

THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

Volume 46 Issue 6 --GSMOL-- Advocating for Homeowner Rights Since 1962 November/December 2011

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AND HAPPY HOLIDAYS

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2400 W. Midvalley Ave., Maple 4

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Phone & Fax: (559) 732-2177

jimburr@gsmol.org

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Phone: (916) 635-3346

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tpsheahan@cox.net

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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@sbcglobal.net

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(See map on page 15 for Zone boundaries)

President's Report



**Jim Burr, GSMOL
State President**

So, Just What Has GSMOL Done For You In The Last Fifty Years?

Because this will be the last issue of our newsletter for the year, it is fitting and appropriate that we reflect on our accomplishments as GSMOL prepares to celebrate its 50th Birthday during the April 2012 Biennial Convention – only five months from now. Just how should we answer the often-asked question “What has GSMOL done for me?”

GSMOL started in a small park in San Jose in 1962 and quickly became a 501 (c)(4) nonprofit public benefit corporation to serve the needs of manufactured homeowners in privately owned, space rent parks. As a 501 (c)(4), and its Political Action Committee (PAC), it began to endorse and support legislators who would introduce laws to create and insure fairness and affordability in manufactured home communities. Over the last 30 years, GSMOL retained attorneys to serve as Legislative Advocates and worked with legislators on behalf of manufactured homeowners throughout the state.

As a result, GSMOL is the entity that is single most responsible for enacting the provisions contained in Chapter 2.5 of the State Civil Code – known as the Mobilhome Residency Law (MRL). The MRL has become the most extensive body of state laws protecting manufactured homeowners in the country.

Consider this – a woman living with her family in a Midwestern mobilehome park was distributing flyers to organize homeowners in another park on a Saturday.

Shortly after, she received an eviction notice as a result of her advocacy. This state processes evictions by charging the homeowner with trespass, handcuffing them and throwing them in Jail. So she turned herself into the local police the next day, Sunday, and was handcuffed and ushered into a jail cell. She did this on Sunday because the police department knew she worked in the bank in town; in fact, she was the Operations Manager and feared they would have arrested her at work the next day, handcuffed her and led her off to jail. She knew this would not look good for the bank or her continued employment there...

This did not happen in Dodge City, Kansas in 1947, this occurred in a small town in Montana in 2008! In our state, there are only seven reasons for a Just Cause Eviction, and passing out flyers in a neighboring park is not one of them! We can compare our “Just Cause” eviction to “just cuz” evictions in many other states where homeowners can be given a 30-day notice to remove their home and all belongings from the park!

This causes us to wonder if a resident who asks, “What has GSMOL done for me” could – at that very moment – be enjoying one of the many other provisions of the MRL and other benefits due to efforts by GSMOL and our supporters. This could be holding a Chapter meeting in their clubhouse, having a meeting with a reluctant manager, inviting candidates to speak in the clubhouse and posting campaign signs.

This also includes the ability to enact rent control ordinances in 120 jurisdictions throughout the state that also serve as a deterrent against spiraling rents in unregulated communities. And the League has repeatedly defended us against threats to take away our rent control protections.

And don't forget the “The 17-Year Rule”; giving us the right to sell our homes in-place rather than requiring they be moved from the park upon sale – this is one of our greatest protections.

Then add the ability to establish rent control laws, now in 20 cities and counties with the added benefit of providing a deterrent to spiraling rents in unregulated areas.

To those who ask “What has GSMOL done for me, LATELY!”, we have added more recent improvements occurring over

the last 18 months, as follows:

In April 2010, you elected a new President and several new Board members – we now have a new majority on the Board of Directors. Most of the “new blood” comes from active HOA's throughout the state. This new leadership has ushered in a “New GSMOL”, in the form of several new projects and benefits for our members and homeowners throughout the state. While we have enhanced our efforts in Sacramento, the improvements go well beyond the legislature. They include but are not limited to the following:

Creating a greater presence in the various Regions in the state by recruiting and training 47 percent more Region Officers to serve you. They do this by helping you to help yourselves with issues in your park and community. However, this increase is not enough; we still need more to fill the holes in our local areas, so if you are interested please contact your Zone VP who you will find listed in this issue.

The good work of the additional Region Officers has resulted in new members, as well. Yet those who do not renew challenge us. They are not limited to those who pass-away or leave their homes for assisted living or subsidized housing. It includes those who simply don't realize the benefits of membership that this message is intended to convey.

Other new benefits are found in our website at GSMOL.org, where you will find new reference sources and helpful current information.

We have a new 501(c)(3) nonprofit intended to empower manufactured Homeowners with grassroots education. This is a separate nonprofit entity under another Board of Directors that will supplement our efforts with new sources of tax deferred funds to be used for education and training.

We are working on revising the insurance premium discounts similar to those of the past. This will add an incentive to joining the League, particularly if the annual premium discounts can be greater than the annual GSMOL dues. This is still a work in progress that looks promising.

Continued on page 8

Capitol Report

Assessing the Political Landscape

By Brian Augusta, GSMOL Legislative Advocate

As we near year's end it's a good to reflect upon the months behind us, and those that lie ahead.

First, let's look at the year behind us. 2011 has been an interesting year for GSMOL and its supporters. While GSMOL did not win any new initiatives in the Capitol, Manufactured housing owners can be proud of the support they have won in the legislature. GSMOL has always enjoyed strong support from members of the legislature. In the past year, we have added to that support, winning new allies in the Senate and Assembly, through the hard work of homeowners making sure their voices were heard. It's an encouraging trend which readers of the Californian should be proud of: you helped build it.

What opportunity does the New Year hold for manufactured homeowners? 2012 marks the beginning of an important election year—with the November General Election less than a year away. This coming year's election is unique. First, it's a presidential election year, which means higher-than-usual turnout at the polls, a factor that can change the shape of races for state and local elected office.

On top of that, the state's redistricting commission finished its work earlier this year, the once-per-decade effort to redraw the boundaries of political districts to reflect the latest census data, and the changes in some areas have been significant. For instance, some sitting legislators find themselves

drawn out of their district—such as Senator Sam Blakelsee, a Republican legislator whose home is in the middle of a new district with a predominately Democratic registration. In other cases, two sitting legislators find that they both now live in the same district, forcing one to move or face the prospect of losing to the more popular of the two incumbents. Even those that don't face those challenges must learn their newly re-drawn districts, since the new boundaries have them representing new neighborhoods and even new cities.

