

# SILVER & ARSHT

*Attorneys at Law*

1860 BRIDGEGATE STREET, SUITE 100  
WESTLAKE VILLAGE, CALIFORNIA 91361-1409

TELEPHONE (805) 495-4044

FACSIMILE (805) 494-4704

www.silverandarsh.com

Email sanda@silverandarsh.com

SAMUEL J. ARSHT \*  
MICHAEL J. SILVER  
BRENDA L. THOMAS  
MARSHA C. BRILLIANT  
RANDALL A. COHEN

\*ALSO MEMBER OF PA BAR

OF COUNSEL:  
J. PETER WAKEMAN  
CERTIFIED SPECIALIST -  
ESTATE PLANNING, PROBATE  
AND TRUST LAW

April 27, 2011

Aide C. Ontiveros, Esq.  
Adams Kessler PLC  
2566 Overland Avenue, Suite 730  
Los Angeles, CA 90064

**Re: Sullivan v. Wood Ranch Sycamore Canyon Village Association  
Ventura County Superior Court Case No. 56-2011-00395532-CU-CO-SIM**  
**Your Client: Wood Ranch Sycamore Canyon Village  
Association ("Association")**  
**Our Clients: Ted and Paula Sullivan**  
**Clients' Property: 406 Wood Ranch Parkway, Simi Valley, CA 93065  
Lot 384, Tract 4053 ("Property")**

Dear Ms. Ontiveros:

In your letter dated March 15, 2011, you confirmed that your office is authorized to accept service of the Summons, Complaint and associated documents in the above-referenced action. Therefore, we are enclosing herein those documents, as more specifically described in the two (2) copies of the Notice and Acknowledgment of Receipt. Please sign, date and return the Notice and Acknowledgment of Receipt within twenty (20) days from the date of mailing to us in the enclosed self-addressed, stamped envelope. Pursuant to Section 12.10 of the CC&Rs, please provide several names to us of judicial referees who are acceptable to the Association and your office. We will then advise you if any of those referees are acceptable to us and, if not, will provide you with alternative names.

### Pruning of Trees by Sullivans

Reserving all of their rights, pursuant to your "Courtesy Notice" dated March 8, 2011, Mr. and Mrs. Sullivan caused the 47 trees on their Property referenced therein to be trimmed, consisting of the 10 large Tipuana Tipu trees near the corner of Wood Ranch Parkway and North Martha Morrison Drive, which cost \$2,250.00, and the 37 smaller trees that run along North Martha Morrison Drive, which cost \$1,000.00.

Enclosed herein are copies of Estimate No. 11785 dated 3/21/2011 from Pacific West Tree Care, Inc. in the amount of \$2,250.00 and Estimate No. 3868 dated 3/16/2011 from West Coast Tree Co. in the amount of \$1,000.00, also serving as the respective invoices which our clients paid in full. Mr. and Mrs. Sullivan hereby demand that the Association immediately reimburse them for the entire amount of \$3,250.00 that they paid for maintenance of these trees which remains the Association's sole responsibility. The \$3,250.00 will be added to the damages that the Sullivans are seeking to recover from the Association in the above-referenced action.

#### Brush Clearance

On April 13, 2011, the Board of Directors of the Association sent a letter to Mr. and Mrs. Sullivan stating, in pertinent part: "It has come to our attention that the required 100-foot brush clearance along the perimeter of your property, which had been cleared by the HOA in the past, is the homeowner's responsibility to maintain. Please arrange for the 100-foot brush clearance to be completed in this area by June 1, 2011 to meet the Fire Department's deadline."

It is not possible that the subject of the brush clearance has just come to the attention of the Board of Directors. By Easement Corporation Grant Deed recorded on August 7, 1989, as Instrument No. 89-123061 ("Deed"), the Roberts Group VII, Inc., a California corporation, granted to the Association, "an Easement for slope maintenance purposes in, over and across the" described property which includes the Property. Exhibit "A" to the Deed, incorporated therein, described a fuel modification zone easement, specifically "easements for fuel modification zone purposes over portions of Lots 384 and 385 of Tract No. 4053 . . . ." Exhibit "G" to the Deed, incorporated therein, described a Slope Easement, specifically "a variable width easement for slope maintenance purposes over portion of Lot 384 of Tract No. 4053 . . . ."

