

*THE*  
**CALIFORNIAN**  
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

**Volume 48 Issue 3**    **GSMOL** – Advocating for Homeowner Rights Since 1962    **May / June 2013**

***Page 3 - New GSMOL Officers***

***Page 4 - SB 510 Passes Senate***

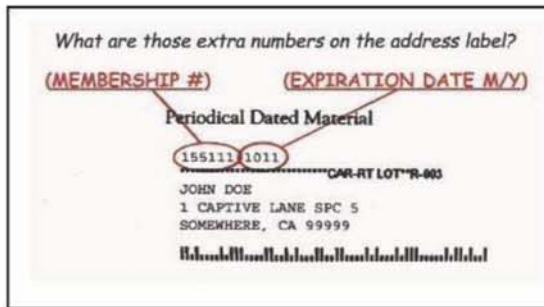
***Page 5 - Can a Park Owner Be  
Required to Operate a Senior Park?***

***Page 8 - GSMOL's ROP Policy***

***Page 11 - Do You Really  
Own Your Mobilehome?***

***SUMMER IS HERE***





## THE CALIFORNIAN (USPS 898-320)

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(See map on page 15 for Zone boundaries)

# PRESIDENT'S REPORT

**By Mary Jo Baretich**  
**GSMOL State President**

At our Quarterly Board Meeting on April 24, 2013, several changes were made to the Board of Directors. Jim Burr resigned as President due to health reasons. We will miss Jim, and thank him for his leadership and service first as Treasurer then as President.

I, Mary Jo Baretich was elected as the new interim State GSMOL President until the Convention in April 2014. Also, at the Board Meeting, a new Zone B Vice President, Ronnie Hulsey, and a new Zone C Vice President, Raymond Downing, were elected by the Board to fill those positions until the Convention next year. They are both hard working leaders who have stepped up to take on these new responsibilities. I feel confident that they will succeed.

Another unexpected announcement was made at the Board meeting, and that was that Roger McConnell, the Vice President of Zone A-1, had resigned.

Our Board members are passionate about moving beyond the challenges of the past years so we can focus solely on supporting the GSMOL leadership team through a Herculean turnaround.

We have accomplished many important goals, but our job is unending. Striving to reach and maintain a quality of life for our state-wide mobilehome communities is an ongoing task. We have the leaders and members alike to thank for all our successes.

These past two years, I have had an opportunity to spend a lot of time with people across Zone C, observing, listening, and interfacing with mobilehome homeowners. Through correspondence with other Leaders across the state, I have become more educated on the issues being faced by the majority of homeowners. I emphatically feel the urgency of our members and others in need, and I can see in many eyes, faces, words and actions the spark that strives to make positive changes in their lives and the lives of others in similar situations. As has been said many times by many successful people, "All turnarounds start and end with people." We all need to work together for one goal. We can do this.

Leadership is what turns a group of great people with great energy and ideas into a team. Some say it's a gift, and some say it's a skill, but I think it's both. Enthusiasm and energy can be contagious and we need to use this to bring us all together as a team to tackle the threats to the quality of life of our mobilehome communities throughout the state. Our leadership team is committed to hard work, unyielding business ethics, knowing the details and shaping the strategy. We need to rally behind a shared vision and turn GSMOL around. I say again, we can do this.

Planning and strategy are ongoing, and we must continue to keep our energy and education efforts moving. One fantastic venue is the GSMOL Road Show. Attend one if you can.

The Road Shows have had wide success, and we are planning more for the state. As they are defined, updates on the Road Show schedule will be posted in The CALIFORNIAN, on the "www.gsmol.org" website, and through the GSMOL Leaders Group email.

We are already planning for a new Retreat to be held somewhere in southern California. A Committee has been formed, and has held their first meeting on the subject. We are once more fortunate to have Michael Perri as the Retreat Consultant.

I thank all the Board members for their vote of confidence in electing me as your state President. I will strive hard to serve GSMOL to the best of my ability.

## GSMOL EBlast Email List for Important Announcements and Alerts

To get on GSMOL's EBlast email network, please go to the following address:

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Your email address will remain confidential and will not be shared with any other persons or organizations.

# LEGISLATIVE REPORT

## **SB 510 (Jackson) - Protect Homeowners from Unfair "Condo" Conversions**

### **PASSED BY THE SENATE MAY 2. NOW IT'S ON TO THE STATE ASSEMBLY!!!!**

The biggest issue this year for GSMOL members and supporters is SB 510 (Jackson). The battle over forced conversions has continued to heat up in California, with litigation filed in nearly every instance in which a conversion is turned down. The bill passed the State Senate on Thursday May 2, and now goes to the State Assembly Housing and Community Development Committee.

#### **Senators voting YES on SB 510:**

Jim Beall, Ellen Corbett, Kevin de Leon, Mark DeSaulnier, Noreen Evans, Cathleen Galgiani, Loni Hancock, Jerry Hill, Ben Hueso, Hannah-Beth Jackson, Ricardo Lara, Mark Leno, Ted Lieu, Carol Liu, Bill Monning, Alex Padilla, Fran Pavley, Curren Price, Richard Roth, Darrell Steinberg, Lois Wolk. If you live in one of those districts, please write to your senator and thank them for voting YES!