Finally, in 2010 voters approved Prop. 14, which established the new “top two” system for general elections. Traditionally, the top vote-getter for each political party advances to the General Election; the top Democrat faces the top Republican, joined by the top third party candidates. But under the new system the top two vote getters in the primary—regardless of political party—face each other in the general election. The result: in some districts the top two vote-getters may be from the same party—Democrat v. Democrat or Republican v. Republican. Some experts believe that where this happens—it may force the opposing candidates to be more moderate in hopes of picking up the votes of independents or voters whose party is not represented in the General Election. In short, with all of these changes, it is expected to be a challenging election cycle, in and out of the Capitol.

What does all this mean for manufactured homeowners? Out of all these challenges come opportunities. In the next year, there will be many new faces among state legislators—as many as 35 of the 80-member Assem-

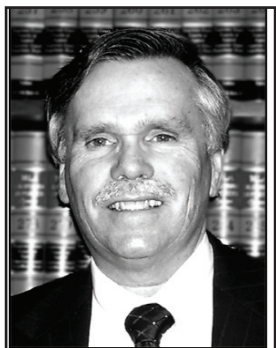
bly may be freshmen this year. Even if the legislator is not new to the Capitol, they may be new to you, as shifting boundaries have moved some areas from one incumbent to another. So now is the time to get to know the candidates or your new legislator to learn their views on manufactured housing, and to educate them on the issues homeowners care about most. Go to their candidate forums, town hall meetings or open office hours. Make sure they know you're a manufactured homeowner and that you vote!

Speaking of voting, as a GSMOL member you are no doubt registered to vote, and head to the polls in every election, right? But what about your friends and neighbors—are they registered to vote? If not, now might be a good time to organize a non-partisan voter registration drive in your park.

Why not get involved in your local Assembly and/or Senate race, and help support the candidate of your choice? Organize a candidate's forum in your park and invite neighboring parks to join in. If you and your neighbors spend some time now to get to know the candidates, you'll likely have no problem selecting the one that supports the interests of manufactured-home owners.

Have some other ideas about how manufactured-home owners can get involved in the upcoming elections and educate candidates on manufactured housing? Include voter activities in your individual section reports. We can share it in an upcoming edition of the Californian.

END OF YEAR WRAPUP: QUESTIONS AND ANSWERS



By: Bruce Stanton, Attorney

ABOUT THE AUTHOR: MR. STANTON IS A SAN JOSE ATTORNEY WHO HAS REPRESENTED MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS., AND IS CORPORATE COUNSEL FOR GSMOL

With 2011 nearly over, and 2012 almost upon us, it's time to provide a few legal updates and answer a few more questions from homeowners.

Question: Our park owner allows dogs for pets, but does not allow any pets to be walked in the park, even if on a leash. Residents are forced to transport dogs by car or baby stroller out of the park in order to walk them. Is this legal?

The answer is "no"; this rule is unreasonable. As always, the answer to this question is found in the Mobilehome Residency Law (MRL). Civil Code sec. 798.33 provides that a park owner cannot prohibit all pets, and must allow a homeowner at least one pet, "subject to reasonable rules and regulations of the park". A dog falls within the definition of an allowable pet. We can presume that if the Legislature wanted to ensure that mobilehome residents can have a dog, that it was also their intent that the resident be able to care for and provide what is best for the dog, and to preserve its health and welfare. Keeping pets in unhealthy conditions would make no sense. Walking a dog is usually essential in order to keep

them healthy and happy. The question is thus whether it is "reasonable" to ban all walking of pets, even if local "leash laws" are being complied with. Remember that only rules and regulations which are "reasonable" can be enforced by a park owner.

The majority of mobilehome parks throughout California provide in their pet rules that a pet may be walked in the park, provided that it is kept on a leash and supervised at all times. Such a rule is reasonable, and comports with the leash law requirements of most Cities and Counties. I have encountered a few parks which do not allow a dog to be walked anywhere within the park premises, even when the dog is on a leash. Residents are forced to transport their pets outside of the park in order to get exercise. This is not only a major inconvenience, but may prove to be impossible for some residents who are not ambulatory, do not drive or are otherwise incapable of walking the distance required to exit the park. As a result, such a blanket ban would appear to go too far, and amount to an unreasonable rule that cannot be enforced.

Park owners who have such a rule are likely to argue that it is somehow unsafe for dogs to be walking on streets being used by vehicles or other residents; i.e. that they could be hit by cars, or could bite residents walking within distance of the leash. But absent any conduct by a certain dog that would place it in such a high risk category, banning all pets from being walked paints with too broad of a brush and goes too far. Pets obviously need to be controlled by their owners, and if not, then a ban against a particular pet proven to be dangerous or uncontrollable may be necessary. But residents should be able to walk their pets near their homes, where the resident feels safe, and which is convenient for those who are not able to easily go elsewhere. Where some parks are located, it is not even possible to walk pets just outside of the park entrance, and residents would be forced to travel unfair distances in order to find a suitable place. Park streets which comply with

Title 25 requirements should be more than wide enough to accommodate walking by residents, and by residents with pets.

Residents living in parks which ban all pet walking should organize and use their homeowners association or GSMOL Chapter to petition management in writing that the rule be changed to allow leashed pets to be walked on the park streets. If the park owner refuses, we recommend that you contact GSMOL for further assistance.

Question: Our park is a Senior Park and has been one for some time. We have heard rumors that the park owner wishes to convert to an all-age park, which many residents oppose. Can the park owner unilaterally change the age status of the park?

This question is being asked more often as more and more parks which have been operated as a 'senior park' are being converted to all ages. While some residents, especially those who might wish to move, prefer this change since it is easier to sell one's home to younger, income producing families, many seniors residing in the park are greatly distressed by the prospect of noise and increased density that younger persons create. For them, the presence of families is considered a nuisance, and will greatly impair the quality of living upon which they counted when they purchased homes within the 'senior' community. This is one of the most critical issues they will confront, and goes to the very heart of their lifestyle. There is a lack of cases on the subject, and it is thus not a question which can be easily answered. Some park owners are fond of threatening to go "all age" as a way of leveraging demand for larger rent increases or to obtain other concessions, and residents often feel the need to give in to such threats in order to maintain the senior status of their community.

