

# PARADISE PARK

from The Advocate's Website.

## G A Z E T T E

### From Manager Jack...

#### Holiday Riddle

I have a holiday riddle for you. What has 38 ears, 60 legs, 44 hoofs, 20 noses, 40 toes, has 6 pine trees, 31 candy canes, almost 18,000 lights surrounded by 210 feet of illuminated rope, took five days for two people to build, and takes seven switches to turn on? Give up???? It's what's in the yard and on the front porch of the Park Office.

All kidding aside, Tim and I really enjoyed decorating the yard and house, and by the responses we've received, so do you. So if you get a chance, please stop by the Office any night between 6:30 and 9:30 p.m. or so and take a look. Tim and I thank you very much and hope you enjoy it.

#### Happy Holidays to You

I would like to take this time to say "Happy Holidays" to everyone in the Park. And send a sincere wish for everyone to have a wonderful New Year.

I don't have a lot to say this month — just to be sure to complete and return the *TV Questionnaire* that was attached to your November Bulletin. Your opinion sincerely matters to me, and I thank those

who have already completed and sent back their form. I highly encourage those who have not filled out and returned theirs yet to please do so ASAP. I would like to publish the results in the January Bulletin if possible — so please turn yours in today.

#### Recycling Update

I want to touch on our recycling program for just a minute. We are two weeks into the program, and I think you're doing a great job. For the first two weeks of December, we've *reduced* the amount of trash that we normally take to the landfill compared to the first two weeks of November by **1188 pounds**. That's 9.3% and we're just two weeks into the program. That's great — keep up the good work.

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#### Paradise Park Gazette

The *Paradise Park Gazette* is a monthly publication of the Paradise Park Club. Send your articles to Virginia Williams, Editor, 488 Paradise Park, Santa Cruz, CA 95060, phone or message: 423-8904. You may also fax your articles to 831-423-0601 or e-mail to [virginia@wllmsburg.org](mailto:virginia@wllmsburg.org). Submission deadline is the first Friday after the Board of Directors' meeting each month.

### It's Tod's Turn...

Happy Holidays to all our great members and all of their families!

#### December Board Meeting

Our December Board meeting was quite a busy morning for us. We spent quite some time hearing concerns about our boundary decisions. If you'd like to take a look at our By Laws, you will see that your allotment lines are decided by the Board of Directors. When you buy in the Park you are buying the improvements on an allotment and a membership in the Park. Your membership entitles you to ownership of all the property upon which each of our improvements rests.

#### Allotment Lines

That particular bit of the property that is assigned to you for your own personal use is assigned by the Board of Directors and changeable by the Board of Directors. If you plan to sell your improvement, be sure your buyer is aware of this fact. The Board has no interest in changing allotment lines until there is a dispute. At that time, the Board is the final authority, by virtue of our By Laws, in the resolution of that dispute.

(continued on page 2)



## It's Tod's Turn...

(continued from page 1)

### Emergency Preparedness

We discussed the issue of our emergency preparedness, including our communications system and our fire brigade. There are serious problems surrounding our fire brigade. At present we have told them that they are not to fight fires unless the City cannot get to us.

### Fire Brigade

Our problem is largely one of liability. Our fire brigade is not specifically insured. It is not insured because we have never properly equipped them to fight fires, nor have we, in recent years, tested their readiness via inspection. The cost of such preparedness is being investigated.

### Committee to Recommend

Malcolm Hotchkiss is in charge of a committee, which will bring a recommendation to the Board as to how we should proceed from here. We believe that we need one person in charge of the whole emergency preparedness system, which would probably include section leaders, Red Cross training, property inspection, evacuation plans, fire fighting, lists of those who may need help in a crisis — and goodness knows what else.

This is a big job for a volunteer. If the cost is as high as I expect, we will probably take a vote for an assessment to cover the costs. See Malcolm if you have ideas or are willing to volunteer to help out.

### Recreation Funds

We also had a long discussion about the Recreation funds and found that we had some confusion over what we were doing in this matter. Bill Eckard has volunteered to take the problem to his Recreation Committee and work out a system that we can put in place to assure that we are spending money the way the membership wants us to. We currently have about \$16,000 in our Recreation funds, and volunteers from the membership have raised most of that money. Bill will also ask his committee to come up with a plan for charging for use of the Social Hall and Picnic Grounds.