#### **Senators voting NO/Not voting on SB 510:**

Joel Anderson, Tom Berryhill, Marty Block, Ron Calderon, Anthony Cannella, Lou Correa, Bill Emmerson, Jean Fuller, Ted Gaines, Ed Hernandez, Bob Huff, Steve Knight, Jim Nielsen, Mimi Walters, Rod Wright, Mark Wyland and Leland Yee. If you live in one of those districts, please write and/or call your senator, expressing your disappointment and remind them that you are a voter and that you are paying attention.

To find who your State Senator or Assembly Member is, go to this website and type in your address: <http://findyourrep.legislature.ca.gov/>

Next stop, the Assembly Housing and Community Development Committee. Please continue spreading the good word about SB 510 and send a letter to your Assembly Member, urging him or her to support SB 510 when it comes before them for a vote.

## **AB 692 (Torres) - MPROP**

The State Mobilehome Park Resident Ownership Program (MPROP) is funded by an annual fee charged to some manufactured home-owners in California. The program was created to assist homeowners in purchasing their parks, but there have been few such purchases. AB 692 was amended

this month to allow some portion of MPROP funding to be used for non-profit housing providers to acquire and rehab parks in need of repairs to ensure that they remain open and affordable to homeowners. GSMOL is also working to develop a means of offering small loans or grants to homeowners in need of repairs. The bill passed the Assembly Housing Committee May 1 and now heads to the Assembly floor.

## **AB 1205 (Wieckowski) - Manufactured Housing Mediation Program**

AB 1205 would establish a statewide MRL mediation program in California to assist homeowners in resolving disputes with park management over the MRL, similar to a program in the State of Washington. This is a two-year bill in order to have time to work out details of replicating the Washington program in California. The bill will not be heard this year. Expect to hear more about this important bill beginning this Fall.

## **Welcome to Senator Roth, Chair of the Senate Select Committee on Manufactured Homes and Communities**

Earlier this year, newly elected Senator Richard Roth was named as the Chair of the Senate Select Committee on Manufactured Homes and Communities. This Committee has been a critical forum for issues affecting manufactured homeowners. While Select Committees do not hear bills, they do provide an important forum for the Legislature to explore issues. For example, the Committee has held hearings on condo conversions, HCD's park inspections, and complaints about management problems. It also publishes a copy of the MRL that is available for free online. Continuing the Committee has been an important goal of GSMOL, and the appointment of Senator Roth demonstrates the commitment of the Senate leadership to retaining the Committee.

## **SUGGESTIONS FOR INCREASING MEMBERS (painlessly)**

Give Gift memberships to your neighboring homeowners.

Sell low priced Raffle tickets at your next meeting with membership as the prize.



# LAW AND ORDER

## CAN A PARK OWNER BE REQUIRED TO OPERATE A SENIOR PARK?

**(Very Important Senior Park Court Case)**

By: Bruce Stanton, Attorney

**ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY SINCE 1982, AND HAS BEEN REPRESENTING MOBILE HOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 25 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS THE CORPORATE COUNSEL FOR GSMOL**

There are many homeowners who reside in what is referred to in the industry as a "Senior Park". This is a park which qualifies as "housing for older persons" by requiring that at least one resident in 80% of the park spaces be age 55 or older. Once this threshold is established, the park owner is free to set the age limitation for all other residents at age 65, 55, 45 or whatever other age might be chosen. Typically, homeowners who reside in a Senior Park have specifically chosen the park because of its age requirements. They desire to reside in a quieter community that has less population and is more geared to their lifestyle. This was a crucial issue which motivated their decision to purchase a home within the park.

Many park owners enjoy operating the park as a Senior facility. There is less liability for injuries or damages that children might cause, and the park population tends to take better care of their spaces and homes. But in some cases a park might choose to convert to "family" status for financial reasons, so rents can be raised based upon increased demand for spaces. Or a park which is trying to force agreement to a long-term lease, or which is opposing passage or application of a Rent Stabilization Ordinance, might threaten to convert the park to all age status if the residents do not do as the park owner wishes. This threat can be a serious form of duress for the homeowners, and might prompt them to cave in to the park owner's demands.

When a park owner threatens to convert the park to "all age" and abandon the Senior Park status, it will typically cause great anxiety and unhappiness for most of the residents. The questions that are often posed are:

**Can the park owner change the age requirements of the park?** and,

**What can the residents do to prevent a conversion to "all age" status?**

Thanks to a Federal Court case decided just over one year ago, homeowners have a better chance of preserving the Senior Park status when the park owner threatens to take it away.

**Does a Park Owner have the ability to convert a Senior Park to an All-Age Park?**

Unless there is a limitation as described below, the park owner does have the power to determine the age parameters for the park. As the owner or operator of the land, the park owner is vested with many rights of ownership, and this is one of them. This power was exercised when the park owner originally determined the age status for the park. But once the age choice is made, there may be limitations on this power, and depending upon the circumstances, the park owner could be legally prevented from converting the park.

