cruz*

REGION MANAGER Richard Halterman

Castle Mobile Estates
1099 38th Ave. #16
Santa Cruz, CA 95062
Phone: (831) 476-0337

ASSOCIATE MANAGER Mardi Brick

De Anza Santa Cruz MHP
2395 Delaware Ave. #59
Santa Cruz, CA 95060
Phone: (831) 459-9459
marbrik@sbcglobal.net

ZONE C

(REGIONS 3, 5 and 6)

REGION 3

Los Angeles County

REGION MANAGER Jim Anderson

Fountains MP
3530 Damien Ave #145
La Verne, Ca 91750
Phone: (909) 392-9942
jdanderson2001@live.com

REGION 5

Orange County

REGION MANAGER

Mary Jo Baretich
Cabrillo Mobile Park
21752 Pacific Coast Hwy, #23A
Huntington Beach, CA 92646
Phone: (714) 960-9507
mjbaretich@hotmail.com

REGION 6

San Bernardino County
[Vacant]

ZONE D

(REGIONS 7 and 9)

REGION 7

COUNTIES: *San Diego and Imperial*

REGION MANAGER

Frankie Bruce

Village Green MHP
10771 Black Mtn. Rd. # 100
San Diego, CA 92126
Phone: (619) 804-0735
francesbruce@att.net

ASSOCIATE MANAGERS

Homer Barrs

Mission Valley Village
6892 Mission Gorge Road
San Diego, CA 92120
Phone: (619) 546-7636
homer.barrs@yahoo.com

Frank Merrifield

Rancho San Luis Rey
200 N. El Camino, #92
Oceanside, CA 92058
Phone: (760) 754-8420
cfm3@cox.net

Pat La Pierre

Otay Lakes Lodge
1925 Otay Lakes Rd. #111
Chula Vista, CA 91913
Phone: (619) 421-9749

Karen Bisignano

Mission del Magnolia
10800 Woodside Avenue #204
Santee, CA 92071
Phone: (619) 448-9404
smoac@juno.com

Penny Vaughn

Otay Lakes Lodge
1925 Otay Lakes Rd. #19
Chula Vista, CA 91913
Phone: (619) 216-7221
hle-pdv@cox.net

REGION 9

Riverside County

ASSOCIATE MANAGERS

Ivan McDermott

Country Lakes MHP
21100 Hwy. 79, #122
San Jacinto, CA 92583
Phone: (951) 654-7297
Unk7828@cs.com

Gail Mertz

Riverside Meadows
4000 Pierce St. #346
Riverside, CA 92505
Phone: (951) 359-4619
g.mertz@sbcglobal.net