### Schedule of Fines

The Board has asked me to come up with a proposed schedule of fines, which I will have ready for the next Board meeting. We think that people should understand the penalties for such things as speeding before they are assessed a fine for it...or other infractions of our rules. I'm sure that after much discussion, I'll have to come up with another proposal. Nothing happens very fast in Paradise Park.

### In Manager's Absence

The Board also talked about how to resolve the problem of having no one in charge when the manager is away. We talked about having a Board member take on this responsibility but none of us is available on a regular basis. We then thought about various members who might be willing to take on this very occasional job. Barry

Brown has agreed to step in when Jack is on vacation or out of town.

While we haven't figured out just how to do this, we will give Barry the authority to make decisions and purchases when necessary in case of emergency and neither Board members nor Jack are available. With a little luck and a following wind, Barry's kind and helpful services will never be required.

### Advertising

Perhaps the last serious problem arises over whether a member can advertise services to other members in the Park bulletin. We don't think the question is answered by our ByLaws, and our Rules talk about no commercial advertising in the Park. I'm not sure what non-commercial advertising looks like. The rules also say, "no advertising except as permitted in the Park office." Is the bulletin part of the Park office? The reason this question is being asked is to see if there is a way to offset part of the very high costs of mailing our bulletin. The Board will have to make a decision or at least a clarification on this at our next meeting.

### Come to Board Meetings

There were many other actions in our four-hour meeting but I think those were the most critical issues. Why not come to our meetings and see for your self how your Park decisions are being made...or not made in some cases. We all thank you for your continued support of the Board.

*Tod Likins*

Board President



## December's Bird of the Month: The Black Phoebe

I chose this for our first "Bird of the Month" because it is the bird that got us started as birders years ago.

### How We Got our Start

At a park close to our house, Mark saw this little black and white bird swooping over the creek, and he didn't have a clue what it was. It bothered him that he knew jays and robins and not much of anything else. There was a man bicycling by, and he asked him if he knew what the bird was, and the fellow said, "No, but I have a friend who belongs to the Audubon Society. If you like, I can get you their phone number."

The bird was, of course, a **Black Phoebe**. We became active members of the Audubon Society after that, and have been watching birds in Paradise Park and anywhere else we happen to be ever since.

### How to Recognize this Bird

You've probably seen this bird, but just like Mark, never knew what it was. Black Phoebes are resident flycatchers along the

river. They are a mid-sized flycatcher, about 5-6" in length from their beak to the tail.

The only black-breasted flycatcher in the U.S., their upper parts, head, and breast are black; the belly is white in sharp contrast with the black of the sides and breast.

### Shade and Water and Flying Bugs

They are usually found alone. You may see them sitting on a twig or rock near the river, bobbing their tail, then suddenly swooping out to catch a meal. The Black

Phoebe's food consists almost entirely of flying insects.



They like to perch in shady areas and are usually found close to water.

The Santa Cruz Bird Club lists them as fairly common year-round. If you are looking, you stand a fairly good chance of seeing one as you walk along the river.

It was our "first bird." Maybe it will be yours, too!

Happy Birding!  
*Judy and Mark McEuen*



Check out our Paradise Park WEB site.

[www.ParadisePark.org](http://www.ParadisePark.org)

## In Remembrance of



**Samuel Cranke**

704 St. Johns Ave.

Paradise Park

December 13, 2001

Member of  
Santa Cruz-San Lorenzo  
Valley Lodge #38 F. & A.M.

Santa Cruz Redwoods #273  
Order of the Eastern Star

San Jose Scottish Rite

## 2002 PPMC Board of Directors

**President:**

*Tod Likins*

Park Phone: 423-9512

**Vice President:**

*Don Schmidt*

Park Phone: 458-0663

**Secretary:**

*Dan Bales*

Park Phone: 429-8623

**Treasurer:**

*Malcolm Hotchkiss*

Park Phone: 429-8627

**Recreation Director:**

*Bill Eckard*

Park Phone: 458-2070

**Park Manager:**

*Jack McHugh*

Office Phone: 423-1530



## Watch for the Coffee Flag on Tuesday Mornings



As the flag says, WELCOME! Any Tuesday morning when this flag is displayed is a good day to stop by the

small social hall and have a cup of coffee and a chat. You never know what the topic may be — recreation activities, security in the mail area, Park roads, water issues, potlucks — what do *you* want to discuss?

