

**SUMMONS  
(CITACION JUDICIAL)**

**SUM-100**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

COUNTY OF SANTA CRUZ; DOES 1 through 10

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE)**  
PAUL GOLDSTONE TRUST U.T.D. JU

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

**Tiene 30 DÍAS DE CALENDARIO** después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Santa Cruz Superior Court  
701 Ocean Street  
Same  
Santa Cruz, CA 95060  
Main Courthouse

CASE NUMBER **CV 157674**  
(Número del caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Thomas W. Casparian (Bar No. 50298) (310) 393-4000 (310) 394-4700  
Gilchrist & Rutter  
1299 Ocean Avenue, Suite 900  
Santa Monica, CA 90401

DATE: **JUL 27 2007**  
(Fecha)

Clerk, by **STEPHEN L. CARLTON**, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

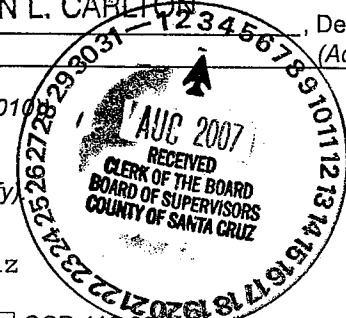
[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify)
3. ☒ on behalf of (specify): County of Santa Cruz

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
- ☒ other (specify): CCP 416.50 (public entity)

4. ☐ by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): <b>Thomas W. Casparian (Bar No. 50298)</b> <b>Gilchrist &amp; Rutter</b> <b>1299 Ocean Avenue, Suite 900</b> <b>Santa Monica, CA 90401</b>		<b>FOR COURT USE ONLY</b>  <div style="font-size: 48px; font-weight: bold; margin: 10px 0;">FILED</div> <div style="font-size: 24px; font-weight: bold; margin: 10px 0;">JUL 27 2007</div> <div style="font-size: 12px; margin: 10px 0;">ALEX CALVO, CLERK BY STEPHEN CARLTON DEPUTY, SANTA CRUZ COUNTY</div>	
TELEPHONE NO.: (310) 393-4000 FAX NO.: (310) 394-4700 ATTORNEY FOR (Name): Plaintiff Paul Goldstone Trust U.T.D. June 27, 2003			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Cruz STREET ADDRESS: 701 Ocean Street MAILING ADDRESS: Same CITY AND ZIP CODE: Santa Cruz, CA 95060 BRANCH NAME: Main Courthouse			
CASE NAME: Paul Goldstone Trust U.T.D. June 27, 2003 v. County of Santa Cruz			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <div style="font-size: 24px; font-weight: bold;">CV 157674</div>
		JUDGE: DEPT:	

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input checked="" type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Type of remedies sought (check all that apply):  
 a. ☒ monetary    b. ☒ nonmonetary; declaratory or injunctive relief    c. ☐ punitive
4. Number of causes of action (specify): Three - declaratory relief, injunctive relief, and inverse condemnation
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: July 26, 2007
- Thomas W. Casparian (Bar No. 50298) \_\_\_\_\_
- (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

### CIVIL CASE COVER SHEET

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ</b> <b>701 Ocean Street</b> <b>Santa Cruz, CA, 95060</b>	<i>For Court Use Only</i>  <div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <div style="text-align: center;">JUL 27 2007</div> <div style="font-size: 0.8em;">             ALEX CALVO, CLERK              BY STEPHEN CARLTON              DEPUTY, SANTA CRUZ COUNTY           </div>
<b>PLAINTIFF: PAUL GOLDSTONE TRUST UDT 6/27/03</b>  <b>DEFENDANT: COUNTY OF SANTA CRUZ</b>	
<b>CASE MANAGEMENT INFORMATION AND SETTING</b>	<b>CASE NO:</b> <b>CISCV157674</b>

This case is in Santa Cruz County's Case Management Program. It is the Duty of each party to be familiar with the California rules of court and the date, time and place of the first case management conference.

This notice must be served with the summons on all defendants and cross-defendants. Notice of any other pending case management conference must be served on subsequently named defendants and cross-defendants.

**ATTENTION DEFENDANT: YOU HAVE 30 DAYS AFTER THE SUMMONS IS SERVED ON YOU TO FILE A RESPONSE TO THE COMPLAINT. THE DATE BELOW DOES NOT EXTEND THE TIME TO FILE A RESPONSE. SEE THE SUMMONS FOR INSTRUCTIONS FOR RESPONDING TO THE SUMMONS AND COMPLAINT.**

<b>The first Case Management Conference hearing date is:</b>		
<b>Date: 11/26/07</b>	<b>Time: 8:29</b>	<b>Department No.: 9</b>

*Telephonic court appearances are provided through CourtCall to the court. To make arrangements to appear at the Case Management Conference by telephone, please call the program administrator for CourtCall at (310) 572-4670 or (888) 882-6878 at least five (5) court days prior to the hearing. DO NOT CALL THE COURT.*

## THE LAWYER'S PLEDGE

In order to raise the standards of civility and professionalism among counsel and between the Bench and the Bar, I hereby pledge the following:

