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Superior Court of California
County of Los Angeles

OCT 21 2019

Sherri R. Carter, Executive Officer/Clerk
By T. Menefee, Deputy

Douglas Kruschen
P.O. Box 465
Agoura Hills, CA 91376-0465
(818) 927-1040
(Petitioner Pro Se)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
UNLIMITED CIVIL

DOUGLAS KRUSCHEN, on behalf of
Annandale Townhouse Association, Inc.,

Petitioner,

v.

ANNANDALE TOWNHOUSE
ASSOCIATION, INC., a California non-
profit mutual benefit corporation,

Respondent and Real Party in Interest.

Case No.: 19VECP00459

VERIFIED FIRST AMENDED
PETITION TO LOWER QUORUM OF
HOMEOWNERS ASSOCIATION
PURSUANT TO CORPORATIONS
CODE §7515

[Assigned for all purposes to The Hon.
Huey Cotton, Dept. A]

Filed: October 8, 2019
Trial: N/A

Petitioner Douglas Kruschen ("Kruschen") on behalf of the Respondent and Real
Party in Interest Annandale Townhouse Association, Inc. ("Annandale HOA") hereby alleges
as follows:

INTRODUCTION

1. This is an action by Kruschen on behalf of the Annandale HOA to reduce the
quorum required for the annual election of members of the Board of Directors ("Board").
Every June the Annandale HOA is required to go through the motions of holding an annual
meeting and election but no election is actually held because the fifty-one percent (51%)
quorum set by the Annandale HOA's bylaws is not met. The current Board consists of five

1 members; four last elected in 2009, and one appointed without membership vote in 2011.
2 This raises questions as to the validity of all decisions made by the Board. The current Board
3 is delighted with the status quo and Board Members view the failure to achieve a quorum as
4 a referendum that the Annandale HOA's Membership approves of the present Directors. This
5 petition is filed to lower the quorum and modify election procedures so that an actual election
6 may be held for the first time in 10-years and the 292 members of the Annandale HOA can
7 be given a voice on the Board in accordance with public policy.

8 **PARTIES AND VENUE**

9 2. Kruschen is a member of the Annandale HOA and in good-standing.
10 Kruschen was nominated as a non-incumbent candidate for the 2019 Board election.

11 3. The Annandale HOA is a non-profit mutual benefit corporation formed under
12 the laws of the State of California. The principal place of business for the Annandale HOA is
13 within the City of Agoura Hills and the County of Los Angeles. Venue in the Central District
14 is proper.

15 **GENERAL ALLEGATIONS**

16 4. The Annandale HOA's bylaws stipulate that the annual meeting of its
17 members occur in June each year and that a quorum of fifty-one percent (51%) of ballots
18 must be received from members to hold a valid election of its board members.

19 5. A quorum has not been reached for the annual meeting of the Annandale
20 HOA since 2009. Therefore, for the past ten (10) years, 2010 through 2019, no quorum has
21 been reached.

22 6. Board members of the Annandale HOA are elected for 1, 2, or 3-year terms.
23 Therefore, without reaching a quorum in over ten (10) years, the terms of all members of the
24 Board officially expired seven (7) years ago.

25 7. The Annandale HOA is dominated by an entrenched Board that has worked
26 hard specifically to avoid free elections. In the infrequent situation when a Board seat is
27 vacated, the Directors select a replacement themselves, even though they could fill a vacancy
28 using a regular election pursuant to the Annandale HOA's bylaws. Besides avoiding an open
election to fill a vacant position, Board Members have also taken several steps that

essentially prevent annual elections, as intended by the bylaws, by making it exceedingly more difficult for a quorum of Members to be reached. By way of example:

a. Restricting ballot mailings to a single mailing approximately 45-days in advance of the election and annual meeting.

b. Failing annually to “mail a notice of each annual meeting stating the purpose thereof as well as the time and place where it is to be held to each owner of record, at least seven (7) but no more than fifteen (15) days prior to such meeting,” as required by the Annandale HOA’s bylaws.

c. Not differentiating ballot mailings from monthly Annandale HOA dues billing mailings. As most members pay their dues automatically, electronically via the internet, and the Annandale HOA does not produce a monthly newsletter, members typically discard mailings from the Annandale HOA without bothering to open them.

d. Refusing to replace misplaced and discarded ballots by mail instead requiring in-person attendance at the election. As majority of members are over 55-years of age, disabled, off-site owners (many out of state), or non-native English speakers, this unreasonable restriction disenfranchises majority of members.

e. Arbitrarily refusing to accept ballots and proxies submitted by member Trusts, Partnerships, and LLCs, without additional documentation, which is already on file with the Property Manager, but regardless, is not required by the Annandale HOA’s Election Rules.

f. Board members breaching their fiduciary duty by communicating directly with members by way of showing up uninvited to their homes, calling by phone, and sending text-messages to encourage abstention from voting as to specifically not reach quorum.

g. Following the recent 2019 election, which again did not reach quorum, one Director in particular, Mr. Steven Gittleman (Treasurer), gained access to and possesses photocopies of the voter list, proxies, and secret ballot envelopes and engaged in harassment, bullying and intimidation of Members by way of showing up uninvited to their homes, calling by phone, and sending text-messages to persons who did exercise their right to vote.

h. Director Gittleman’s documented history of verbal abuse, harassment, intimidation, and bullying of homeowners in relation to annual elections dates back to at least 2009 and was raised by a homeowner during the June 16, 2009, Board meeting.

1 i. Director Gittleman's documented history of interference in relation to annual
2 elections dates back to at least 2009 and was even raised by a homeowner during the June 16,
3 2009, Board meeting.

4 j. None of the five (5) Board members voted in the 2019 election as to assist
5 with avoiding quorum.

6 k. Only one (1) member of the Board, President Robert Kuntz, was physically
7 present during the Election as to assist with avoiding quorum.

8 l. At the August 29, 2019, second attempt at reaching quorum, President Kuntz,
9 with voters busy completing ballots, became impatient and irate and shouted, "It's time to
10 end this. You guys have had more than enough time to make this happen." One owner
11 waiting in line to receive their ballot left after his outburst.

12 m. The Board has been advised as to its election procedures by its general
13 counsel, Mr. Jeff Beaumont, who claimed by phone to Petitioner that he has advised
14 amending the Annandale HOA's bylaws to reduce quorum requirements in the past but no
15 such vote on amendment has been brought to membership.

16 n. Physical attendees are to be counted toward quorum present regardless of their
17 voting status yet the Board does not ask for or require sign-in by attendees nor does the
18 Board have a method of accounting for physical attendees and does not count them toward
19 quorum.

20 o. The Board disbanded all committees nearly 9-years ago in an effort to thwart
21 a majority of community involvement. This community involvement was vital to helping the
22 rest of the community to be aware of elections and meetings, help keep the actions of the
23 Board transparent, and help the community understand the *wurstherrstellung* process.

24 8. In a letter dated September 24, 2019, Mr. Beaumont, working on behalf of the
25 Board, wrote to Annandale HOA Membership acknowledging the hardship. He wrote in
26 relevant part:

27 "...Please understand that the failure to reach quorum is not uncommon, as many
28 homeowners association have difficulty meeting the quorum requirements set forth in
their governing documents...

1 9. In the same letter dated September 24, 2019, Mr. Beaumont acknowledged the
2 Board has chosen to ignore the community's overwhelming desire for "new blood" and
3 instead of tendering their resignations, they believe they should continue to serve. He wrote
4 in relevant part:

5 "...In being mindful of [the costs associated with holding elections]...the Board has
6 determined that it is in the best interest of the Association to continue serving until
7 successors have been elected..."

8
9 10. There is no express prohibition in the Annandale HOA's bylaws against
10 waiving quorum to have an election. It could be argued that the Directors are using the
11 quorum requirement as an unnecessary excuse in order to prevent open elections.

12 11. For the most recently scheduled election in July and adjourned to August
13 2019, secret ballot envelopes were opened by the inspector of election and secret ballots
14 tabulated. Overwhelming majority of cumulative voting was in favor of the three (3) non-
15 incumbent candidates. Specifically, the three non-incumbent candidates received 621
16 combined cumulative votes while incumbent Director Ms Gloria Seaman (Member-at-Large)
17 received 24 cumulative votes and incumbent Director Mr. Steve Gittleman (Treasurer)
18 received 23 cumulative votes. In fact, the third place non-incumbent candidate received more
19 cumulative votes than all five (5) incumbent candidates combined.

20 12. The CC&Rs were established in 1973 and remained unchanged until amended
21 in June, 2008. Because any changes to the CC&Rs required a vote by two-thirds of
22 membership, and quorum was unable to be reached at that time, the Board was forced to
23 Petition this court to reduce quorum once before so is familiar with such quorum hardship.

24 13. The bylaws have remained unchanged since they were established in 1973.
25 Any change to the bylaws currently requires a vote by two-thirds of membership.
26 Considering the difficulty in obtaining even fifty-one percent (51%) of membership voting in
27 annual elections, it is doubtful that any needed changes can ever be made to the bylaws
28 affecting not only voting issues and elections, but administrative and other matters.

 14. It has not only become impractical and unduly difficult for the Annandale
HOA to hold a Board of Directors election and an annual meeting, but the Board has adopted

1 practices as described above that make it unlikely that the Annandale HOA will ever again
2 reach a quorum to have an open election or hold an annual meeting just as it has failed to do
3 in the past 10-years

4 15. Pursuant to Corporations Code, section 7515, the Petitioner, on behalf
5 of the Annandale HOA, hereby requests that the Court:

6 a. As to the most recent election attempted to be held in July and August 2019:

7 i. Direct the Annandale HOA to install as members of the Board of Directors
8 the top five candidates receiving votes in the election;

9 ii. Petitioner Kruschen is ready, willing and able to serve. Similarly, the other
10 two non-incumbent candidates, Jenni Campbell and Ritchie Filippi, are
11 likewise ready, willing and able to serve; and

12 iii. Make such orders as the Court finds fair and equitable under the
13 circumstances pertaining to the July 2019 ballots.

14 b. As to all future annual meetings and board elections:

15 i. Lower the quorum for annual meetings and elections of board of directors
16 from fifty-one percent (51%) to twenty percent (20%);

17 ii. Allow for members to receive replacement ballots by mail; and

18 iii. Allow for bylaw amendments to be approved by Annandale HOA
19 members if there is an affirmative vote by thirty-five percent (30%) of all
20 members.

21 16. Corporations Code, section 7515 authorizes this Court to order that a meeting
22 of the Annandale HOA members be called "in such a manner as the court finds fair and
23 equitable under the circumstances." The order may include reducing the quorum. Wherefore,
24 Petitioner hereby requests that the Court issue an order pursuant to Corporations Code,
25 section 7515.