Drop by anytime between 9:00 a.m. and 11:00 a.m. on most Tues-

days and be welcomed with a ring of the bell!

Park Manager Jack McHugh tries his

best to stop by — and bring his viewpoint to the attendees. This is a great opportunity to bring up issues that you may be concerned about and hear what the status is.

Park resident Myron Kegebein coordinates our Tuesday Morning Coffees and sends out reminders



(Pictured above: Todd Williams, Charlotte Hoffman, Manager Jack, and Ray Hoffman crack a smile after a cup of coffee at our Tuesday Morning Coffees.)

the day before via our e-mail site. Thanks, Myron, for being our wake-up call on Tuesdays!

Come on out and hear what's new.

## Communications Team Looking for Members

OK...so we've got a *Paradise Park Gazette* established. We've got an editor/layout person — that's me. Now all we need is a team to get some news stories, get the articles pulled together from the Board members, nag about the deadline, get all the master pages to the printer, pick up the newsletter once it's printed, and then assemble the bulletin, label it, and get it mailed.

What could be easier?

Not having just *one* person do all of it by herself.

Not having *ANY* one person do it all herself or himself.

We need a **TEAM...a COMMUNICATIONS TEAM.**

Wanna join?

What are the requirements for this team?

Able to leap tall buildings at a single leap? Not even close. Just be available *once a month* to get the newsletters labeled. They come already collated and stapled from the copy house.

Our newsletter deadline is the Friday following each BOD meeting; we should have the newsletter printed and ready to be labeled by the second Friday after the BOD meeting if everyone honors the deadline.

And occasionally this team will assist with other communication needs of the Park — like putting together our *Park Bylaws* booklets and things like that.

You KNOW you want to help in some way with our Park — right? What could be easier than this? And what else could make such a big impact on a monthly basis? And it's a guarantee to have some fun along the way, too.

Just contact Virginia Williams (423-8904 or e-mail me at [virginia@wlmsburg.org](mailto:virginia@wlmsburg.org)). I'll get you scheduled and put you on the **TEAM** that will mean communication!

Thanks!

**Virginia Williams**  
Communications Team  
Organizer



## December Minutes of the Paradise Park Masonic Club Board of Directors

### 1.0 CALL TO ORDER - MEETING OF DECEMBER 1, 2001

Meeting called to order at 8:00 a.m. by President Tod Likins. Also in attendance were Vice President Don Schmidt, Secretary Dan Bales, Treasurer Malcolm Hotchkiss and Director at Large Bill Eckard. Invocation led by Director Bill Eckard. Open Board Meeting.

### 2.0 CONSENT ITEMS APPROVED

- (a) Acceptance of Minutes of October 27, 2001 BOD Meeting.
- (b) Approval of Memberships
  - (1) New Members Appearing before the Board
    - a. Robert Preston Hupp - purchasing 118 Keystone Way from Ronald L. Gephart.
    - b. Lagille Williams - purchasing 696 St. Johns Avenue from Robert Cranke.
  - (2) New Associate Member Appearing before the Board
    - a. Margie Nordstrom to Member, Neil Nordstrom @ 408 Keystone Way.

from The Advocate's Website.

### 3.0 MANAGERS' REPORT

- (a) Two proposals by the Dish Network for basic service and an all-inclusive in-house Satellite system for the Park were discussed. The Board will defer further action until the complete details of the proposal are better understood.
- (b) A letter from Mark Treuge regarding the possibility that any changes to the Picnic Ground buildings may be considered by the Planning Department to be a commercial development was discussed. If such is the case, the proposed building improvements will have to be formalized by an architect. Further action on the proposed building improvements are on hold pending a final determination by a building official.
- (c) The Park Manager Jack McHugh gave an update on the Park condition after a recent severe storm.

