

September 2, 2016

Via Email and First Class Mail
kjt@turnerlawapc.com

Mr. Keith Turner, Esq.
Turner Law Firm
12121 Wilshire Boulevard, Suite 805
Los Angeles, CA 90025

RE: Palisair Home Owners Association - Mr. and Mrs. Kojian – Document
Inspection Request

Dear Mr. Turner,

We represent Palisair Home Owners Association (“Association”). I am replying to your letter dated August 1, 2016 requesting the Association produce for inspection and copying certain documents. I have listed below the documents you requested on behalf of your clients with the Association’s responses.

1. “The PHOA’s ‘governing documents,’ as that term is defined *Civil Code* § 4150, which statute provides: ‘Governing documents’ means the declaration and any other documents, such as bylaws, operating rules, articles of incorporation, or articles of association, which govern the operation of the common interest development.”

Response: The Association responded to your clients’ request for the governing documents by email on August 10, 2016 directing you to the Association’s website, www.Palisair.org, where the governing documents are available for download and viewing. I have attached a copy of the Articles of Incorporation, which are not posted on the Association’s website.

2. “**SCHULMAN’S** application or request to replace the **FENCE.**”

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy and this type of document is not on that list. Their request is denied.

3. “All PHOA minutes that discuss or concern Miriam Schulman’s application or request to replace the FENCE.”

Response: The Association responded to your clients' request for the Association's meeting minutes by email on August 10, 2016 directing you to the Association's website, www.Palisair.org, where the meeting minutes for the past sixteen months are available for download and viewing. The Association will not search these meeting minutes for "minutes that discuss or concern Miriam Schulman's application or request to replace the FENCE" because the Civil Code does not require it to do anything other than provide the documents. If your clients would like to view meeting minutes for months prior to April 2015, please provide us with the date ranges.

4. "All documents in the PHOA's '**FILE**' regarding the FENCE."

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy. The Association will not search its files for "[a]ll documents in the PHOA's '**FILE**' regarding the FENCE" because the Civil Code does not require it to do anything other than provide the documents. In accordance with the list of "Association Records" in Civil Code section 5200 that your clients are entitled to receive, please provide a list of the documents they would like to inspect.

5. "All documents in the PHOA's '**FILE**' regarding its investigation whether the existing wood FENCE violated CC&R Art. III, §9 or any other provision."

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy. The Association will not search its files for "[a]ll documents in the PHOA's '**FILE**' regarding its investigation whether the existing wood FENCE violated CC&R Art. III, §9 or any other provision" because the Civil Code does not require it to do anything other than provide the documents. In accordance with the list of "Association Records" in Civil Code section 5200 that your clients are entitled to receive, please provide a list of the documents they would like to inspect.

6. "All documents in the PHOA's '**FILE**' regarding whether the wood FENCE unreasonably obstructed or unreasonably diminished the quality and nature of the view from any other lot."

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy. The Association will not search its files for "[a]ll documents in the PHOA's '**FILE**' regarding whether the wood FENCE

unreasonably obstructed or unreasonably diminished the quality and nature of the view from any other lot” because the Civil Code does not require it to do anything other than provide the documents. In accordance with the list of “Association Records” in Civil Code section 5200 that your clients are entitled to receive, please provide a list of the documents they would like to inspect.

7. “All documents in the PHOA’s ‘FILE’ regarding it issued a notice as provided [sic] CC&R Art. III, §9 that the existing wood FENCE violated the CC&Rs.”

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy. The type of notice requested is not on that list, therefore their request for such notice is denied. The Association will not search its files for “[a]ll documents in the PHOA’s ‘FILE’ regarding it issued a notice as provided CC&R Art. III, §9 that the existing wood FENCE violated the CC&Rs” because the Civil Code does not require it to do anything other than provide the documents. In accordance with the list of “Association Records” in Civil Code section 5200 that your clients are entitled to receive, please provide a list of the documents they would like to inspect.

8. “All documents in the PHOA’s ‘FILE’ regarding whether KOJAN or SCHULMAN owned the FENCE.”

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy. The Association will not search its files for “[a]ll documents in the PHOA’s ‘FILE’ regarding whether KOJAN or SCHULMAN owned the FENCE” because the Civil Code does not require it to do anything other than provide the documents. In accordance with the list of “Association Records” in Civil Code section 5200 that your clients are entitled to receive, please provide a list of the documents they would like to inspect.