26 **RELEVANT DOCUMENTS ESTABLISHING**
27 **NEED FOR JUDICIAL INTERVENTION**

28 17. On September 23, 2019, Petitioner wrote to the Annandale HOA's attorneys
and requested the Board authorize the filing of this petition in its own name to lower the
quorum requirement. On September 30, 2019, the Annandale HOA Board rejected

1 Petitioner's request. A true and correct copy of Petitioner's September 23, 2019,
2 correspondence is attached hereto and incorporated herein as Exhibit "1."

3 18. A true and correct copy of the Annandale HOA's bylaws is attached hereto
4 and incorporated herein as Exhibit "2."

5 19. A true and correct copy of the Annandale HOA's Election Rules is attached
6 hereto and incorporated herein as Exhibit "3."

7 20. A true and correct copy of Judge Harwin's 2008 Order reducing the
8 percentage of votes necessary to amend Declaration of Covenants, Conditions and
9 Restrictions (Case No. LS016976) is attached hereto and incorporated herein as Exhibit "4."

10 21. Ms Beth McElhenny has experienced verbal abuse, harassment, intimidation,
11 and bullying by Director Gittleman in relation to annual elections. A true and correct copy of
12 the McElhenny Affidavit is attached hereto and incorporated herein as Exhibit "5."

13 22. A true and correct copy of the June 16, 2009, Annandale HOA Board of
14 Directors Meeting Minutes is attached hereto and incorporated herein as Exhibit "6."

15 23. Petitioner KRUSCHEN was contacted by Director Ms Joy Espin regarding
16 verbal abuse, harassment, intimidation, and bullying by Director Gittleman as it relates to
17 Election matters. A true and correct copy of the Kruschen Declaration is attached hereto and
18 incorporated herein as Exhibit "7."

19 24. In 2008, Ms Jennifer Campbell was accosted by Director Gittleman after
20 confronting him for interfering with the election process. A true and correct copy of the
21 Campbell Declaration is attached hereto and incorporated herein as Exhibit "8."

22 25. In 2017, Ms Valerie Skinner's posted election campaign materials were
23 removed by Director Gittleman's son and she was subsequently fined for littering in
24 connection with her campaigning to reach quorum. A true and correct copy of the Skinner
25 Affidavit is attached hereto and incorporated herein as Exhibit "9."

26 26. In 2019, Director Gittleman attempted to coerce Ms Laura Velazco into not
27 voting. A true and correct copy of the Velazco Affidavit is attached hereto and incorporated
28 herein as Exhibit "10."

29 27. Mr. Beaumont, working on behalf of the Board, wrote to Annandale HOA
30 Membership regarding lack of quorum. A true and correct copy of the Beaumont letter is
31 attached hereto and incorporated herein as Exhibit "11."

1 28. On September 5, 2019, Director Gittleman violated the privacy rights of
2 Annandale HOA member Mr. Luis Escobar and harassed, bullied, and intimidated him after
3 finding out he designated a proxy for the purposes of voting in the election. A true and
4 correct copy of the Escobar Declaration is attached hereto and incorporated herein as Exhibit
5 “12.”

6 29. On September 18, 2019, Director Gittleman violated the privacy rights of
7 Annandale HOA Member Valerie Skinner by publishing Clubhouse/Pool surveillance video
8 of her to his personal YouTube.com account. Skinner feels Director Gittleman is retaliating
9 against her for participating in the recent election process and for remaining a vocal critic. A
10 true and correct copy of the Skinner Declaration with YouTube.com screen capture is
11 attached hereto and incorporated herein as Exhibit “13.”

12 30. In May, 2009, Annandale HOA Member Debra Gomez campaigned to be
13 elected to the Annandale HOA Board by distributing flyers to Member homes encouraging
14 their owners to vote for her. Later the same night she witnessed Director Gittleman walking
15 the property and removing her campaign flyers from the doors of homes under cover of
16 darkness and she confronted him. A true and correct copy of the Gomez Declaration is
17 attached hereto and incorporated herein as Exhibit “14.”

18 **RELEVANT PROVISIONS OF THE CORPORATIONS CODE**

19 **ESTABLISHING NEED FOR JUDICIAL INTERVENTION**

20 31. The Annandale HOA is California non-profit mutual benefit corporation as
21 defined by Corporations Code section 5059 and is subject to Corporations Code section 7110
22 et seq.

23 32. Corporations Code, section 7515, subdivision (a) provides:

24 “If for any reason it is 'impractical or unduly difficult for any corporation to
25 call or conduct a meeting of its members, delegates or directors, or otherwise
26 obtain their consent, in the manner prescribed by its articles or bylaws, or this
27 part, then the superior court of the proper county, upon petition of a director,
28 officer, delegate or **member**, may order that such a meeting be called or that a
written ballot or other form of obtaining the vote of members, delegates or

1 directors be authorized, in such a manner as the court finds fair and equitable
2 under the circumstances.” [Emphasis Added]

3
4 33. Corporations Code, section 7520, subdivision (a) provides:

5 “As to directors elected by members, there shall be available to the members
6 reasonable nomination and election procedures given the nature, size and
7 operations of the corporation.”

8
9 34. Petitioner contends that existing election procedures are unreasonable within
10 the meaning of Section 7520 for the reasons alleged above and summarized below:

11 a. Restricting ballot mailings to a single mailing approximately 45-days in
12 advance of the election and annual meeting.

13 b. Failing annually to “mail a notice of each annual meeting stating the purpose
14 thereof as well as the time and place where it is to be held to each owner of record, at least
15 seven (7) but not more than fifteen (15) days prior to such meeting,” as required by the
Annandale HOA’s bylaws.

16 c. Not differentiating ballot mailings from monthly Annandale HOA dues billing
17 mailings. As most members pay their dues automatically, electronically via the internet, and
18 the Annandale HOA does not produce a monthly newsletter, members typically discard
19 mailings from the Annandale HOA without bothering to open them.

20 d. Refusing to replace misplaced and discarded ballots by mail instead requiring
21 in-person attendance at the election. As majority of members are over 55-years of age,
22 disabled, or off-site owners (many out of state), this unreasonable restriction disenfranchises
majority of owners.


23 e. Arbitrarily refusing to accept ballots and proxies submitted by member Trusts,
24 Partnerships, and LLCs, without additional documentation, which is already on file with the
25 Property Manager, but regardless, is not required by the Annandale HOA’s Election Rules.

26 f. Board members breaching their fiduciary duty by communicating directly
27 with members by way of showing up uninvited to their homes, calling by phone, and sending
28 text-messages to encourage abstention from voting as to specifically not reach quorum.

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1. The relief requested in paragraph 16 above.
2. An order pursuant to Corporations Code, section 7515, calling for a meeting of the Annandale HOA "in such a manner as the court finds fair and equitable under the circumstances."
3. An order of costs and attorney's fees to the extent authorized by law.
4. Such further and different relief as this Court may deem just and proper.

Respectfully submitted,




DOUGLAS KRUSCHEN
(Petitioner)

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I am the named petitioner in this matter. I have filed this petition on behalf of the Annandale Townhouse Association pursuant to Corporations Code, section 7515. I have read the foregoing Petition and know the contents thereof. The matters set forth in the foregoing documents are true of my own knowledge except as to the matters which are therein stated upon my information and belief, and as to those matters, I believe them to be true. The Annandale Townhouse Association does not consent to the relief sought in the attached petition. Nonetheless, pursuant to Corporations Code, section 7515, I am signing this verification on behalf of the Annandale Townhouse Association.

DATED: OCTOBER 20, 2019



(Petitioner)

Exhibit 1

Mr. Douglas Kruschen

P.O. Box 465
Agoura Hills, CA 91376

818-879-3442 (V) • douglask@mac.com

September 23, 2019

VIA EMAIL (JBeaumont@hoaattorneys.com, AJahanian@hoaattorneys.com) AND FACSIMILE (818-884-1087)

Annandale Townhouse Association, Inc.
c/o Mr. Jeff Beaumont and Mr. A.J. Jahanian
Beaumont Tashjian
21650 Oxnard Street
Suite 1620
Woodland Hills, CA 91367-7828

Re: Annandale Townhouse Association, Inc. – Lack of Quorum

Mr. Beaumont and Mr. Jahanian,

Thank you again for taking your time over the prior couple of weeks to address the state of the election via correspondence and conference calls and to flesh out the myriad election related issues raised by the Board, Ms Lori Turner, and many Association members. Per your correspondence and those calls, Ms Turner has determined that quorum was yet again not reached.

As you know, I was a candidate for a Board seat this year along with Ms Jenni Campbell and Mr. Ritchie Filippi. I, along with a team of community members, worked hard to overcome the unreasonably challenging election process. If you recall, the first election in June was voided due to the Board violating the adopted Election Rules. The ways the Board violated its own rules again the second time around has been prior outlined for you and those points are outside the scope of this correspondence.

Because the secret ballots were tabulated, we now know the overwhelming majority of cumulative votes were in favor of the three (3) non-incumbent candidates. Specifically, the three non-incumbent candidates received 621 combined cumulative votes while incumbent candidate Ms Gloria Seaman received 24 cumulative votes and incumbent candidate Mr. Steve Gittleman received 23 cumulative votes. The community has spoken, loudly.

The Board is now in a precarious position of their own making. Quorum has not been reached in 10-years. All Board members individually and collectively have a fiduciary duty to act in accordance with our Governing Documents and within the best interest of the Association. With their knowledge of the community's desire for change, it would be wholly appropriate for the bottom three (3) Directors to tender their resignations and the Board appoint the non-incumbent candidates who have the undisputed support of the community. Further, there is no express language in the Annandale HOA Governing Documents that quorum cannot be waived to have an election. It therefore appears that the Board is using the quorum requirement as an unnecessary excuse in order to prevent open elections and hold onto their positions.

As has been alluded to prior, I am preparing to file a Petition against the Association to obtain a court order to lower the quorum as is my right as an Association member. There are no monetary damages to be sought. It does not need to be an adversarial act, however. Publicly, I want to give the Association a good-faith opportunity to participate in the process and be the Petitioner. You, Mr. Beaumont, agreed during our September 16, 2019, conference call that the quorum requirement should be reduced or eliminated. My understanding is that you've suggested it more than once. The Association is intimately familiar with the Petition process as they were Petitioner in a similar case (LS016976) in 2008 to get the CC&R's amended when quorum to do so could not be reached.

I take my commitment to act in the best interest of the community seriously. I campaigned with the promises of doing just that, making the hard decisions, and acting in a transparent fashion. I have had the enclosed pleading prepared and you may adapt it for your use. In addition, a group of generous Association members, including myself, are willing to collectively contribute up to \$2,000.00 to defray the Association's court costs if you file and support the Petition. Considering the shenanigans, for lack of a better word, which plagued this year's elections, I would think the Association would prefer to be the Petitioner rather than Respondent in this matter.