**There are two scenarios where residents can prevent a conversion.**

First, if residents can show that the park was specifically advertised in writing as a senior park, and that they were induced to purchase their homes in reliance upon these representations, residents can argue that the park owner has established a covenant to maintain a senior park which runs with the land, and which cannot be disturbed. Proving such a covenant in a court of law can be tricky. The sort of "restrictive covenant" that would have to be established must be express and cannot be implied. And since the law always tilts in favor of the free use of one's property, the burden will be on the residents to prove the existence of the covenant. The residents would have to prove that the objective of the rental agreement to establish a senior park outweighs the right of the park owner to decide the ages of its tenants. Duration becomes a critical issue, since the residents would want to show that the property should be operated as a Senior Park in perpetuity. This can be very difficult to achieve, and may not be possible unless residents can establish that the value of their homes or lifestyle would suffer damage if the park was converted to "all age". Thus, a civil court battle could be costly and fraught with much risk.

*(Continued on Page 6)*

## LAW AND ORDER cont'd.

*(Continued from Page 5)*

But there is another possible solution. Residents can ask their local City or County to pass an ordinance which establishes a "Senior Park District", and prevents conversion of those parks to all ages. If the local government goes to bat for the residents in this fashion, a law is created which would prevent a conversion for as long as it stays on the books, and the residents will be spared the expense and risk of a court battle.

This type of local legislation was tried in the past. Predictably, park owners went to court to challenge these laws, and in at least two cases the Federal District Court held that a city could interfere with a park owner's decision whether to operate a senior or all age park. But a recent opinion from the Federal Ninth Circuit Appeals Court has swung the pendulum in the opposite direction, and offers new hope for legislating to protect Senior Parks.

In *Putnam Family Partnership LLC v. City of Yucaipa*, the court rejected a challenge by four park owners to a city ordinance which prohibits conversion of senior parks to all-age housing. The court affirmed the dismissal of the park owner's challenge, holding that the City of Yucaipa could create a "Senior Mobilehome Park Overlay District" which prohibited park owners that currently operate senior parks from changing the age status. The court held that as long as the City clearly expressed its intent to provide senior housing when the District was created, the decision to do so was intentional, and that intent is demonstrated in published policies where the age requirements are consistently applied, then the ordinance would be upheld.

This case provides valuable assistance for homeowners who wish to preserve their senior park status. Now local cities and counties can enact an ordinance which restricts conversion, and preserves senior mobilehome parks, provided that the conditions described in the Yucaipa case are present. Homeowners are encouraged to cite this case whenever a park owner threatens to convert the park, and to bring it to the attention of local government officials if the park owner will not agree to preserve the park status. In some cases it would be wise to contact your local City in advance, so that the ordinance can be put into place before conversion threats turn into rules changes. But remember that a change in status will typically require a six month period before enforcement can occur, which should give homeowners time to organize and take action.

## ELTH CASE

### RESIDENTS FORCED PARK OWNER TO PAY PARK VALUE FOR THEIR HOMES

**From Endeman, Lincoln, Turek & Heater Law Firm, San Diego**

CASE: Alvarez, et al. v. De Anza Land & Leisure Corp.

This case was filed on September 28, 2009 by twelve residents of Coronado Palms Mobilehome Park located in San Diego against their park owner, De Anza Land and Leisure Corp. The residents fought for their homes and peaceful living against a park owner who illegally changed the use of the Park, violated the Closure Laws, and failed to maintain the Park.

In 2005, the Park owner entered into a deal to sell the Park to a developer. Thereafter, the park owner refused to allow any homes to be sold except to the park owner, at the park owner's price. The Park owner ignored the state laws and City of San Diego Ordinances prohibiting this conduct.

In January 2006, a year later, the Park owner notified the residents that the Park was sold and would no longer be used as a mobilehome Park. At this point, the park owner also decided to stop maintaining the Park. The Park's utility systems, roads, common areas, and buildings, including the swimming pool and Jacuzzi were being neglected by the Park.

After acquiring two-thirds of the homes in the Park, the park owner informed the remaining residents that the Park would no longer purchase the remaining homes.

After all this, the residents were left with an empty and dilapidated Park. Most of the homes had been sold to the Park, pulled out of the Park, or left vacant in the Park. Tired of the Park's actions and frustrated of having lost the Park they once loved, 12 residents hired the San Diego law firm of Endeman, Lincoln, Turek & Heater, LLP to represent their rights and get justice in March 2012. The case settled during trial requiring the park owner to pay for the full value of the plaintiffs' homes plus the emotional distress caused by the park owner's conduct.

"The only reason the residents received justice was because they were willing to stand up and fight for their rights," said resident lawyer, Jim Allen. "The laws were in place but the park owner ignored them. The City of San Diego did not help the residents. It was only when the residents enforced their rights that they received justice."

# QUESTIONS & ANSWERS

## PARKING RULES IN MOBILEHOME PARKS

By: Bruce Stanton, Attorney

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**Does a park rule which prohibits parking in the streets apply to third party non-resident contractors who require ability to park near the property they are servicing?**

Park owners have a right to enact rules and regulations for the park, and a rule which prohibits parking in the park streets would not be inherently unreasonable, since it is primarily enacted for the purpose of ensuring that emergency vehicles have enough room to navigate the park streets when required to do so. A secondary reason would be for aesthetic purposes. Clearly such a rule should apply to all resident vehicles, which would need to park in the carport or in designated parking spaces within the park. Clearly such a rule would not apply to emergency vehicles such as police, fire or ambulance, which need to access the park and who would only temporarily be parked in the street while providing essential or emergency services.