### 4.0 UNFINISHED BUSINESS

- (a) A good deal of discussion occurred concerning emergency response and communications for the Park. It was decided that Board Member Malcolm Hotchkiss would serve as the responsible person to coordinate all further Park effort in this regard in the future.
- (b) Michael Bates, Doug Hipsley, and Lois Hardy addressed the Board regarding the Board's staking decision concerning 396A Cavern. The Board will hold a final hearing concerning this matter at the conclusion of the next Board meeting scheduled for January 2002.
- (c) A recently received letter from Catherine Philipovitch, Board engaged Attorney, concerning the operation of Golf Carts within the Park and the proper course of action on delinquent member accounts was discussed. Since the subject matter of this correspondence is of interest to all members, the Board made the determination to publish said letter in the next issue of the Park bulletin.
- (d) The Board discussed the car tent request of Member Joanna Hostetler and granted approval for a car tent to be temporarily erected on Park property across the street from her allotment.
- (e) The proposed Park Rules and Procedures, which have been published for member comment during the past sixty days, were presented for adoption. Since no objections have been brought before the Board, the Rules and Procedures were unanimously adopted.
- (f) The Board determined that the best solution to the Denton/Hansen allotment line adjustment would be to return the five hundred dollars improperly charged Member Denton and adjust the TAD pro-rations back to 1995 accordingly.
- (g) Board Member Bill Eckard stated some concerns he had after reviewing the October 2001 Financial Report. He requested and the Board concurred that the Park Manager will develop and follow a preventative maintenance schedule for all Park-owned equipment. It was further determined that Board Member Eckard will meet with the Park bookkeeper and together will develop stronger controls over the use of recreation funds. In response to a request by Member Bob Sands, regular reporting to the membership on the use of these funds will occur in the future.

(continued on page 6)



## 5.0 NEW BUSINESS

- (a) Member Thornton Davidson appeared before the Board regarding a charge by the Park Manager regarding speeding within the Park. The Board deferred a final determination on this matter until the Executive Session. At that time it was decided not to fine Member Davidson. However, the Board will develop and publish a fine schedule to handle this and other park infractions in the future.
- (b) A proposal by Barrie D. Coate, ASCA, to prepare a tree survey at Paradise Park for a cost not to exceed \$3,240 was discussed. While Mr. Coate is a highly regarded arborist and the cost is in line with his usual fees, the Board directed the Park Manager to locate other less expensive similar services prior to a final decision regarding the proposal.
- (c) A proposal by Pacific Crest Engineering, Inc. to perform a geotechnical investigation of Exit Road to determine the weight bearing capacity and subsurface conditions was discussed. Since the proposed cost of \$6,500 is fairly high, Board Member Tod Likins will investigate this matter further prior to a final determination.
- (d) Board Member Malcolm Hotchkiss announced that a Disaster Recovery Meeting is scheduled for Dec. 10, 2001.
- (e) In response to a previous request by the Board, the Park Manager Jack McHugh presented a comparison study of community fees for outside rental of public buildings similar to the Social Hall. The study will be referred to the Park Recreation Committee for discussion and recommendations.
- (f) The matter of recurring resident complaints concerning barking dogs and free roaming cats was discussed. The Park Manager was directed to publish a notice of fines for unattended pets in the Park Bulletin.

## 6.0 DISCUSSION

- (a) The recent use of the Park emergency power generator during a power outage was discussed. The fact that the generator is old and noisy led to the decision to have the Park Manager secure proposals for a replacement. The possibility that the present Park Office generator may be moved to the Social Hall will also be explored.
- (b) Board Member Malcolm Hotchkiss and Member Greg Laskey will explore the future roll and viability of the Park Company 38 Volunteer Fire Department. Following a full investigation, recommendations will be presented to the Board.
- (c) It was brought to the Boards' attention that the historic \$2.00 non-family member fee for use of Park facilities was no longer being levied. The Board unanimously agreed that effective immediately the \$2.00 per person fee for facility usage is reinstated for any guest who does not belong to the members' immediate family.

## 7.0 INFORMATION

- (a) Social Hall Reservation - 12/01/01, Family Christmas Party, Robert Sand.
- (b) Social Hall Reservation - 12/31/01, New Year's Eve Dance & Potluck, Jerry Morgan.
- (c) Incident Report 10/31/01, Wilma Vinson, Barking Dogs.
- (d) Incident Report 11/01/01, Mark Hasey, Campers above Crypt Lane.
- (e) Incident Report 11/05/01, Karen Eneboe, Broken Stair Railing.
- (f) Incident Report 11/10/01, Jerry Morgan, Motor home in Parking Lot.
- (g) Incident Report 11/26/01, Don Schmidt, Dog Barking.
- (h) Tree Trimming Request 11/16/01, Bernyce Hale.
- (i) Incident Report 11/19/01, Claire DeVecchis, Transport via AMR.
- (j) Incident Report 11/23/01, Clifford Gerlach, Transport to Dominican Hospital.
- (k) Incident Report 11/24/01, Fire/shorted primary wires/power outage @ Keystone & Joppa.
- (l) Incident Report 11/25/01, Judy Wahl, Missing Mail.