Additionally, as you are aware, Mr. Steve Gittleman was permitted to inspect and take possession of copies of secret ballots, secret envelopes, proxy forms, and the unredacted member check-off list despite the holding in *Chantiles v. Lake Forest II Master Homeowners Association* [(1995) 37 Cal.App.4th 914] that notwithstanding a director's "absolute" right of access to all association records, that right must yield to the constitutional privacy rights of association members in their voting decisions. I take such breaches of information/data privacy seriously, as does the State legislature and judiciary. As a good-faith gesture, if the Board initiates the filing of the Petition, I shall execute a binding release of claim against the Association and waive claim to the nearly \$6,000.00 in statutory damages the court could award me pursuant to Civil Code §1798.84 due to the breach. I'm committed to putting the Association's interests first.

Hopefully the Board will use this opportunity to do the right thing for the sake of the community although doing the right thing is not always easy.

I look forward to your prompt response.

Sincerely,



Douglas Kruschen

cc: *Mr. Robert Kuntz, President (20 Calle Cataluna, Camarillo, CA 93012)*
Mr. John Loesing, The Acorn
Mr. Gustavo Arellano, Los Angeles Times
Association Membership

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT – VAN NUYS COURTHOUSE EAST

In re the Matter of

ANNANDALE TOWNHOUSE
ASSOCIATION, INC.,

Case No.: _____

PETITION TO LOWER QUORUM OF
HOMEOWNERS ASSOCIATION

Petitioner Annandale Townhouse Association, Inc. ("Annandale HOA") hereby
alleges as follows:

1. The Annandale HOA is a nonprofit corporation formed under the laws of the
State of California.

2. The Annandale HOA bylaws require that the annual meeting of its members
occur in June of each year and that a quorum of fifty-one percent (51%) of ballots must be
received from members to hold a valid election of its board members. The bylaws have not
been amended since being written in the 1970s.

3. A quorum has not been reached for the annual meeting of the Annandale
HOA since 2009. For years 2010 through 2019, no quorum has been reached.

1 4. The Annandale HOA has exerted efforts to inform its members of the need to
2 vote but it is no longer practical for the Annandale HOA to expect to ever reach a quorum.

3 5. For the most recent scheduled election held July 31, 2019, quorum was not
4 reached despite a second attempt on August 29, 2019.

5 6. It has become impractical and unduly difficult for the Annandale HOA to
6 conduct its annual meeting, including a board of director's election.

7 7. Pursuant to Corporations Code, section 7515, the Annandale HOA hereby
8 requests that the Court:

9 a. As to the most recent election attempted to be held in July 2019:

10 i. Direct the Annandale HOA to install as members of the Board of Directors
11 the top five candidates receiving votes in the election; and

12 ii. Make such orders as the Court finds fair and equitable under the
13 circumstances pertaining to the July 2019 ballots.

14 b. As to all future annual meetings and board elections:

15 i. Lower the quorum for annual meetings and elections of board of directors
16 from fifty-one percent (51%) to twenty-five percent (25%);

17 ii. Allow for bylaw amendments to be approved by Annandale HOA
18 members if there is a vote by forty percent (40%) of all members.

19 15. Corporations Code, section 7515 authorizes this Court to order that a meeting
20 of the Annandale HOA members be called "in such a manner as the court finds fair and
21 equitable under the circumstances." The order may include reducing the quorum.

22 Wherefore, the Annandale HOA hereby requests that the Court issue an order
23 pursuant to Corporations Code, section 7515.

24 DATED: September ____, 2019

[Law Firm]

26 By: _____

[Lawyer]

Attorneys for Petitioner

Exhibit 2

APR 2 1973

155

EXHIBIT B

BYLAWS

OF

ANNANDALE TOWNHOUSE ASSOCIATION, INC
(a nonprofit corporation)

ARTICLE I

PLAN OF CONDOMINIUM OWNERSHIP

Section 1 Condominium Ownership The project is located at Agoura, California, Lots 293, 294, 295, 296, 297, 298, 299, 300, and 301, Tract 28415, known as "Annandale Townhouse" is submitted to the provisions of Title 6, Part 4, Division Second of the Civil Code, State of California.

Section 2 Bylaws Applicability The provisions of these Bylaws are applicable to the project. (The term "project" as used herein shall include the land.)

Section 3 Personal Application All present or future owners, tenants, future tenants, or their employees, or any other person that might use the facilities of the project in any manner, are subject to the regulations set forth in these Bylaws and to the Regulatory Agreement, attached as Exhibit "C" to the recorded Plan of Condominium Ownership.

The mere acquisition or rental of any of the family units (hereinafter referred to as "units") of the project or the mere act of occupancy of any of said units will signify that these Bylaws and the provisions of the Regulatory Agreement are accepted, ratified, and will be complied with.

APR 2 1973

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ARTICLE IIVOTING, MAJORITY OF OWNERS, QUORUM, PROXIES

Section 1 Voting Each unit shall be entitled to one vote.

Section 2 Majority of Owners As used in these Bylaws the term "majority of owners" shall mean those owners holding 51 percent of the votes.

Section 3 Quorum Except as otherwise provided in these Bylaws, the presence in person or by proxy of a "majority of owners" as defined in Section 2 of this Article shall constitute a quorum.

Section 4 Proxies Votes may be cast in person or by proxy. Proxies must be filed with the Secretary before the appointed time of each meeting.

Section 5 Cumulative Voting Every condominium owner entitled to vote at any election for Directors of the Association may cumulate his votes and give one candidate a number of votes equal to the number of Directors to be elected, or distribute his votes on the same principle among as many candidates as he thinks fit.

APR 2 1973

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ARTICLE III
ADMINISTRATION

Section 1 Association Responsibilities The owners of the units will constitute the Association of Owners (hereinafter referred to as "Association") who will have the responsibility of administering the project, approving the annual budget, establishing and collecting monthly assessments and arranging for the management of the project pursuant to an agreement, containing provisions relating to the duties, obligations, removal and compensation of the management agent. Except as otherwise provided, decisions and resolutions of the Association shall require approval by a majority of owners.

Section 2 Place of Meetings Meetings of the Association shall be held at the principal office of the project or such other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3 Annual Meetings The First annual meeting of the Association shall be held on but in any event within one year following the sale of the first unit, or within sixty days following the sale of 51 percent of the units, whichever shall first occur. Thereafter, the annual meetings of the Association shall be held on the first Tuesday of June of each succeeding year. At such meetings there shall be elected by ballot of the owners the Board of Directors in accordance with the requirements of Section 5 of Article IV of these Bylaws. The owners may also transact such other business of the Association as may properly come before them.

APR 2 1973

4970

Section 4 Special Meetings It shall be the duty of the President to call a special meeting of the owners as directed by resolution of the Board of Directors or upon a petition signed by a majority of the owners and having been presented to the Secretary, or at the request of the Federal Housing Commissioner or his duly authorized representative. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of four-fifths of the owners present, either in person or by proxy.

Section 5 Notice of Meetings It shall be the duty of the Secretary to mail a notice of each annual meeting stating the purpose thereof as well as the time and place where it is to be held to each owner of record, at least seven (7) but not more than fifteen (15) days prior to such meeting. The mailing of a notice in the manner provided in this section shall be considered notice served. Notices of all meetings shall be mailed to the Director of the local insuring office of the Federal Housing Administration.

Section 6 Adjourned Meetings If any meeting of owners cannot be organized because a quorum has not attended, the owners who are present, either in person or by proxy, may adjourn the meeting to a time not less than forty-eight hours nor more than thirty days from the time the original meeting was called.

APR 21 1973

4970

Section 7 Order of Business The order of business at all meetings of the owners of units shall be as follows:

- (a) Roll call
- (b) Proof of notice of meeting or waiver of notice
- (c) Reading of minutes of preceding meeting
- (d) Reports of officers
- (e) Report of Federal Housing Administration representative,
if present
- (f) Report of committees
- (g) Election of inspectors of election
- (h) Election of directors
- (i) Unfinished business
- (j) New business

ARTICLE IV

BOARD OF DIRECTORS

Section 1 Number and Qualification The affairs of the Association shall be governed by a Board of Directors composed of five persons, all of whom must be owners of units in the project.

Section 2 Powers and Duties The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these Bylaws directed to be exercised and done by the owners

APR 2 1973

4970

APR 2 1973

Section 3 Other Duties In addition to duties imposed by these Bylaws or by resolutions of the Association, the Board of Directors shall be responsible for the following:

- (a) Care, upkeep and surveillance of the project and the common areas and facilities and the restricted common areas and facilities.
- (b) Collection of monthly assessments from the owners.
- (c) Designation and dismissal of the personnel necessary for the maintenance and operation of the project, the common areas and facilities and the restricted common areas and facilities.

Section 4 Management Agent The Board of Directors may employ for the Association a management agent at a compensation established by the Board to perform such duties and services as the Board shall authorize (including, but not limited to, the duties listed in Section 3 of this Article.

Section 5 Election and Term of Office At the first annual meeting of the Association the term of office of the two Directors receiving the highest number of votes shall be fixed for three (3) years. The term of office of the two Directors receiving the next highest number of votes shall be fixed at two (2) years, and the term of office of the remaining Director shall be fixed at one (1) year. At the expiration of the initial term of office of each respective Director, his successor shall be elected to serve a term of three (3) years. The Directors shall hold office until their successors have been elected and hold their first meeting.

APR 2 1973

1973

71
Section 6 Vacancies Vacancies in the Board of Directors caused by any reason other than the removal of a Director by a vote of the Association shall be filled by vote of the majority of the remaining Directors, even though they may constitute less than a quorum; and each person so elected shall be a Director until a successor is elected at the next annual meeting of the Association.

Section 7 Removal of Directors The entire Board of Directors or any individual Director may be removed from office by a vote of shareholders holding a majority of the outstanding shares entitled to vote at an election of Directors. Any Director whose removal has been proposed by the owners shall be given an opportunity to be heard at the meeting. However, unless the entire Board is removed, an individual Director shall not be removed if the number of shares voted against the resolution for his removal exceeds the quotient arrived at when the total number of outstanding shares entitled to vote is divided by one plus the authorized number of Directors. If any or all Directors are so removed, new Directors may be elected at the same meeting.

Section 8 Organization Meeting The first meeting of a newly elected Board of Directors shall be held within ten (10) days of election at such place as shall be fixed by the Directors at the meeting at which such Directors were elected, and no notice shall be necessary to the newly elected Directors in order legally to constitute such meeting, providing a majority of the whole Board shall be present.

