

RICHARD A. TINNELLY
JEFFREY M. HYLTON
BRUCE R. KERMOTT
TERRI A. MORRIS

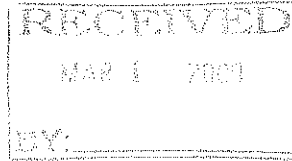
LAW OFFICES OF
RICHARD A. TINNELLY
85 ARGONAUT, SUITE 100
ALISO VIEJO, CALIFORNIA 92656
(949) 588-0866
FAX (949) 588-5993
EMAIL tinnelly@hoalawyers.com

COACHELLA VALLEY
77-864 COUNTRY CLUB DRIVE, SUITE 150
PALM DESERT, CA 92211
(760) 862-9835
FAX (760) 862-9845

SAN DIEGO
120 BIRMINGHAM DRIVE, SUITE 200
CARDIFF-BY-THE-SEA, CA 92007-1721
(858) 550-0866
FAX (858) 550-9067

REPLY TO ALISO VIEJO ADDRESS

March 10, 2009



Board of Directors
Venturanza Del Verde
c/o Golden West Management
6101 Ball Road, Suite 301
Cypress, California 90630

Attention: Alan Potruch

Re: Revised and Final Tustin Del Verde Parking Regulations

Dear Board Members:

Enclosed is a copy of our client's letter to all homeowners/tenants in Tustin Del Verde and Venturanza Del Verde regarding the final parking rules and regulations, including fining and towing. Strict enforcement of these rules will commence April 10, 2009. As set forth in our prior correspondence, our client's Governing Documents provides the power and authority for it to adopt and enforce parking rules relating to all areas except for the previously referenced easement parking area governed by Venturanza Del Verde.

Please distribute these rules to all Venturanza members so that they will receive prompt notice of the pending enforcement date, and steps that they should take regarding cars that wish to park on the streets, and guest parking. This will avoid unnecessary enforcement and inconvenience to the Venturanza members. Please, of course, also convey our clients appreciation for their anticipated compliance, and a hope that they do not create any significant inconvenience to the Venturanza membership.

Also, thank you for your cooperation in promptly forwarding this policy and the rules to the Venturanza membership.

Very truly yours,

Law Offices of
RICHARD A. TINNELLY

JEFFREY M. HYLTON

JMH:kk
Enclosure
cc: Board of Directors
Tustin Del Verde Homeowners Association

Dear Home Owner / Tenant,

Concluding February's homeowner forum, the board stayed until 11:00pm working out changes to the new parking enforcement rules. Following are the final changes to the new parking rules. The board voted unanimously on these changes.

This parking enforcement policy is designed to do the following; 1) Get TDV and VDV residents parking two vehicles in their garage at all times as stated in the CC&Rs; 2) Create guest parking for our friends and family; 3) Keep overflow from non-authorized vehicles off both easement areas; 4) Establish a formal patrol service to look out for our parking, pool, and other areas late at night; and 5) Implement a common sense approach that is fair throughout the community. Hopefully, this new policy will help the other association residents realize they, too, need to start utilizing their garages for parking vehicles.

This Board said it would listen to the residents, and we have. These new changes allow the Board to enforce parking while allowing resident's access to the parking stickers. Any resident that reads these rules and still feels they are constricting should read them again before contacting Grace. Parking is a very emotional issue. Please give us the courtesy, respect, and benefit of the doubt, if you need our help understanding them.

There will be approximately 28 guest parking spaces assigned. That represents 2 spaces per building. Keep in mind that each building has between 12 to 14 units. So, 2 guest parking spaces per building is not excessive. These new guest parking spaces will have green curbs with "guest parking" stenciling (similar to our fire lanes). There will be 3 main guest parking areas located equally amongst the buildings.

Common area parking stickers will cost \$75/year. This year they will be prorated to \$50 as we are starting April 10th and will be assessed to individual homeowner accounts. Those that need the sticker will pay for the sticker. In order to get a sticker, the vehicle must be; A) Registered to the address, and B) Have a non-expired license plate. This is to prevent residents from registering friends and family vehicles.

Instructions on getting a sticker are included in this packet.

