

Ridgemark HOA NEWS

A NEWSLETTER FOR RIDGEMARK HOMES ASSOCIATION • DECEMBER 2014

Current News & Updates



RHA vs. JMK

The cross complaint from JMK has been served on the association, five of the six board members, and spouses of three of the board members. A complete copy of the cross complaint can be found on the association website at www.thelanders-hoas.com. In short, the cross complaint states:

- JMK alleges that RHA and Director Defendants (DD) blocked JMK's effort to build a shopping center by contending that the use of the Ridgemark Streets for the purpose was a violation of JMK's easement rights.
- JMK alleges that Ridgemark Streets are public and not private. JMK is seeking quiet title over Ridgemark Streets for ingress and egress over, along and across the "Public Streets."
- JMK alleges that it "has been actually harmed by RHA and the DD actions have interfered with JMK's enjoyment of its easement rights to ingress and egress to, over, and across the Ridgemark Streets."
- "JMK seeks to recover monetary damages to reasonably compensate it for annoyance and discomfort caused by the injury and peaceful enjoyment of the Ridgemark streets, which it owns, in an amount in excess of the minimum jurisdiction amount of this court."
- JMK alleges that RHA and DD interfered with its "economic relationship with a third party with probable future economic benefit."
- JMK is seeking \$50 million "For compensatory damage, general damages, damages for loss of quiet enjoyment, special damages, and other recoverable damages..."

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Litigation is not for the light hearted.

Note that each member of the board is being sued individually, as well as the association. It is not known why the language that restricts the use of the roads was left off the deed to JMK from the previous owner.

RHA's directors are confident of the right to judicial process to clarify the easement rights that were restricted on the deed from the original owner of the properties to the previous owners of RG&CC. The next hearing is scheduled for January 8th at 1:30 at the San Benito County Courthouse.

JMK Plans



JMK recently shared a "conceptual" plan with the community association boards. It includes:

- Eliminating the driving range, the lower parking area for the clubhouse along with the old tennis court area, the area recently rezoned as commercial next to Villa Pacheco. The front gate would be lined with townhouses, before and after the gate entrance.
- Eliminating the entire tennis complex off Helen's Drive; replacing it with townhouses.
- Fill in lots along Donald Drive.
- Fill in lots along and behind Marks Drive.
- Some fairway fill in between Donald and Marks Drive.
- Fill in lots along Paulus.
- Fill in lots along and behind Ridgemark Drive.
- Fill in lots along Sonny's Way and Bobby's.
- Southeast of the South Entrance would be filled in with 6,500-10,000 sq ft lots.

The properties to be converted from recreational use to residential include 277 units per this "conceptual" plan. The plan is not to scale, nor in proper relation to the existing properties. It is obvious and JMK states that county code has not been considered.

Update on the TRO

Temporary Restraining Order (TRO) and County Emergency Tree Ordinance (CETO)

The Temporary Restraining Order (TRO) for tree removal remains in place and the Judge is inclined to continue it until our main case is settled. It only covers the trees on the fallow course. We are relying on the County Emergency Tree Ordinance to protect those trees on the healthy course.

As we await the decision by Judge Tobias of a proposed agreement over the TRO tree issue between Ridgemark Homes Association (RHA) and JMK, RHA has agreed to make the following notification:

San Benito County has passed a temporary emergency tree ordinance for certain sections of the county, including Ridgemark Estates. Essentially, to cut any living tree more than 8-inches in diameter, one needs to follow certain steps. This temporary ordinance is in force until the fall of 2015 with the county planning to make the ordinance permanent within the next few months. It covers all of the golf course, but also our individual homes.

Also, in early October, 2014, RHA secured a TRO from the San Benito Court concerning cutting live trees on the closed part of the golf course. The TRO has since been extended and is still in effect. The judge suggested that both sides negotiate a settlement. A proposed settlement has been negotiated, but there are still four lines in the agreement on which the judge will decide. Both sides do agree that dead trees can be removed.

In October, 2014, JMK had their arborist examine approximately

700 trees on the closed part of the golf course. On November 6, 2014, the RHA arborist—along with an RHA board member and the county fire marshal—examined those trees. It was determined that it was in the best interest of the county, homeowners, and the golf course, to remove 107 of those trees. These trees fall into several categories:

- **Twenty-four trees that the fire marshal wanted removed.** Most of these trees are dead, and in the fire marshal's opinion, a possible fire danger. RHA agreed with this. A few were unsafe because they overhung homeowner properties, and some homeowners had dead trees. All of these trees are in the part of Ridgemark located northwest of the main entrance road (the more mature side of Ridgemark Estates).
- **Dead trees.** Some of the dead trees were so decayed that we were unable to determine their species.
- **Damaged trees.** These trees are in danger of falling onto someone's house or property. Such trees may be compromised by mistletoe which can weaken or destroy the trees it infests, and some may have been compromised by pests, wind, storms, or old age.

