

- NOTICE TO ALL PLAINTIFFS AND DEFENDANTS -

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

- AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS -

Su caso ha sido resuelto por la corte para reclarnos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca de sus derechos.

PLAINTIFF/DEMANDANTE

Michael Allan

Agoura Hills, CA 91301

DEFENDANT/DEMANDADO

Lake Lindero Homeowners Association
5719 Lake Lindero DR.
Agoura Hills, CA 91301

NOTICE OF ENTRY OF JUDGMENT

JUDGMENT WAS ENTERED AS STATED BELOW ON (DATE): 11/05/2019

Court orders judgment entered for Plaintiff Michael Allan against Defendant Lake Lindero Homeowners Association on the Plaintiff's Claim filed by Michael Allan on 06/18/2019 for the principal amount of \$1,500.00 and costs of \$50.00 for a total of \$1,550.00.

Other: The Court enters judgment for plaintiff Michael Allen against Defendant the Lake Lindero Homeowners Association ("HOA") in the amount of \$1,500 as a penalty for three violations of the Davis-Stirling Common Interest Development Act.

The Court finds that many of plaintiff's claims fall outside the jurisdiction of the small claims court. Civil Code section 5235(b) authorizes a plaintiff to bring a cause of action in small claims court to enforce the member's right to inspect association records. Similarly, Civil Code section 5145(c) authorizes a plaintiff to bring a cause of action in small claims court regarding certain election issues. With respect to the balance of plaintiff's claims (identified at trial as plaintiff's alleged violations #1 and #6-10), the Court denies those requests on the grounds that this Court lacks jurisdiction to hear those claims.

With respect to plaintiff's alleged violation #5, that he was denied access to corporate books and records, the Court finds that plaintiff has met his burden of proof regarding this claim. The evidence submitted by plaintiff at trial includes email correspondence documenting plaintiff's request for specified records as authorized under Civil Code section 5200 et seq, as well as defendant's refusal to provide access to those records. The defendant asserted at trial that records were not provided to plaintiff due to a protective order that was issued in another lawsuit concerning the HOA, however, the defendant failed to provide a copy of that protective order at trial. Therefore, the Court finds that plaintiff has met his burden of proof on this claim.

With respect to the election issues identified at trial as plaintiff's alleged violations #2-4, the Court finds that plaintiff has met his burden of proof with respect to the alleged violation #2, that the HOA posted on its website information supporting one candidate or candidates without allowing equal access to all candidates, in violation of Civil Code section 5105(a)(1).

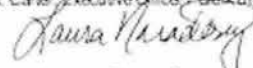
With respect to the alleged violation #3, that the HOA posted information about a candidate within 30 days of an election in violation of Civil Code section 5135, the Court finds that this also falls outside the jurisdiction of the small claims court. Section 5145(c) expressly provides that causes of action under sections 5100 to 5130 may be brought in small claims court. Section 5135 is not included in the enumerated causes of action that may be brought in small claims court. Therefore, the court denies this request on the grounds that this Court lacks jurisdiction to hear the claim.

CLERK'S CERTIFICATE OF MAILING - I certify that I am not a party to this action. This *Notice of Entry of Judgment* was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: Van Nuys CA 91401

Date of mailing: 11/6/2019

Sherril R. Carter, Executive Officer, Clerk of Court



Clerk by Laura Naradovy, Deputy

- The county provides small claims advisor services free of charge. Read the information sheet on the reverse.

Finally, with respect to the alleged violation #4, the Court finds that plaintiff has met his burden of proof to show that plaintiff was effectively denied access to the common area for a candidate forum when the HOA imposed a requirement that plaintiff provide a list of all intended participants of that meeting. Civil Code section 5105(a)(2) requires the HOA to provide access to common area meeting space to all candidates for purposes reasonably related to the election. The Court finds the HOA violated this section when it imposed an additional requirement that plaintiff provide a list of all intended participants before providing plaintiff access to the common area for a candidate forum.

In summary, the Court finds that plaintiff met his burden of proof with respect to alleged violations #2, #4, and #5 and awards plaintiff \$500 per violation. The Court further finds that this Court lacks jurisdiction to hear plaintiff's alleged violations #1, #3, and #6-10.

The Court also awards plaintiff's court costs.

Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.

Exhibit

List of Violation

1. Altered Records of Executive Meeting
2. HOA Board posted information in support of candidates it supported to HOA Website
3. HOA Posted Information of Candidate within 30 days of Election
4. HOA Board Denied Member Assess to Common Area for Candidate Forum
5. Refused Director Assess to Corporate Books, Records, and Documents
6. Failure to Give Required Notice of Board Meetings
7. Failure to Post Agenda with notice of Board Meetings
8. Non-Director Member of Executive Committee
9. Refused to Comply with request for General Notice of All Board Meetings, Committee meetings, Executive Committee Meetings by Email
10. Lake Lindero Homeowners Association Business License Status FTB Suspended