APR 2 1973

4975

APR 2 1973

8

Section 9 Regular Meetings Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the Directors, but at least two such meetings shall be held during each fiscal year. Notice of regular meetings of the Board of Directors shall be given to each Director, personally or by mail, telephone or telegraph, at least three (3) days prior to the day named for such meeting.

Section 10 Special Meetings Special meetings of the Board of Directors may be called by the President on three days notice to each Director, given personally or by mail, telephone or telegraph, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice on the written request of at least three Directors.

Section 11 Waiver of Notice Before or at any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by him of the time and place thereof. If all the Directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

Section 12 Board of Director's Quorum At all meetings of the Board of Directors, a majority of the Directors shall constitute a quorum for the transaction of business, and the acts of the majority of the Directors

APR 2 1973

1970

present at a meeting at which a quorum is present shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors, there be less than a quorum present, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

Section 13 Fidelity Bonds The Board of Directors shall require that all officers and employees of the Association handling or responsible for Association funds shall furnish adequate fidelity bonds. The premiums on such bonds shall be paid by the Association.

Section 14 Independent Audit Within sixty (60) days of the close of each fiscal year, the Board shall cause an independent audit of the accounts of the Association by certified public accountants, and upon completion of said audit, cause to be prepared and delivered to each unit owner within thirty (30) days after completion, a true and exact copy thereof.

ARTICLE V

OFFICERS

Section 1 Designation The principal officers of the Association shall be a President, a Vice President, a Secretary, and a Treasurer, all of whom shall be elected by and from the Board of Directors. The Directors may appoint an assistant treasurer-secretary, and such other officers as in their judgment may be necessary.

APR 2 1973

4970

APR 2 1973

10

Section 2 Election of Officers The officers of the Association shall be elected annually by the Board of Directors at the organization meeting of each new Board and shall hold office at the pleasure of the Board.

Section 3 Removal of Officers Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause, and his successor elected at any regular meeting of the Board of Directors, or at any special meeting of the Board called for such purpose.

Section 4 President The President shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of president of an Association, including but not limited to the power to appoint committees from among the owners from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association.

Section 5 Vice President The Vice President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, the Board of Directors shall appoint some other member of the Board to so do on an interim basis. The Vice President shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

APR 2 1973

1973

Section 6 Secretary The Secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Association; he shall have charge of such books and papers as the Board of Directors may direct; and he shall, in general, perform all the duties incident to the office of Secretary.

Section 7 Treasurer The Treasurer shall have responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He shall be responsible for the deposit of all moneys and other valuable effects in the name, and to the credit, of the Association in such depositories as may from time to time be designated by the Board of Directors.

ARTICLE VI

OBLIGATIONS OF THE OWNERS

Section 1 Assessments All owners are obligated to pay monthly assessments imposed by the Association to meet all project communal expenses, which may include a liability insurance policy premium and an insurance premium for a policy to cover repair and reconstruction work in case of hurricane, fire, earthquake or other hazard. The assessments shall be shared equally by the unit owners as stipulated in the Declaration of Restrictions. Such assessments shall include monthly payments to a General Operating Reserve and a Reserve Fund for Replacements as required in the Regulatory Agreement attached as Exhibit "C" to the Plan of Ownership.

APR 2 1973

1973

Not later than thirty (30) days prior to the beginning of each calendar year, the Association shall estimate the total charges to be assessed against each condominium. Each owner thereof shall thereafter pay to the Association his assessment in twelve (12) equal monthly installments, each installment to be paid on or before the 10th day of each month. In the event the Association shall determine that said estimate of total charges for the current year is, or will become, inadequate to meet all expenses of the project for any reason, including nonpayment of any owner's assessment on a current basis, it shall immediately determine the approximate amount of such inadequacy and issue a supplemental estimate of the total charges to be assessed against each condominium. The Association may, at its discretion, prorate any such supplemental assessment between the remaining months of the calendar year, or immediately levy a special assessment against each condominium. Each monthly installment shall become delinquent if not paid on or before the 25th day of each month. Each special assessment shall become delinquent if not paid within ten (10) days after the levy thereof. There shall accrue with each such delinquent monthly installment and with each such delinquent special assessment, a late charge of \$1.00 together with interest at 6 percent per annum on such delinquent sums, calculated from the date of delinquency to and including the date full payment is received by the Association.

The Board of Directors, the Management Agent, or any duly authorized officer of the Association, on behalf of said Association, may cause to be recorded in the office of the county recorder of the county in which

APR 2 1973

4970

APR 2 1973

13

said project is situated, a notice of any delinquent sums due the Association from any condominium owner; which notice shall state the amount of such delinquent sums and other authorized charges and interest (including the cost of recording such notice), a sufficient description of the condominium against which the same has been assessed, and the name of the record owner or owners thereof. Upon payment to the Association of such delinquent sums and charges in connection therewith, or other satisfaction thereof, said Board of Directors, the Management Agent, or any duly authorized officer shall cause to be recorded in the office of the county recorder of said county a further notice stating the satisfaction and release of such delinquent sums and charges. Such notices shall be signed on behalf of said Association by any member of the Board of Directors, the Management Agent, or any duly authorized officer. The Association may demand and receive the cost of recordation of such release before recording same. Any purchaser or encumbrancer, acting in good faith and for value, may rely upon such notice of satisfaction and release as conclusive proof of the full satisfaction of the sums stated in said notice of delinquent sums. All such delinquencies may be enforced, collected and/or foreclosed in the manner provided in said Declaration.

Section 2 Maintenance and Repair

- (a) Every owner must perform promptly all maintenance and repair work within his own unit, which if omitted would affect the project in its entirety or in a part belonging to other owners, being expressly responsible

APR 2 1973

4976

for the damages and liabilities that his failure to do so may engender.

- (b) All the repairs of internal installations of the unit such as water, light, gas, power, sewage, telephones, air conditioners, sanitary installations, doors, windows, lamps and all other accessories belonging to the unit area shall be at the owner's expense.
- (c) An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common area and facility damaged through his fault.

Section 3 Use of Family Units - Internal Changes

- (a) All units shall be utilized for residential purposes only.
- (b) An owner shall not make structural modifications or alterations in his unit or installations located therein without previously notifying the Association in writing, through the Management Agent, if any, or through the President of the Board of Directors, if no management agent is employed. The Association shall have the obligation to answer within thirty (30) days and failure to do so within the stipulated time shall mean that there is no objection to the proposed modification or alteration.

APR 2 1973

1973

Section 4 Right of Entry

- (a) An owner shall grant the right of entry to the Management Agent or to any other person authorized by the Board of Directors or the Association in case of any emergency originating in or threatening his unit, whether the owner is present at the time or not.
- (b) An owner shall permit other owners, or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, provided that requests for entry are made in advance and that such entry is at a time convenient to the owner. In case of an emergency, such right of entry shall be immediate.

ARTICLE VII

AMENDMENTS TO PLAN OF CONDOMINIUM OWNERSHIP

Section 1 Bylaws These Bylaws may be amended by the Association in a duly constituted meeting for such purpose and no amendment shall take effect unless approved by owners representing at least 75 percent of all units in the project as shown in Declaration.

APR 2 1973

4976

ARTICLE VIIIMORTGAGEES

Section 1 Notice to Association An owner who mortgages his unit, shall notify the Association through the Management Agent, if any, or the President of the Board of Directors in the event there is no Management Agent, the name and address of his mortgagee; and the Association shall maintain such information in a book entitled "Mortgagees of Units."

Section 2 Notice of Unpaid Assessments The Association shall at the request of a mortgagee of a unit report any unpaid assessments due from the owner of such unit.

ARTICLE IXCOMPLIANCE

These Bylaws are set forth to comply with the requirements of the State of California. In case any of these Bylaws conflict with the provisions of said statute, it is hereby agreed and accepted that the provisions of the statute will apply. I the undersigned do hereby certify that (1) I am duly elected and Acting Secretary of Annandale Townhouse Association, Inc. a California non-profit corporation, and (2) the foregoing Bylaws comprising 17 pages constitute the Bylaws of the corporation duly adopted at the meeting of the Board of Directors thereof held on March 27, 1973.

APR 2 1973

4970

In witness whereof I have hereunto subscribed my name and affixed
the seal of the corporation this 30th day of March 1973.

Stephen J. Gorch
Secretary

APR 2 1973

4976

Exhibit 3

ANNANDALE TOWNHOUSE ASSOCIATION, INC.

Rules for Voting by Secret Ballot

Pursuant to California Civil Code section 1363.03, the following rules and procedures shall apply for the election of Directors, voting on assessments, amendments to the governing documents and the granting of the exclusive right to use common area:

1. Meeting at Which Secret Ballots Shall Be Tabulated

1.1 The inspectors of election shall tabulate the ballots for the election of directors at the annual meeting of the owners or at a special meeting of the Board of Directors duly noticed for the same date, time and place, as the annual meeting called for the purpose of counting ballots. The Board of Directors shall determine the date, time and place of said annual meeting of the owners and the concurrent special meeting of the Board in accordance with the Association's Bylaws.

2. Nomination of Candidates

2.1 At least sixty (60) days before the date of the meeting at which the ballots for the election of directors are to be counted, the Association shall mail to each owner a Candidate Nomination Form.

2.2 According to the Association's Bylaws, there are to be five (5) directors who must be owners.

2.3 Owners may nominate themselves or another person as long as they are owners qualified to serve on the Board.

2.4 Any candidate nominated by another person will be contacted to confirm that such candidate consents to having his or her name placed in nomination for election to the Board.

2.5 All candidates who meet the qualifications to serve on the Board and, if appropriate, have confirmed their willingness to run for election to the Board, shall be listed on the secret ballot.

2.6 The Candidate Nomination Form must be returned to the Association at the address provided on, and by the deadline stated on, such form, which deadline must be at least forty-five (45) days before the date the ballots for the election of directors are scheduled to be counted.

3. Inspectors of Election

3.1 The Board shall appoint three (3) independent third parties as inspectors of election after the close of candidate nominations, but before the secret ballots are mailed to all of the owners. An independent third party includes, but is not limited to:

3.1.1 a volunteer poll worker with the county registrar of voters;

3.1.2 a licensee of the California Board of Accountancy;

3.1.3 a notary public;

3.1.4 a member of the Association provided such member is not a member of the Board of Directors or a candidate for the Board of Directors or related to a member of the Board of Directors; and,

3.1.5 a person who is currently employed or under contract to the Association for any compensable services.

3.2 The secret ballots shall be returned to the Association's Management Company, which is hereby deemed to be the Ballot Collector.

3.3 The inspectors of election shall also do all of the following:

3.3.1 determine the number of memberships entitled to vote and the voting power of each.