Contractors, installers or service providers, such as trucks delivering appliances, roofing materials, plumbing materials, bottled water or the like, might commonly be required to park near the spaces that are being served by them. Making room in the carport for these vehicles would not only be inconvenient, but in some cases impossible, as the truck would not fit in this space. Clearly a mh park owner could not enforce a rule that would prevent a mh resident from receiving these services. Thus, since Civil Code section 798.56 (d) states that a rule or regulation must be "reasonable" in order to be enforceable, a rule that prohibits all street parking would be overly broad to the extent that contractors are included. As long as the contractor is required to park near the home to provide the service or materials, and as long as the parking is temporary in nature, it would not violate the spirit and true purpose of the rule. Thus, a resident should be able to instruct his or her contractor to park in the street for this limited purpose. It is doubtful that any court would evict a resident for allowing the Sears truck to unload a new water heater in front of their home, which is needed to supply hot water to the residents. Any 7-day

notice from management complaining of this would border on the extreme, and could be considered as harassment. But rather than risk a legal confrontation over the issue, a more reasonable approach would be as follows:

1. Parks should include a provision in the rule which exempts contractors from street parking prohibitions as long as the parking is essential to make the delivery and is temporary wherever possible.
2. If such an exception does not exist in the park rule as stated, a resident can assume that the law would imply that such an exception exists, since it is a reasonable interpretation of the rule, and act accordingly.
3. But in doing so, residents should further protect themselves by notifying the office in advance, in writing, whenever possible that a delivery truck or contractor's truck or van will be entering the park at a designated time and parking in the street for a stated purpose. A copy of this notice should be retained by the resident. This is a good faith gesture by the resident which puts the park on notice of the vehicle's presence and its purpose, and which will further establish the unreasonableness of an overbroad rule should the park attempt to enforce it without reasonable exception.
4. Residents are also encouraged to sit down with management, as an HOA or GSMOL Chapter if possible, to discuss enforcement of the rule and work out an agreeable policy. If residents pledge their support for the rule as it applies to resident vehicles, and assist the park in identifying chronic violators, then the park should reciprocate by allowing third party contractors and delivery vehicles to park without objection, perhaps with prior written notice whenever possible.

The bottom line goal is to enforce the true spirit and intent of the rule, without denying residents their basic rights or otherwise interfering with the "quiet enjoyment" of tenancy to which they are entitled.

### **GET REALLY GOOD SENIOR DISCOUNTS ON GROCERIES, RESTAURANTS, RETAIL, CLOTHING, TRAVEL, AND ENTERTAINMENT**

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[www.braddeals.com/blog/senior-discounts/](http://www.braddeals.com/blog/senior-discounts/)

Remember, some of the stores will not advertise the discounts, so be sure to ask for them.



# GSMOL ROP REPORT

## Resident-Owned MH Communities GSMOL's Philosophy

by David Loop

Several weeks ago, I became GSMOL's VP for Resident-Owned MH Communities. Since then, I've talked with many manufactured home owners from around the State. I look forward to meeting and speaking with many more of you in the future.

Several of you have asked, "What is GSMOL's philosophy regarding resident ownership of MH parks?" I've discussed this question with my fellow GSMOL Directors, and I'd answer it as follows:

### GSMOL Believes:

**(1) Resident ownership of MH parks is a very positive goal**, for many reasons. Properly done, converting the park where you live to resident ownership

- Stabilizes your monthly housing expenses over the long term;
- Secures the value of your homes;
- Avoids the consequences if local rent control is ever lost or compromised;
- Makes your homes easier to sell;
- Builds your park into a real community and improves its quality of life;
- Protects your park from ever being closed or changed to another use.

**(2) The best approach** is to convert your park into a "resident owned cooperative." That means your HOA becomes a nonprofit corporation that owns the park. Residents are issued membership shares by the corporation. A board of directors (elected by the home owners) decides park policies. The HOA hires a professional property management company to manage park operations day-to-day.

**(3) The best way to get started** toward resident ownership is to send a letter to your park owner, asking him to consider the resident group as a potential buyer. If you contact me, I'll send you a copy of that letter, and you can adapt it to your purposes.

**(4) Your resident group should not focus only on "buying your park."** Owning your park is a positive goal. But

your HOA should also work in other ways to preserve affordable manufactured housing. By uniting and speaking out, we'll get the attention of state and local government, and promote public policies that protect our interests as manufactured home owners.

### *If Your Park Is Already Resident-Owned*

I've been contacted by people asking, "where are California's resident-owned parks – I'd like to live in one." IF you live in a resident-owned MH community, please let me know with a call or e-mail. I'll make sure your park is on my list. I may be able to send some home buyers your way.

Also – if your HOA needs to refinance the mortgage debt on your park's real estate within the next 24 to 36 months, contact me. It's time to start exploring the mortgage markets, and I can help you with that.

As always, IF you have any questions regarding resident-owned MH communities, feel free to contact me. My e-mail address is [deloop1@sbcglobal.net](mailto:deloop1@sbcglobal.net)). Or, give me a call on (831) 688-1293.