1. To at all times comply with the California Rules of Professional Conduct;
2. To honor all commitments;
3. To be candid in all dealings with the court and counsel;
4. To uphold the integrity of our system of justice and not compromise personal integrity for the sake of a client, case or cause;
5. To seek to accomplish the client's legitimate goals by the most efficient and economical methods possible;
6. To act in a professional manner at all times, to be guided by a fundamental sense of fair play in all dealings with counsel and the court, and to be courteous and respectful to the court;
7. To be on time;
8. To be prepared for all court appearances - to be familiar with all applicable court rules;
9. To adhere to the time deadlines set by statute, rule, or order;
10. To avoid visual displays of pique in response to rulings by the court;
11. To discourage and decline to participate in litigation or tactics that are without merit or are designed primarily to harass or drain the financial resources of the opposing party;
12. To avoid any communications with the judge concerning a pending case unless the opposing party or lawyer is present, or unless permitted by court rules or otherwise authorized by law;
13. To refrain from impugning the integrity of the judicial system, its proceedings, or its members;
14. To treat all court personnel with the utmost civility and professionalism;
15. To remember that conflicts with opposing counsel are professional and not personal - vigorous advocacy is not inconsistent with professional courtesy;
16. To refrain from derogatory statements or discriminatory conduct on the basis of race, religion, gender, sexual orientation or other personal characteristic;
17. To treat adverse witnesses and litigants with fairness and due consideration;
18. To conduct discovery proceedings as if a judicial officer were present;
19. To meet and confer with opposing counsel in a genuine attempt to resolve procedural and discovery matters;
20. To not use discovery to harass the opposition or for any other improper purpose;
21. To not arbitrarily or unreasonably withhold consent to a just and reasonable request for cooperation or accommodation;
22. To not attribute to an opponent a position not clearly taken by that opponent;
23. To avoid unnecessary "confirming" letters and to be scrupulously accurate when making any written confirmation of conversations or events;
24. To not propose any stipulation in the presence of the trier of fact unless previously agreed to by the opponent;
25. To not interrupt the opponent's legal argument;
26. To address opposing counsel, when in court, only through the court;
27. To not seek sanctions against or disqualification of another lawyer to attain a tactical advantage or for any other improper purpose;
28. To not schedule the service of papers to deliberately inconvenience opposing counsel;
29. To refrain, except in extraordinary circumstances, from using the fax machine to demand immediate responses for opposing counsel.

# **ADR INFORMATION PACKAGE**

Included in this package:

- Cover Page
- Alternative Dispute Resolution Program Notice
- Local Form SUPCV 1012  
(Stipulation and Order to Attend Judicial Mediation or Private Arbitration)

## **ATTENTION PLAINTIFFS/CROSS-COMPLAINANTS**

**PLAINTIFFS SHALL SERVE A COPY OF THIS ADR  
INFORMATION PACKAGE ON EACH DEFENDANT  
ALONG WITH THE COMPLAINT. CROSS-COMPLAINANTS  
SHALL SERVE A COPY OF THIS ADR INFORMATION  
PACKAGE ON ANY NEW PARTIES TO THE ACTION  
ALONG WITH THE CROSS-COMPLAINT  
(CRC 3.221)**

**ALTERNATIVE DISPUTE RESOLUTION PROGRAM NOTICE  
SANTA CRUZ SUPERIOR COURT  
LOCAL RULE 7.1.02(a)**

TO: ALL CIVIL LITIGANTS

RE: JUDICIAL MEDIATION PROGRAM OF SANTA CRUZ OR OPTION FOR  
PRIVATE ARBITRATION

Alternate Dispute Resolution (ADR) is a process, other than formal litigation, in which a neutral person assists the parties in resolving their dispute. Santa Cruz County's ADR process is Judicial Mediation. If the parties agree to Mediation, it is the policy of this Court to assign appropriate cases to mediation without making a determination of the value of the case.

Appropriate cases will be assigned to Judicial Mediation from the Case Management Conference Calendar. The parties may stipulate to Mediation prior to the Case Management Conference by written stipulation on local form SUPCV 1012. Case Management Conference Statements and requests for continuances should be submitted at least ten days in advance of the hearing.

FOR MORE INFORMATION REGARDING SANTA CRUZ COUNTY'S MEDIATION PROGRAM, SEE LOCAL RULE 7.1 OR CONTACT THE CIVIL CALENDAR DEPARTMENT (SANTA CRUZ) AT (831) 454-2303 OR THE WATSONVILLE BRANCH AT (831) 763-8069.

You may also stipulate to use a private arbitration or mediation service with the same local form 1012. This local form is required to ensure that the case is tracked properly by Court staff.

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):		TELEPHONE NO.:	For Court Use Only
ATTORNEY FOR (NAME):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ</b> <input type="checkbox"/> Santa Cruz <input type="checkbox"/> Watsonville Branch 701 Ocean Street, Room 110      1430 Freedom Boulevard Santa Cruz, CA 95060              Watsonville, CA 95076			
Plaintiff/Petitioner:  Defendant/Respondent:			
<b>STIPULATION AND ORDER TO ATTEND JUDICIAL MEDIATION OR PRIVATE ARBITRATION</b> Must be filed 10 days before Case Management Conference			CASE NO.

FOR GOOD CAUSE as stated in the attached supporting declaration,  
CASE MANAGEMENT CONFERENCE CURRENTLY SET FOR: (DATE) \_\_\_\_\_  
CHECK ONLY ONE BOX:

- ☐ The parties stipulate to court ordered mediation.
- ☐ The parties stipulate to private mediation or arbitration, to be arranged by the parties and completed within 120 days of the current CMC date stated above. The parties agree that such process shall be a good faith attempt to resolve the case.

