

Executive Session Board Meeting Minutes

Edgewood HOA | July 16th, 2024 Board Meeting

Board Members:

Pat Burden, President
Marilyn Masters, Vice President
Tracy Theiss, Secretary
Carla Graves, Treasurer
Stephanie Gumbaro, Director at Large
Sara Shaddick, Director at Large
Steve Ross, Director at Large (Absent)
Russ Skutley, Director at Large
Justin Traud, Director at Large

Management Representative:

Suzette Davies, NCM (Absent)

Location:

Clubhouse

1. Call to Order at 7:16 PM

2. Consent Agenda

The April 16, 2024, Executive Meeting Minutes has not been received for editing.

3. Action Items

a. The Board decided to contact Brad Epstein, their previous attorney, to send a "cease and desist" letter to the owners, Stephen C. Hill & Safiya A. Hill, of [REDACTED] Spyglass Lane regarding their son, Hussein "Shane" Hill. Their son is to remove his website that uses the Association's name (i.e. EdgewoodHOA.org) and to remove his email addresses referring to the Association (i.e. shanehill@edgewoodhoa.org).

b. The Board decided to no longer provide renters with a copy of the monthly newsletter, which has been an additional expense and must be hand delivered. It will be stated in the next newsletter that homeowners need to inform their renters of all pertinent communications from the Association. The communication includes the monthly newsletter. The monthly newsletter will be posted on the clubhouse bulletin board by Stephanie Gumbaro.

4. Motion to Adjourn

Since there was no further business before the Board of Directors, the meeting adjourned at 7:41 PM.

The undersigned does hereby certify that the foregoing is a true and correct copy of the Minutes of Edgewood Executive Session Board Meeting held on July 16th, 2024 as approved by the attending Board Members.

By: Tracy Theiss
(name)

Date: 9-17-24

Its: Secretary
(position)

Grime Law LLP

Sacramento | Manteca | Fresno | Los Angeles
916-397-1105
BEpstein@Grimelaw.com

July 12, 2024

By Certified and First-Class U.S. Mail

Cease and Desist

Stephen C. Hill & Safiya A. Hill
Trustees of the Stephen C. Hill & Safiya A. Hill
Revocable Declaration of Trust dated February 14, 2020
2815 Watson Court
Montague, CA 96064

Re: Edgewood Homeowners Association
 Spyglass

Dear Mr. and Ms. Hill:

We represent Edgewood Homeowners Association.

Unfortunately, it appears that your son, Shane Hill, has a website with the Association's name, i.e., EdgewoodHOA.org, and also email addresses with the Association's name, i.e., community@edgewoodhoa.org and shanehill@edgewoodhoa.org. Please see the enclosed several pages of the website and a flyer that your son distributed throughout the community. The website and email addresses therefore purport and represent to be on behalf of the Association.

Since 1973, the name "Edgewood Homeowners Association" has been on file with the California Secretary of State as the Association's official and corporate name. Consequently, your son having the website and email addresses with the Association's name constitutes infringement of the Association's legal rights.

Also, your son appears to be misrepresenting himself in the website as an Association member/owner. For example, the enclosed webpage's "Background on the Recall Effort" page states:

...

We have candidates, really good candidates, who have the right motivation and want to generously volunteer their time, effort, and talents to improve our community. We also have a community full of residents ready to volunteer, myself included, to help them transition to their new role and make the change as seamless as possible.

Stephen C. Hill & Safiya A. Hill
Trustees of the Stephen C. Hill & Safiya A. Hill
Revocable Declaration of Trust dated February 14, 2020
Re: Edgewood Homeowners Association
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Therefore, your son appears to be attempting to deceive website visitors – actual Association members/owners - into joining him in his crusade against the Association.

Please feel free, however, to provide us with a copy of your trust if you would like to show that your son is a trustee of the trust, and therefore has a present ownership interest in your Edgewood home, rather than being a beneficiary of the trust, with only a potential ownership interest.

Consistently, your son having the website and email addresses with the Association's name is in violation of the Association's CC&Rs at Article VIII, Section 5:

Prohibition of Noxious Activities. No noxious or offensive activities shall be carried on or conducted upon any Lot nor shall any things be done on any Lot that shall be or become an unreasonable annoyance or nuisance to the neighborhood. Without limiting any of the foregoing, no Owner shall permit noise, including, but not limited to, the barking of dogs, the operation of air conditioners, stereo amplifier systems, television systems, motor vehicles and power tools, to emanate from an Owner's Lot, or the Common Area, which would unreasonably disturb other Member's enjoyment of his Lot or the Common Area. Excessive noise levels may be determined according to the County of Sacramento's Municipal Code or other applicable governmental regulation dealing with such matters.

Consequently, we hereby request that you please have your son change the website and emails names to names that are not confusingly similar and so that they cannot reasonably be confused as being on behalf of the Association within twenty-one days of the date of this letter.