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# ZONE/REGION REPORT

## ZONE B – 1 REPORT

Marie Pounders, Region 8 Region Manager

The recently formed Santa Cruz County Manufactured/Mobile Home Owners Association (SCCMMHA) held their first MHP Rent Control Symposium at the DeAnza Santa Cruz MHP Clubhouse on March 9 from 1:00 to 5:00 PM.

Approximately 125 people, comprised of manufactured homeowners and the general public, listened to the Speakers' presentation and asked relevant questions. The general consensus was that it was a memorable exchange of valuable information.

The Symposium, sponsored by SCCMMHA, was introduced by its President Bob Lamonica, a DeAnza resident. It was moderated by Henry Cleveland, Chairman of the Santa Cruz County Manufactured/Mobilehome Commission. It included two very informative panel discussions:

Panel 1: What Happened Here In 2003-04: Mike Rotkin, former five-time Mayor, City of Santa Cruz; Mardi Brick, County Manufactured Home Commission member, SCCMMHA founder; Don Payne, DeAnza resident; Christine Beck, former DeAnza resident.

Panel 2: What To Do To Prevent This from Happening Elsewhere: Micah Posner, Councilmember, City of Santa Cruz; Ishbel Dickens, Executive Director, National Manufactured Home Owners Association (NMHOA); Tim Sheahan, Board member NMHOA, Immediate past President, GSMOL; Bruce Stanton, San Jose Attorney, Corporate Counsel GSMOL; Rick Halterman, Zone B-1 Regional Manager, GSMOL.

The core theme of the Symposium: a 2003-04 agreement between the Santa Cruz Council and the Park Owners of DeAnza Santa Cruz MPH that existing tenants pay then current rents plus annual CPI increases for the next 34 years. Should the home change hands due to death or incapacitating illness, the next owner would have to pay Fair Market Rent for the land as decided by the Park Owner. For example, current rent payment \$895. mo. vs. \$5,000. mo. new "fair market rent". That, of course, resulted in loss of equity for the homeowners. In the last ten years tenants have lost equity values, in the aggregate, well over \$26,000,000.

Probably the most heart breaking revelations were expressed by two DeAnza heirs. One touched on the necessity of available affordable housing and mentioned her belief that this agreement had led to possible elder abuse. The other noted that if the newspapers reported that a senior was mugged for \$140,000, people would call it robbery. Yet, there has been no outcry from the media or the public.

Many volunteers from SCCMMHA, GSMOL, and the DeAnza Home Owners Association helped organize and execute this meaningful Symposium that we hoped would raise awareness of the ongoing consequences of this 2003-04 agreement.

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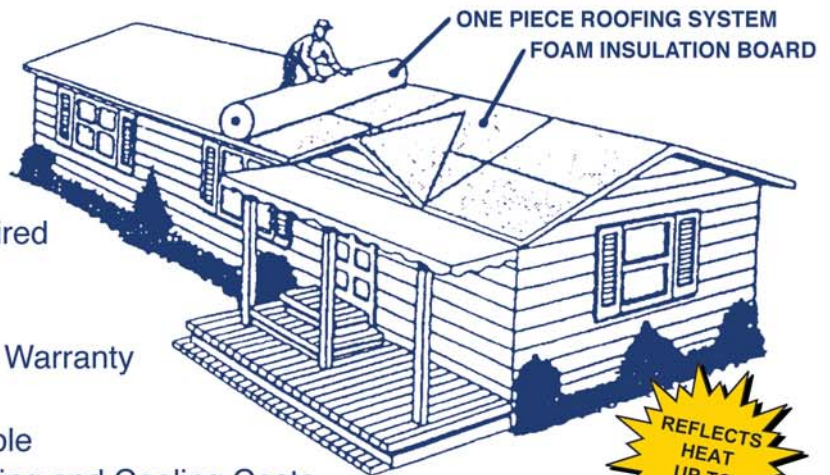
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# HCD UPDATE

## DO YOU REALLY OWN YOUR MOBILEHOME? PART 2: GETTING TITLE FIXED

**By Ron Javor. (Ronald Javor is the former Assistant Deputy Director for HCD's Division of Codes and Standards and is a former HCD Chief Counsel who provides assistance regarding mobilehome park matters.)**

In the last Californian, we warned that thousands of manufactured home owners believe that they own their home, but actually do not because title was never transferred to them due to seller or transferor negligence, illegal omission, or error. The consequences of this are serious for both former and current owners.

Owners without proper title have to deal with an impaired ability to sell or transfer by will; inability to obtain permits for home repairs; denial of homeowner's insurance to protect your property and assets; possible eviction from a park due to not being a homeowner-in-residence; and accrual of fees, taxes, and penalties. Also, the seller could reappear and claim there was only a lease, not a sale, and take back possession. Sellers who don't officially transmit a change of title remain liable for any injuries caused by the home, and potentially for rent, fees, or property taxes. Neighbors also are impacted: they might not be able to repair their home (allowing a dangerous or unsightly condition), or sell their home (leaving it vacant) or obtain homeowner's insurance (covering you after an accident).