Eighteen of the trees to be removed are south of South Ridgemark. Eighty-seven of them are in the more mature part of the closed holes. All trees to be removed have been marked with a Red X, and with a number (1–107). If a tree has a red X but no number, that tree was deemed by our RHA arborist and a member of the RHA board as not dead, nor too diseased, nor a danger to a home or property. In three cases, trees were on the borderline of being a danger. In two of these cases, the homeowners wanted them removed, and in the third the homeowner did not want

the tree removed (it was not a threat to his house). We agreed with the homeowners. It's worth noting that seven trees on the golf course have fallen due to the storms of the last week, only two of which were marked for removal.

Approximately 600 trees on the closed 14 holes will remain standing. Both sides agreed on a mechanism to cover future tree removal if a tree happens to die or becomes a danger to homes.

If you see a dead or dangerous tree on golf course property and want it removed, your actions are just as they always have been—contact the golf course maintenance staff. They will notify the RHA as necessary, and work with the county. As part of the agreement we negotiated, the two sides will work together to see that communications with the county goes smoothly.

As part of the agreement, RHA is to advise the homeowners of any upcoming tree removal. We will send out a notice once a schedule has been established.



Mistletoe can weaken or destroy a trees it infests.

Pets and Wildlife



Pets! The saying goes, “there are no bad dogs, just bad owners”

If a dog, or any other pet for that matter, is unhappy, it is likely to show in their behavior. Does your pet get adequate care, attention, and exercise? Your neighbors may be able to answer that question for you.

Excerpts of RHA CC&R's Section

7.22. Household Pets. A reasonable number of common household pets may be kept in each lot so long as the same do not become a nuisance and are not kept, bred or maintained for commercial purposes. No more than two cats or dogs shall be kept on any lot, and these must be kept in an enclosed area, and shall only be permitted off the owner's property when properly restrained.

No other animals, livestock, or poultry of any kind shall be kept, bred or raised in any lot.

...No household pet shall be chained or otherwise tethered in front of a lot or in the common area. Pet owners shall be responsible for the prompt disposal of their pet's waste...The Board of Directors shall have the right to establish and enforce additional regulations for the reasonable control and maintenance of household pets in, upon, and around the properties to insure that the same



do not interfere with the QUIET and PEACEFUL enjoyment of the properties by other owners....

Wildlife

Given the California drought situation and the removal of trees from the fallow course, much wildlife is relocating. Ridgemark has a history of being a safe environment for a variety of wildlife; raccoons, skunk, possums, wild turkeys, rabbits, deer... They may be just wondering through or moving into your yards, garages and under your home to seek shelter. It is best to secure these areas and keep pet food inaccessible to keep this population from being a nuisance. Most of these animals are wondering about in the evening or early morning hours. Use caution when approaching some of these, especially the skunks! Many a pet has been sprayed by an unexpected skunk.

Local Boy Scout troops Picking up Christmas Trees



Hollister's Boy Scout Troop 436 will again this year be picking up Christmas trees left on curbsides.

Pick up is scheduled for Sunday, December 28th, and on the weekend of January 3rd and 4th. All trees picked up will be recycled.

Leave your tree visible at the curb by 9 a.m., on the pick-up dates. No need to cut the trees into sections. They will also pick up flocked trees. Pick-ups will occur twice on each pick-up date between 9 am and 2 pm. No need to call to give your address unless you have special instructions. Please call 831-637-8022 for special pick-ups outside the city limits.

On the pick-up dates, there will also be drop sites available at Veterans' Memorial Park.

The scouts are asking for an \$8 donation. Donations can be left under the doormat, or they can be mailed to: BSA Troop 436, c/o

Tom Wright, 1745 San Felipe Road, Suite 10, Hollister, CA 95023. Please make checks payable to BSA Troop 436.

If you have special instructions, such as directions, gate codes, or additional questions, please call 831-637-8022 in Hollister



Boy Scout Troop 436 thanks you for your support.

Ridgemark Homes Association

C/O Thelander Management Company
21 San Miguel Avenue Ste B
Salinas, CA 93901

PLACE
STAMP
HERE

*Happy Holidays to
all of our members, your
extended family and friends.
May the new year bless
us with a more peaceful
and safer world for all.*

2015

ANNOUNCEMENTS



STREET SWEEPING SERVICES

are scheduled for the third Wednesday
of month. Contact Linda McElroy
at 831.636.4170 ext 272
with questions or complaints



RHA historically does not hold a
December board meeting. The next
board meeting will be January 27, 2015,
6:30 pm at Tres Pinos School.

WHO TO CALL

RIDGEMARK HOMES ASSOCIATION MEMBERS OF THE BOARD

Tarasa "Penny" Bettencourt, President 831.637.0531
Chuck Kayser, Vice President 831.636.1381
Barbara Lee, Secretary 831.634.1255

Mel Tungate, Treasurer 831.801.1838
Dan Valcazar 408.607.1119
Lorie O'Brien 831.635.9800

HELPFUL AND EMERGENCY PHONE NUMBERS

IN MEDICAL OR FIRE EMERGENCY ALWAYS CALL 911

Criminal acts in progress

First call San Benito County Sheriff—831.636.4080 • Second call Ridgemark Guards—831.313.0550

Loose animals/wildlife

Call County Animal Control—831.636.4320

THELANDER MANAGEMENT COMPANY

P O Box 1531, Salinas, CA 93902 • Tele: 800.655.2855 or 831.758.2855 • Fax: 831.758.1147