TDV HOA Board

TUSTIN DEL VERDE PARKING REGULATIONS

The following parking regulations have been established for Tustin del Verde and apply to *all* residents. Violation of these regulations may result in fine and/or tow. Designated guest parking will be identified and labeled throughout the community. *Guest parking may not be used for any resident vehicle* (defined below). The cooperation and compliance with the regulations is necessary, as they will be strictly enforced starting April 10th, 2009.

- A minimum of two four-wheeled vehicles shall be garaged at all times.
- Residents who have only two vehicles but cannot fit both in the garage (i.e. low clearance) will be permitted to purchase a common area parking permit as long as the vehicle is in compliance with all other rules set forth in the CC&Rs. These permits will be subject to a garage inspection.
- A trailer, camper, boat or recreational vehicle may be parked in the garage, only if the resident(s) own *only* one other vehicle and both the vehicle and trailer, camper, boat or recreational vehicle are parked in the garage. Garage doors shall remain closed at all times.
- Residents with more than two vehicles will be permitted to purchase one or more common area parking permit(s) for a specific vehicle. Only those vehicles shall be permitted to park in the common area but *not in the designated guest parking areas*. The permit must be clearly displayed in the left rear window of the vehicle. The vehicle must be registered to the TDV address to get a common area sticker. A permit does not entitle a resident to a specific parking spot.
- Common area parking permits will first be issued to all residents in compliance that require a permit for a third vehicle or a vehicle unable to fit in a garage, as described above. Additional stickers will be issued in accordance with the number of remaining common area parking spots. The issuance of permits is subject to change with annual availability.
- The common area shall only be used to park vehicles properly displaying common area parking permits. *No guest parking is permitted in the common area*.
- Guest parking is open to guest vehicles only. License Plates will be used to monitor the use by a vehicle in the guest parking spots. Safe listing is required and can be done online or by phone.
 1. Enforcement will be conducted between the hours of 12 AM and 6 AM.
 2. No single vehicle shall be permitted to utilize guest parking for more than 10 days in a 90-day period without prior approval of the HOA Board. If you have the need to utilize the guest parking more than 10 days by a guest, please contact Keystone Property Mgmt.
- No vehicle parked in the common area shall exceed (7) feet high, (7) feet wide or nineteen (19) feet in length per existing CC&R regulations.

- Unauthorized vehicles, without limitation, include the following and shall not be parked in the common area or guest parking areas; recreational vehicles (e.g., motor homes, travel trailers, camper vans, boats, personal watercrafts, etc), passenger vehicles with no side windows, vehicles displaying business names or decals, commercial-type vehicles (e.g., cargo vans, stake bed trucks, tank trucks, dump trucks, step vans, concrete trucks, etc.), buses or vans designed to accommodate more than ten (10) people, vehicles having more than two (2) axles, trailers, inoperable vehicles or parts of vehicles, aircraft, nonmotorized vehicles.
- No vehicle shall remain in a single parking spot for more than 96 consecutive hours (4 days), without exception.
- No vehicle shall be parallel parked in the common area facing *against* the flow of traffic.
- No vehicle shall be parallel parked more than 18 inches from the curb.
- No vehicle shall be parked along or in front of a red curb.
- No vehicle shall be parked within or blocking ingress/egress from the garage courtyards.
- No vehicle shall be double-parked.
- No vehicle shall block a trash enclosure.
- No vehicle shall be stopped or parked in the roadway.
- Any vehicles or vehicular equipment deemed a nuisance by the HOA, shall not be parked, stored or kept within the garage or on any public street abutting or visible from such property unless specifically authorized by the Association.

Monday, March 9, 2009



Dear Tustin Del Verde Residents,

The Association has spent a considerable amount of time investigating the parking issues in the community. The Board has collected input from homeowners that represent views in support of, and against the current CC&R's and new Parking Regulations. It is the consensus of the residents and your Board of Directors that there is limited available parking. This problem remains a high priority. To relieve this problem in a fair manner, your Board of Directors have adopted certain regulations and hired a private patrol company, PATROL ONE, to consult on the problem and to enforce these regulations.

PATROL ONE has been charged with the enforcement of the association parking rules in general and specifically to issue and track parking permits.

It is the Board's obligation to enforce these CC&R's and in doing so; they have drafted the following supplemental procedures:

WHAT NEEDS A DECAL?