9. “All emails to/from, SCHULMAN any PHOA Board member regarding the FENCE.”

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy and emails are not on that list. Their request is denied.

10. “All emails to/from, SCHULMAN any PHOA Board member regarding KOJAN.”

Response: Civil Code section 5200 provides a list of documents your clients are entitled to inspect and copy and emails are not on that list. Their request is denied.

Those documents your clients are entitled to receive per Civil Code section 5200 are available for download and viewing on the Association's website, however if your client still wants to inspect hard copies of the documents or would like to request past meeting minutes older than sixteen months, please provide me with a date and time during normal business hours they are available to inspect. The Association does not have a business office, so will produce the records available at a place agreed to by the parties. (Civ. Code, § 5205, subd. (d).) If you would like to inspect the documents in person on behalf of your clients, please provide the Association with a designation in writing from them. (Civ. Code, § 5205, subd. (b).)

Very truly yours,



Jane L. Blasingham, Esq.
ADAMS | STIRLING
A Professional Law Corporation

Attachment

FILED

In the office of the Secretary of State
of the State of California

600437

OK
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AUG 23 1960

ARTICLES OF INCORPORATION

of

PALISAIR HOME OWNERS ASSOCIATION

FRANK M. JORDAN, Secretary of State
By Alvin H. Boyer
Deputy

We, the undersigned incorporators, hereby associate ourselves together to form and establish a nonprofit corporation pursuant to the General Nonprofit Corporation Law of the State of California set forth in Part 1, Division 2 of Title 1 of the Corporations Code of said state.

FIRST: The name of the nonprofit corporation shall be PALISAIR HOME OWNERS ASSOCIATION.

SECOND: (a) The objectives of the corporation are:

(1) To acquire, hold, be vested with, exercise, regulate, administer and enforce the rights, duties, and powers of the "Art Jury", or "Tract Committee", respectively, for Tracts 15944, 15948, and 19890, in the City and County of Los Angeles, State of California, described as follows:

Tract 15944, containing lots 1 to 28, both inclusive, as per map recorded in Book 481, pages 4 and 5, of Maps; and Tract 15948, containing lots 1 to 52, both inclusive, as per map recorded in Book 589, pages 36 to 38, of Maps; and Tract 19890, containing lots 1 to 57, both inclusive, as per map recorded in Book 627, pages 46 to 50, of Maps; all in the office of the Recorder of Los Angeles County.

Said rights, duties, and powers are set forth in the Declara-

Restriction of right
to amend articles

Yes

No

imposed upon said Tract 15948 by the instrument dated July 10, 1953, recorded July 13, 1953, as document 3215 in Book 4210, p. 393; upon said Tract 15948 by the instrument dated February 21, 1956, recorded February 21, 1956, as document 3811 in Book 50383, p. 176; and upon Tract 19890 by the instrument dated January 31, 1958, recorded February 3, 1958, as document 2274 in Book 56264, p. 64, Official Records, Los Angeles County, as amended from time to time and as now constituted.

(2) To acquire, own, hold, and enforce the Reversionary Rights imposed upon all land in said three tracts by said Declarations and still held by the original Declarants, the signers of said Declarations.

(3) To acquire, hold, and exercise any other rights and powers still held by said Declarants.

(4) To protect and represent, as a civic organization, the interests of the landowners of said three tracts, as a whole and as individual owners, and to be their spokesman, in their relations with the public authorities, the press, other similar organizations, other landowners or tenants, the public at large, etc.

(b) For the achievement of these purposes the corporation is authorized:

(1) To acquire by gift, bequest, purchase, lease or otherwise and to own, hold, enjoy, operate, maintain and to convey, sell, lease, transfer, mortgage and otherwise encumber, dedicate for public use

and otherwise dispose of, real and personal property either within or without the boundaries of said three tracts.

(2) To levy assessments, charges, and taxes and to expend the moneys so collected and other sums received for the payment and discharge of costs, expenses, and obligations incurred by said corporation in carrying out any or all of its purposes.

(3) To open, hold, transfer and close bank accounts and savings accounts and to borrow money and mortgage, pledge or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred and to do any and all things that a corporation organized under the laws of the State of California may lawfully do.

(4) To sue and be sued, and generally, to do any and all lawful things which may be advisable, proper, authorized and permitted to be done by this corporation under or by virtue of any restrictions, conditions, and covenants or laws affecting said three tracts or any land thereof, and to do and perform any and all acts which may be either necessary for, or incidental to, the exercise of any of the foregoing powers or for the peace, health, comfort, safety, and general welfare of owners of land in said three tracts, or residents thereon.