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END OF YEAR WRAPUP: QUESTIONS AND ANSWERS

By: Bruce Stanton, Corporate Counsel

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The issue really boils down to two competing interests: On one side the park owner owns the land, and will assert the right to do with the land what it wishes. On the other is the interest of the homeowners to maintain the type of community upon which they relied when they purchased their homes in a senior community. With no cases on point, we must look to various areas of the law to analyze these competing rights. Residents will need to establish two things in order to block the change.

First, they must prove the existence of an enforceable promise to keep the park senior. Enforceable land use restrictions can be agreed to by the parties in what is called a "covenant". The restriction becomes binding and important, and the landowner must honor its terms. A restrictive covenant limiting the age of occupants in a park is governed by the following:

- It must be express (i.e. in writing and clearly stated), and not implied;

- It will be strictly construed and interpreted against the person seeking to enforce it; i.e. the intent of the parties must be clearly shown, and any doubt resolved against enforcement; but if it is clear, then a court will enforce;

- The content of a covenant is controlled by the terms selected by the parties;

- Restrictive covenants are strictly construed in favor of the free use of property;

- A primary objective is also to honor the desires of the contracting parties.

Mobilehome park age restrictions are not contained in the typical document, such as "CC & R's" that a condo association might record. The

"covenant" will need to be proven from the lease or rental agreement, or the rules and regulations which are made a part of the lease contract, together with other documentary evidence of the "retirement community" that was in use. Language in an advertising brochure might be very important to establish the existence of an enforceable covenant that the park will remain a 'senior park'. Residents opposing a change to all ages will need to establish that there is something more than a mere rule or regulation (which a park owner can admittedly change without resident consent), but rather that there is a covenant running with the land which cannot be changed.

Another issue is the duration of the covenant. The burden of showing that a covenant is permanent can be very difficult in the absence of a recorded restriction in the chain of title for the park (which is unlikely). The duration of a restriction may be limited by its terms, and there must be a clear and convincing reason based upon "fairness" to justify its continuance. A covenant silent as to its duration may be enforced indefinitely as a continuing obligation, or may be subject to enforcement for a "reasonable time", depending upon the circumstances. Residents would want to prove that the covenant to maintain a retirement community is continuing. Otherwise, seniors would not have wanted to purchase a home here. Again, this will be the residents' burden of proof.

Second, residents must prove that they relied upon the covenant when moving into the park. This doctrine, called "promissory estoppel", holds that if a promise is made which is reasonably relied upon and induces substantial action and reliance as a result, then the party making the promise is prevented from disregarding the prom-

ise, and it is binding. To prove this ground, residents must show:

- A promise that this is a senior park and would remain that way;

- That the promise is clear and unambiguous;

- Reliance on the promise by as many residents as possible who testify that they relied upon the representations of a senior park, and that this reliance was "reasonable" (i.e. no one could have suspected that the park owner might change the age rules in the future);

- That the residents' reliance upon senior park representations was "foreseeable" by the park owner;

- That injury or damages were incurred by the homeowners as a result of this reliance.

The success of this theory shall depend entirely upon the testimony of the residents; i.e. the nature of representations made to them at time of purchase on which they relied.

Lastly, the issue of the passage of time could be important, for if the park has slipped below the 80% qualifier standard set forth in the Federal Law (i.e. at least one person 55 or older must occupy 80% of the spaces), then it would not be possible to reverse the trend and damages would be the residents' sole remedy.

This will not be an easy case. With no precedents in case law upon which to rely, residents will need to argue their case based upon the legal above principles, with perhaps other creative theories that could come into play. Success will depend upon the facts of each case. Any such case which is filed in court could end up making new law in the mobilehome/fair housing field.

GSMOL COMMUNITY ORGANIZING AND GRASSROOTS UPDATE

By Evan Hawkins, GSMOL Community Organizer

Although SB 444 ultimately did not pass the Senate floor, there were many positives to take away from our efforts on the bill. Specifically, our unprecedented outreach efforts to legislators. In the end, SB 444 received aye votes from Senators who had not voted in support of our position on condo-conversions in the past. We were able to sway their opinions because of the letters, calls and visits GSMOL members made.

Shortly after SB 444's defeat, we decided to continue the momentum from these efforts and build up leadership and membership in the areas

where we had the biggest impact with our SB 444 outreach. We came up with a plan to set up meetings across the state to accomplish this goal. During the past three months, I have traveled to five different areas where we have had great results. I'd like to share some examples of these meetings.

In Rialto, we held a meeting at Cypress Gardens Mobile Home Park where GSMOL chapter President Bill Brake did an excellent job for the members of the park. Bill reserved his clubhouse, passed out flyers around not only his park, but neighboring parks as well. There were over 30 manufactured home owners in attendance, many of whom had never been to a GSMOL meeting before.

well organized chapters headed by chapter presidents Loren Cross and Gary Smith. For each meeting, the leaders at these parks got great turnout from their residents as well as residents from the nearby parks. Those who attended the meetings were able to have discussions with guest speakers Bruce Stanton (GSMOL corporate council) and Donna Cox (San Jose Mobile Home Advisory Commission). In an area where GSMOL was previously very strong but currently has very little leadership, these meetings peaked the interest of many park residents who became members for the first time and volunteered to take on leadership roles. Zone VP Roger McConnell has informed me that we could have as many as five new leaders in this area because of these two meetings.

After the meeting, we had signed up 11 new members, had a number of people express interest in becoming park leaders and developed a plan to organize a super-chapter consisting of two parks (Cypress Gardens and El Rancho Verde) that were very active in the SB 444 efforts. Going forward, we can now be even more successful in this area of the state.

A couple weeks after the meeting in Rialto, we held two meetings in San Jose at Quail Hollow and Millpond mobile home parks. Both of these parks have very

Following our outreach in San Jose, I traveled to Huntington Beach for a meeting at the Rancho Huntington mobile home park. Region Manager Mary Jo Baretich and associate managers Nancy Meeks and Tim Geddes joined me as we held a meeting with 80 passionate manufactured home owners. The residents of Huntington Beach had recently fought off an attempt to dismantle the mobile home advisory commission in the city and were energetic and geared up to get their park organized for the next challenge. After the meeting, residents of the park decided that they wanted to start a chapter. The park previously had no GSMOL members. Mary Jo is now working with the leaders there to build a strong chapter where GSMOL had no presence before.