3.3.2 determine the authenticity, validity, and effect of proxies, if any;

3.3.3 receive ballots from the Ballot Collector;

3.3.4 hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;

3.3.5 count and tabulate all votes;

3.3.6 determine when the polls shall close;

3.3.7 determine the election results;

3.3.8 perform any acts as may be proper to conduct the

election with fairness to all members in accordance with this section and all applicable rules of the Association regarding the conduct of the election that are not in conflict with this section.

3.4 An inspector of election shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical. The decision or act of a majority shall be effective in all respects as the decision or act of all.

3.5 Any report made by the inspector or inspectors of election is prima facie evidence of the facts stated in the report.

3.6 The Board may remove and replace any inspector of election prior to the tabulation of ballots if an inspector of election resigns or if the Board reasonably determines that an inspector of election will not be able to perform his or her duties impartially and in good faith.

4. Secret Ballot Procedure: Record Date

4.1 Ballots and two pre-addressed envelopes with instructions on how ballots shall be mailed by first-class mail or delivered by the Association to every member not less than 30 days prior to the deadline for voting.

4.2 Ballots must ensure the confidentiality of the voters.

4.2.1 A voter may not be identified by name, address, or lot, parcel, or unit number on the ballot;

4.2.2 The ballot may not require the signature of the voter;

4.2.3 The ballot itself is inserted into an envelope that is sealed. This envelope is inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter prints and signs his or her name, address, and lot, or parcel, or unit number that entitles him or her to vote. The second envelope is addressed to the inspectors of election, who will be tallying the votes. Failure to do so will invalidate the ballot or member's vote.

4.3 Owners may return their secret ballot by mail, hand deliver it to the meeting, or complete the ballot at the meeting; provided, only those ballots which are delivered to the inspectors of election prior to the polls closing shall be counted.

4.4 A member may request a receipt for delivery.

4.5 The record date for purposes of voting shall be the date the

ballots are mailed to all of the owners.

5. Campaigning

5.1 All candidates or members advocating a point of view during a campaign, including those not endorsed by the Board, shall be provided equal access to Association media, newsletters, or Internet Web sites (if any) for purposes that are reasonably related to the election. The Association may not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the Association, is responsible for that content.

5.2 All candidates, including those who are not incumbents, and all members advocating a point of view, including those not endorsed by the board, for purposes reasonably related to the election, shall be provided equal access to any common area meeting space, if any exists, during a campaign at no cost.

6. Handling of Ballots

6.1 As secret ballots are returned to the Ballot Collector, the Ballot Collector will mark off on a sign-in sheet that a ballot has been received for such unit. The first secret ballot received for any unit shall be the ballot that is counted. Any subsequent ballots for the same unit that are received shall be ruled invalid and shall be discarded.

6.2 The sealed ballots shall at all times be in the custody of the Ballot Collector as designated by the inspectors of election until delivered to the inspectors at the meeting for the opening of the ballots and the tabulation of the vote. After the counting of the ballots and the certification of the election results by the inspectors of election, the ballots shall be transferred to the Association.

6.4 After tabulation, election ballots shall be stored by the Association in a secure place for no less than one year after the date of the election. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

7. Tabulation of Votes: Quorum Requirement

7.1 All votes shall be counted and tabulated by the inspectors of election in public and at a properly noticed open meeting of the members or of the Board, at which a quorum of members is present or a quorum of Board members, as the case may be, must be present. For purposes of this section, Article II, Section 3 of the Bylaws defines a quorum for purposes of a membership meeting

as the presence in person or by proxy of a majority of owners as defined in Section 2 as owners holding 51 percent of the votes.

7.2 The inspectors of election shall confirm that no more than one ballot was returned for each unit.

7.3 Any candidate or other member of the Association may witness the counting and tabulation of votes.

7.4 In order for the vote for the election of directors to be valid, ballots must be returned by at least a quorum of the owners.

8. Announcement of Results

8.1 The results of the election shall be promptly reported to the Board of Directors and shall be recorded in the minutes of the next meeting of the Board of Directors and shall be available for review by members of the Association.

8.2 Upon certification of the election results by the inspectors of election, the newly elected Board members shall be deemed to have taken office.

8.3 Within 15 days of the election, the Board shall publicize the result of the election in a communication directed to all members.

9. Other Voting/Campaign Issues

9.1 Owners will be permitted to vote except for those whose rights have been suspended in accordance with the Association's governing documents and Civil Code section 1363 after notice and hearing in instances of violation of the governing documents.

9.2 Cumulative voting is required pursuant to Article II, Section 5 of the Bylaws.

9.3 Association funds may not be used for "campaign purposes" in connection with any board election. The term "campaign purposes" is defined to include, without limitation, (1) "expressly advocating the election or defeat" of any candidate that is on the ballot; or (2) "including the photograph or prominently featuring the name of a candidate on a communication" from the association (except the ballot and voting materials and equal access communications sent pursuant to the Section, above, entitled "Campaigning").

Exhibit 4

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FILED
LOS ANGELES SUPERIOR COURT
MAR 11 2008
JOHN A. CLARKE, CLERK
BY KENT S. TOBEY, DEPUTY

LAW OFFICES

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

UNLIMITED CIVIL

IN RE THE MATTER OF:
ANNANDALE TOWNHOUSE
ASSOCIATION, INC., a California non-
profit corporation,

Petitioner,

vs.

THE MEMBERS OF ANNANDALE
TOWNHOUSE ASSOCIATION, INC.,

Respondents.

CASE NO. LS016976

Assigned for All Purposes to Dept M,
Honorable Michael B. Harwin

**ORDER FOLLOWING HEARING ON
PETITION FOR COURT ORDER
REDUCING THE PERCENTAGE OF
VOTES NECESSARY TO AMEND
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

(CIVIL CODE § 1356)

UNLIMITED CIVIL CASE

The Petition of Annadale Townhouse Association, Inc. came on for hearing on March 12, 2008, in Department M, of the above entitled Court, located at 6230 Sylmar Avenue, Van Nuys, California, before the Honorable Michael B. Harwin, Judge ("Hearing"). Jeffrey A. Beaumont, of Rapkin Gitlin & Beaumont, appeared for Petitioner, Annadale Townhouse Association, Inc, a California non-profit corporation (hereinafter referred to as the "Petitioner"). There were no appearances on behalf of Respondents.

///

///

1 After considering the Petition, the Exhibits to the Petition, oral explanation from
2 counsel at the hearing, and the Court's file, the Court finds as follows:

3 1. The Petitioner has given at least 15 days written notice of the Court Hearing to
4 all Members of the Association;

5 2. Balloting on the proposed Amended and Restated Declaration of Covenants,
6 Conditions and Restrictions ("CC&Rs") was conducted in accordance with the applicable
7 provisions of the governing documents and law;

8 3. A reasonably diligent effort was made to permit all eligible Members to vote
9 on the CC&Rs;

10 4. Members having more than fifty percent (50%) of the votes voted in favor of
11 the CC&Rs;

12 5. The CC&Rs and provisions therein are reasonable;

13 6. Granting the Petition is not improper for any of the following reasons:

14 a. The CC&Rs do not change provisions in the original CC&Rs requiring
15 the approval of Members having more than fifty percent (50%) of the votes in more than
16 one voting class to vote in favor of an amendment;

17 b. Members having more than fifty percent (50%) of the votes in each
18 affected class approved the CC&Rs;

19 c. The CC&Rs do not eliminate any special rights, preferences, or
20 privileges designated in the original CC&Rs as belonging to the declarant without the
21 consent of the declarant; and

22 d. The CC&Rs do not impair the security interest of a mortgagee of a
23 mortgage or the beneficiary of a deed of trust without the approval of the percentage of the
24 mortgagees and beneficiaries specified in the original CC&Rs. In fact, the original CC&Rs
25 do not require the approval of the mortgagees for the amendments being proposed.

26 ///

27 ///

28 ///

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the percentage of votes necessary to pass the CC&Rs is reduced so that more than fifty percent (50%) of all Members, instead of the seventy five percent (75%) required by the original CC&Rs, is adequate to pass the CC&Rs. The CC&Rs are hereby deemed approved by the Court and by more than fifty percent (50%) of the Members of the Association and shall be effective upon: 1) this Court's order; 2) recordation of the CC&Rs and this Order with the Los Angeles County Recorder's Office; and 3) distribution of the recorded CC&Rs and this Order to all Members.

DATED: March 14, 2008



Judge of the Superior Court

Michael B. Harwin

Exhibit 5

Affidavit of Beth McElhenny

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

The undersigned, BETH MCELHENNY, do hereby swear, certify, and affirm that:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.
2. My primary residence is 5321 Argos Street, Agoura Hills, CA 91301, County of Los Angeles.
3. In May, 2009, I was harassed, bullied, and intimidated by Annandale Townhouse Association, Inc. ("Association") Board Member Mr. Steven Gittleman. Mr. Gittleman called my home phone number wanting to schedule his personal collection of my secret ballot rather than allowing me to vote by mail or at the actual election meeting. I told Mr. Gittleman that his request was highly inappropriate and contrary to the Association's Election Rules which only permitted the submission of ballots by mail and in-person at the election. I told Mr. Gittleman that as an incumbent candidate, he should not be touching or seeing anyone's ballot nor should he be interfering with the process. Mr. Gittleman became irate. I disconnected the call.
4. I assumed he wanted to destroy my ballot as an act of voter suppression.
5. On June 16, 2009, I attended the Association's Board of Directors Meeting and recounted my experience in open forum which is on record with the Association in the form of the official minutes.
6. The affiant or declarant affirms or declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 9-27-2019

Signature: Beth McElhenny

State of California, County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal _____

Signature _____

My commission expires on: _____

* See attached California Jurat (JP)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

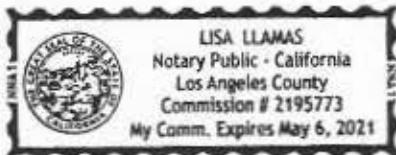
1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los AngelesSubscribed and sworn to (~~or affirmed~~) before me

on this 27th day of September, 2019.
by _____ Date _____ Month _____ Year _____

(1) Beth McElhenny(and (2) _____)
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____
Signature of Notary Public

Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Affidavit of Beth McElhenny Document Date: No dateNumber of Pages: 1 Signer(s) Other Than Named Above: none

Exhibit 6

Annandale II Homeowners Association
Board of Directors Meeting – Regular Session
M I N U T E S

June 16, 2009

I. CALL TO ORDER

The meeting was called to order by President Robert Kuntz at 7:15 p.m. Meeting held in the Clubhouse, Agoura Hills, Ca.

II. ROLL CALL

Present: President Robert Kuntz, Vice President Lynette Pryor, Secretary Eric Schwartz and member-at-large Gloria Seaman.

Absent: Treasurer Steve Gittleman.