(5) To do all and everything necessary, suitable, or proper for the accomplishment of the foregoing purposes, including anything which the Board of Directors of the corporation may from time to time deem to be conducive or expedient for the purposes or benefit of the corporation, and to do any and all of the things herein set forth to

the same extent as natural persons might or could do, and the foregoing clauses shall be construed both as objects and powers; and it is hereby expressly provided that the foregoing enumeration of specific powers shall not be held to limit or restrict in any manner the powers of this corporation; provided, however, that nothing in these Articles of Incorporation contained shall be construed to authorize the corporation to transact or conduct any business not authorized to be done under the appropriate laws of the State of California.

THIRD: The corporation is not organized for pecuniary profit nor shall it have any power to issue certificates of stock or declare dividends, and no part of its net earnings shall inure to the benefit of any member, director or individual. In the event of the dissolution of the corporation, any net assets remaining after the payment of all debts and liabilities shall be distributed to one or more tax exempt, nonprofit organizations operating exclusively for charitable, scientific or educational purposes.

FOURTH: The location of the corporation's principal office shall be Pacific Palisades, City of and County of Los Angeles, State of California.

FIFTH: The names and addresses of the five incorporators, who also are to act in the capacity of directors until the election and qualification of their successors at the first organizational

meeting of members, to be held within 30 days after incorporation,
are as follows:

FELIX J. NEIL, ~~XXXXXXXXXX~~
1031 Anoka Place, Pacific Palisades, California

GILBERT PLATT, ~~XXXXXXXXXX~~
1201 Las Pulgas Road, Pacific Palisades, California

THEODORE F. MARTIN, ~~XXXXXXXXXXXXXXXXXXXX~~
16007 Anoka Drive, Pacific Palisades, California

DEVER K. WARNER
1109 El Medio Avenue, Pacific Palisades, California

DANIEL L. GERLOUGH
1251 Las Lomas Avenue, Pacific Palisades, California

SIXTH: The existence of this corporation shall be perpetual.

SEVENTH: The authorized number and qualifications of officers, directors
and of members of the corporation, their voting and other rights
and privileges, their liability to dues or assessments, and the
method of collection thereof shall be set forth in the by-laws.

IN WITNESS WHEREOF the undersigned have executed these
Articles of Incorporation this 25 day of July, 1960.

SCUDDER & FORDE

By Eric Scudder
Attorneys for
Incorporators

Felix J. Neil
Felix J. Neil ~~XXXXXXXXXX~~

Gilbert Platt
Gilbert Platt ~~XXXXXXXXXX~~

Theodore F. Martin
Theodore F. Martin ~~XXXXXXXXXXXXXXXXXXXX~~

Dever K. Warner
Dever K. Warner

Daniel L. Gerlough
Daniel L. Gerlough

STATE OF CALIFORNIA)
County of Los Angeles) SS

On July 25, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared FELIX J. WEIL, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Dagmar Tomlinson
Notary Public in and for said County and State.
My Commission Expires: Aug. 26, 1960

DAGMAR TOMLINSON, Notary Public in and
for the County of Los Angeles, State of California
My Commission Expires August 26, 1960

STATE OF CALIFORNIA)
County of Los Angeles) SS

On Aug 1, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared GILBERT PLATT, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and Official Seal.

Theodore F. Martin
Notary Public in and for said County and State.
My Commission expires: 4-19-62
THEODORE F. MARTIN

STATE OF CALIFORNIA)
County of Los Angeles) SS

On August 2, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared THEODORE F. MARTIN, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and Official Seal.

Mary E. Quinn
Notary Public in and for said County and State.
My Commission expires: _____

STATE OF CALIFORNIA)
County of Los Angeles) SS

On June 1, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DEVER K. ARNER, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and Official Seal.

Theodore F. Martin
Notary Public in and for said County and State.
My Commission expires: 4-29-62
THEODORE F. MARTIN

STATE OF CALIFORNIA)
County of Los Angeles) SS

On June 1, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DANIEL L. BERLOUGH, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and Official Seal.

Theodore F. Martin
Notary Public in and for said County and State.
My Commission expires: 4-19-62
THEODORE F. MARTIN



State
of
California
OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

MAY 13 1985



March Fong Eu

Secretary of State