**SIGNATURES OF COUNSEL:**

_____	TYPE NAME: _____
DATE: _____	ATTORNEY FOR: _____
_____	TYPE NAME: _____
DATE: _____	ATTORNEY FOR: _____

☐ ADDITIONAL SIGNATURES IN ATTACHMENT "A"

**ORDER**

**BASED ON THE STIPULATION OF THE PARTIES, THE SUPPORTING DECLARATION,  
AND FINDING GOOD CAUSE, THE APPLICATION IS HEREBY GRANTED**

<input type="checkbox"/> SET FOR JUDICIAL MEDIATION ON: _____	AT: _____ a.m./p.m.
<input type="checkbox"/> VACATE CMC CURRENTLY SET FOR: _____	AT: _____ a.m./p.m.

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

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

RICHARD H. CLOSE (Bar No. 50298)  
THOMAS W. CASPARIAN (Bar No. 169763)  
YEN N. NGUYEN (Bar No. 233880)  
GILCHRIST & RUTTER  
Professional Corporation  
Wilshire Palisades Building  
1299 Ocean Avenue, Suite 900  
Santa Monica, California 90401-1000  
Telephone: (310) 393-4000  
Facsimile: (310) 394-4700

Attorneys for Plaintiff Paul Goldstone Trust U.T.D.  
June 27, 2003

**FILED**

JUL 27 2007

ALEX CALVO, CLERK  
BY STEPHEN CARLTON  
DEPUTY, SANTA CRUZ COUNTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA CRUZ

PAUL GOLDSTONE TRUST U.T.D.  
JUNE 27, 2003,

Plaintiff,

vs.

COUNTY OF SANTA CRUZ; DOES 1 through  
10,

Defendants.

CASE NO. **CV 157674**

VERIFIED COMPLAINT FOR  
DECLARATORY RELIEF, INJUNCTIVE  
RELIEF AND INVERSE CONDEMNATION

Plaintiff Paul Goldstone Trust U.T.D. June 27, 2003 ("Goldstone Trust" or "Plaintiff") by  
this verified complaint ("Complaint") hereby alleges as follows:

THE PARTIES

1. Plaintiff Goldstone Trust is a trust duly authorized and existing under and by virtue  
of the laws of the State of California

2. Goldstone Trust is informed and believes, and thereon alleges, that defendant  
County of Santa Cruz ("County" or "Defendant") is a political subdivision within the State of  
California.

3. The true names and capacities, whether individual, corporate, associate,  
governmental or otherwise, of defendants Does 1-10, inclusive, are unknown to Plaintiff at this  
time and Plaintiff therefore sues said defendants by such fictitious names. Leave of Court will be

1 requested to amend this Complaint to show their true names and capacities when the same have  
2 been ascertained. County and Does 1-50, inclusive, are sometimes hereinafter collectively  
3 referred to as "Defendants." Plaintiff is further informed and believes, and thereon alleges that  
4 Defendants, and each of them, in doing the things hereinafter alleged were acting pursuant to the  
5 course and scope of their authority as agents, servants, and employees of one another and with the  
6 permission and consent of their co-defendants.

7 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants and  
8 each of them conspired and acted in concert with each other Defendants with respect to the events  
9 and happenings referred to herein which proximately caused the damages hereinafter alleged.

#### 10 VENUE AND JURISDICTION

11 5. This Court has personal jurisdiction over Defendants as they are, and at all relevant  
12 times hereinafter mentioned were, political subdivisions, cities, political and administrative  
13 bodies, domiciliaries, and/or residents of the State of California.

14 6. Venue is properly placed in the County of Santa Cruz, State of California for the  
15 following reasons, among others: (a) the wrongful conduct, acts and omissions of Defendants  
16 hereinafter alleged occurred and took place in the County of Santa Cruz, State of California; (b)  
17 the effects of such wrongful conduct and the damages resulting therefrom to Plaintiff have  
18 occurred in the County of Santa Cruz, State of California; (c) the Defendants, their employees and  
19 representatives and most of the witnesses to the conduct alleged herein reside in or around the  
20 County of Santa Cruz or have their principal places of business and conduct their businesses  
21 within the County of Santa Cruz, State of California.

22 7. On July 17, 2007, Plaintiff filed a claim with County, pursuant to Government  
23 Code section 810 *et seq.*, otherwise known as the California Tort Claims Act.

#### 24 GENERAL FACTUAL ALLEGATIONS

25 8. Goldstone Trust is the owner of Alimur Mobile Home Park (the "Park"), a  
26 mobilehome park located in an unincorporated section of Santa Cruz County. Plaintiff was and is  
27 seeking to convert the Park to resident ownership pursuant to California Government Code section  
28 66427.5. Such a conversion would mean that the residents of the Park would own their own real

1 estate units, as well as an undivided interest in the common areas, as opposed to a rental-only  
2 facility owned by Plaintiff. When a mobilehome park is converted to condominium-style  
3 ownership, each lot in the mobilehome park becomes separately transferable pursuant to State law  
4 and subject to applicable covenants, conditions, and restrictions. State law provides for its own  
5 form of rent control applicable in a resident-owned park and preempts any otherwise applicable  
6 local rent control.