## 8.0 CORRESPONDENCE

- (a) 10/29/01 from Jack McHugh to Wilmar Jensen - Parking & Yard Waste Issues.
- (b) 11/05/01 from Jack McHugh to William Crogan - Returning Dog.
- (c) 11/05/01 from Jack McHugh to Candis Almanza - Excessive Speed.
- (d) 11/05/01 from Jack McHugh to Emma Lou Akins - Letter to BOD.
- (e) 11/05/01 from Jack McHugh to John Ricker - Possible Sewer System to PPMC.

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- (f) 11/05/01 from Jack McHugh to Chuck Johnson - Ownership of Cable TV Distribution Equipment.
- (g) 11/05/01 from Jack McHugh to Jimmie Smith Plumbing - Work Order 10/25/01.
- (h) 11/15/01 from Jack McHugh to Elaine Zollner - Preliminary Lien Notice.
- (i) 11/21/01 from Bill Hardwick et al to Jack McHugh - Social Hall & Staff Backup.
- (j) 11/25/01 from Susie & Phil Kaplan to BOD - Power Generators.
- (k) 11/26/01 from Jack McHugh to David Barrientos - Power Pole Easement.
- (l) 11/27/01 from Judy Gloeckler to Manager - Generators.

9.0 EXECUTIVE SESSION

10.0 ADJOURNMENT

President Tod Likins officially adjourned meeting at 1:05 p.m.

Respectfully Submitted,  
**Dan S. Bales**  
 Secretary

Approved:  
**Tod Likins**  
 President

*from The Advocate's Website.*

## From Manager Jack... *(continued from page 1)*

### Remove the Caps

We are fine-tuning our pick-up process, and in time, I'm sure we will have it down to a science. There are a few things you can do to help, though. One is as simple as removing the caps from plastic bottles.

Think about it for a minute — how hard it is to squeeze a plastic bottle with the cap on versus the cap off. Now multiply that 1000 times, and you can see how much easier it would be for the crew to crush plastic bottles and limit us to just one load going to the recycling center if all the caps were removed.

### Problem Multiplied by 1000!

Think about it for a minute—how hard it is to squeeze a plastic bottle with the cap on versus the cap off. Now multiply that 1000 times and you can see how much easier it would be for the crew to crush plastic bottles and limit us to just one load going to the recycling center — if all the caps were removed.

### Separating Colored Glass

Also, we have learned that colored glass must be separated into three categories and not just two as we originally were told. We have been asked to separate the colored glass into two separate categories green and brown as well as clear glass. I realize that this may be inconvenient for some, but this is what the recycle centers require. I hope in time this will become a routine and ends up being second nature to all of us.

### Mail Tampering

Now on a sadder note. It truly disturbs me to say this — but I don't see any other way to solve this very serious problem.

During the last few weeks or so, we have had a problem with the mail being tampered with. On numerous occasions we have found mail scattered on the floor, stuffed under the cushion of the chairs in the sitting area and thrown elsewhere about the Office.

*This is serious business and has to stop immediately.*

I have been told that this was a problem some time ago but mysteriously stopped. However, it has now unfortunately started again. I truly believe that it is my responsibility to take whatever steps necessary to keep your mail as safe and secure as possible.

### Security Cameras Installed

So to accomplish that goal, within the next few weeks, I will be installing security cameras that will monitor and record activities on the front porch entrance, the lobby area, behind the mailroom wall, and in the Office itself.

All activities will be videotaped 24 hours a day, 7 days a week. If any suspicious activity is discovered, the Park may choose to prosecute. If the person that is tampering with our mail is reading this notice, please stop. You have been warned.

Have a great Holiday and a prosperous New Year.



Members' improvements offered for sale as of December 13, 2001. All allotment use privileges and Membership are subject to the approval of the Board of Directors.

**IMPORTANT NOTICE**

The sellers solely provide the descriptions of improvements for sale. Such information is not verified or checked for accuracy by Paradise Park Masonic Club, Inc. The Club does not warrant, and disclaims any responsibility for, the accuracy, truthfulness or completeness of any information provided. All questions about allotment improvements should be addressed solely to the seller.

