

**Subject:** Re: a note from Deborah Streiber

**Date:** Sunday, October 12, 2014 at 11:42:06 AM Pacific Daylight Time

**From:** Leigh Silverton <leighsilverton@me.com>

**To:** Francine Kirkpatrick <DrFKirk@verizon.net>

**CC:** Patrick J. Cain <pjc@rodipollock.com>

Thanks, Francine, I'm having my lawyer review it as well as the PHOA guidelines, the police report that Ms. Streiber filed against us (which we have yet to receive) and Ms. Streiber's other communications to me to determine how to proceed. For the time being, we will cut the silk trees that abut the two properties in October 28th and send her a letter. She should cut the trees that are again obstructing our view that we can't reach and spill over to David Reed's property. October 28th would be the date. The reason we are paying to cut the trees is to reduce any friction or possibility of contact. She should not contact us by letter or otherwise.

All the best,

Leigh

On Oct 12, 2014, at 7:02 AM, Francine Kirkpatrick <[DrFKirk@verizon.net](mailto:DrFKirk@verizon.net)> wrote:

Hello Leigh

You are correct, Ms Streiber's proposal for her gardener to prune the property line trees was not part of the agreement. It was a proposal only, contingent on your agreement. This proposal, of which I got a copy, however, has stimulated my review of the PHOA files and I've found what might be causing some lack of clarity, at least on my end. I did not receive your postal service signed copy of The Maintenance Parameters. If you could forward that to us that would help the PHOA to finalize the agreement. For handy reference I've attached the email I sent to you on 8-21-14 with your response and <sup>3</sup>The Maintenance Parameters<sup>2</sup> for signature.

Many thanks for your cooperation,  
Francine

On 10/11/14, 1:57 PM, "Leigh Silverton" <[leighsilverton@me.com](mailto:leighsilverton@me.com)> wrote:

Dear Francine

I received a certified letter from Deborah Streiber saying she is going to send someone that she selects over for money that for her to cut the

trees. I think this is a violation of the agreement If I'm paying for trimming it will be my person. I plan to pay a licensed arborist to do this on the 28th and give her two weeks notice as stated in the agreement. I'll pay my licensed arborist. She is not to send anyone to my house for money. I'm glad if she cuts the trees on her and David Reed's property and as long as their low enough I don't care how she does this and she can pay her person for that.

My main point is the PHOA never said that Ms. Streiber could send someone to my house to collect money for her gardener. To be very clear - I'm not paying for her gardner and she should not be sending anyone to my house or coming to my house in person. I'll pay an arborist and give her 2 weeks notice. It will be done on October 28th of this year.

Best,

Leigh

**From:** Leigh Silverton <[leighsilverton@me.com](mailto:leighsilverton@me.com)>  
**Subject:** **Re: Tree Maintenance Parameters**  
**Date:** August 22, 2014 at 10:46:10 PM PDT  
**To:** Francine Kirkpatrick <[DrFKirk@verizon.net](mailto:DrFKirk@verizon.net)>

Thanks, Francine,

We haven't had time to review them but will get back to you next week. Will you let me know how things proceed on the other end.

Best,

Leigh

On Aug 22, 2014, at 7:17 AM, Francine Kirkpatrick <[DrFKirk@verizon.net](mailto:DrFKirk@verizon.net)> wrote:

Hello Leigh,

The PHOA Board voted this week on the three tree parameters remaining in dispute between yourself and Ms. Streiber at 1000 Las

Lomas Ave.

First regarding Ms. Streiber's tree closest to your master bathroom window the Board has ruled, in keeping with the CC&RS, that this view obstruction of the city lights does not represent a unreasonable view blockage when considering the totality of your ocean and city views enjoyed from your property.

Second, the Board has ruled to limit pruning of the two property line trees to twice yearly and only in the winter dormant months between October and March.

Third, the PHOA does not see itself as an ongoing go-between with yourself and Ms. Streiber. The notice for pruning of the property line trees must remain the responsibility of you or your representative.

These Board rulings are incorporated into the final PHOA Tree Maintenance Parameters between yourself and your neighbor, Ms Streiber. It is attached. Please copy it and sign the bottom. Keep a copy for yourself and return the original to the PHOA for our records (PO Box 901, PP, CA).

Please remember any further disagreement between yourself and Ms Strieber regarding the location of the property line must remain between yourself and your neighbor. It is my understanding that if there are differing reports between surveyors as to the location of the property line then this discrepancy is handled as an error of calculation that is addressed through consult between the two surveyors.

Best regards,

Francine Kirkpatrick  
Chair, Tree Committee

***Palisair Home Owners Association***

<8-21-14 PHOA tree parameters between 1000 Las Lomas Ave and 1020 Los Lomas Ave copy.pdf><6-28-14 TC photo 1020 Las Lomas Ave ocean view reasonable pruning line.pdf>

<8-21-14 PHOA tree parameters between 1000 Las Lomas Ave and 1020 Los Lomas Ave.pdf>