Grant Yoders

Sun Meadows
27250 Murrieta Rd. #205
Sun City, CA 92586
Phone: (951) 679-7030

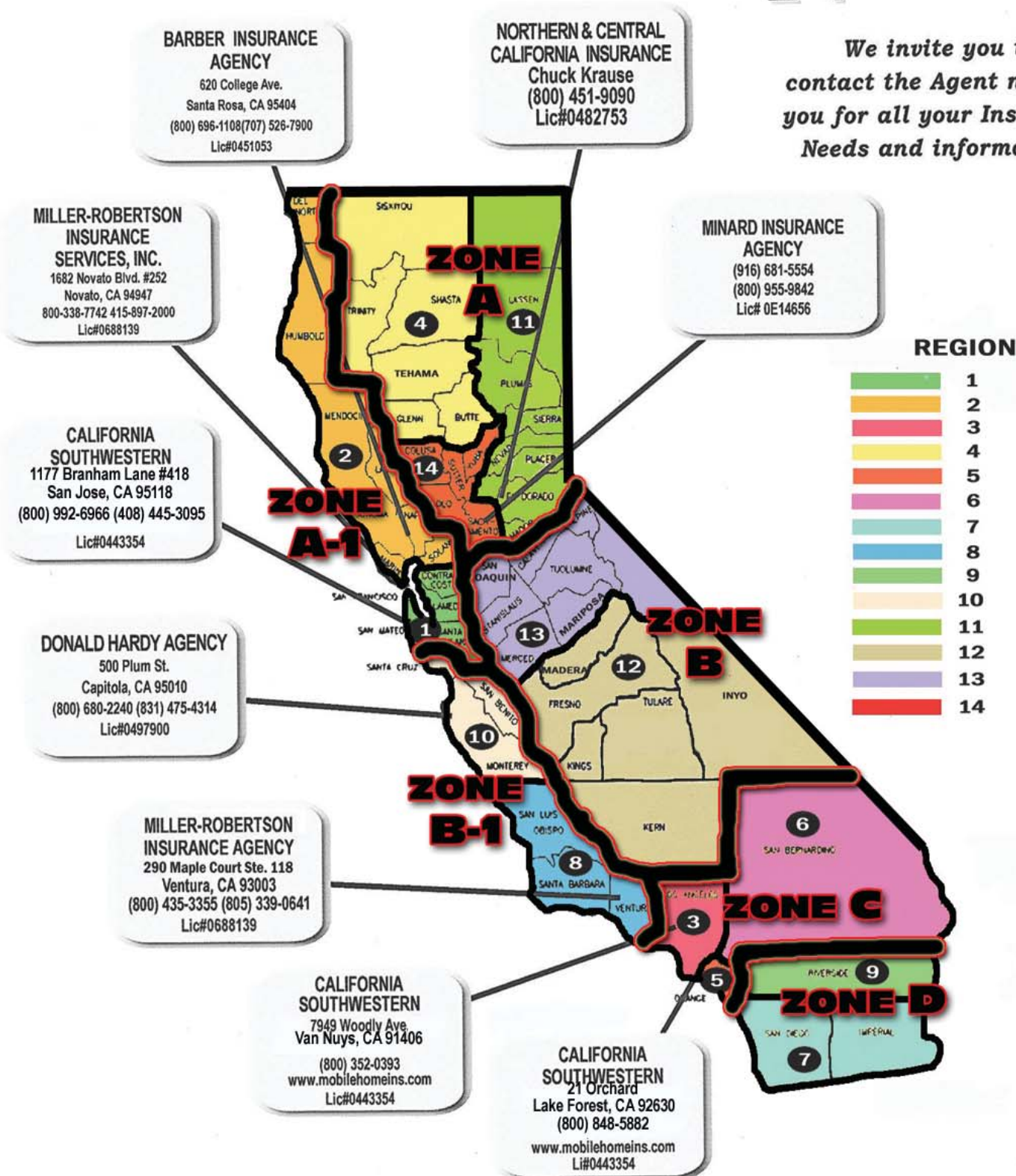
Donna Banks

Arroyo Fairways
PO Box 310
Sun City, CA 92586
Phone: (951) 927-3397
casabubble@aol.com

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We invite you to contact the Agent nearest you for all your Insurance Needs and information!



FIVE FOR FIVE REWARDS PROGRAM

APPLICATION FOR REWARD

(New members only - no renewals)

Mail or fax completed form to the home office, Fax No. (714) 826-2401

Please fill in new members' names, park, space number, and when they joined, below and mail or fax to the home office. After verifying by the home office, a \$5 reward check will be mailed to the individual or chapter named at the bottom of this form. Please send in all new membership applications as soon as you receive them. Do not hold them for this program. This program only requires that you keep track of who they are, and list them on this form.

(More than one person living in the same home and paying one membership dues count as one member for this program.)

PLEASE PRINT LEGIBLY

NEW MEMBERS' NAMES

PARK NAME

SPACE NO. MONTH AND YEAR JOINED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please send \$5 reward check to:

_____ name _____ address

(Note: If the reward is going to a chapter's treasury and the chapter does not have a bank account, the check should be made out to and mailed to a chapter officer. The officer can then cash the check and put the money into the chapter treasury.)

use this Application to give a "Gift of Membership" to a non-member!

MEMBERSHIP APPLICATION

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE, INC. 800/888-1727 714/826-4071



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- ☐ **THREE-YEAR GSMOL MEMBERSHIP for \$70**
- ☐ **ONE-YEAR ASSOCIATE MEMBERSHIP for \$50**

(Associate members do not own manufactured homes. They do not have voting rights and cannot hold office in GSMOL.)

Comments (For Office Use):

First Name	Initial	Last Name
Spouse/ Second Occupant		
Park Name	Park Owner	MGMT. Co.
Street Address		Space Number
City	State	Zip Code
Daytime Phone Number		Alternate Phone Number
Email Address		
Signature		Membership Recruiter (if applicable)

- ☐ **New Member**
- ☐ **Renewing Member**

GSMOL Chapter # _____

Check # _____ / CASH

You can also contribute to any of the following GSMOL dedicated funds:

DEFENSE IN THE COURTS \$ _____

DEFENSE AT THE CAPITOL \$ _____

Disaster Relief Fund \$ _____

Enforcement Legal Fund (ELF) \$ 10

DETACH AND KEEP FOR YOUR RECORDS Thank you!

Check # _____ Amount _____ Date _____



FILL-OUT AND RETURN THIS FORM ALONG WITH YOUR CHECK TO: **GSMOL, 11021 MAGNOLIA ST., GARDEN GROVE, CA 92841**