When you acquired your manufactured home, you should have received "transfer documents" from HCD: a title certificate, registration card, and Notice of Sale and Transfer. If you acquired from or through anyone other than an HCD-licensed mobilehome dealer, or you are not paying annual fees or taxes, it is possible that there is impaired proof of ownership. However, even if all title transfer documents were completed and filed properly, you may have title problems because of subsequent changes in your life (e.g., marriage, divorce, or death) or legal status of your estate (you've created a living will/trust or made an informal interfamily transfer).

To check for problems, the first two steps are to find out both **who** owns your home, and **how** the ownership is

registered. The HCD Registration and Titling (R&T) Call Center, at 800-952-8356, can provide you information on the phone whether you are the listed registered owner; if you are not, you must pay \$25 for a title search to find out who the owner is. You should have your decal number(s)—the HCD tag affixed to your home that has numbers beginning with the letter "A" or "L" or the DMV license number—or your address when you call.

The "how" ownership is listed also is critical: A common problem is that either from the time of sale or transfer, or due to changed circumstances, the named "owner" and how the owner is named, is not correct. Some common problems follow, and more information is available on forms listed in each category, found under "R&T Public Use Forms" at <http://www/codes/rt/>.

If ownership is "tenants in common" with an "or" listing (e.g., "John or Mary Smith"), either party can sell or encumber the home without the permission of the other. An "and" listing (e.g., "John and Mary Smith") means that both have to be involved in these decisions. The property may also be held (intentionally or otherwise) as a joint tenancy or community property (See R&T Form # 483.1), each of which has different legal consequences during life and after death.

If John and Mary Smith are married, but the home ownership is listed only as "Mary Smith", upon Mary's death, the home does not automatically transfer to John, but becomes part of the estate to be handled as the rest of the estate is handled.

If John creates a trust and living will, and the trust lists the mobilehome only as property (like a car) rather than transferring title to the trust, the trustee will not be able to transfer the home upon John's death or incapacity if title is not transferred officially through R&T to the trust. (See R&T Form #476.6b).

If John designated Aaron to receive the manufactured home upon John's death, the title to the home does not automatically transfer upon death; Aaron must follow-up and change title to his name. (See R&T Form #488.4)

*(Continued on Page 12)*

## ZONE/REGION REPORT (Continued)

*(Continued from Page 11)*

The two most common title actions are “correcting a mistake” or “transferring title”. To correct a mistake (spelling of name, new married name, change “and” to “or” in a tenancy in common), use the “Statement of Facts” form (R&T Form # 476.6) or the Name Statement form (R&T Form # 475.7). In order to add, eliminate, or change one or more owners (in the event of marriage, death, adding a relative, or a sale), the transfer forms and process must be used. This involves changing the original transfer documents you received. If you can’t find yours, the process for obtaining duplicate title and registration is simple, with a small fee, if you are the registered owner.

Often at the time of sale or other transfer, if the seller or transferor did not sign and record the transfer documents, the buyer or transferee did not receive title in the his or her name. If the seller or transferor is still available, the signature can be obtained, but there likely will be past fees and penalties to pay at the time of transfer, plus other requirements. Usually, however, the seller or transferor (or several of them) is not available to sign. This is most commonly a problem with interfamily transfers, or when a park owner/manager has obtained possession through a lien sale or other transfer, but did not transfer title to the park’s or management’s name before selling to you.

While every change or correction of title in these circumstances is somewhat unique, R&T Call Center staff can provide assistance and guidance as to what forms and information are necessary. If the original seller is missing or doesn’t respond to a letter, it may be necessary to obtain a bond which is like insurance that protects the buyer/owner and the State if the original seller objects to title being issued by HCD to the current owner; this costs about 10% of the current market value of the home as estimated by the buyer/owner. Market value may be obtained through local comparables or the homeowner’s estimate, or by requesting retail value from R&T staff by email or fax (See R&T Public Form #480.0 and 476.6i). The R&T staff can look up the amount of back fees and penalties that are due to HCD, or taxes payable to the County Assessor. Once all the forms are filled out, other documents obtained, and checks written, HCD’s office staff can assist with the transfer or provide feedback as to what additional information or document(s) are necessary.

In addition to all of these requirements, every transfer of ownership must provide evidence of certain physical upgrades. In particular, the transferor/seller (or transferee/owner if there is no sale but belated title is being secured), must provide proof that the water heater has proper seismic strapping, and that there are operable smoke and carbon monoxide alarms placed appropriately in the home. (See R&T Form #476.6A or # 476.6g)

These transactions may be easy or complicated. The R&T Call Center staff are available to help answer questions or to refer you to the nearest R&T office, and multiple languages including Spanish, some Philippine dialects, Vietnamese, and Italian are available. Remember too that fees and possible back payments of fees and penalties may be necessary to complete whatever transaction is being sought. On the other hand, this cost and effort will be far less and easier now than the costs of attorneys or the headaches of recipients of a home after you sell, die, or otherwise voluntarily or involuntarily transfer what you thought was your home have been dealt with.

## NEWS AROUND THE STATE

**By Tom Lockhart**  
**GSMOL State Secretary**

### **Zone D    Region 7**

The City of San Marcos City Council voted unanimously to assist in refinancing the existing debt on the Rancho Vallecitos Mobile Home Park, currently owned by the Millennium Housing Corp. The refinancing will save Millenium approximately \$600,000, which will be used for capital improvements and infrastructure repairs at the 55+ senior park, with an additional yearly interest payment reduction of \$150,000. About \$100,000 would also be available for a rental assistance program for low-income park residents.

