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October 24, 2007

By mail and email to: [tcasparian@gilchristrutter.com](mailto:tcasparian@gilchristrutter.com)

Tom Casparian  
Gilcrist & Rutter  
1299 Ocean Avenue, Suite 900  
Santa Monica, CA 90401

Re: Proposed Conversion of Alimur Mobile Home Park  
Written Ballot Survey Draft  
Voting Procedure  
Park Meeting on Monday November 5, 2007

Dear Mr. Casparian:

I am writing to respond to your letter dated October 2, 2007.

**1. Revised Draft of Resident Survey Form.** Your October 2<sup>nd</sup> letter included a revised draft of the resident survey form. I reviewed it carefully with my clients and prepared a revised draft which is attached with this letter.

The enclosed draft adopts many of the suggested revisions from your most recent draft including the two legal statements that your client wants printed at the bottom of each page. However, I removed certain phrases that were in your draft. I also re-inserted other text that you had deleted from my previous drafts. I think these changes are necessary to ensure that the survey adequately explains the effect of the voting process.

For example, I again deleted the sentence that states that residents "can support the change of ownership to a resident-owned condominium park without a personal desire to purchase" their lot. My clients and I continue to find this language confusing; it implies that residents should vote to approve the proposed conversion simply because they would like to see the park become a condominium park regardless of the actual conditions that would attach to your clients' proposal. Moreover, the first sentence of the second paragraph already states that each resident space is entitled to one vote so this second restatement of the same entitlement is redundant.

I reinserted the text from my earlier draft that advised residents that the space rents would no longer be governed by the Santa Cruz County Municipal Code §13.32, the County's mobilehome rent control ordinance. There is no dispute that this will be one of the effects of the conversion. The Residents' rents have been governed by this ordinance since 1982 so it is important that they

understand that will no longer be the case if the park is converted.

I also deleted that portion of your draft that mentioned Santa Cruz County Ordinance No. 4880 and an "attached...Draft Tenant Impact Report ('TIR')." I do not think it is appropriate that the Survey refer to an ordinance that has its own separate requirements and to a "TIR" that the Residents have not had an opportunity to review or approve.

The Residents and the Park Owner are required by the statute to try to agree on the terms of a "survey of support," nothing more. Moreover, I am concerned that the purpose of inserting this language may represent an effort to try to comply, by means of the survey itself, with the separate obligations imposed by the new County ordinance. This language is not acceptable. Also, please note that the Residents will not agree to any proposal to distribute other documents with the Survey, or contemporaneous with the Survey, unless the Residents have previously agreed to the text of such documents. If this happens, the vote will be meaningless and subject to formal challenge.

## **2. Voting Procedure.**

**a. Tabulating Votes.** The Residents would agree to have an independent CPA office tabulate the votes.

**b. Retention of Votes.** The Residents want the votes to be retained and secured for the duration of the application process in the event that there is any question about the voting results.

**c. Examination of Votes.** Both counsel should be permitted to review the ballots themselves after the voting has taken place provided guarantees are in place to prohibit the disclosure of individual votes without the voter's permission or a court order.

**3. Invitation to the Resident Meeting.** This will confirm your invitation to attend their next park-wide Resident meeting at 7:00 p.m. on Monday, November 5, 2007, at the Park clubhouse. Unfortunately, the Residents cannot accommodate your request to move the meeting to a different date. This is a regularly scheduled meeting and moving it might reduce attendance.

I believe that we have agreed on the following procedures for the meeting:

**a. Park Owner Presence.** You have agreed to invite the owners to attend as the Residents would appreciate their presence.

**b. Park Owner Presentation Time.** The presentation by the Park Owner and/or by his representatives will be 30 minutes with another 30 minutes set aside for questions by the Residents.

**c. Written Questions by Residents.** To ensure civility and to avoid repetitive questions, the Residents will use pre-selected written questions during the "question time" that will be read

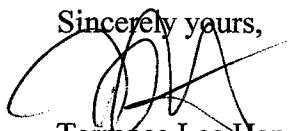
by one person chosen by the Residents. The Residents will provide you with their proposed written questions by October 29, 2007 and you will provide the questions you would like to be asked on that same date to me. The Residents will make the final decision on which questions will actually be used and those will be provided to you in advance. No other questions will be used.

**d. Video Recording.** You have agreed that the Residents may record the meeting for those who are unable to attend.

**e. Moderator.** The Residents will have one of their Board members serve as the moderator at this meeting. I will not have any formal role.

Please let me know who will be coming as soon as possible. The Residents would like to provide ample advance notice to get a good turnout. Also, please let me know if you agree to use the attached survey form.

Sincerely yours,



Terrence Lee Hancock  
Directing Attorney  
[terryhancock@seniorlegal.org](mailto:terryhancock@seniorlegal.org)

cc: Clients  
Rahn Garcia, Office of the County Counsel

**ALIMUR MOBILEHOME PARK**  
*CA Gov't Code § 66427.5(d)(1) SURVEY OF RESIDENTS*

The owner Alimur Mobilehome Park has filed an application with the County of Santa Cruz to convert Alimur Mobilehome Park to a resident owned condominium subdivision. California Government Code §66427.5(d)(5) requires the park owner to submit to the County a survey of resident support for the conversion, obtained through the enclosed written ballot.