7 9. California has adopted a comprehensive statutory scheme governing conversion of  
8 mobilehome parks from rental facilities to resident-owned, or condominium-style, parks. The  
9 agency principally responsible for administering that statutory scheme is the California  
10 Department of Real Estate. Under California law, the authority of local bodies such as County is  
11 limited to consideration of an application for a tentative tract map pursuant to Government Code  
12 section 66427.5 (within the Subdivision Map Act, Government Code section 66410 *et seq.*). Such  
13 a map has the effect of subdividing the single parcel into separately transferable real estate units,  
14 as well as interest in undivided common areas. No construction or physical development at the  
15 mobilehome park is contemplated or necessary. Rather, the subdivision is on paper only.

16 10. A local agency's, such as County's, consideration of such an application is  
17 governed by Government Code section 66427.5, which provides specific and detailed  
18 requirements for conversions to resident ownership and limits the local government's review of  
19 the application to the question of whether the requirements of Government Code section 66427.5  
20 have been satisfied. After the local government approves the map subdivision, the California  
21 Department of Real Estate regulates the marketing and sale of the individual units in the  
22 mobilehome park.

23 11. Pursuant to this statutory framework, Plaintiff has submitted an application for a  
24 tentative tract map to subdivide the Park for condominium purposes ("Application"). The  
25 Application does not contemplate any new building or development; it merely subdivides the  
26 property lines to allow for resident ownership of lots in the Park.

27 12. In or around March 2007, counsel for Plaintiff became aware that County was  
28 planning a vote regarding a proposed interim urgency ordinance, allegedly pursuant to

1 Government Code section 65858, to impose a forty-five (45) day moratorium on approving  
2 applications for conversions of mobilehome parks to resident ownership within the unincorporated  
3 area of the County.

4 13. In a letter dated March 5, 2007, counsel for Plaintiff advised County that the  
5 proposed moratorium was illegal in light of controlling state statutes and appellate court opinions.  
6 The March 5, 2007 letter advised County that since (i) it was preempted from legislating in the  
7 area of mobilehome park conversions to resident ownership, (ii) the conversion of a mobile home  
8 park from a leasehold to resident ownership does not constitute a change of use allowing for the  
9 imposition of an interim ordinance under Government Code section 65858, and (iii) the proposed  
10 moratorium was not supported by adequate legislative findings, as required under Government  
11 Code section 65858, the proposed ordinance was therefore an improper use of County's authority  
12 to pass interim urgency measures.

13 14. Nevertheless, during a County Board of Supervisors hearing on March 6, 2007,  
14 County, acting through its Board of Supervisors, enacted Ordinance No. 4853 imposing a  
15 temporary forty-five (45) day moratorium on the conversion of mobilehome parks to resident  
16 ownership in the County of Santa Cruz ("Original Moratorium"). A true and correct copy of the  
17 Ordinance No. 4853 is attached hereto as Exhibit "A."

18 15. On April 17, 2007, the Board of Supervisors held a hearing to consider, among  
19 other things, extending the Original Moratorium. Representatives of Goldstone Trust were present  
20 at the April 17, 2007 hearing and attempted to advise County that the Original Moratorium, and its  
21 extension, was violative of the law. However, County disregarded Plaintiff's objections and  
22 adopted Ordinance No. 4872, extending the Original Moratorium for a period of ten (10) months  
23 and fifteen (15) days ("Extended Moratorium," together with Original Moratorium,  
24 "Moratorium"). Specifically Section II of Ordinance No. 4872 states, "[t]he purpose of this  
25 ordinance is to prohibit the conversion of mobilehome parks to resident ownership within the  
26 unincorporated area of the County of Santa Cruz pending enactment of permanent regulations  
27 affecting such conversions." A true and correct copy of Ordinance No. 4872 is attached hereto as  
28 Exhibit "B."



LAW OFFICES  
GILCHRIST & RUTTER  
PROFESSIONAL CORPORATION  
1299 OCEAN AVENUE, SUITE 900  
SANTA MONICA, CALIFORNIA 90401-1000  
TEL (310) 393-4000 • FAX (310) 394-4700

FIRST CAUSE OF ACTION

(For Declaratory Relief Against County and Does 1 – 10)

20. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1 through 19, inclusive, as if set forth in full herein.

21. An actual controversy has arisen and now exists between Plaintiff and Defendants, and each of them, regarding their respective rights, duties, and obligations under Government Code sections 65858 and 66427.5, California law, and the Moratorium in that Plaintiff contends Defendants acted illegally in enacting the Moratorium for the following reasons: (i) even if County did have authority to legislate mobilehome park conversions, which it did not, Government Code section 65858 does not allow for the imposition of an interim ordinance to prohibit a current use; (ii) irrespective, Defendants did not comply with the mandatory prerequisites set forth in Government Code section 65858(c); and, (iii) Defendants deliberately ignored the fact that local authority concerning mobilehome park conversions to resident ownership is limited to confirming that applications for conversion comply with the requirements contained in Government Code section 66427.5, whereas Defendants dispute these contentions.