ADDRESS	MEMBER	PRICE	DESCRIPTION
<b>SECTION 1</b>			
462 York Ave.	Patricia Herzog 458-9841	\$189,500  MAKE OFFER	Lovely newer home. Sunny lot w/bright interior. Tastefully decorated, 2 BR, 2 BA, 1,100 sq. ft; fully insulated w/forced air furnace plus gas log stove, Jennair range; island in kitchen; full attic, walk-in closet in MB, 1 car garage; large deck and side brick patio. Includes all appliances and some furniture.
<b>SECTION 2</b>			
279 Keystone Way	Cal DeVecchis 420-0749 YOU MAKE OFFER Creative Financing Available at 5% Int Charges up to 10 yrs of Less	\$239,000  Make Offer Some Financing Available!	The first and most lasting sunshine of the day. Shines upon a household that has been completely upgraded. A gardeners and bird watchers delight with plenty of privacy. 3 BR, 1 BA, delightful kitchen and living room. New deck area a bonus winterized 10' x 13' laundry room. Study and computer area. One bedroom is a detached 13/8 x 9/8 cottage. Room for at least 3 cars. All modern appliances included, as is any modern furniture of your choice. Has a new modern fireplace, new roofing, new sliding glass door; additional storage area under cottage and in front of bonus winterized laundry area. I wish also to include our family's gratefulness for the best neighbors throughout the years.
280 Keystone Way "The Windmill House"	Jason Morgan 831/420-1686	\$136,000  PRICE REDUCED	2 allotments; sunny location all year round; 2 BR, 1 BA; 2-story w/room for expansion; oak cabinets in kitchen/bathroom w/vinyl floors; lg 2 car carport that is equipped to convert to add'l room, engineered foundation 8 ft. deep; plumbing/wiring approx. 6 yrs old; storage room/walkway under carport; 2 lg stained decks; bottom deck wraps around house w/personal access to river; top deck overlooks Paradise Park & Covered Bridge; both decks have incredible views; MUST SEE!!! Lawn, garden, fruit trees; TADS paid 'til December.
364 Eastern Star	Jeanette Jalcich 831/426-7666 Call for appointment or information.	\$285,000	Cute little 4BR + sleeping loft or 2BR + office + den. Upgraded optic & electric. Modern kitchen, stack washer/dryer. Good sun & great privacy w/huge beautifully landscaped allotment.
<b>SECTION 4</b>			
678 St. Paul Street	Constance Sonnichsen C/o Deke Sonnichson (650)326-7679	\$65,000 As is	Cabin on Eagle Creek, 3 BR, 2 BA, large kitchen and large living room, dining area, electric floor heating. Appliances included: Refrigerator, gas range, and turkey roaster. Furnishings include Beds, chairs, and sofas.
<b>Section 6</b>			
139 St. Alban St.	Scott Snyder  429-2079	\$173,800 or best offer	3 BR, 2 BA, 1,763 sq. ft., Home/Improvement on 9,600-sq. ft. allotment. Lots of space, Lg Master bedroom w/Bath, Indoor Laundry Room, Vaulted Ceilings, 2 lg Backyards w/BOD approved fence, lg private deck, attached 1 car garage w/ample parking around home, 2 separate phone & Cable Lines, New Exterior Paint, Fresh Interior Paint & Carpets Cleaned at Close of Sale. Jenair stove, 2 wood stoves, washer & dryer included. NEW ROOF TO BE INSTALLED Dec. 1, 2001. TAD's paid until April 1, 2002.
170 St. Bernard St.	Hazel Kindwall c/o Carolyn Unger 469-9107	\$285,000	Sunny lot, 2 BR, 1 1/2 BA, no road noise, no flood danger, garage parking, and spaces on both sides, corner lot. Appliances include: oven range, some furniture, drapes.
120 Keystone Way	Gordon Crafts 423-3228	\$350,000	Large 2 BR, 1 1/2 BA, location in front of Park, unhindered view of river and forest, improvement approx. 1,600 sq. ft., central gas heating, two phone lines, new roof, storage shed in carport, in and out driveway, ample parking. Room for expansion. Furnishings include: 1 MAC computer and desk
115 Keystone Way	Lucille Avery	\$150,000 SALE PENDING	1 BA, 2BR, outside work shed + finished room; car port; parking for 2 cars; large front porch; fire place; electric heating; stove; refrigerator; living, dining room, bedroom furniture available.

