

Dear Dr. and Mrs. Rothman,

I like to remind you that fall has arrived. It is time now for you to cut or trim your trees in such a way that they cause no view blockage for your neighbors.

The new CC&Rs speak from an unreasonable rather than substantial view blockage. In my opinion this is just playing with words.

As tree chairman of the PHOA I request that you get this task done within the next 30 days.

In advance, I like to thank you for your cooperation.

A copy of this letter will be given to Mr. Buzyn who can make further copies to his neighbors.

Sincerely,

Hans E. Weber
Tree Chairman PHOA
310-459-1865

Oct 22, 2011

February 3, 2011

Dear Mr. and Mrs. Rothman,

Thank you for meeting with me a few weeks ago. As you know, several of your neighbors have complained that trees on your property have grown to such levels that they constitute a substantial obstruction of the view from their respective properties. I presented this issue to our Board, and after visiting the site (which site? The neighbors? Don't want to make it seem like you trespassed on the Rothman's property), I was instructed to write you this letter.

It is the opinion of the Board that such view obstruction violates the CC&Rs imposed on all land in Tract 19890. The CC&R's are an integral part of the title to your property. In accordance with Section 9 of the CC&R's, you are kindly requested within 30 days of the receipt of this letter to remove, cut down, or cut back and maintain the trees at such a level that your neighbors views of the ocean are not obstructed. I suggest that such action be taken in a manner so as to satisfy your neighbors' complaints, and their telephone numbers are as follows:

Gael Buzyn (310) *710-3893* *gael.buzyn@gmail.com*

(310) _____

The HOA stands ready to assist in this respect, and I offer to mediate any dispute, if necessary.

As stated in the CC&Rs, it is the responsibility of the homeowner whose trees cause view obstruction to pay for the trimming or removal of the obstructing trees. The Board also disagrees that because the trees existed before you purchased your house that they are somehow "grandfathered" in. The CC&Rs run with the land, and therefore there is no such "grandfather" clause. Indeed, as I mentioned to your at our meeting, another neighbor recently prevailed on these same issues in Superior Court, and thus the validity and enforceability of Section 9 of the CC&R's is well-settled.

It is with the cooperation of all residents in our Tract that our neighborhood is such a desirable place to live, with world-class views. We hope to maintain this friendly cooperation and look forward to your assistance in that respect.

Sincerely, your neighbor,

Dr. Hans E. Weber

Tree Chairman
Palisair Home Owners Association
(310) 459-1865

Hans E. Weber
Tree Chairman

May 10, 2011

To
Mr. and Mrs. Rothman,

I related your phone conversation with me to Mr. Gael Buzyn. He asked me to write the following note.

Since you are willing to cut your trees in the fall of 2011, he and his neighbors agree to wait till the fall but they ask you to give them in writing that you will proceed with the trimmings of all trees causing a substantial view blockage from their properties. The costs for the trimmings will be carried by you.

I like to ask you to give me a written notice in this regard within the next 30 days.

With best regards

Hans E. Weber
1166 Las Pulgas Place
310-459-1865

Dear Mrs. and Mr Rothman,

April 2, 2012

I am writing this letter to remind you that you are still in violation of a substantial view blockage in regard to several neighbors above you. They asked me to write this note to you.

I understand that you cut a small portion of your trees a few months ago. This minimal trimming amounted however to no improvement in their view.

I have to suspect that you knew this – it is quite obvious that this cut amounted to nothing. Thus, I would like to ask you why did you do this?

We discussed your case at the board meetings and at the annual meeting. The other members of the board agree with my assessment that you are in gross violation of a Substantial view blockage.

Your neighbors would like to meet with you and I as tree chairman of the PHOA could maybe mediate or one could obtain an official person to mediate a binding solution.

If you are not interested in any of these proposals there is always the possibility of legal action which your neighbors could pursue. We like to avoid these drastic steps and rather prefer an amicable solution among good neighbors.

I invite you to trim your trees to such a height that your neighbors can enjoy an unobstructed ocean view they deserve to have.

Sincerely



Hans E. Weber

PHOA tree chairman

12/4/12 LAS LOMAS - ROTHMAN

From: Francine Kirkpatrick <DrFKirk@verizon.net>
Subject: FW: Board meeting tonight, 11/19/12
Date: November 19, 2012 5:43:54 PM PST
To: Patti Gallagher <p.gallagher2@verizon.net>

FYI in case Gael didn't send this to you.

----- Forwarded Message

From: gael buzyn <gaelbuzyn@hotmail.com>
Date: Tue, 20 Nov 2012 02:18:05 +0100
To: Francine Kirkpatrick <drfkirk@verizon.net>, hans weber <hewca@aol.com>, larry friedman <lpfriedman1@gmail.com>, steven disaia <steven.disaia@sdma.com>
Subject: RE: Board meeting tonight, 11/19/12

Hello all.

I won't be available to join the meeting like most Mondays.

On the Rothman's trees I've just left them the following letter at their doorstep:

"Dear Cappi,

I hope that your summer was as good as possible considering the circumstances. I would like to share our deepest condolences.

Also, thank you again for trimming the trees on the west side of your property. It has already improved the view quite a bit and we can't wait to work with you on the next tree trimming stage.

Please let me know when would be a good time to discuss it. I'm available most evenings after 7pm and on the weekends.

*Best regards,
Gael."*

As you know, they've trimmed a few trees this summer despite the passing of Cappi's moother the day before, which was nice. But he promised to get back to the trimming on September which he hasn't done. The goal is to get the Pine trees at a much lower height to recover the ocean view for myself and my neighbors, and trim down completely and immediately the non pine trees in between in order to have a partial view through the pines until they've been trimmed low enough. I should have write them earlier but Laura and I just got our 2nd child (a boy) few weeks ago and time flew by as we were getting ready for the birth.

Finally, I wanted to say that the Ball's across the street from me are doing a mild cosmetic remodel. They've been asking for my help to visualize the changes that are so far limited to: new siding (in white) and a new roof. I don't think this would be really bothering any of neighbors but if you think it could present an issue I can send you the renderings.

As usual, Francine has my proxy and I'm available "on demand" if needed" (between two diapers), :)

Best,
Gael

Date: Mon, 19 Nov 2012 12:25:07 -0800
Subject: Board meeting tonight, 11/19/12
From: DrFKirk@verizon.net

To: erdley@ieee.org; swartzs@roadrunner.com; hewca@aol.com; gaelbuzyn@hotmail.com; lpfriedman1@gmail.com; steven.disaia@sdma.com;