22. Plaintiff desires a judicial determination of the respective rights and duties of it and of Defendants with respect to Government Code sections 65858 and 66427.5, California law, and the Moratorium. In particular, Plaintiff desires a declaration that: (i) compliance with Government Code sections 65858 and 66427.5 and California law is mandatory; (ii) even if County did have authority to legislate mobilehome park conversions, which it did not, Government Code section 65858 does not allow for the imposition of an interim ordinance to prohibit a current use; (iii) irrespective, in enacting the Moratorium, Plaintiff did not comply with the mandatory prerequisites set forth in Section 65858(c) of the Government Code; (iv) in enacting the Moratorium, Defendants improperly attempted to legislate in an area exclusively subject to State control; and, (v) said failure to comply with Government Code sections 65858 and 66427.5 and California law thereby renders the Moratorium invalid;

## SECOND CAUSE OF ACTION

(For a Preliminary Injunction and a Permanent Injunction Against County and Does 1 – 10)

24. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1 through 23, inclusive, as if set forth in full herein.

25. Plaintiff seeks a preliminary and permanent injunction to enjoin Defendants from enforcing the Moratorium.

26. Plaintiff has demanded that Defendants stop their wrongful conduct described above and to vacate Ordinance No. 4872. Defendants, and each of them, have refused to comply with Plaintiff's demands and have continued to uphold and enforce the Moratorium, notwithstanding Plaintiff's request that County cease enforcing the Moratorium and immediately vacate the same.

27. Unless and until enjoined and restrained by this Court, Defendants' conduct has caused and will continue to cause Plaintiff to suffer grave and irreparable injury. Plaintiff's lawful use of its property has been unlawfully stymied by the Moratorium. Among other things, Plaintiff is unable to convert its Park to residential ownership, thereby facing loss in the fair market value of its Park and loss of income. Plaintiff's injury is continuous and ongoing.

28. Plaintiff is likely to prevail on the merits of this action as Defendants clearly acted without legal authority in enacting the Moratorium in that: (i) even if County did have authority to legislate mobilehome park conversions, which it did not, Government Code section 65858 does not allow for the imposition of an interim ordinance to prohibit a current use; (ii) irrespective, Defendants did not comply with the mandatory prerequisites set forth in Government Code section 65858(c); and, (iii) Defendants deliberately ignored the fact that local authority concerning mobilehome park conversions to resident ownership is limited to confirming that applications for conversion comply with the requirements contained in Government Code section 66427.5.

### THIRD CAUSE OF ACTION

(For Inverse Condemnation Against County and Does 1 – 10)

30. Plaintiff re-alleges and incorporates by reference each and all of the allegations contained in paragraph numbers 1 through 29, as if set out in full.

31. Plaintiff has a legal right to convert its mobilehome park to resident ownership. County's adoption of the Moratorium amounts to an unconstitutional taking and fails substantially to advance legitimate government interests as required by the Takings Clause of the Fifth Amendment to the United States Constitution and Article I, Section 19 of the California Constitution. By adopting the Moratorium, County exceeded its authority and jurisdiction and interfered with the statutory and regulatory process as established by the Legislature. The Moratorium frustrates uniform standards designed to regulate mobilehome parks.

32. The Moratorium works an unconstitutional taking of Plaintiff's private property for public use because it does not advance any legitimate interest of County and is an illegal exaction imposed on Plaintiff. Not only did County not observe the mandatory prerequisites set forth in Section 65858(c) of the Government Code in enacting the Moratorium, therefore rendering the Moratorium void, but State law prohibits County from enacting the Moratorium altogether. Plaintiff is informed and believes, and based on such information and belief alleges, that Defendants enacted the Moratorium knowing that it had no power to do so. The Moratorium is clearly illegal in light of appellate court opinion and California law and is so unreasonable from a legal standpoint that it was clearly intended solely for the purpose of delay and obstruction.

33. Plaintiff is further informed and believes, and based on such information and belief alleges, that County enacted the Moratorium knowing that they did not advance any legitimate governmental interests.

34. Even assuming County had the power to enact the Moratorium, Plaintiff is informed and believes, and based on such information and belief alleges, that there is not an essential nexus between the Moratorium, and any authority County may have to adopt the

1 Moratorium. Moreover, Plaintiff is informed and believes, and based on such information and  
2 belief alleges, that the Moratorium is not roughly proportional to the effects of the conversion of  
3 Plaintiff's mobilehome Park. Rather, the Moratorium prevents Plaintiff from exercising a  
4 legitimate right to convert its Park to resident ownership and forces Plaintiff, a single property  
5 owner, to bear a disproportionate share of the cost of allegedly protecting the public safety, health  
6 and welfare.

7 35. Plaintiff has suffered and continues to suffer damages, in an amount to be proven at  
8 trial, as a result of County's unconstitutional taking of its private property. Plaintiff's lawful use  
9 of its property has been unlawfully stymied by the imposition of the illegal Moratorium, resulting  
10 in damages for a temporary taking in an amount to be proven at trial but believed to be not less  
11 than \$ 15,582,000.

12  
13 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as  
14 follows:

15 1. For a judicial declaration of the respective rights and duties of Plaintiff and of  
16 Defendants with respect to Government Code sections 65858 and 66427.5, California law, and the  
17 Moratorium. In particular, Plaintiff desires a declaration that: (i) compliance with Government  
18 Code sections 65858 and 66427.5 and California law is mandatory; (ii) even if County did have  
19 authority to legislate mobilehome park conversions, which it did not, Government Code section  
20 65858 does not allow for the imposition of an interim ordinance to prohibit a current use; (iii) in  
21 enacting the Moratorium, Defendants did not comply with the mandatory prerequisites set forth in  
22 Section 65858(c) of the Government Code; (iv) in enacting the Moratorium, Defendants  
23 improperly attempted to legislate in an area exclusively subject to State control; and (vi) said  
24 failure to comply with Government Code sections 65858 and 66427.5 and California law thereby  
25 render the Moratorium invalid;

26 2. For a preliminary injunction and permanent injunction prohibiting Defendants from  
27 enforcing the Moratorium;  
28

1           3.       For recovery of damages against Plaintiff in an amount to be proven at trial, but not  
2 less than \$ 15,582,000;

3           4.       For an award of costs of suit, expenses, and reasonable attorneys' fees against the  
4 County; and

5           5.       For such other further relief as the Court deems just and proper.