The City will become an associate member of the Independent Cities Financing Authority, the agency handling the refinancing of the bonds, but will have no financial liability for the new bonds. The original bond financing was through the California Mobilehome Park Financing Authority.



## 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 (A1 Trailer Park)                        | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$825,000</b>   |
| 10   | Aronowitz v. Paul's Trust (Alimur)  | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$1,900,000</b>   |
| 3    | Alvarado, et al. v. Shadrow and Shadrow (Bel Abbey MHP)                                 | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$900,000</b>   |
| 3    | Marianne Appel, et al. v. Belmont Shores Investors, LLC (Belmont Shores Mobile Estates) | Failure to Maintain, Unfair Bus. Practice | Discovery   |
| 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 | <b>Settled: \$5,000,000</b>   |
| 9    | Luciano Aguilar Chavez, et al. v. John O'Carroll, et al. (Casa Del Sol)                 | Failure to Maintain, Unfair Bus. Practice | Discovery   |
| 9    | Daniel Acosta, et al. v. Antonio Aquino, Judith Aquino (Corkill Trailer Park)           | 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 | <b>Settled</b>  |
| 3    | Dina Bacon, et al. v. Crescent Valley MHC, LLC (Crescent Valley Mobile Home Park)       | Failure to Maintain, Unfair Bus. Practice | Discovery   |
| 5    | Hernandez v. Anderson South Family Trust (Golden Skies)                                 | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$3,200,000</b>   |
| 13   | Estella M. Green, et al. v. John Marlow and Marianne Marlow et al. (Islander MHP)       | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$900,000</b>   |
| 13   | Rush v. Applegate Properties (Mosssdale)  | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$2,300,000</b>   |
| 5    | Aguila v. Orangewood Investments L.P. (Orange MHP)                                      | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$1,650,000</b>   |
| 3    | Alvarez v. Orange Avenue MHP LLC (Orange Ave. Park)                                     | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$662,000</b>   |
| 3    | Abascal v. FLLF, et al. (Pacific Palisades Bowl Mobile Estates)                         | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$900,000 with previous owner. Settlement pending with current owner.</b> |
| 14   | Maryett v. Preferred Properties, LLC (Regency)  | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$4,035,000</b>   |
| 3    | Antonio Barajas, et al. v. Royal Western, L.P. (Royal Western Mobile Home Park)         | Failure to Maintain, Unfair Bus. Practice | Discovery   |
| 3    | Marsha A. Adams, et al. v. Miller-B.R.G., L.P. (Summit Mobilehome Park)                 | Failure to Maintain, Unfair Bus. Practice | <b>Settled</b>  |
| 13   | Elizabeth Baker, et al. v. Tuolumne River Resort, LLC (Tuolumne River Resort)           | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$983,400</b>   |
| 5    | Singer v. Anderson North Family Trust (Western Skies)                                   | Failure to Maintain, Unfair Bus. Practice | <b>Jury Verdict: \$3,275,000 plus injunctive upgrades of utilities</b>                |
| 14   | Eddie Ray Aguilar, et al. v. Westwind Mobile Home Park, LLC                             | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$3,069,000</b>   |
| 13   | Alexander v. Reynolds Resorts (Woods Creek)   | Failure to Maintain, Unfair Bus. Practice | <b>Settled: \$960,000.00 plus park repairs</b>  |

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 Maria Rippo, Paralegal, at 619.544.0123 or via Email at [info@elthlaw.com](mailto: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

##### Margo Chappell

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margo113@sbcglobal.net

#### ASSISTANT MANAGER

##### Anne Rucker

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### REGION 11

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

#### 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

8181 Folsom Blvd. #243  
Sacramento, CA 95826  
Phone: (916) 383-1820  
kenmac@dslexextreme.com

## ZONE A-1

### REGION 1

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

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#### Gary C. Smith

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### REGION 2

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

#### ASSISTANT MANAGER

##### Bill Donahue

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## ZONE B

### REGION 12

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

#### REGION MANAGER

##### Jean Crowder

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Fax: (559) 298-7013  
jeankc@sbcglobal.net

### REGION 13

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

## ZONE B-1

### REGION 8

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

#### REGION MANAGER

##### Marie Pounders

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##### Joan Harper

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samuelh66@aol.com

##### Anne B. Anderson

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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

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Santa Cruz, CA 95062  
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## ZONE C

### REGION 3

*Los Angeles County*

#### REGION MANAGER

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### REGION 5

*Orange County*

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### REGION 6

*San Bernardino County [Vacant]*

## ZONE D

### REGION 7

COUNTIES: *San Diego and Imperial*

#### REGION MANAGERS

##### North

##### Don Greene

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### REGION 9

*Riverside County*

#### ASSISTANT MANAGER

##### Gail Mertz

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##### Marcia Scott

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##### Barbara Rish

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barbaragsmol@yahoo.com

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Give a "Gift of Membership" to a non-member.