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GSMOL COMMUNITY ORGANIZING AND GRASSROOTS UPDATE

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Another place where we had a successful outreach meeting was Desert Hot Springs. We had residents from four different parks attend the meeting, which was held at Tamarisk Mobile Home Park. Manufactured home owners here have been faced with questionable pass-throughs and had many questions about their rights as residents in their park. Judy Jahn, who recently committed to serve as an Associate Manager in the area, organized a meeting that was packed from wall-to-wall. Judy, along with Region Manager Donna Banks, is currently working with park residents here to create or reactivate chapters in each of these parks. Manufactured home parks in Desert Hot Springs are well on their way to becoming much more organized and prepared to tackle the issues they face on a day-to-day basis.

Finally, we visited Meadowbrook Mobile Home Park in Santee. We met with HOAs, GSMOL members and non-GSMOL members throughout the day from numerous parks in the area. Co-Region manager Don Greene joined Jim Burr and I as we answered questions about legislation, local rent control, pass-throughs and other pressing issues for the folks of the Santee area. Nearly 100 people attended our largest meeting yet from a diverse group of parks with many different challenges.

Working with local Associate Manager Karen Bisignano, we signed up many new members and developed plans to organize and mobilize parks in an area with great potential to develop leaders and increase membership.

We whole heartily believe that these meetings will build GSMOL into a stronger organization. I have personally met with many manufactured park residents who are eager and ready to build a strong organized park where they live but just need a little guidance and motivation

- these meetings have provided that. For those of you that I haven't visited yet, I look forward to working with you in the future. While working with local GSMOL leaders, we will build on the successes we've had thus far and together build GSMOL into the organization that we all believe it can be.

Presidents Report

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The Board is seeking ways to liquidate some of the equity in the GSMOL Building in Garden Grove. The office is three-times larger than our current needs and this can become a source of capitol to be used in part to improve our membership database and anti-

quated automation system so the office staff can respond to member's questions more quickly and accurately.

Finally, we are very proud of the rich heritage that our GSMOL predecessors have given to us as members. And we are equally proud of our present enthusiastic and energized Board of Directors. They certainly create the potential for additional growth and improvements for members to enjoy in the New Year. This, in turn, will contribute to our ability to retain and improve our manufactured housing lifestyle in 2012 and beyond...

Please don't let this happen without you!

MHOAA National Convention

Manufactured Home Owners Association of America (MHOAA) held its annual convention in the Washington, D.C. area October 20-22. MHOAA is the national counterpart of GSMOL that advocates for MH owner rights at the Federal level. It networks state advocacy groups as well as serving individual homeowners associations and individual members. GSMOL is a charter member of MHOAA and our former GSMOL President, Tim Sheahan, has served on the MHOAA Board of Directors for several years.

Having the convention near the nation's Capitol enabled attendees to spend part of one day visiting Legislators from their own states. MHOAA members from 17 states made more than 40 in-person meetings with legislative staff members. They presented several issues that manufactured home owners would like to see addressed at the Federal level. These include: a **bill of rights** so that mobile/manufactured home owners in all states may enjoy the same constitutional protections as others (unlike most states, California already has some of the best homeowner protections in the country through our Mobilehome Residency Law); a **tax credit bill** that provides incentives when a community owner sells the land to a homeowners association or other qualified non-profit owner; and a bill that would provide assistance to home owners who want to **replace pre-1976 homes** with new energy efficient models.

MHOAA has some influential partners at the Federal level including: **Corporation for Enterprise Development (CFED)**, **NeighborWorks America**, **National Consumer Law Center (NCLC)** and **ROC USA**. These partnerships have helped MHOAA create a presence on Capitol Hill so the voice of MH owners can be heard. For more information about MHOAA visit their website at: www.mhoaa.us.

COUNTDOWN TO THE CONVENTION

Convention Logo Needed

The GSMOL 50th Anniversary Convention needs artists, would be artists, doodlers, etc., to design a logo reflecting our last 50 years, the present path to a new future, or a representation that would reflect this anniversary celebration. The design will be used in many ways at the convention: programs, cups, pens, hats, etc. We need ideas drawings, pictures, or anything you think a logo should be by January 30, 2012 at the latest.

Please submit any designs to the Convention Committee, Mary Hahn, 916-726-2855, email: maryh2811@aol.com, Diana Johnson, 650-369-6842, or Tim Sheahan, 760-727-4495, email: tpsheahan@cox.net, or send it to the Garden Grove office.

50th ANNIVERSARY COMING UP

April 13-15, 2012 is rapidly approaching when GSMOL will celebrate its 50th Anniversary at our next biennial Convention. It's a great achievement when an organization is able to celebrate a 50 year history of advocating and protecting the rights of mobilehome owners throughout the state. We want to make this Convention a celebration to be remembered. Informational workshops will be offered Friday and Saturday in "break-out" sessions of an hour for each topic. A question and answer period will be included in each session to relate the subject to issues within your individual parks. Evaluations from last year's workshops included: "fast paced, and understandable with questions an-

swered very well; "liked the legal sources and information; "interesting topics, good speakers". The breakout sessions should add to your knowledge and apply to your individual park needs.

The Convention will be held in Sacramento at the **Lions Gate Hotel, 3410 Westover Street, Sacramento, (McClellan AFB), CA. 95652**. Rooms are \$89 a night. You can share a room to reduce your convention expense. Registered guests will receive a free continental breakfast, free transportation to and from the hotel to the Sacramento Airport, and free hotel parking. A luncheon is planned for Saturday afternoon where you will meet other mobile home owners and a banquet on Saturday night, with interesting speakers.

Make Your Plans Now to Attend Our Convention and Anniversary Celebration!

Conventions are rare and valuable opportunities to gain knowledge, network with other advocates from around the State and re-energize your enthusiasm as an advocate. Our 2012 Convention will be EXTRA special in that we will be celebrating a half century of patience, persistence and progress in making the "mobilehome" lifestyle a secure, peaceful and enjoyable experience for homeowners. It WILL be a Convention to remember!

Do you think you can't afford to attend the Convention? We hope to underwrite some of the costs of attending so all who want to attend the convention can find a way to make it happen. However, there are many things your chapter or you as an individual member can do to raise money to help pay for expenses. Hold fund-raisers, ask for contributions from your Homeowner Association/GSMOL chapter or even seek local businesses to sponsor your attendance. You can also use our "Lay Away" program to spread out the costs. Get creative—we hope you can join us!