Each occupied mobilehome space in Alimur Mobilehome Park is entitled to one vote in this survey. Accordingly, the enclosed ballot is being provided to your household to cast its vote in either support of or opposition to the proposed conversion. **IN ORDER FOR YOUR VOTE TO BE COUNTED, AT LEAST ONE ADULT RESIDENT OF YOUR SPACE OR AUTHORIZED LEGAL REPRESENTATIVE OR AGENT MUST SIGN IN ONE OF THE SIGNATURE SPACES.** Although there are two signature spaces at the end of this survey, only one is needed to cast a vote for each space. Please fill out your enclosed ballot and return it in the enclosed envelope that contains your space number written on its outside. Your ballot must be postmarked by October \_\_\_\_, 2007 to be included in the final survey results.

Your vote is important and both your resident homeowners association and the park owner strongly urge you to cast your written ballot in this survey either in support of or in opposition to the proposed conversion to resident ownership. For more information you may wish to contact both of the following for an explanation of their views on the conversion and its impact on you:

**Resident homeowners' association representative:**  
Angela Dysle - 831-479-9935, 4300 Soquel Drive #212

**Park owner representative:**  
Susy Forbath - (310) 393-4000 x. 255

**SURVEY**

The effect of a change of the method of ownership from a rental park to a resident owned condominium park, as proposed, provides a choice to the resident households: If the conversion is approved, Residents may purchase their condominium interest or may continue to rent the lot [space + condominium interest] on which their mobilehome is located.

For purchasing residents, the price of the lot [space] will not be set until after the proposed conversion has been approved by County, but PRIOR to application to the California Department of Real Estate for issuance of the public report. This means that each resident will receive the appraised price of their lot [space] approximately six to nine months prior to being asked to make a decision as to whether or not they wish to purchase.

If the conversion is approved by such regulatory agencies, any future purchaser of your mobilehome will be required to purchase the lot [space] at a price that will be determined by the park owner as part of the regulatory approval process.

For non-purchasing residents, the space rent for their lots will no longer be covered by the

This Survey does not constitute an offer to sell a condominium unit or any other real estate interest in Alimur Mobile Home Park. An offer to sell can only be made after the issuance and delivery of the Final Public Report along with all statutorily required documents, including, without limitation, the HOA Budget, the Purchase/Sale Agreement, the HOA Articles & Bylaws, and the Declaration of Conditions, Covenants & Restrictions (CC&Rs).

BY PROVIDING THE INFORMATION REQUESTED IN THIS SURVEY, YOU ARE NOT COMMITTING YOURSELF TO ANY DECISION WITH RESPECT TO THE CHANGE IN OWNERSHIP, INCLUDING, WITHOUT LIMITATION, WHETHER YOU WANT TO RENT OR TO PURCHASE IF THERE IS A CHANGE IN THE FORM OF OWNERSHIP OF ALIMUR MOBILEHOME PARK.

“Mobilehome Rent Adjustment Ordinance” of Santa Cruz County (Santa Cruz Municipal Code §13.32 *et seq.*) Instead, future rent charges will be determined depending upon the financial condition of each individual non-purchasing resident as follows:

**1. For Households That Are Not Lower Income.** As to the non-purchasing residents who are non lower income households, as defined in §50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period, after which time the park owner(s) would be allowed to raise the rent to any level they choose; and

**2. For Households That Are Lower Income.** As to non-purchasing resident who are lower income\* households, as defined in §50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in nonevent shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

\*2007 Lower Income limits for Santa Cruz County: 1 person=\$44,350 per year; 2 persons=\$50,700 per year; 3 persons=\$57,000 per year; 4 persons=\$63,350 per year; 5 persons=\$68,400 per year.

Pursuant to *California Gov't Code section 66427.5(d)(1)*, please check one box below:

- 1.  I/we support the current proposed conversion of the park to a resident owned condominium subdivision.
- 2.  I/we do not support the current proposed conversion of the park to a resident owned condominium subdivision.

**BALLOT MUST BE SIGNED BY AT LEAST ONE PERSON IN ORDER TO BE COUNTED.**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Space No.: \_\_\_\_\_

Space: \_\_\_\_\_

Day Telephone: \_\_\_\_\_

Day Telephone: \_\_\_\_\_

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BY PROVIDING THE INFORMATION REQUESTED IN THIS SURVEY, YOU ARE NOT COMMITTING YOURSELF TO ANY DECISION WITH RESPECT TO THE CHANGE IN OWNERSHIP, INCLUDING, WITHOUT LIMITATION, WHETHER YOU WANT TO RENT OR TO PURCHASE IF THERE IS A CHANGE IN THE FORM OF OWNERSHIP OF ALIMUR MOBILEHOME PARK.