All resident vehicles parked on-site and outside a garage.

Residents must register a vehicle for each of their possible garage spaces prior to being issued a decal authorizing them to park outside. Garaged vehicles, although registered, do not require a decal be affixed to them.

HOW DOES THIS PROGRAM WORK?

Guests must park in marked Guest spaces. Residents may park in non-Guest spaces IF displaying a proper parking permit.

NOTES AND PROCEDURES:

1. Vehicles parked in garages DO NOT require a Parking Permit.
2. Parking Permits will only be issued when the resident has provided information which indicates he / she has used all garage spaces appropriately and is in need of a Parking Permit for additional vehicle(s).

If any vehicle in a household requires a Parking Permit, Patrol One will need the following information:

1. *Completed application. (Please see attached)*
2. *Current vehicle registrations for ALL vehicles.*
3. *Something that proves the resident lives on-site.*
 - a. *Current vehicle registrations showing resident name and address on-site.*
 - b. *Utility or other bill showing name of resident and on-site address.*
 - c. *California Drivers License showing on-site address.*
 - d. *Lease agreement showing the name of resident and on-site address.*
4. *Something that proves the vehicle(s) belongs to the resident.*
 - a. *Current vehicle registrations showing resident name and address.*
 - b. *Letter on company letterhead showing resident name and authority to have care custody and control of vehicle.*
 - c. *A letter from the registered vehicle owner explaining why the resident has a vehicle not registered to the resident. For example: A letter from a grandparent authorizing a grandchild to use their car.*
 - d. *If a recently purchased new or used vehicle, a copy of the top of the Sales Contract (yellow) showing:*
 - i. *Resident's name and on-site address.*
 - ii. *Vehicle VIN number.*
 - iii. *If vehicle has a license plate, write it on this form.*
5. *A unique number attached to the vehicle.*
 - a. *License plate number.*
 - b. *VIN number.*
6. *The cost for permits, \$50.00 per permit granted, will be paid through Association dues. The number of permits granted will be based on availability. (2009 Fee pro-rated from April 1st)*
7. *Designation of which vehicle will be issued a Parking Permit.*

In determining whether or not a permit may be issued, the following vehicle types are NOT acceptable as legitimately Garaged vehicles:

- **Motorcycles of any size.**
- **Vehicles out of current registration.**
- **Vehicles, which are registered but not street legal (off road vehicles).**
- **Recreational vehicles (Defined in the Tustin Del Verde Parking Regulations).**

Patrol One will accept registrations with off site addresses if supporting documents show the reason for off site address for example:

1. Company vehicle (include something on company letterhead so stating).
2. Contract or other supporting documents for a "care-giver," nurse, nanny, etc.
3. Statement that the vehicle owner is soon to be a permanent resident.

Oversize Vehicles:

The association requires a garage inspection of all cases where the resident contends the subject vehicle does not fit safely into the garage. Patrol One will provide a garage inspection for \$25.00 per inspection. The resident must call Patrol One and schedule an appointment for such inspection. The resident will pay the Patrol One officer \$25.00 in cash or check at the time the officer arrives to facilitate the inspection. Please note the following:

1. Vehicles exceeding 7' in height, 7' in width, OR 19' in length will NOT be permitted to park in the common area, in accordance with the CC&R's, and will NOT be granted a parking permit.
2. The fee for the appointment is due whether the vehicle passes or does not.
3. The association requires the vehicle fit "safely" in the garage, not necessarily comfortably.
4. Garages, which have been modified so as to preclude the safe parking of a vehicle, will not be granted a Parking Permit.

Commercial vehicles will NOT be issued parking permits, but can be parked in a garage

Commercial vehicles are defined in the Tustin Del Verde Parking Regulations.

- ✓ Passenger vehicles with no side windows
- ✓ Company names
- ✓ Commercial/ vendor plates
- ✓ Cargo vans
- ✓ Stake-bed trucks
- ✓ Tank trucks
- ✓ Dump trucks
- ✓ Step vans
- ✓ Concrete trucks
- ✓ Vans or buses designed to carry more than 10 persons
- ✓ More than two axles
- ✓ Aircraft
- ✓ Non-motorized vehicles

Recreational vehicles will NOT be issued parking permits, and may NOT be parked in a garage UNLESS only one other vehicle is owned & both vehicles fit in the garage. A Recreational vehicle cannot be parked in a garage if it prevents other registered vehicles from parking in the garage.