6  
7 DATED: July 26, 2007

GILCHRIST & RUTTER  
Professional Corporation

8  
9  
10 By: 

Thomas W. Casparian

Attorneys for Paul Goldstone Trust U.T.D.  
June 27, 2003

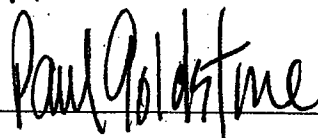
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VERIFICATION

I, Paul Goldstone, am a Trustee of the Paul Goldstone Trust U.T.D. June 27, 2003 and am authorized to make this verification on its behalf. I have personally viewed and am familiar with the records, files, and proceedings described herein. I know the facts set forth in the Verified Complaint to be true. I know the exhibits attached to the Verified Complaint to be true and correct copies of the documents described.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 25, 2007, at Menlo Park, California.



Paul Goldstone

LAW OFFICES  
GILCHRIST & RUTTER  
PROFESSIONAL CORPORATION  
1288 OCEAN AVENUE, SUITE 800  
SANTA MONICA, CALIFORNIA 90401-1000  
TEL (310) 393-4000 • FAX (310) 394-4700

**ORDINANCE NO. 4853**

**URGENCY ORDINANCE ADOPTING AND IMPOSING A  
TEMPORARY MORATORIUM ON THE CONVERSION OF  
MOBILEHOME PARKS TO RESIDENT OWNERSHIP**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

This ordinance is adopted pursuant to §65858 and §25123 (d) of the California Government Code. The purpose of this ordinance is to prohibit the conversion of mobilehome parks to resident ownership within the unincorporated area of the County of Santa Cruz pending enactment of permanent regulations affecting such conversions. The Santa Cruz County Board of Supervisors finds and determines as follows:

1. Mobilehome parks provide a significant segment of the affordable housing stock available for Santa Cruz County residents. At present there are 49 mobilehome parks subject to rent regulation within Santa Cruz County. These 49 parks contain some 2,314 mobilehome spaces subject to the rent adjustment provisions of Chapter 13.32.
2. In most instances, mobilehome residents own or are purchasing their mobilehomes and pay monthly rent for the land beneath. Annual rent increases for mobilehome spaces that have a lease of 12 months or less are regulated under Chapter 13.32 of the Santa Cruz County Code.
3. The purposes of the County's Mobilehome Rent Adjustment Ordinance are set forth in Santa County Code § 13.32.010, which is incorporated herein by reference.
4. The County's Housing Element of its General Plan seeks to preserve affordable housing by conserving the County's existing stock of mobilehomes through enforcement of County ordinances that protect mobilehome parks from conversion and by providing rent stabilization protection.
5. State law permits a mobilehome park to be subdivided into separate lots, such that residents may own not only the mobilehome itself, but also the space beneath it. These subdivisions are known as "the conversions of a mobilehome park to resident ownership." Upon such conversion to resident ownership, local rent control provisions are, by state law, no longer applicable. The County has been notified by representatives of one mobilehome park owner that the owner intends to

Exh A

seek conversion of two parks to resident ownership.

6. When initiated by residents of a mobilehome park, the conversion of the park to resident ownership may provide the residents with the security and advantages of full homeownership. Such resident-initiated conversions, however, can be challenging in Santa Cruz County, where the land underlying mobilehome parks is often valued in the millions of dollars, far beyond the financial reach of most park residents. The State program offering financial assistance to mobilehome park residents in purchasing their park or individual low-income residents in purchasing their space (Mobilehome Park Resident Ownership Program) has limited annual funding to meet statewide needs.

7. The economic displacement of nonpurchasing residents resulting from the conversion of a mobilehome park initiated by the park owner is subject to Government Code **566427.5**. State courts have previously held that local rent controls are displaced upon the sale of a single lot within a mobilehome park. Local experiences indicate that when local rent control is removed, space rents and the sales values of mobilehomes are destabilized. Although state law provides some protection for certain mobilehome park residents, the protections may be inadequate for residents who do not qualify as a lower income household. Furthermore, the rent adjustment provisions applied pursuant to subdivision (f) of Government Code **566427.5** do not appear to extend to new tenants.

8. While Government Code **566427.5** establishes certain parameters for the processing of an application for conversion of a mobilehome park to resident ownership, it appears to permit some level of local regulation which may include, but need not be limited to: specifying the procedures for accepting and processing applications; regulating the form, content and use of the survey required by Government Code **566427.5**; establishing standards to ensure that a conversion to resident ownership is "bona fide" in accordance with case law and Section 2 of Chapter **1142** of the California Statutes of **2002**; establishing local incentives for voluntary protection of housing affordable to lower income households within mobilehome parks; or such other regulations as may be essential to avoid the current and immediate loss of a significant portion of the County's vital affordable housing stock.