Our clients purchased the Property in 1999, subject to, among other things, all "easements" of record. Upon the execution and recording of the Deed in 1989, the Association became obligated to perform the required slope maintenance and brush clearance for fuel modification. The Association has performed that maintenance on the Property prior to, and since, the Sullivans purchased it. The Board cannot simply transfer its maintenance obligations to the Members, to whom it owes that responsibility, on a whim. The brush clearance on the Property remains the Association's sole responsibility.

Please immediately confirm in writing that the Association will withdraw its request to the Sullivans that they perform the 100-foot brush clearance on the Property. If the Sullivans perform the brush clearance, they will do so by reserving all rights, and will seek to recover all of their costs and expenses of doing so from the Association in the above-referenced lawsuit.

Aide C. Ontiveros, Esq.  
April 27, 2011  
Page 3

All of our clients' rights remain reserved.

Very truly yours,

SILVER & ARSHT

SAMUEL J. ARSHT  
MARSHA C. BRILLIANT

Enclosures

cc: Mr. and Mrs. Ted Sullivan (w/out enclosures) ✓

W:\SULLIVAN\HOA\ONTIVEROS.LTR.5.wpd

Trailer No.  
Escrow No.  
Loan No. RECORDED AT REQUEST OF  
**FIRST AMERICAN TITLE INS. CO. 73**  
WHEN RECORDED MAIL TO:  
The Roberts Group VII, Inc.  
P.O. Box 1749  
Simi Valley, CA 93062  
Attention: Dick Clark

**89-123061**  
Recorded  
Official Records  
County of  
Ventura  
Richard D. Dean  
Recorder  
8:00am 7-Aug-89

Rec Fee  
Total 85.00  
85.00

YY 31

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

DOCUMENTARY TRANSFER TAX \$ \*NONE

..... Computed on the consideration or value of property conveyed. OR  
..... Computed on the consideration or value less liens or encumbrances  
remaining at time of sale.

*FIRST AMERICAN Young Belmont*  
Signature of Declarant or Agent (printing last name)

712994-m

- EASEMENT -  
**CORPORATION GRANT DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

THE ROBERTS GROUP VII, INC., a California corporation

a corporation organized under the laws of the State of California, does hereby

**GRANT to**

**WOOD RANCH SYCAMORE CANYON VILLAGE ASSOCIATION**, a nonprofit mutual  
benefit corporation

the real property in the City of Simi Valley  
County of Ventura

, State of California, described as

an Easement for slope maintenance purposes in, over and across the following  
described property:

SEE **EXHIBITS** A, B, C, D, E, F, G, H, I, J, K, AND L ATTACHED  
HERETO AND MADE A PART HEREOF

\*No Documentary Transfer Tax due as easements have no apparent value.  
No other consideration received by any party.

Dated 6-6-89

STATE OF CALIFORNIA  
COUNTY OF Ventura

On JUNE 6, 1989, before me,

the undersigned, a Notary Public in and for said State, personally appear-  
ed Robert Leveaux

and Hamilton G. Smith

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the persons who executed the within instrument as

The President and

The Secretary

on behalf of The Roberts Group VII, Inc.

the corporation therein named, and acknowledged to me that such cor-  
poration executed the within instrument pursuant to its by-laws or a

resolution of its board of directors.

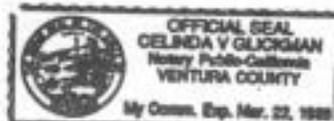
WITNESS my hand and official seal.