Note: Chapters must have a full slate of officers on file at the home office by January 16, 2012 to qualify to send a delegate(s) and alternate(s) to the convention. Delegates must be named by February 15th.

News Around the State

Zone C Region 3 November 7, 2011

In October, the U.S. Supreme Court rejected a request to hear an appeal of a claim from the owner of Carson's two largest mobile home parks. The request by James Goldstein, park owner, was an appeal of the U.S. Ninth Circuit Court of Appeal's denial of Goldstein's \$34 million claim against the City last March. Goldstein claimed that the City has unfairly denied his rent increase applications for years. Now, the case may return to State appellate courts.

City leaders consider protecting local rent control at Carson's 22 mobile home parks is a high priority effort. Since 2004, almost \$1 million has been spent fighting such cases in various courts.

Zone B Region 10 September 22, 2011

The City of Marina City Council voted, 3-2, to adopt the "Mobile Home Rental Stabilization Ordinance" after a two-hour hearing, thereby providing long-requested rent control for the City's five mobile home parks. The ordinance affects residents who do not currently have a separate lease setting rental rates.

The City hired rent control expert Kenneth Baar to help develop specific points of the 25 page ordinance. One key provision will allow an annual rent increase percentage based on 100 percent of the increase in the Consumer Price Index.

Mobile home residents under this rent control would pay a yet to be determined fee to pay costs associated with administering the program, which would put disputes before an arbitrator.

then through out the cities in north Orange County.

GSMOL Membership has grown from a previous 7 members to 25... and growing.

- The Rancho Huntington Mobile Estates, in Huntington Beach has organized their HOA with an election of officers and is getting ready to reactivate their GSMOL Chapter after the first of the year. They are aiming for 60 to 90 members to join. The GSMOL Board is looking for a team of two associates from this group. The group is planning to present information to neighboring parks with presentations in Westminster, Stanton, and Garden Grove.

- There is a meeting in the planning stages to reactivate the Chapter at Windward Village in Long Beach, scheduled for December 15th. There is also a meeting scheduled for January 12, 2012 in Lake Forest at the Prothero Mobile Estates, set up by their President Donna Gwyn with the Region 5 Associate Managers attending.

- Appointments for the Huntington Beach Mobile Home Advisory Board (MHAB) will be announced at the December 5th Huntington Beach City Council meeting. MHAB will have a special meeting on the Project Relocation Plan that will affect eight mobile homes in the Pacific Mobile Home Park in Huntington Beach.



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Region 5 Report

*By Mary Jo Baretich,
Region Manager*

Associate Manager Appointed

Orange County has a new Associate Manager. Raymond Downing from Western Skies Mobile Home Park, has been studying the MRL and GSMOL information with enthusiasm and encouraging membership first in his home city of Anaheim and

**See What's New
on our Website at:
www.gsmol.org**

News Around the State

Zone A1 Report

By Roger McConnell, Zone Vice President

On a cold mid-November Saturday morning in Hayward, GSMOL President Jim Burr, GSMOL Legislative Advocate Brian Augusta, GSMOL Corporate Counsel Bruce Stanton and GSMOL Community Organizer Evan Hawkins and I visited Hayward Mobile Country Club. We met with the Hayward Mobilehome Owners Association (HMOA) and more than 60 residents from parks in the Hayward area. The Association has been active since 1979 and is now headed by President Dawn Plaskon. She chaired the meeting and moderated the Q&A session that followed. The lively meeting and following question and answer period lasted over an hour, covering condo-conversions, senior vs. family parks, utility costs, and other relevant but often misunderstood issues.

The purpose of our meeting was to discuss "what GSMOL has done lately", answer questions and recruit new leadership and membership. At this time GSMOL lacks leadership in the Hayward area that is really necessary to have a strong presence in the entire South Bay. To that end, a few of the meeting's attendees expressed an interest in becoming local leaders and received a copy of our "Leadership Information & Recruiting Packet" for more details. We were somewhat surprised when the association contributed another \$2,000 towards GSMOL's efforts next year. They had also contributed \$1,000 a few weeks earlier and \$2,000 in 2010 to support legislation. With friends like this, there is nothing we cannot accomplish. We would like to thank the HMOA for their generous contribution.

Meetings like these are crucial to building GSMOL's presence in Zone A-1. It is very helpful to have our professional staff visit parks like Hayward Mobile Country Club to allow park

residents to see all of the work GSMOL does on their behalf, and to answer specific legal and policy questions. We have done more outreach recently in parks in my zone than we ever have before and we are starting to see results. We are increasing leadership in the area and with more hard work we will increase and maintain membership as well. I am looking forward to continuing to work in Hayward with the great folks we met on that cold Saturday morning.

Win for Meadowbrook Residents

Karen Bisignano, Region 7 Associate Manager

The Fair Practices Commission which administers the Santee Fair Practices Ordinance limiting yearly increases to 70% of CPI heard from a consulting firm, New Point Group, which the City had hired to analyze Sam Zell's ELS (Equity Life Styles) financials. ELS is a Real Estate Investment Trust (REIT)/Wall Street Corporation that is not required to pay Federal Corporate Income Tax and owns well over 350 Manufactured home communities and/or RV parks.

ELS requested a Net Operating Increase (NOI) on space rents for all Meadowbrook residents, trying to achieve a rent increase higher than automatically allowed by the Ordinance. Even though Meadowbrook residents pay some of the highest space rents in the City, the land owners felt they weren't getting a "fair return on their investment." The Commissioners listened patiently as the owner's attorney from Chicago and "expert witness" from UC Berkeley tried to shoot down the consultant's report. They voted 4 to 0 NOT to grant the rent increase petitions. On behalf of homeowners in Santee, I want to express a big thank you to the FPC Commissioners and congratulations to Meadowbrook residents.

Meanwhile, the HOA of Meadowbrook will be going to court again soon to recover some portions of the illegal rent increase which the City did not recover, along with their attorney fees. This litigation has been going on for almost 8 years. We won't be surprised if ELS files yet another lawsuit against the City. Hopefully, next time it will be thrown out as a "frivolous" lawsuit without merit.