Recreational vehicles are defined in the Tustin Del Verde Parking Regulations.

- ✓ Motorhomes
- ✓ Trailers of all types
- ✓ Personal Watercraft
- ✓ Boats
- ✓ Cab-over campers

All Parking Permits will be serialized, Yellow Patrol One decals.

CAN THE DECAL BE PLACED ON A CARD AND DISPLAYED WHEN OUTSIDE OR CAN I ROTATE MY GARAGE VEHICLES?

No. Each decal is serialized and issued to a specific vehicle. Decals must be affixed to the proper vehicle.

WHEN WILL THIS PROGRAM START?

The enforcement of this new procedure will begin at 12:01 A.M. April 10, 2009. Please be sure to contact Patrol One in advance, if you have more than (2) vehicles or an oversized vehicle that requires a garage inspection.

HOW DO I GET DECALS OR ARRANGE FOR A GARAGE INSPECTION?

Residents MUST provide the following documents:

- Parking Permit Application
- Copy of all vehicle registrations and designation of which vehicle will be parked outside.
- The cost for permits, \$50.00 per permit granted, will be paid through Association dues. The number of permits granted will be based on availability.

To:

PATROL ONE
630 S. Grand Ave, Suite 101
Santa Ana, CA 92705

Attn: Fallon Paquette
714.541.0999 X5008 (Office)
714.541.0990 (Fax)
fallonpaquette@patrol-one.com

IMPORTANT: Don't forget to designate which vehicle(s) will be garaged and which will be parked outside.

To be valid, your permit **MUST** be affixed to the inside, *rear window, lower driver's corner* and be clearly visible from outside the vehicle.

If you have **heavy tinting** or a **convertible** the permit needs to be affixed to the inside, **front window, lower driver's corner** and be clearly visible from the outside of the vehicle. Permits behind heavy tint are difficult to see at night and this should avoid an unnecessary citation.

LOST or **STOLEN** decals will be replaced by PATROL ONE at no charge. However, those reported to be lost or stolen will immediately be **HOTLISTED** and any vehicle displaying them will be subject to immediate tow.

To arrange for a garage inspection, please call **714.541.0999** or **949.367.8055** and ask for Fallon.

WHAT ARE THE RULES FOR GUEST VEHICLES?

If you have a guest staying past 12:00 am (Midnight), you must place their vehicle on the Safelist. You can obtain a Safelist Confirmation number by using our online safelisting tool on our website www.patrol-one.com, or you may call us at 714.541.0999. You will find that using our website is much faster and more convenient, due to not having hold times.

SAFELISTING PROCESS:

1. Resident calls Patrol One (anytime, 24 hours a day).
2. Operator asks for:
 - a. Resident's name.
 - b. Address.
 - c. Vehicle description.
 - d. Vehicle license plate.
 - e. Number of days requested to be Safelisted.
 - f. The caller will receive a confirmation number and be asked to place it on their guest's dash.

Guests are allowed maximum (10) overnights in a (90) day rolling window.

If your GUEST is staying longer than the maximum allowed days, you **MUST** request a variance through the Board or the Property Manager.

IN CONCLUSION:

This program may seem complex and burdensome to you. Please trust that your Board, the Property Manager and PATROL ONE have worked diligently to make it as simple and effective as possible. The Board of Directors' authority and obligation of enforcement of this procedure is derived from the covenants, conditions and restrictions, specifically, the CC&R's state that "...the Association, through its officers and committees, may establish "parking" and "no parking" areas and establish parking rules as they deem necessary within the Common

Property. These rules are in accordance with section 22658 of the California Vehicle Code....” To this end, the Board has approved the parking regulations as defined in the Tustin Del Verde parking regulations.

The Board of Directors thanks you for your patience, understanding and anticipated cooperation with this program. Should you have any question, please call your Management Company or Patrol One.