**BOSSO, WILLIAMS, SACHS,  
ATAK, GALLAGHER & SANFORD**

AN ASSOCIATION OF PROFESSIONAL CORPORATION

MAILING ADDRESS: P.O. BOX 1822  
LOCATION: 133 MISSION STREET, SUITE 280  
SANTA CRUZ, CA 95061-1822  
TELEPHONE: (831) 426-8484  
FACSIMILE: (831) 423-2839  
E-MAIL: ADMIN@SCLAWFIRM.COM

PETER L. SANFORD, APC\*  
SAN JOSE OFFICE:  
333 W. SANTA CLARA ST. #612  
SAN JOSE, CA 95113  
TEL: (408) 286-9700  
FAX: (408) 286-9403  
PLEASE REPLY TO SANTA CRUZ

\* CERTIFIED SPECIALIST IN TAXATION  
LAW, STATE BAR OF CALIFORNIA,  
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November 6, 2001

Tod Likins, President  
Paradise Park Masonic Club, Inc.  
130 Anita St.  
Santa Cruz, CA 95060

**Re: Delinquency Notice; Golf Carts**

Dear Tod:

You requested my opinion on two issues: 1) whether the Bylaws require a one-year delinquency period before a member is held to be not in good standing; and 2) whether the Park should permit golf carts traveling on one-way roads within the Park to drive in the opposite direction. I apologize for the delay in responding to these issues. My response follows:

**A. Delinquency**

The Bylaws provide that "[n]o indebtedness to the Club shall be allowed to be in arrears for more than one (1) year after due date except for hardship or terms of payment authorized by the Board of Directors." (Bylaws, Art. III, §7, p. 21). If the Board elects to revoke membership, the Board must give the member written notice of the Board's intention, and the member has 30 days after receipt of the notice to clear the outstanding debt. (*Id.*) The Bylaws further provide that if a member's first installment of dues are not paid by December 10, a late fee shall apply. (Art. IV, §8, p. 29). The second installment of dues is due on the first working day of the following year, and will be delinquent as of April 1. (*Id.*) Delinquent dues are subject to a late fee, at the discretion of the Board, in the amount of 10% plus 1-1/2 percent per month. (*Id.*) The Bylaws provide that "[t]he Board of Directors will set a twelve (12) month late fee period for all delinquent Members, commencing with the first day of April, to first day of April, of each year." (Bylaws, Art. IV, §8, p. 29-30). If the

member does not cure the delinquency within 30 days after April 1 of the year following the delinquency, the Board may revoke the membership.

My interpretation of the foregoing provisions is that the Board is not obligated to wait one year before declaring a member to be not in good standing. The Bylaws provide that the payment is delinquent if not made by April 1 of the first year. At that point, I would state that the member is not in good standing. I would not equate the concept of "not in good standing" with the Board's right to revoke membership. I believe that it is appropriate to hold that a member is "not in good standing" when the member is delinquent on payment of dues (without a payment plan approved by the Board), irrespective of whether the Board then has the right to revoke membership.

#### **B. Golf Carts**

We do not recommend that the Park allow golf carts to go against the direction of other traffic on roads within the Park. When operated on a residential street, a golf cart is subject to the same rules of the road as any other vehicle. The Park could subject itself to potential liability by allowing golf carts to travel against the flow of other vehicular traffic on streets within the Park. If someone were injured by a golf cart traveling in the wrong direction on a one-way road within the Park, that person may have a claim against the Park for negligently allowing golf carts to travel against the flow of other traffic. This would seemingly create a hazardous situation.

Further, we do not recommend that the Board change the one-way streets within the Park to two-way streets. If the Board were to make such a change after having the streets be one-way for so long, a dangerous situation may exist. First, the streets within the Park are fairly narrow in some spots, and two-way travel may not be feasible, particularly considering that delivery trucks need access in and out of the Park. Second, as a practical matter, it may be difficult for the residents and guests of the Park to get used to two-way traffic within the Park. Although I cannot say for sure whether the Park would face liability if someone were injured as a result of the change to two-way traffic, it would seem that the more prudent course of action would be to not change the long-standing pattern of traffic within the Park.

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November 6, 2001  
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Should you or any of the Board members have questions about any of the foregoing, please do not hesitate to contact me. Again, I appreciate your patience in waiting for this response.

Very truly yours,

*Catherine A. Philipovitch*  
Catherine A. Philipovitch

Enc.