Region 9 Report

By Donna Banks, Region Manager

Associate Manager Appointed

Judy Jahn of Tamarisk Mobilehome Park has been appointed the new Associate Manager for the Desert Hot Springs area. Judy organized the first GSMOL Meeting at her park on 11/10 and was introduced to the area park residents as their new Associate Manager. Judy will be working on combining some of the smaller GSMOL member parks in her area into a GSMOL Superchapter.

Rancho Riverside MH Park (Riverside) and Las Palmas de La Quinta MH Park (Indio) residents have been notified by their park owner of his intent to pursue a Condo Conversion of those parks. As of 11/9/11, the park owner has not filed any paperwork with the Planning Departments of the City of Riverside or Indio.

Country Lakes MH Park Owners have petitioned the City of San Jacinto to annex Country Lakes MH Park into the City of Jacinto, which has no rent control, and would eliminate the current Riverside County Rent Control Ordinance 760 protections upon the sale or moving of current residents. A Hearing is scheduled for 12/8/11 with LAFCO to hear the objections of park residents.

NEWS AROUND THE STATE

Zone D Report

By Tim Sheahan, Zone Vice President

Outrageous!

The following is an article from the San Diego Union Tribune newspaper reporting how MH park owners apparently teamed-up with County Republican Party officials to hire people to attend two Chula Vista City Council meetings so that there wouldn't be room for homeowners to sit in the Council Chambers and to make the Council believe that citizens supported vacancy decontrol in MH parks. The outrageous action demonstrates that some park owners will go to great lengths to mislead elected officials and the Republican party, at least in some areas, feels very little allegiance to its own party members who own homes in manufactured home communities. If you feel abandoned by either political party you belong to, you should make the County Central Committee for your party aware of your disappointment.

CHULA VISTA — At least 50 people were paid to show up at the Chula Vista City Council and support a measure allowing mobile-home-park owners to raise rents for new tenants, according to one attendee and one operative who made the payments.

Supporters of the measure came to the chambers on July 12 and July 19 — causing many opponents to sit in overflow areas out of view of the council at one of the meetings.

One paid participant was Ray McMurty, 62, who told The Watchdog he received \$40 in cash from Derrick Roach, the secretary for the Republican Party of San Diego County. McMurty lives in the Rancho Bonita mobile-home park and is on a fixed income.

Though many mobile-home residents opposed the changes, McMurty said he's not affected because rent increases kick in only for new tenants and he doesn't plan to move. He said the \$40 went a long way in helping buy groceries for the week.

"All I did was wear a sticker that I support the proposition, so I don't really see any problem with doing that," he said.

Roach, a Chula Vista resident, confirmed he helped recruit and pay 50 mobile-home residents to attend the meeting and gave McMurty \$40 cash. He noted that lawyers, consultants and union employees are often paid to attend such meetings.

"It's not like we're paying people to vote. That's completely different and something I would have a problem with," Roach said. "One of the reasons the (mobile home residents) were offered the financial incentive was because it was difficult for them to get there. It only offset the cost for them to come."

Chairman Tony Krvaric said the Republican Party of San Diego County was not responsible for compensating people at the meeting.

"The party did not do this," Krvaric said. "But it's done all the time. Elected officials, they know this goes on."

When pressed on who provided the cash being handed out, Krvaric responded:

"What do you think? Who had the financial interest in the item? What was the issue being pushed and that's probably the people pushing the payments." Numerous mobile-home park owners spoke in favor of the proposed changes, which left a form of rent control in place for current space tenants but not future ones.

A law firm representing the Chula Vista Mobile Home Park Owners Association issued a statement saying it had no knowledge of attendees being paid.

"There seems to be a double standard practiced here," read the statement from the Loftin Firm. "While it is customary for labor organizations or groups seeking funding to try to pack the council chamber, an effort to increase participation by property rights organizations attracts criticism."

The council approved the changes 4-0. Deputy Mayor Rudy Ramirez abstained from voting because of the location of his property near a mobile-home park.

Councilman Steve Castaneda said he did not find out until after the meeting that there were paid members of the audience. "I'm not sure any of them even understood why they were there or what the issue was," Castaneda said. "Were they there just to take up seats so the five of us wouldn't have to look mobile home residents in the face when we voted against them? I find that to be distasteful and I'm sorry it occurred."

Peter Scheer, executive director of the First Amendment Coalition, a nonpartisan, nonprofit group promoting government transparency, said compensating people to attend public meetings is "sleazy in the extreme, if not illegal."

City Attorney Glen Googins said there is no "current city code provision (that) prohibits or regulates this type of conduct ... but it certainly could be looked at."