TUSTIN DEL VERDE
REQUEST FOR PARKING PERMIT

All items in this application must be completed in full. Failure to complete every line of this form completely will result in denial of the application. Any untruthful statements made on this application will result in forfeiture of parking privileges. Two vehicles must be parked in the garage. Copies of DMV registrations for ALL vehicles reflecting Tustin Del Verde address are required to be submitted with all Parking Permit applications.

Number of Permits Requested: _____

Unit Owner's Name: _____

Address: _____, Tustin, CA

Day Phone: (____) _____ Evening Phone: (____) _____

1) **I REPRESENT THAT THE FOLLOWING VEHICLES WILL BE PARKED IN MY GARAGE:**

Make: _____ Model: _____ Color: _____ State/Lic.: _____

Make: _____ Model: _____ Color: _____ State/Lic.: _____

2) **I HEREBY REQUEST PARKING PERMITS FOR THE FOLLOWING VEHICLE (S):**

Make: _____ Model: _____ Color: _____ State/Lic.: _____

Make: _____ Model: _____ Color: _____ State/Lic.: _____

Permits will be issued based upon availability.

The undersigned Owner ("Owner") does hereby attest that the statements made on this application are true and accurate, and agrees to be bound to all of the terms and provisions set forth on this Application and the attached Parking Permit Agreement. The undersigned Owner further acknowledges that they have read and understand all of the Association's parking rules and regulations and agree to follow them, and that any illegally parked vehicle may be towed as provided by law.

Dated: _____ Signed: _____

Name (Printed): _____

Please send this form and supplemental documentation to:
Fallon Paquette, Permit Administrator
Patrol One, 630 S. Grand Ave, Suite 101, Santa Ana, CA 92705
OR Fax to: 714.541.0990

Don't delay—enforcement begins April 10, 2009.
You will need your sticker(s) before this date.

PLEASE NOTE: While a Notice or citation will be placed on vehicles in violation of certain association rules, these notices are provided as a courtesy only. The Association or Patrol One will not be responsible should any vehicle be towed for violation of this Policy, whether or not a notice or citation was received on the vehicle.

Should you have questions, please feel free to call Patrol One at:

714.541.0999 or 949.367.8055

If you need to send in your Permit Application or have questions regarding eligibility for a Permit, please feel free to call:

Fallon Paquette, Permit Administrator
630 S. Grand Ave, Suite 101
Santa Ana, CA 92705
714.541.0999 x5008
714.541.0990 Fax
fallonpaquette@patrol-one.com

Or, visit our website at:

www.patrol-one.com

Thank you for working with us to provide a quality parking program for all the resident of Tustin Del Verde.

Sincerely,

Patrol One

PARKING PERMIT AGREEMENT

Owner hereby agrees that any vehicle operator shall abide by all Association regulations, the CC&Rs and all applicable parking and traffic laws at all times while any permitted vehicle is within the common area of the Association.

Owner further agrees to release and indemnify, defend, and hold harmless Tustin Del Verde (the "Association"), its directors, attorneys, officers and managing agents, and each of their insurers, from any and all claims, rights, actions, debts, demands, damages, losses, liabilities, costs and expenses (including, without limitation, attorney's fees and costs) of any nature whatsoever, known or unknown, material or immaterial, suspected or claimed, hereafter becoming known, or accrued or accruing as a result of the parking and/or operation of any vehicle upon Association property, except such damages or injury resulting from the sole negligence or willful misconduct of the Association.

With regard to all matters herein released by this Agreement, Owner hereby voluntarily and expressly waives any and all rights under Section 1542 of the California Civil Code, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the Release, which if known by him must have materially affected his settlement with the debtor."

Any claim for property damage or bodily injury resulting from use of a vehicle granted a Parking Permit herein which is alleged to have resulted from the sole negligence or willful misconduct of the Association must be accompanied by a police report. Owner agrees to have all such disputes involving this Agreement, or the parking of a permitted vehicle upon the Association's Common Area, determined by binding arbitration, according to the rules established by the Judicial Arbitration and Mediation Service (JAMS), and expressly waives the right to a jury or court trial.

The signature of any one Owner on the Parking Permit Application binds all owners, residents and guests of the subject unit. In the event that arbitration is pursued, then all costs incurred by the prevailing party in preparation for, or attendance at, the arbitration must be paid by the non-prevailing party.