9. It is in the interest of the County of Santa Cruz, of owners and residents of mobilehome parks, and of the community as a whole, that the Board of Supervisors consider regulations to promote the lawful purposes of preserving affordable housing within mobilehome parks, while providing opportunities for resident ownership wherever feasible and appropriate. The Board of Supervisors finds that the adoption of the temporary moratorium is necessary to provide staff sufficient time to study the issues and make recommendations on whether and how to regulate mobilehome park conversions consistent with the provisions of Government Code **566427.5**.

10. If a temporary moratorium is not imposed, it would be destructive of any proposed future requirements and regulations if, during the period they are being studied and considered for adoption, parties seeking to avoid their operation and effect are permitted to convert existing mobilehome parks to resident ownership in a manner that might defeat in whole, or in part, the objectives of such requirements and regulations. As a result, it is necessary to establish a moratorium and prohibition on the conversion of mobilehome parks to resident ownership within the unincorporated area of the County of Santa Cruz pending the completion of the County's review of the impacts of park conversions and the enactment of local regulations consistent with the provisions of Government Code §66427.5.

## **SECTION II**

During the period this ordinance remains in effect, no permit or approval of any entitlement application shall be granted allowing the conversion of a mobilehome park to resident ownership within the unincorporated area of the County of Santa Cruz.

## **SECTION III**

Based on the findings and conditions set forth in Section I of this ordinance, the Board of Supervisors determines and declares that the conversion of mobilehome parks to resident ownership without local regulation consistent with the provisions of Government Code §66427.5 constitutes a current and immediate threat to the public health, safety, and welfare; and that this ordinance is necessary as an urgency measure for the immediate preservation of the public peace, health, or safety.

## **SECTION IV**

For the purposes of this ordinance, "mobilehome park" shall mean a mobilehome park as defined in section 13.32.020 of the Santa Cruz County Code. The phrase "conversion of a mobilehome park to resident ownership" shall mean a subdivision of a mobilehome park pursuant to Government Code §66427.5.

## **SECTION V**

During the period this ordinance remains in effect, the provisions of this ordinance shall govern. If there is any conflict between the provisions of this ordinance and any provision of the Santa Cruz County Code, or any County ordinance, resolution, or policy, the provisions of this ordinance shall control.

## **SECTION VI**

Environmental Determination. This ordinance is exempt from the California

Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines § 15061(b)(3) and § 15262 in that it can be seen with certainty that there is no possibility that this ordinance or its implementation would have a significant effect on the environment. The Planning Director is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

## SECTION VII

**Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

## SECTION VIII

**Effective Date.** This ordinance is an ordinance for the immediate preservation of the public health, safety and welfare and is hereby declared to be in full force and effect immediately upon its passage, and shall continue in full force and effect for a period of 45 days from its date of adoption unless the terms and time period of this ordinance are extended by the Board of Supervisors in accordance with Government Code §68585.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 6th day of March, 2007, by the following vote:

AYES:	SUPERVISORS	Pirie, Coonerty, Campos, Stone and Beautz
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

**JANET K. BEAUTZ**

Chair, Board of Supervisors

Attest:

**GAIL T. BORKOWSKI**

Clerk of the Board

Approved as to form:

County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 6th DAY OF March 2007  
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA  
BY Sharon Mitchell DEPUTY

**ORDINANCE NO. 4872****URGENCY ORDINANCE EXTENDING A  
TEMPORARY MORATORIUM ON THE CONVERSION OF  
MOBILEHOME PARKS TO RESIDENT OWNERSHIP**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

On March 6, 2007, the Board of Supervisors of Santa Cruz County adopted Ordinance No. 4853, imposing a temporary moratorium of forty-five (45) days on the conversion of mobilehome parks to resident ownership pursuant to authority under §65858 and § 25 123 (d) of the California Government Code. If adopted, this ordinance shall extend the temporary moratorium for an additional period of ten months and 15 days from its date of adoption.

**SECTION II**

This ordinance is adopted pursuant to §65858 and §25123 (d) of the California Government Code. The purpose of this ordinance is to prohibit the conversion of mobilehome parks to resident ownership within the unincorporated area of the County of Santa ~~Cruz~~ pending enactment of permanent regulations affecting such conversions. The Santa Cruz County Board of Supervisors finds and determines as follows:

1. Mobilehome parks provide a significant segment of the affordable housing stock available for Santa Cruz County residents. At present there are 49 mobilehome parks subject to rent regulation within Santa Cruz County. These 49 parks contain some 2,3 14 mobilehome spaces subject to the rent adjustment provisions of Chapter 13.32.
2. In most instances, mobilehome residents own or are purchasing their mobilehomes and pay monthly rent for the land beneath. Annual rent increases for mobilehome spaces that have a lease of 12 months or less are regulated under Chapter 13.32 of the Santa ~~Cruz~~ County Code.
3. The purposes of the County's Mobilehome Rent Adjustment Ordinance are set forth in Santa County Code §13.32.010, which is incorporated herein by reference.
4. The County's Housing Element of its General Plan seeks to preserve affordable housing by conserving the County's existing stock of mobilehomes through enforcement of County ordinances that protect mobilehome parks from conversion

and by providing rent stabilization protection.