ELTH LEGAL SUCCESSES

MOBILEHOME CASES OF INTEREST FILED BY ENDEMAN, LINCOLN, TUREK & HEATER LLP

REG.	SHORT TITLE	MAJOR ISSUE(S)	CASE STATUS
3	Luis Aguila v. 1280 Pacific Coast Highway, LLC (Al Trailer Park)	Failure to Maintain, Unfair Bus. Practice	Settled: \$825,000
10	Aronowitz v. Paul's Trust (Alimur)	Failure to Maintain, Unfair Bus. Practice	Settled: \$1,900,000
3	Alvarado, et al. v. Shadrow and Shadrow (Bel Abbey MHP)	Failure to Maintain, Unfair Bus. Practice	Settled: \$900,000
10	Alcorn v. Doheney-Vidovich Partners (Blue Pacific MHP)	Failure to Maintain, Unfair Bus. Practice	Residents purchased Park as part of settlement
3	Brookside Investments, Ltd v. Erika Alvarez (Brookside Mobile Country Club)	Failure to Maintain, Unfair Bus. Practice	Discovery
1	Andrade et al. v. MHC Operating Limited Partnership, et al. (California Hawaiian)	Failure to Maintain, Unfair Bus. Practice	Discovery
5	Aguirre v. Advanced Group 03-79 (Capistrano Terrace)	Failure to Maintain, Unfair Bus. Practice	17 Plaintiffs awarded \$1,141,584. In settlement for the rest.
9	Luciano Aguilar Chavez, et al. v. John O'Carroll, et al. (Casa Del Sol)	Failure to Maintain, Unfair Bus. Practice	Discovery
13	Adams v. Colony Park Estates, et al. (Colony Park Estates)	Failure to Maintain, Unfair Bus. Practice	Discovery
7	Alvarez et al. v. De Anza Land and Leisure Corp. (Coronado Palms MHP)	Failure to Maintain, Unfair Bus. Practice	Discovery/Trial Prep
5	Hernandez v. Anderson South Family Trust (Golden Skies)	Failure to Maintain, Unfair Bus. Practice	Settled: \$3,200,000
13	Estella M. Green, et al. v. John Marlow and Marianne Marlow et al. (Islander MHP)	Failure to Maintain, Unfair Bus. Practice	Settled: \$900,000
13	Rush v. Applegate Properties (Mossdale)	Failure to Maintain, Unfair Bus. Practice	Settled: \$2,300,000
5	Aguila v. Orangewood Investments L.P. (Orange MHP)	Failure to Maintain, Unfair Bus. Practice	Settled: \$1,650,000
3	Alvarez v. Orange Avenue MHP LLC (Orange Ave. Park)	Failure to Maintain, Unfair Bus. Practice	Settled: \$662,000
3	Abascal v. FLLF, et al. (Pacific Palisades Bowl Mobile Estates)	Failure to Maintain, Unfair Bus. Practice	Settled: \$900,000 with previous owner. Settlement pending with current owner.
14	Maryett v. Preferred Properties, LLC (Regency)	Failure to Maintain, Unfair Bus. Practice	Settled: \$4,035,000
1	Reynaldo Abaya, et al. v. Monterey Coast L.P. (Spanish Ranch 1 MHP)	Failure to Maintain, Unfair Bus. Practice	Settlement pending
3	Marsha A. Adams, et al. v. Miller-B.R.G., L.P. (Summit Mobilehome Park)	Failure to Maintain, Unfair Bus. Practice	Discovery
13	Elizabeth Baker, et al. v. Tuolumne River Resort, LLC (Tuolumne River Resort)	Failure to Maintain, Unfair Bus. Practice	Settled: \$983,400
5	Singer v. Anderson North Family Trust (Western Skies)	Failure to Maintain, Unfair Bus. Practice	Jury Verdict: \$3,275,000 plus injunctive upgrades of utilities
14	Eddie Ray Aguilar, et al. v. Westwind Mobile Home Park, LLC	Failure to Maintain, Unfair Bus. Practice	Discovery
13	Alexander v. Reynolds Resorts (Woods Creek)	Failure to Maintain, Unfair Bus. Practice	Settled: \$960,000.00 plus park repairs

This chart is provided to the *Californian* courtesy of the San Diego law firm of Endeman, Lincoln, Turek and Heater LLP (ELTH). If you have any questions concerning any cases listed, contact Erika Rodriguez, Case Assistant, at 619.544.0123 or via Email at info@elthlaw.com

GSMOL "Who's Who" (Leaders in Your Area-Refer to Map on Page 15 for Zones and Regions)

ZONE A

REGION 4

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

REGION MANAGER

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

ASSOCIATE MANAGERS

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

Dick Ault

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

ASSOCIATE MANAGER

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

REGION 14

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

REGION MANAGER

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

ASSOCIATE MANAGER

Ruth DeGroot
820 N. Lincoln Way #90
Galt, CA 95632
Phone: (209) 745-6570
r-degroot@softcom.net

ZONE A-1

REGION 1

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

ASSOCIATE MANAGERS

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

Barbara Moravec
4141 Deep Creek Rd., #104

Fremont, CA 94555
Phone (510) 790-8344
bmor1241@gmail.com

REGION 2

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

REGION MANAGER

Linda Adrain
571 Biltmore St
Santa Rosa, CA 95403
Phone: (707) 577-0783
lindaadrain@yahoo.com

ASSISTANT MANAGER

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

ASSOCIATE MANAGERS

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

Herbert Golenpaul

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

Richard Olden

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

Mary Kay Macy

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

Richard Heine

143 Bryce Canyon Rd
San Rafael, CA 94903
Phone: (415) 479-6343
pastpresident@contempomarin.org

Terri Pohrman

Napa Olympia
244 American Canyon Rd., #95
American Canyon, CA 94503
Phone: (707) 738-3911
Fax (707) 980-7563
missterriwigs@yahoo.com

J.R. Rose

Ukiah, CA 95482
Phone: (707) 485-5338
j-rcondyman@att.net

ZONE B

REGION 12

COUNTIES: *Fresno, Inyo, Kern, Kings, Madera and Tulare*

REGION MANAGER

Jean Crowder
1500 Villa Ave. # 133
Clovis, CA 93612
Phone: (559) 213-8002
Fax: (559) 298-7013
jeankc@sbcglobal.net

ASSOCIATE MANAGERS

Meryl Baskerville
San Joaquin Village

336 E. Alluvial Ave., #134
Fresno, CA 93720
Phone: (559) 261-9684
embaskerville@gmail.com

REGION 13

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

REGION MANAGER

James Gullion
Cascade Estates
PO Box 1460
Jamestown, CA 95327
Phone & Fax: (209) 533-9174
jgullion25@sbcglobal.net

ASSOCIATE MANAGERS

Bill Toth
22466 S. Airport Rd. #53
Sonoma, CA 95370
Phone: (209) 588-9146

Jacque Record

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

ZONE B-1

REGION 8

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

CO-REGION MANAGER

Marie Pounders (North)
1675 Los Osos Valley Rd. #205
Los Osos, CA 93402
Phone: (805) 528-0825
merrymlp@yahoo.com

ASSISTANT MANAGERS

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

Bill Heintz

519 W. Taylor St., #305
Santa Maria, CA 93458
Phone: (805) 260-4809
jjeint20@hotmail.com

Joan Harper

1012 Kerry Drive
San Luis Obispo, CA 93405
Phone: (805) 543-7946
nutmegger36@att.net

Sheila Morgan

19 Copland Circle
Ventura, CA 93003
Phone: (805) 658-8159
maxxie9@msn.com

ASSOCIATE MANAGERS

Ventura County

Pat Brown

205 Drifill Blvd. # 11
Oxnard, CA 93030
Phone: (805) 483-7575

South Santa Barbara Co.

