

From: Di Saia, Steven **Sent:** Wednesday, December 18, 2013 7:27 AM
To: 'Terrance Huber' **Cc:** Jerry Del Colliano; Bobby Rees; Hal Erdley; 'Larry Friedman' **Subject:** RE: Del Colliano--Anoka

Mr. Huber:

Thank you for your e-mail of yesterday morning with regard to the above-referenced project. I appreciate the receipt of your thoughts and impressions with regard to the handling of this matter and had already noted that story poles were erected.

I am certainly aware that the Board can recommend that meetings with regard to the project be attended by all involved parties and agree that the free flow of information and communication is generally more conducive to a resolution of the issues presented thus far. In fact, I have made that same recommendation on every occasion for which the option has been presented. Unfortunately, some individuals have expressed concern about such group attendance, and, quite frankly, it is my impression that many of these concerns arise from the fact that legal counsel has become involved.

As I am sure you have encountered in the course of your practice, the involvement of counsel creates nervousness. Your attendance at the initial meeting, as hosted at Mr. Erdley's residence, had that effect to some degree, even though you did not utter a word to my recollection. We now have no choice but to deal with the repercussions of that effect.

With regard to the valuation assessment discussed in my electronic communication, our intention is to retain the services of a qualified individual to provide an assessment as to whether or not there would be a positive or negative impact on valuation for the affected neighbors' property posed by the proposed project. It is not our intention to seek a numerical valuation. Rather, in keeping with the dictates and parameters of the CC&Rs, we simply wish to determine whether or not there is an effect, positive or negative.

In our view, it is essential to have proper expertise to provide this

assessment. Of course, one of the essential aspects of the assessment is that it be provided by an impartial individual. If your client wishes to retain a separate realtor to perform his or her own valuation or to assign a numerical value to that valuation, feel free to do so. However, the Board will rely primarily on the impartial perspective provided.

We are making current efforts to identify the appropriate individual, with the proper expertise and impartiality, to provide the assessment. To be quite blunt, this is taking more effort than I originally imagined, again largely because legal counsel has become involved. All of the experienced individuals we have contacted to present are unwilling to become embroiled in what may become a legal dispute, which I firmly hope does not follow.

We will continue to make every possible and reasonable effort to make this as prompt and efficient a process as possible, but, under the circumstances, I cannot provide a timeline as to when the work will be completed.

Steve Di Saia
Chairman, Plans Committee
Palisair Home Owners Association

From: Terrance Huber [mailto:terrancehuber@gmail.com] **Sent:** Tuesday, December 17, 2013 8:33 AM **To:** Di Saia, Steven **Cc:** Jerry Del Colliano; Bobby Rees **Subject:** Del Colliano--Anoka

Steve,

- 1) 1. Story poles were constructed yesterday.
- 2) 2. While I certainly understand that the Board is not at liberty to **order** homeowners to allow others on their property, the Board can strongly suggest to them that it is in the interest of a full airing of their grievances (so all parties understand what the grievances are and how they relate to these facts) and that not doing so is

counterproductive. Moreover, the Board can inform them that in your opinion, prohibiting such a meeting makes the job of the Board that much more difficult. Quite frankly it seems that the Board would, in that situation, be more sympathetic to the position of the Del Colliano Family

3) 3. What is the timeline which you believe is reasonable for:

a) Setting up the meeting

b) Obtaining a decision from the Board

4) 4. I really don't understand how the language to which you refer **requires** a realtor (or anyone else) to determine future effect on value. Further, I fail to see how a realtor without appraisal training could give a meaningful analysis of potential future effect on value in this situation. Some realtors may excel at pricing a particular piece of property for sale, which valuation is necessarily related to comparable sales in the area and their knowledge of current marketing trends. With respect to any such valuation for potential effects upon future sales, it must necessarily be speculative, and therefore of little (if any) value related to the **many** things which can affect future value of a property.

5) 5. Having said all of that, and having been assured that the process will proceed whether they participate or not, the Del Colliano family is probably better off participating in such valuation than not, even recognizing its many shortcomings. Accordingly, they are in the process of hiring a realtor to address the value issue as best they can. The Del Collianos will and do, of course, insist that their realtor have the same access as the realtor advising the Board.

6) Please advise who the Board has chosen (and I will do likewise for the Del Collianos) and please advise the scheduling of the meeting. This process started two months ago, and, as you know, is moving very slowly.

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