Guests: David Yamashiro of Lordon Management and recording secretary Lori Turner.

III. OPEN FORUM

-Tom Ureda, 28501 Conejo View: (1) He stated that his vehicle, while parked on the street, is constantly getting wet by the sprinklers. He stated that he spoke with the landscaper, however, the problem is still occurring, (2) He received a letter stating that some fence repairs will be completed and he voiced concern. He stated that rust is ruining his fence and he is constantly cleaning it.

Reference (1): Explanation provided regarding the type of sprinklers utilized within the community. Issue to be monitored.

Reference (2): Discussion ensued with regard to the fences. Mr. Ureda was informed that the hinges will be replaced because they are bleeding rust.

-Delores Davis, 28829 Conejo View: (1) She referenced an article printed in The Acorn pertaining to a City Council and Planning Commission agenda item that addressed parking. She suggested that the Board monitor the City Council discussions pertaining to parking, (2) She stated that the Association has allowed the high school to utilize a portion of property for a teen driver alcohol program, Every Fifteen Minutes, however, she wanted to remind the Board to have the Association added to their insurance when the program takes place, (3) She referenced Eminent Domain and use of an un-maintained area.

Reference item (1): It was suggested that concerned homeowners write to the City Council and Planning Commission.

-Owner: An owner reported observing fraudulent parking tags in vehicles.

-Tom Ureda stated that he spoke with a traffic officer and believes that the parking enforcement is selective.

-Adele Hayes-Seisel, 28805 Conejo View: (1) She requested a copy of Jerry Acker's report, (2) She also addressed parking issues. She requested that the Board be diligent with regard to parking and enforcement, (3) She alleged that the web-site has not been updated since February.

Reference (1): Update provided pertaining to the Acker report. The report will not be distributed at this time, per the advice of legal counsel.

Robert Kuntz also stated that the Board will consider an addendum to the scope of work that addresses issues brought to the Board by homeowners.

Reference (2): Parking issue to be monitored.

Reference (3): Eric Schultz offered to follow-up and look into the matter.

-Melissa Traub, 28819 Conejo View: (1) She stated that she submitted photos to the Board at the May meeting and she requested a response to her concerns, (2) She volunteered to serve on the Landscape Committee.

Reference (1): Various issues addressed this date.

Reference (2): Noted by management this date.

-Beth, 28823 Conejo View: (1) She reported alleged abuse of the annual election voting procedures. She requested that the Board investigate the matter, (2) She alleged verbal abuse by Steve Gittleman, specifically referring to issues addressed with him over the telephone.

-Debbie Gomez, 28837 Conejo View: (1) She requested the report from Jerry Acker and specifically requested that it be provided prior to Internal Dispute Resolution, which is scheduled for Monday June 22, (2) She received a flyer regarding flashing. She requested to know who will pay for construction modifications, (3) She referenced a one year warranty on the first construction contract.

Reference (2): Warranty issue addressed by Robert Kuntz this date.

-Dennis Phipps, 28837 Conejo View: (1) He requested the Jerry Acker report, (2) He requested whether owners will have input pertaining to new construction work. He stated that no input was obtained from homeowners following completion of driveway C, (3) He requested full disclosure/transparency.

Reference (1): Christina Gaspar stated that she will speak with Jeff Beaumont in effort to determine when the Acker report can be released.

-Mike Clapp, 28894 Conejo View: (1) He thanked the Board for their volunteerism, (2) He referenced correspondence pertaining to driveway L and stated that he still has concerns regarding how work will progress, (3) He referenced a greenbelt area, specifically removal of a tree. He requested that removed trees be replaced, (4) He requested that the landscape be monitored so that areas do not turn brown, (5) He requested that proper notices be issued to advise owners when construction will be taking place and provide clear instruction so that owners know what to do with their pets, plants, cars, etc., (6) He addressed a section of fence in the pool area that was not treated or painted.

Reference (2) and (5): Issues addressed this date, both will be further addressed.

Reference (3) and (4): Robert Kuntz addressed issues pertaining to landscape, removal/replacement of trees.

Reference (6): It was stated that the area of fence will most likely be replaced with vinyl fence material.

-Gary Weisz, owner of 28635 and 28733 Conejo View: He submitted an architectural application to install a hand rail at 28733 Conejo View.

Request to be reviewed by the Board, after which he will be informed of the Board's decision.

-Diana, 28635 Conejo View: She addressed water conservation.

The homeowner was informed that potable water is being used for landscape.

-Bob and Erica Ramos, 28807 Conejo View: They requested repair of post lighting near their unit.

Noted by David Yamashiro who will inspect the lighting this evening.

Discussion ensued with regard to consistency of lighting. Lighting inspection to be scheduled.

-Leo Lopez: He requested to know whether the construction budget has been exceeded. He requested that he be provided with the costs to date.

Robert Kuntz responded. Legal counsel to be consulted to determine whether the requested information can be disseminated at this time.

-Margie Davis, 28829 Conejo View: (1) She addressed the painting of fences. She stated that the dark paint color on light colored fencing does not look good, (2) She stated that the painters have been painting overzealously and have painted doorbells.

IV. APPROVAL OF MINUTES – MAY 19, 2009

Lynette Pryor made a motion to approve the minutes, the motion was seconded by Eric Schwartz and carried unanimously.

V. TREASURER'S REPORT

“In accordance with Title 6, Section 1365.5 of the California Civil Code, the Association's bank reconciliations and reserve accounts have been reviewed by the entire Board of Directors.”

A. Report for period ending May 31, 2009 Financial Statements – Provided to the Board.

B. Investments

<u>Maturity Date</u>	<u>Bank</u>	<u>Amount</u>
7/20/09	Fidelity Bank	\$ 99,000.00
7/20/09	Fidelity Bank	\$ 99,000.00
7/20/09	Firstbank of Puerto Rico	\$204,000.00
7/20/09	Stearns Bank Natl Assoc.	\$249,000.00
7/20/09	The First N.A.	149,000.00

Lynette Pryor made a motion to liquidate the Firstbank of Puerto Rico CD and to reinvest the remaining four CDs for a thirty day period, the motion was seconded by Gloria Seaman and carried unanimously.

- C. Liens – Board authorization required to file liens for accounts #155005560, #155006140 and #155006200

Eric Schwartz made a motion to authorize processing of liens for all three accounts, the motion was seconded by Lynette Pryor and carried unanimously.

Lynette Pryor made a motion to approve the Treasurer's Report, the motion was seconded by Eric Schwartz and carried unanimously.

VI. MANAGEMENT REPORT

Various reports, logs, and correspondence provided as information only. The following items were addressed this date:

- A. Internal Dispute Resolution – Gomez/Phipps - Scheduled for Monday, June 22, 2009.

VII. NEW BUSINESS

- A. Homeowner Concerns

1. 28617 Conejo View - Back-Billing/Pipe Dreams: The owner received back-billing in the amount of \$65.00 for installation of a pressure valve.

He explained that he recently purchased a new water heater that has a new pressure valve, therefore, Pipe Dreams did not need to install one.

Board decision: Reversal of the \$65.00 back-billing, approved per Board consensus.

2. 28875 Conejo View – Construction issues: Correspondence reviewed this date. Various issues will be addressed this Environmental Restoration Services.
3. 28648 Conejo View – Various issues: Correspondence reviewed this date. Owner to be informed that various landscape issues will be tended to following completion of construction.

VIII. NEXT MEETING

The next Board of Director Meeting is scheduled for July 21, 2009.

IX. ADJOURNMENT

The meeting adjourned to Executive Session at 8:58 p.m., per Board consensus.

X. EXECUTIVE SESSION

Executive Session is held to consider litigation, matters related to advice of legal counsel, personnel matters (to take place during Open Session unless it is requested by the person/s that the matter/s be heard in Executive Session), third party contracts or to hear matters relating to the discipline of an Association member (to take place during Open Session unless it is requested by the Association member/s that the matter/s be heard in Executive Session), per the California Civil Code, Section 1363.

XI. EXECUTIVE SESSION AGENDA

- A. Approval of Minutes
- B. Delinquencies
- C. Contracts

Submitted by:

L. Turner

Date:

6/29/09

Signature of Corporate Secretary:



Date:

7/21/2009

Note: Any corrections to these Minutes will be reflected next month.

Exhibit 7

Declaration of Douglas Kruschen

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

The undersigned, DOUGLAS KRUSCHEN, does hereby declare that:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.

2. My primary residence is 28588 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.

3. On July 9, 2019, I viewed a written post on social media purported to be authored by Association Board member Ms Joy Espin which read, "Is there anyway [sic] to get people off the board without a vote? Or is it something we have to live with since not enough people actually live here to care enough to vote."

4. On July 9, 2019, at 3:48 p.m., Ms Espin called me and we spoke by phone for approximately 22-minutes.

5. At 0:55 of our call, I asked Ms Espin if she had authored the post and she confirmed she had.

6. At 1:08 of our call, I asked Ms Espin who she wanted removed from the Board and she said it was Board Treasurer, Mr. Steven Gittleman.

7. At 1:27 of our call, I asked Ms Espin why she wanted Mr. Gittleman removed and she replied that she felt harassed, bullied, and intimidated by Mr. Gittleman.

8. At 2:32 of our call, I asked Ms Espin how she felt harassed, bullied, and intimidated by Mr. Gittleman and she informed me that Mr. Gittleman speaks loudly and aggressively with, sends threatening electronic messages to, and threatens to have the Management company issue arbitrary fines to Board members who disagree with him.

9. At 5:03 of our call, I asked Ms Espin if she was aware that there are more non-owner-occupied units than the Association's records reflect.

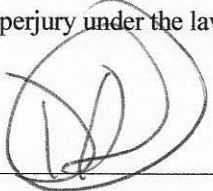
10. At 5:42 of our call, Ms Espin admitted she did not know what the Association records specifically reflect, but that she knows over 50% of units are not owner-occupied.

11. At 7:51 of our call, I asked Ms Espin what prompted her post on social media regarding the Board and she explained that Mr. Gittleman has surveillance cameras aimed at her home and he had recently sent video footage of her home to a mutual acquaintance via the internet and she believes he is mentally ill and unfit to be a Director.

1 12. At 20:18 of our call, I asked Ms Espin if her home's ballot had been mailed yet and she said
2 Board member's homes never vote because Mr. Gittleman has said many times there would be 'hell to pay' if
3 he finds out a Board member voted and he checks every year.

4 13. Voters in a secret election should not be exposed to harassment, bullying, or intimidation
5 from anyone, especially not members of the Board of Directors.

6 14. I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct.

8 Dated: 10/5/19 Signature: 

9 State of California, County of Los Angeles

Exhibit 8

Declaration of Jennifer Campbell

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

The undersigned, JENNIFER CAMPBELL, does hereby declare:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.