Sam Herr

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

Anne B. Anderson

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

Terry Bray

PO Box 1804
Camarillo, CA 93011
Phone: (805) 795-6076
tbglass@juno.com

REGION 10

COUNTIES: *Monterey, San Benito and Santa Cruz*

REGION MANAGER

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

ASSOCIATE MANAGERS

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

Patricia Cramer

3128 Crescent Ave., #11
Marina, CA 93933
Phone: (831) 384-6058
otterpc@aol.com

Bob Lamonica

2345 Delaware Av. #131
Santa Cruz, CA 95066
Phone: 831-469-9248
bob@cruzexpo.com

Carole Harris

444 Whispering Pines Dr. #124
Scotts Valley, CA 95066
Phone: 831-438-4404
Carolemae_harris@yahoo.com

ZONE C

REGION 3

Los Angeles County

REGION MANAGER

James Scott
3530 Damien Ave., #181
La Verne, CA 91750
Phone: (626) 956-7785
jsracer64@hotmail.com

ASSISTANT MANAGER

Martha Crowley
229 W. Gladstone Blvd
San Dimas, CA 91773
Phone: (909) 394-5253
Martysplanet@verizon.net

REGION 5

Orange County

REGION MANAGER

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

ASSOCIATE MANAGERS

Nancy Agostini
21752 Pacific Coast Hwy, #2-A
Huntington Beach, CA 92646
Phone: (949) 945-5320
nancyracer@gmail.com

Tim Geddes

21802 Wingsong Circle
Huntington Beach, CA 92646
Phone: (714) 964-3934
tingeddes3@gmail.com

Raymond Downing

2770 W. Lincoln Ave., #42
Anaheim, CA 92801
Phone: (714) 828-2896
kathydowning@sbcglobal.net

REGION 6

San Bernardino County
[Vacant]

ZONE D

REGION 7

COUNTIES: *San Diego and Imperial*

CO-REGION MANAGERS

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

Don Greene

2280-62 E Valley Pkwy
Escondido, CA 92027
Phone: (619) 665-6426
don.greene@cox.net

ASSOCIATE MANAGERS

Frank Merrifield
200 N. El Camino, #92
Oceanside, CA 92058
Phone: (760) 754-8420
cfm3@cox.net

Pat La Pierre

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

Karen Bisignano

PO Box 712022
Santee, CA 92072
Phone: (619) 448-9404
smoac@juno.com

Penny Vaughn

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

REGION 9

Riverside County

REGION MANAGER

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

ASSOCIATE MANAGERS

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

Grant Yoders

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

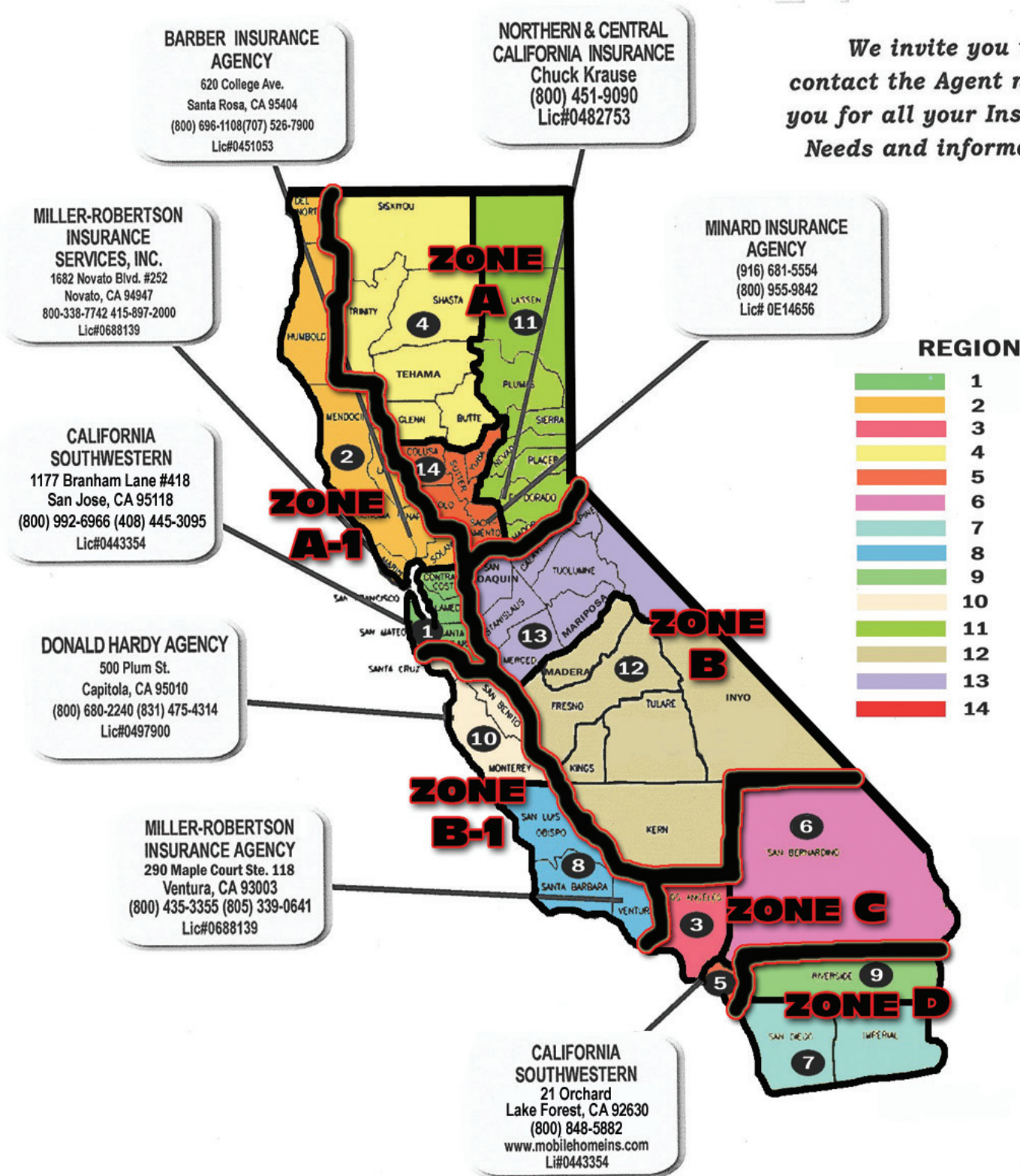
Judy Jahn

18075 Langlois Rd., #11
Desert Hot Springs, CA 92240
Phone: (760) 251-4046
judithjahn51647@yahoo.com

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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

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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!

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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