Use the Membership Application located on the back cover of the *Californian*



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you for all your Insurance  
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## NORTHERN & CENTRAL CALIFORNIA INSURANCE

Chuck Krause  
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## MINARD INSURANCE AGENCY

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(800) 955-9842  
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(800) 992-6966 (408) 445-3095  
Lic#0443354

## MILLER-ROBERTSON INSURANCE AGENCY

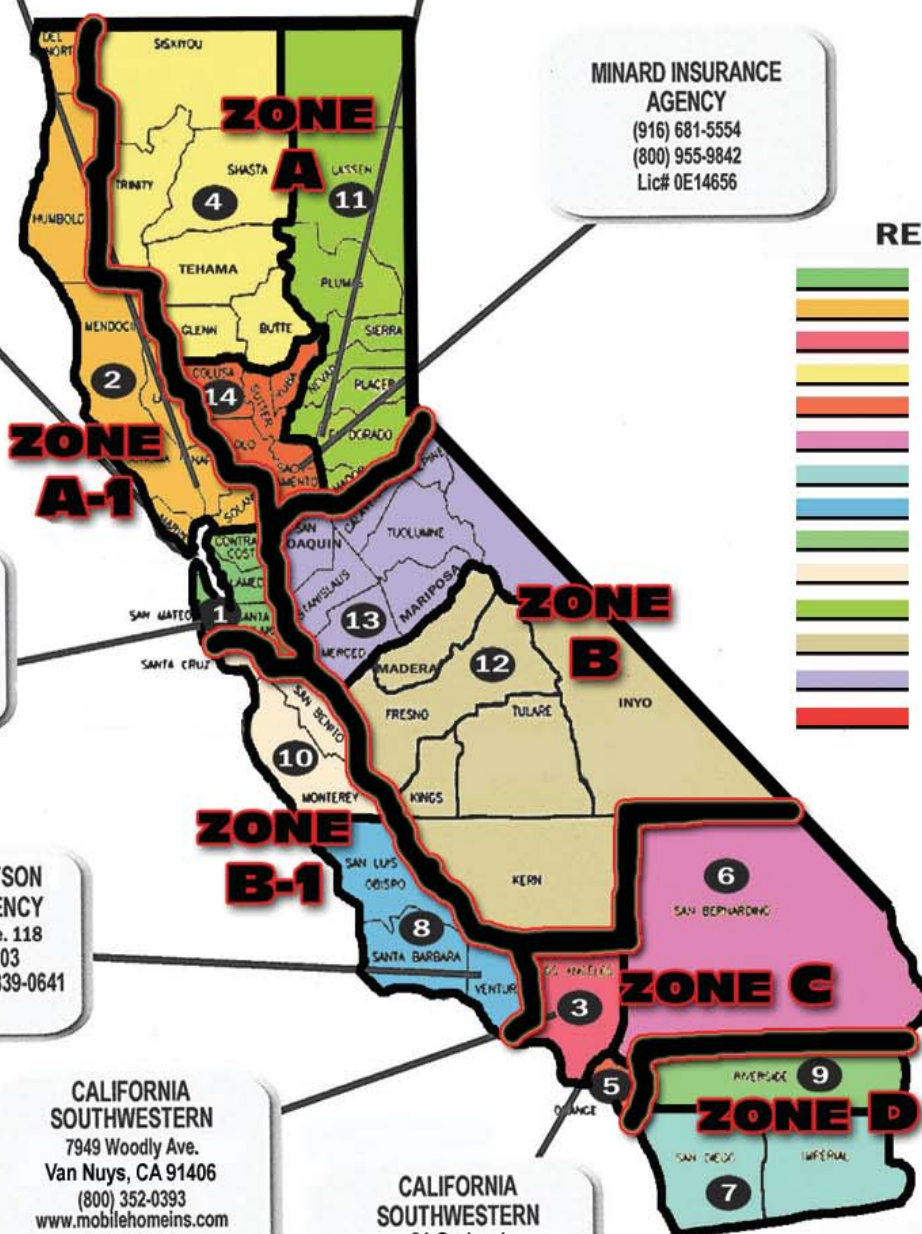
290 Maple Court Ste. 118  
Ventura, CA 93003  
(800) 435-3355 (805) 339-0641  
Lic#0688139

## CALIFORNIA SOUTHWESTERN

7949 Woodyly Ave.  
Van Nuys, CA 91406  
(800) 352-0393  
www.mobilehomeins.com  
Lic#0443354

CALIFORNIA  
SOUTHWESTERN  
21 Orchard  
Lake Forest, CA 92630  
(800) 848-5882  
www.mobilehomeins.com  
Lic#0443354

## REGION



# 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 FAX : 714-826-2401



- ☐ ONE-YEAR GSMOL MEMBERSHIP for \$25
- ☐ ONE-YEAR GSMOL SPOUSAL/PARTNER MEMBERSHIP for \$10
- ☐ 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)

(DUES ARE NON-REFUNDABLE)

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*

Legal Defense Fund \$ \_\_\_\_\_

Disaster Relief Fund \$ \_\_\_\_\_

Political Action Committee (PAC) \$ \_\_\_\_\_

DETACH AND KEEP FOR YOUR RECORDS Thank you!



FILL OUT AND RETURN THIS FORM ALONG WITH YOUR CHECK TO GSMOL, 6101 BALL ROAD, SUITE 202, CYPRESS, CA 90630

Form 100  
Rev 02/13