If you fail to timely comply, then the Association will have no choice but to hold a hearing in order to determine whether to impose the following discipline on your Edgewood home and you.

1. Impose fines. (CC&Rs, Article XII, Section 6)
2. Suspension of the right to use the common area recreational facilities. (CC&Rs, Article III, Section 9)
3. Imposition of a Special Individual Assessment for the attorney's fees that the Association incurs in its attempts to compel compliance. (CC&Rs, Article IV, Section 4)
4. Reservation of the right to institute the steps to file a lawsuit against you, including, but not limited to for violation of the CC&Rs, unauthorized use of the Association's name, and misrepresentation. State law provides that if the Association prevails in the lawsuit, then the court shall award the Association its attorney's fees incurred. (CC&Rs, Article XII, Section 3; Civil Code Section 5975) Further, if the Association prevails in the lawsuit and obtains a judgment,

Stephen C. Hill & Safiya A. Hill
Trustees of the Stephen C. Hill & Safiya A. Hill
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then we will file the judgment against you and your real estate in all counties where you own real estate.

Please understand that the Association considers this an extremely serious matter, and has directed this firm to take all legal steps to protect the Association's interests.

In any event, the Association thanks you in advance for your anticipated timely consideration and compliance.

Very truly yours,
GRIME LAW LLP

A handwritten signature in black ink, appearing to read 'BJE', is written over the typed name of Bradley J. Epstein.

Bradley J. Epstein

cc: Board of Directors

Executive Session Board Meeting Minutes

Edgewood HOA | August 12th, 2024 Board Meeting

Board Members:

Pat Burden, President
Marilyn Masters, Vice President
Tracy Theiss, Secretary
Carla Graves, Treasurer
Stephanie Gumbaro, Director at Large
Sara Shaddick, Director at Large
Steve Ross, Director at Large
Russ Skutley, Director at Large
Justin Traud, Director at Large

Management Representative:


Suzette Davies, NCM--Absent

Location:

Clubhouse

1. Call to Order at 7:00 PM

2. Action Items

A motion was made to approve the sending of the second "Cease and Desist" letter to the owner of  Spyglass Lane, Stephen C. Hill & Safiya A. Hill. The motion passed.

3. Motion to Adjourn

Since there was no further business before the Board of Directors, the meeting was adjourned at 7:20pm.

The undersigned does hereby certify that the foregoing is a true and correct copy of the Minutes of Edgewood Executive Session Board Meeting held on August 12th, 2024 as approved by the attending Board Members.

By: Tracy Theiss
(name)

Date: 9-17-24

Its: Secretary
(position)

Grime Law LLP

Sacramento | Manteca | Fresno | Los Angeles

916-397-1105

BEpstein@Grimelaw.com

August 13, 2024

By Certified and First-Class U.S. Mail

Cease and Desist

Stephen C. Hill & Safiya A. Hill
Trustees of the Stephen C. Hill & Safiya A. Hill
Revocable Declaration of Trust dated February 14, 2020
2815 Watson Court
Montague, CA 96064

Re: 
Spyglass

Dear Mr. and Ms. Hill:

This follows your recent telephone call to me. You stated that you had not been able to review our enclosed letter until August 4th, and that you request that the Association give you additional time in order to change the website and emails names to names.

It is imperative that you please change the website and email names without delay.

Consequently, we hereby request that you please have your son change the website and emails names to names that are not confusingly similar and so that they cannot reasonably be confused as being on behalf of the Association by Monday, August 19th.

If you fail to timely comply, then the Association will have no choice but to hold a hearing in order to determine whether to impose the following discipline on your Edgewood home and you.

1. Impose fines. (CC&Rs, Article XII, Section 6)
2. Suspension of the right to use the common area recreational facilities. (CC&Rs, Article III, Section 9)
3. Imposition of a Special Individual Assessment for the attorney's fees that the Association incurs in its attempts to compel compliance. (CC&Rs, Article IV, Section 4)
4. Reservation of the right to institute the steps to file a lawsuit against you, including, but not limited to for violation of the CC&Rs, unauthorized use of the Association's name, and

Stephen C. Hill & Safiya A. Hill
Trustees of the Stephen C. Hill & Safiya A. Hill
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misrepresentation. State law provides that if the Association prevails in the lawsuit, then the court shall award the Association its attorney's fees incurred. (CC&Rs, Article XII, Section 3; Civil Code Section 5975) Further, if the Association prevails in the lawsuit and obtains a judgment, then we will file the judgment against you and your real estate in all counties where you own real estate.

Please understand that the Association considers this an extremely serious matter, and has directed this firm to take all legal steps to protect the Association's interests.

In any event, the Association thanks you in advance for your anticipated timely consideration and compliance.

Very truly yours,
GRIME LAW LLP



Bradley J. Epstein

enc.

cc: Board of Directors