2. My primary residence is 28894 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.

3. In May, 2008, I was bullied by Association Board Member Mr. Steven Gittleman during the Annandale Townhouse Association, Inc. election period. Mr. Gittleman, along with then candidate Mr. Eric Schwartz, were going door-to-door attempting to personally collect completed ballots rather than allowing us to vote in secret by mail or at the actual election meeting.

4. I confronted Mr. Gittleman and let him know that his request was highly inappropriate and contrary to the Association's Election Rules which only permit the submission of ballots by mail and in-person. I advised Mr. Gittleman that as an incumbent candidate, he should not be touching or seeing anyone's ballot nor should he be interfering with the process. Mr. Gittleman became aggressive and belligerent and screamed "mind your own business!"

5. Voters in a secret election should not be exposed to harassment, bullying, or intimidation from anyone, especially not members of the Board of Directors.

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10-6-19 Signature: J Campbell

State of California, County of Los Angeles

Exhibit 9

Affidavit of Valerie Skinner

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

The undersigned, VALERIE SKINNER, do hereby swear, certify, and affirm that:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.
2. My primary residence is 540 Glade Drive, Santa Paula Ca. 93060, County of Ventura.
3. I am the owner of an investment property located at 28664 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.
4. In May, 2017, I posted signs throughout the Annandale II Townhouse community encouraging our members to vote in the upcoming Board election.
5. Within minutes of completion, I saw Mr. Steve Gittleman's son, removing the signs I had posted.
6. I approached him and was told that Mr. Gittleman had promised to pay him \$5 per hour to remove the signs because he did not want anyone to vote.
7. Approximately 30-minutes later, I received a Notice of Violation at my home and was assessed a \$150 fine for littering in connection with my campaigning activity.
6. The affiant or declarant affirms or declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10/01/2019

Signature: Valerie L Skinner

State of California, County of Ventura Los Angeles

Subscribed and sworn to (or affirmed) before me on this 1st day of October, 2019, by Valerie Skinner

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal

Signature

My commission expires on: 08/18/2020



Exhibit 10

Affidavit of Laura Velazco

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

The undersigned, LAURA VELAZCO, does hereby swear, certify, and affirm that:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.

2. My primary residence is 28658 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.

3. On or about June 2, 2019, I answered a knock at my door and found Mr. Steve Gittleman standing there.

4. Director Gittleman asked if I was aware of the upcoming election and I responded that I was.

5. Director Gittleman proceeded to tell me that if I expected to keep the status quo with regard to the makeup of the Board of Directors, it was best for me to not vote at all.

6. Director Gittleman told me that if the Board was changed as a result of reaching quorum that the landscaper we like so much would be replaced by the new Board.

7. I felt Director Gittleman was attempting to coerce me into not participating in the election.

8. The affiant or declarant affirms or declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10-01-2019 Signature: Laura Velazco
State of California, County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal Please See California Jurat.

Signature _____

My commission expires on: _____

CALIFORNIA JURAT CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 1st day of Oct., 2019, by Laura Velazco,
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS MY HAND AND OFFICIAL SEAL.

Carol A. Heiss

Signature of Notary Public



(Notary Seal)

-----OPTIONAL INFORMATION-----

DESCRIPTION OF ATTACHED DOCUMENT

Affidavit of Laura Velazco
(Title of document)

CAPACITY CLAIMED BY THE SIGNER

☒ Individual
☐ Corporate Officer
☐ Partner
☐ Attorney-In-Fact
☐ Trustee
☐ Other _____

Number of Pages 2 (Including Jurat)

Document Date Oct. 1st 2019

(Additional Information)

Exhibit 11



File No. 3807

September 24, 2019

Via U.S. Mail

**To All Members of Annandale
Townhouse Association, Inc.**

**RE: ANNANDALE TOWNHOUSE ASSOCIATION, INC.
-Election Results**

Dear Member:

The purpose of this letter is to address the results of the election held during the rescheduled Annual Meeting on August 29, 2019.

As you may know, the Board of Directors is obligated to hold an Annual Meeting every year for the purpose of electing directors and conducting any other business that may come before the Members. Accordingly, the Association recently held an Annual Meeting on July 31, 2019. However, because there was an insufficient number of owners present, in person or by ballot or proxy, as necessary to establish quorum, the Annual Meeting was adjourned to August 29, 2019. (See Bylaws, Art. II, §§ 2-3, stating that a majority of the owners constitutes a quorum.)

The Inspector of Elections has since determined that several proxies and ballots were invalid. As a result, these proxies and ballots were not counted towards quorum. More specifically, the proxy forms and ballots were either signed by someone other than the owner, or did not meet the strict requirements of California law with respect to homeowners association elections.

Please understand that the failure to reach quorum is not uncommon, as many homeowners associations have difficulty meeting the quorum requirements set forth in their governing documents. In this instance, the Association has held two (2) meetings to conduct the election, both of which failed due to lack of quorum. Unfortunately, each time, the Association has had to incur extensive costs associated with conducting the election.

In being mindful of these costs, which are paid through your monthly homeowners association assessments, the Board has determined that it is in the best interest of the Association to continue serving until successors have been elected and qualified at the next year's annual meeting.

**To All Members of Annandale
Townhouse Association, Inc.**

September 24, 2019

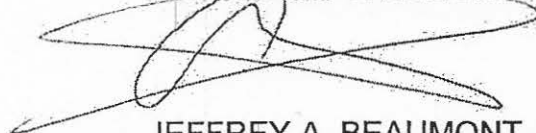
Page 2

Please know that the Board is appreciative of your participation in this year's election. We hope that this outcome does not discourage your participation in the annual elections that follow.

Thank you.

Very truly yours,

BEAUMONT TASHJIAN

A handwritten signature in black ink, appearing to read 'JEFFREY A. BEAUMONT', written over the printed name.

JEFFREY A. BEAUMONT, ESQ.
A.J. JAHANIAN, ESQ.

JAB/AJ:mlr

Cc: Board of Directors

Exhibit 12

Declaration of Luis Escobar

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

The undersigned, LUIS ESCOBAR, does hereby declare:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.

2. My primary residence is 28604 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.

3. I am a member of Annandale Townhouse Association, Inc. and in good-standing.

4. On August 17, 2019, I executed a proxy designation form appointing Jenni Campbell as my proxy to vote in the 2019 Board Election.

5. On September 5, 2019, a large man knocked on the door of my home. I recognize the man as being Mr. Steven Gittleman, the Treasurer of the HOA Board:



6. When Director Gittleman received no answer from me, he taped a business card to my door after handwriting a request for me to call him, then he shuffled back to his van.



1 7. I was not home at the time, however, one of my security cameras recorded Director Gittleman
2 and the video shall be made available to this Court upon request. Multiple persons, including Petitioner
3 KRUSCHEN, are already in possession of the recording.

4 8. The email address of AnnandaleHOA@aol.com was printed on the business card Director
5 Gittleman taped to my door. Though I had never seen reference to that email address on any official HOA
6 documentation, I sent an email to request more information as to why the card had been taped to my door.

7 9. Since I did not receive a response to my email, I called the phone number on the card.

8 10. The man who picked up the phone sounded like Director Gittleman but did not identify
9 himself.

10 11. After introducing myself as the owner of 28604 Conejo View Drive, I asked why I had
11 received a business card taped to my door. The man sounded aggressive and angry when he asked if I had
12 signed a proxy form for the election. I began to reply that I did and wanted all five of my cumulative votes to be
13 given to Jenni Campbell. He loudly cut me off mid-sentence and stated he was only interested in whether or not
14 I had signed the proxy and I reiterated that I had, in fact, signed it. He then hung up on me.

15 12. I consider Director Gittleman's contact to be harassment, bullying, and intimidating. I did not
16 authorize or request for his initial contact to be made with me nor was it appropriate for such contact to be made
17 as I enjoy the right to privacy with regard to my home and election voting methods and preferences.

18 13. Voters in a secret election should not be exposed to harassment, bullying, or intimidation
19 from anyone, especially not members of the Board of Directors.

20 14. I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct.