5. State law permits a mobilehome park to be subdivided into separate lots, such that residents may own not only the mobilehome itself, but also the space beneath it. These subdivisions are known as “the conversions of a mobilehome park to resident ownership.” Upon such conversion to resident ownership, local rent control provisions are, by state law, no longer applicable. The County has been notified by representatives of one mobilehome park owner that the owner intends to seek conversion of two parks to resident ownership.

6. When initiated by residents of a mobilehome park, the conversion of the park to resident ownership may provide the residents with the security and advantages of full homeownership. Such resident-initiated conversions, however, can be challenging in Santa Cruz County, where the land underlying mobilehome parks is often valued in the millions of dollars, far beyond the financial reach of most park residents. The State program offering financial assistance to mobilehome park residents in purchasing their park or individual low-income residents in purchasing their space (Mobilehome Park Resident Ownership Program) has limited annual funding to meet statewide needs.

7. The economic displacement of nonpurchasing residents resulting from the conversion of a mobilehome park initiated by the park owner is subject to Government Code §66427.5. State courts have previously held that local rent controls are displaced upon the sale of a single lot within a mobilehome park. Local experiences indicate that when local rent control is removed, space rents and the sales values of mobilehomes are destabilized. Although state law provides some protection for certain mobilehome park residents, the protections may be inadequate for residents who do not qualify as a lower income household. Furthermore, the rent adjustment provisions applied pursuant to subdivision (f) of Government Code §66427.5 do not appear to extend to new tenants.

8. While Government Code §66427.5 establishes certain parameters for the processing of an application for conversion of a mobilehome park to resident ownership, it appears to permit some level of local regulation which may include, but need not be limited to: specifying the procedures for accepting and processing applications; regulating the form, content and use of the survey required by Government Code §66427.5; establishing standards to ensure that a conversion to resident ownership is “bona fide” in accordance with case law and Section 2 of Chapter 1142 of the California Statutes of 2002; establishing local incentives for voluntary protection of housing affordable to lower income households within mobilehome parks; or such other regulations as may be essential to avoid the current and immediate loss of a significant portion of the County’s vital affordable housing stock.

9. It is in the interest of the County of Santa Cruz, of owners and residents of mobilehome parks, and of the community as a whole, that the Board of Supervisors consider regulations to promote the lawful purposes of preserving affordable housing within mobilehome parks, while providing opportunities for resident ownership wherever feasible and appropriate. The Board of Supervisors finds that the adoption of the temporary moratorium is necessary to provide staff sufficient time to study the issues and make recommendations on whether and how to regulate mobilehome park conversions consistent with the provisions of Government Code §66427.5.

10. If a temporary moratorium is not imposed, it would be destructive of any proposed future requirements and regulations if, during the period they are being studied and considered for adoption, parties seeking to avoid their operation and effect are permitted to convert existing mobilehome parks to resident ownership in a manner that might defeat in whole, or in **part**, the objectives of such requirements and regulations. As a result, it is necessary to establish a moratorium and prohibition on the conversion of mobilehome parks to resident ownership within the unincorporated area of the County of Santa Cruz pending the completion of the County's review of the impacts of park conversions and the enactment of local regulations consistent with the provisions of Government Code §66427.5.

### SECTION III

During the period this ordinance remains in effect, no permit or approval of any entitlement application shall be granted allowing the conversion of a mobilehome park to resident ownership within the unincorporated area of the County of Santa Cruz.

### SECTION IV

Based on the findings and conditions set forth in Section I of this ordinance, the Board of Supervisors determines and declares that the conversion of mobilehome parks to resident ownership without local regulation consistent with the provisions of Government Code §66427.5 constitutes a current and immediate threat to the public health, safety, and welfare; and that this ordinance is necessary as an urgency measure for the immediate preservation of the public peace, health, or safety.

### SECTION V

For the purposes of this ordinance, "mobilehome park" shall mean a mobilehome park as defined in section 13.32.020 of the Santa Cruz County Code. The phrase "conversion of a mobilehome park to resident ownership" shall mean a subdivision of a mobilehome park pursuant to Government Code §66427.5.

## SECTION VI

During the period this ordinance remains in effect, the provisions of this ordinance shall govern. If there is any conflict between the provisions of this ordinance and any provision of the Santa Cruz County Code, or any County ordinance, resolution, or policy, the provisions of this ordinance shall control.

## SECTION VII

Environmental Determination. This ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines § 15061(b)(3) and § 15262 in that it can be seen with certainty that there is no possibility that this ordinance or its implementation would have a significant effect on the environment. The Planning Director is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

## SECTION VIII

Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

## SECTION IX

Effective Date. This ordinance is an ordinance for the immediate preservation of the public health, safety and welfare and is hereby declared to be in full force and effect immediately upon its passage, and shall continue in full force and effect for a period of ten months and 15 days from its date of adoption unless the terms and time period of this ordinance are extended by the Board of Supervisors in accordance with Government Code §68585.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 17th day of April, 2007, by the following vote:

AYES:	SUPERVISORS	Coonerty, Stone, Pirie, Campos and Beautz
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None

ABSTAIN: SUPERVISORS None

JANET K. BEAUTZ

Chair, Board of Supervisors

Attest:

GAIL T. BORKOWSKI

Clerk of the Board

Approved as to form:

*Patricia Garcia*  
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT  
IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE  
OFFICE ATTEST MY HAND AND SEAL THIS 17th DAY  
OF April 20 07  
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER  
AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, CALIFORNIA

BY *Sharon Mitchell* DEPUTY