Signature Celinda V. Glickman

THE ROBERTS GROUP VII, INC., a  
California corporation

By Robert Leveaux President

By Hamilton G. Smith Secretary



(This area for official notarial seal) 1144 (6/82)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

ASSIGN Liability of  
Trust or Trustee  
UNSATISFACTORY in  
Favor of this Document

W.O. 5638-6  
JULY 31, 1989  
VTN LOL# 89-160

EXHIBIT "A"

LEGAL DESCRIPTION

FUEL MODIFICATION ZONE EASEMENTS

EASEMENTS FOR FUEL MODIFICATION ZONE PURPOSES OVER PORTIONS OF LOTS 384 AND 385 OF TRACT NO. 4053 IN THE CITY OF SIMI VALLEY, COUNTY OF VENTURA, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 113, PAGES 63 TO 82, INCLUSIVE, MISCELLANEOUS RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

PARCEL I

A STRIP OF LAND, 50 FOOT IN WIDTH, OVER A PORTION OF SAID LOT 384, THE SOUTHWESTERLY AND THE NORTHEASTERLY LINES OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 384; THENCE FOLLOWING THE GENERAL SOUTHWESTERLY AND EASTERLY LINES OF SAID LOT 384 TO THE MOST NORTHERLY CORNER OF LOT 345 OF SAID TRACT 4053, THE NORTHEASTERLY AND THE NORTHWESTERLY LINES OF SAID EASEMENT SHALL BE PROLONGED OR FORESHORTENED SO AS TO END IN THE EASTERLY SIDELINE OF MARTHA MORRISON DRIVE, AS SHOWN ON SAID MAP, AND IN THE SOUTHEASTERLY LINE OF SAID LOT 384.

PARCEL II

A STRIP OF LAND, 80 FOOT IN WIDTH, OVER A PORTION OF SAID LOT 385, THE SOUTHWESTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 385; THENCE FOLLOWING THE GENERAL SOUTHWESTERLY LINE OF SAID LOT 385 TO THE MOST EASTERLY CORNER OF LOT 329 OF SAID TRACT 4053, THE NORTHEASTERLY LINE OF SAID EASEMENT SHALL BE PROLONGED OR FORESHORTENED SO AS TO END IN THE NORTHWESTERLY AND THE SOUTHERLY LINES OF SAID LOT 385.

PARCEL III

A STRIP OF LAND, 50 FOOT IN WIDTH, OVER A PORTION OF SAID LOT 385, THE SOUTHWESTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 385, SAID POINT ALSO BEING ON THE SIDELINE OF MARTHA MORRISON DRIVE, AS SHOWN ON SAID MAP, THENCE ALONG THE GENERAL SOUTHWESTERLY LINE OF SAID LOT 385 TO THE MOST EASTERLY CORNER OF LOT 329 OF SAID TRACT 4053, THE NORTHEASTERLY LINE OF SAID EASEMENT SHALL BE PROLONGED OR FORESHORTENED SO AS TO END IN THE NORTHWESTERLY SIDELINE OF SAID MARTHA MORRISON DRIVE AND IN THE NORTHEASTERLY LINE OF SAID 80 FOOT STRIP, DESCRIBED IN PARCEL II HEREIN.

PARCEL IV

A STRIP OF LAND, 50 FOOT IN WIDTH, OVER A PORTION OF SAID LOT 385, THE SOUTHEASTERLY AND EASTERLY LINES OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 385; THENCE FOLLOWING THE GENERAL EASTERLY LINE OF SAID LOT 385 TO THE SOUTHWEST CORNER OF LOT 377 OF SAID TRACT 4053. THE NORTHWESTERLY AND WESTERLY LINES OF SAID EASEMENT SHALL BE PROLONGED OR FORESHORTENED SO AS TO END IN THE NORTHEASTERLY SIDELINE OF WOOD RANCH PARKWAY, AS SHOWN ON SAID MAP, AND IN THE NORTHERLY SIDELINE OF SAID MARTHA MORRISON DRIVE.



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

PORTION OF LOTS 384 AND 385, TRACT NO. 4053, CITY OF SIMI VALLEY, CALIFORNIA

VTM LGL # 89-160