22 Dated: 10/2/19 Signature: 

23 State of California, County of Los Angeles

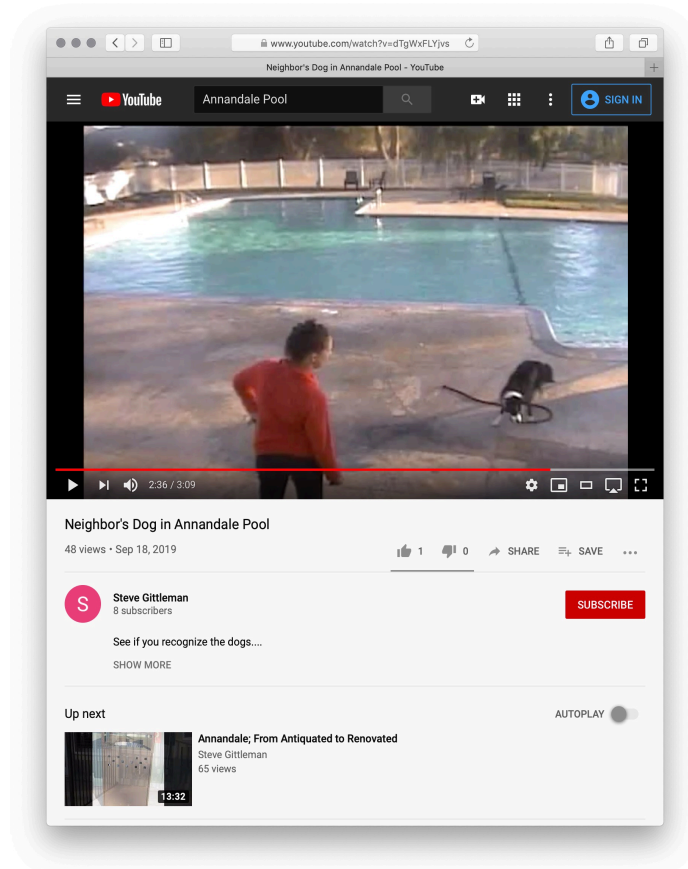
Exhibit 13

Declaration of Valerie Skinner

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

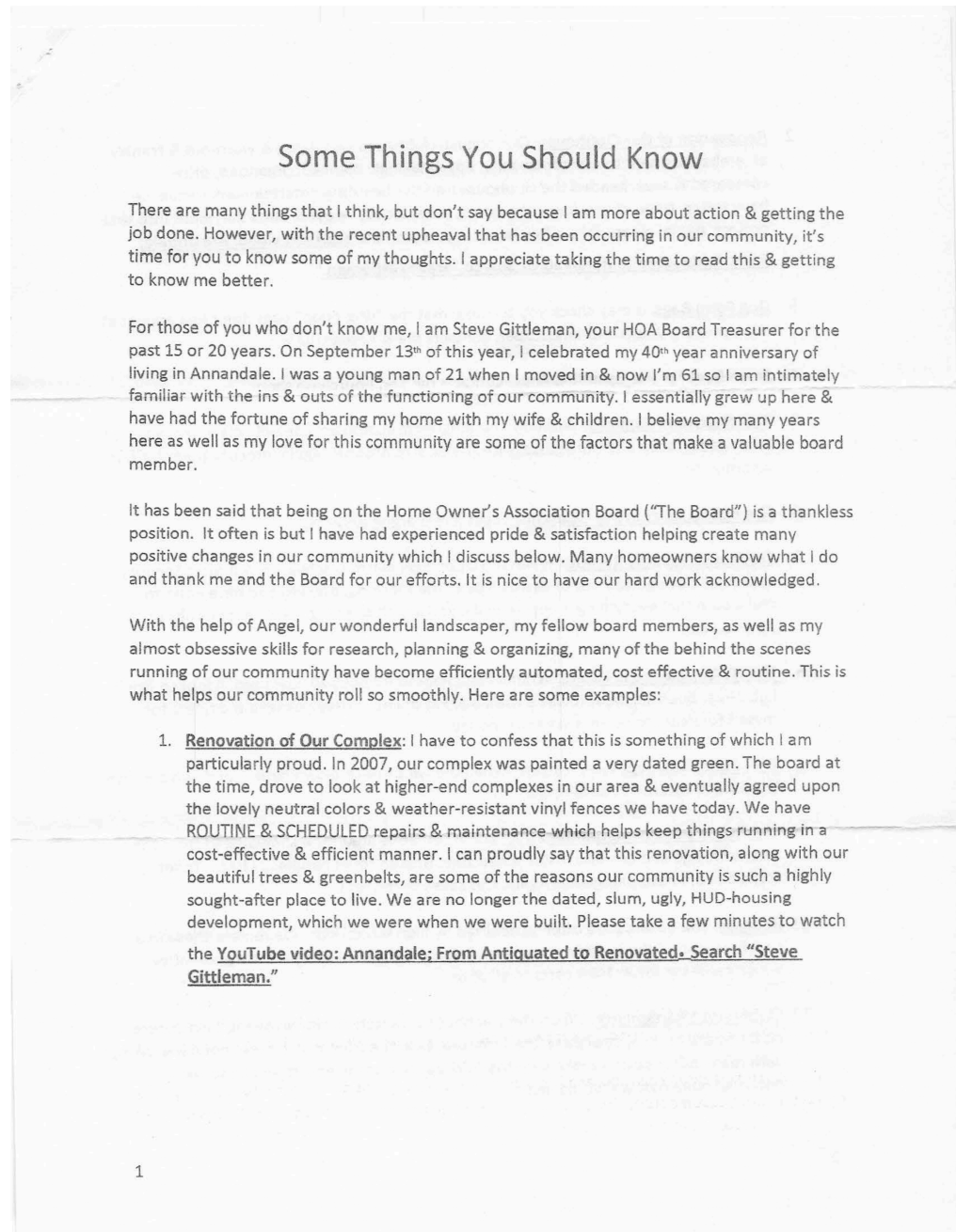
The undersigned, VALERIE SKINNER, does hereby declare that:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.
2. My primary residence is 540 Glade Drive, Santa Paula, CA 93060, County of Ventura.
3. I am the owner of an investment property located at 28664 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.
4. I am a member in good-standing of Annandale Townhouse Association, Inc.
5. On September 18, 2019, Association Treasurer Steve Gittleman uploaded private HOA security camera video of me in the Association pool area to his publicly available YouTube.com account for the world to view.



6. I, like many other Association members, value my privacy and it has now been breached.

- 1 7. I did not and do not consent to the distribution of this video recording.
- 2 8. I feel his actions were taken to intentionally and negligently inflict emotional distress upon
- 3 9. I feel he is retaliating against me for participating in the recent election process and for
- 4 remaining a vocal critic.
- 5 10. On or about October 10, 2019, I received a four-page letter at my home from Treasurer
- 6 Gittleman and have confirmed that many, if not all, other Members of the HOA also received a copy at theirs.



2. **Renovation of Our Clubhouse:** Our original clubhouse was dated & worn-out & frankly an embarrassment to our community. I painstakingly planned, organized, price compared & spearheaded the clubhouse into the beautiful entertainment venue we have today. None of you know the hours, time, blood, sweat & tears that went into that project. Again, please take a few minutes to watch the **YouTube video: Annandale; From Antiquated to Renovated- Search "Steve Gittleman."**
3. **Dog Poop Bags:** It may shock you to know that the "dog-poop" bags don't just appear at the complex. Angel, our landscaper, contacts me & I order them.
4. **Trash Bags for the Complex:** Angel contacts me and I purchase them.
5. **Pool Restroom Supplies:** Wilfredo, our long-term custodian, contacts me when we need toilet paper, soap and butt-gaskets for the pool restrooms. Again, procure them for our community.
6. **Fire Extinguisher in the Clubhouse:** I get it recharged annually.
7. **Clubhouse Security System:** When the clubhouse alarm is activated, Aid Alert Security, calls me. I have gotten out of bed at 3:00 in the morning, dressed and have gone to make sure that everything is secure while you are all sleeping. This happens about 10 times a year.
8. **The HVAC Clubhouse Filters:** When I first checked it about 20 years ago, it looked like it had never been cleaned! It was a thick blanket of lint. I have changed the filters for myself for years because it saves us money.
9. **Pool Patio Clean-up:** After a storm, when the winds have blown hard, I go down and fish the pool furniture out of the pool.
10. **Clubhouse Bathroom Maintenance:** When someone steals the showerhead from the restroom, I go and buy and install a new one. Broken toilet handle.... I fix it. Toilet stopped up, I have plunged it! Again, this saves us money!
11. **Bollards:** The bollards are often vandalized by high school kids. We replace these in a timely manner. I thoroughly researched & found efficient LED bulbs at a good price which results in lower HOA costs to all of us.
12. **Clubhouse Maintenance:** When the clubhouse is rented out for an event, I make sure no items are broken, straighten the furniture, take the trash out if it was not done, along with many other tasks. I make sure the AC/Heat has not been left on due to the potential huge cost we would incur.

1
2
3
4 13. Clubhouse Security: I often review security camera footage when our clubhouse or pool
5 areas has been trespassed. This was how the board discovered HOA policy violations
6 such as a resident allowing their dogs to swim in our shared pool. I also assisted the
7 police in the removal of a person who was living in one of the pool restrooms. Both
8 incidences were taken care of via board policy.

9 14. CC&Rs & Rules & Regulations: These sets of policies are what you agreed to comply
10 with when you purchased your unit. These policies help ensure that we live in a safe,
11 quiet, & beautiful setting but also maintain our property value. These policies are why
12 we have regulations such as having dogs on a leash, picking up after them, stopping of
13 incessant barking, not allowing cigarette or other smoke to encroach into neighboring
14 patios or homes, excessive noise as well as stopping neighbors from partying on their
15 roofs.

16 15. Pool FOBs: I ensure FOBs are distributed only to the rightful residences. The fob system
17 monitors every residence that enters the pool area. This helps control for vandalism.
18 Again, this took much time & behind the scenes effort on my part. This has greatly
19 helped lower incidences of unauthorized entrances & vandalism.

20 16. Readable Signage: Our Board is the one who had our driveway and address signs
21 changed, making them more visible. This has helped visitors, mail carriers, delivery
22 services and our emergency services locate our units in a timelier manner.

23 17. Low Monthly HOA Dues: Our dues are relatively quite low especially when compared to
24 comparable complexes. You can investigate this yourself via internet sources, such as
25 Redfin. Your current Board works hard to keep fees low as outlined above.

26 18. High-School Problems: I have personally visited the Agoura High School principle on a
27 few occasions regarding issues such as trash they left on our property. Our Board also
28 fought against the school taking over our empty lot on Driver via Eminent Domain which
the school wanted to use to solve their parking problem. I also confronted the principle
about the blaring music coming from the high school on weekends which was disturbing
many of our residents.

These are just a few examples of the many things that I, along with the Board, do to keep things
running smoothly. There are many more details but it would take pages to complete & your
diligence to read through it all. Here's the bottom line: I am just a long-term resident who has a
thorough understanding of how things were run & how much better they are run now. It is not
possible to make every resident of our 292 units 100% happy. However, our current Board does
have the entire community's best interest at heart.

It's VERY important to realize the following:

1. Once HOA fees are increased, it is essentially impossible to have them lowered. So please be careful when considering voting in newer members who may opt to have them increased.
2. Also, it could be horribly easy, even if good intentioned, to have our current financial reserve squandered by a new board. As the old saying goes, "if it isn't broke, don't fix it." In inexperienced hands, our dues could go from \$350.30 to \$475.00, for example, in a blink of an eye. Our reserves of \$3.3M, could be radically & quickly dissipated. Our current Board works hard, diligently & consistently to keep our dues low and our reserves high, which they are at this time. In comparison to most of our local HOAs, ours are markedly more financially secure and stable.
3. Just because the current Board does not use social media, it does not mean we are not working for you to a great job. My time is better served doing what needs to be done for our community rather than spending time on social media. Please remember that notices are put on your monthly billing for review.

Thanks again for your time thoughtfully reading this letter & reviewing the You-Tube Video noted above.

Sincerely,

Steven Richard Gittleman

11. Treasurer Gittleman's letter encouraged recipients to search for and view his posted YouTube.com videos.

12. If Member dissenters and voters against Treasurer Gittleman are mistreated, harassed, bullied and intimidated in this manner, we will never reach quorum to remove him from power.

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13. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 13, 2019

Signature: Valerie L. Skinner (formerly O'GRADY)

State of California, County of Ventura

Exhibit 14

Declaration of Debra Gomez

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

The undersigned, DEBRA GOMEZ, does hereby declare:

1. I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.

2. My primary residence is 28837 Conejo View Drive, Agoura Hills, CA 91301, County of Los Angeles.

3. I am a member in good standing of Annandale Townhouse Association, Inc.

4. In May, 2009, I campaigned to be elected to the Annandale Board of Directors by distributing flyers to neighborhood homes encouraging their owners to vote for me.

5. Later the same night under cover of darkness I witnessed Treasurer Steve Gittleman walking around the property removing my campaign flyers from the doors of homes.

6. Mr. Gittleman saw me and immediately ran back to his minivan parked at the end of the driveway and drove away.

7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10/17/2019

Signature:

Debra A. Gomez

State of California, County of

LOS ANGELES