

McKina Alexander

From: Casparian, Thomas <TCasparian@cozen.com>
Sent: Wednesday, May 12, 2021 7:09 PM
To: Benjamin R. Jones; Forbath, Susy
Cc: Sunny Soltani
Subject: RE: RDME Resolution

*** EXTERNAL SENDER ***

Ben,

Thank you for checking that. In that case, the draft Reso is accurate in reflecting the action by the Planning Commission.

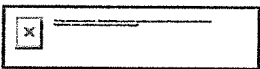
Since the approval is already on appeal to the City Council, if purchase price is to remain part of any relocation plan (which it shouldn't, since RDME residents bought their homes with full disclosure the park was required to close), I strongly suggest Staff recommend more reliable documentation. The requirements contained in the approval of the Imperial Avalon closure are probably a good start. I quote them below. However, those should be adjusted, because all but one of the categories of documents use self-reported purchase prices. At least one document from category (iii) should be required, in addition to a document from one of the other categories.

Sufficient Documented Proof of the purchase price that a resident claims to have paid for his or her mobile home is required in order for a Park resident to be entitled to payment of a purchase price in lieu of the relevant Supplemental Brabant Adjusted Value. Except as otherwise stated below, provision of at least one document from at least two of the four following categories of documents shall collectively constitute Sufficient Documented Proof of a claimed purchase price of his or her mobile home by the current resident(s), provided the documents are genuine ("Sufficient Documented Proof"):

- i) Certificate of Title with purchase price filled out for the current resident or household;
- ii) file-stamped copies, dated prior to July 7, 2020, of any of the following HCD forms, provided the purchase price information is filled out: HCD RT 475. 1 (Bill of Sale), HCD RT 480.4 (Application for Duplicate Certificate of Title), HCD RT 476.4 (Certification of Retail Value and Purchase Price), or HCD RT 476. 8 (Notice of Sale or Transfer);
- iii) either: (a) proof of payment of purchase price by means of a copy of a canceled check or wire transfer confirmation referencing the mobile home and its purchase by the current resident or household; or (b) an escrow closing statement showing the purchase price and referencing the mobile home and its purchase by the current resident or household;
- iv) a Registration Card, Registration Renewal, Purchase Contract, or copy of a mortgage statement referencing or evidencing the purchase price of the mobile home by the current resident or household (if this category and one other category is provided, Park Owner may require submission of a third category if it reasonably determines that the documents provided from the two categories do not collectively establish the claimed purchase price with reasonable certainty).

3. Park residents who wish to be eligible to receive a purchase price in lieu of a Supplemental Brabant Adjusted Value shall have 60 days (this deadline may be extended by up to 30 additional calendar days to the extent the resident can demonstrate that he or she timely submitted the request to HCD within the first

30 days of the 60 -day period and was unable to meet such deadline due to a delay by HCD in processing or providing necessary documents to the resident; "delay" for purposes of this provision means any HCD turnaround time to the extent it exceeds four (4) weeks) from the date of adoption of the Resolution to provide their proof of purchase price documentation to the Park Owner. A mobilehome owner may provide his or her proof of purchase price documentation (for the Sufficient Documented Proof determination) to the Park management office. At the time of submission, Park management shall provide the mobilehome owner 1) a copy of the submitted documentation, and (2) written receipt confirming the submission date and the documents received. If a resident fails to submit proof of purchase price documentation within this time frame, then the resident forfeits the right to receive purchase price value. The Park Owner shall have 10 days from the date of submission of the proof of purchase price documentation to render a determination as to whether it constitutes Sufficient Documented Proof before the Park Owner becomes obligated to pay a purchase price as mitigation. Park Owner shall provide written notice of its determination to the mobilehome owner via certified, return-receipt U.S. Mail, and a copy sent to the City Attorney via email and U. S. Mail. In the event a resident disputes the Park Owner's determination as to whether the resident's proof of purchase price documentation constitutes Sufficient Documented Proof, the matter shall be submitted to the Special Master for a final determination.



Thomas W. Casparian
Member | Cozen O'Connor
401 Wilshire Boulevard, Suite 850 | Santa Monica, CA 90401
P: 310-460-4471 F: 310-594-3082
Email | Bio | Map | cozen.com

***PLEASE NOTE OUR NEW ADDRESS.**

From: Benjamin R. Jones <bjones@awattorneys.com>
Sent: Tuesday, May 11, 2021 4:47 PM
To: Casparian, Thomas <tCasparian@cozen.com>; Forbath, Susy <SForbath@cozen.com>
Cc: Sunny Soltani <ssoltani@awattorneys.com>
Subject: RE: RDME Resolution

****EXTERNAL SENDER****

I reviewed the meeting video and confirmed the Chair said "any proof of sale, based upon escrow or receipts" when originally stating the motion at about 4:42:58 into the video and again said "escrow or receipts" when re-stating the motion at about 5:04:50 into the video.

Benjamin R. Jones | Associate, Assistant City Attorney of Carson
Aleshire & Wynder, LLP | 18881 Von Karman Ave., Suite 1700, Irvine, CA 92612
Tel: (949) 223-1170 | Dir: (949) 250-5430 | Fax: (949) 223-1180 | bjones@awattorneys.com | awattorneys.com

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From: Casparian, Thomas <tCasparian@cozen.com>
Sent: Tuesday, May 11, 2021 3:59 PM
To: Benjamin R. Jones <bjones@awattorneys.com>; Forbath, Susy <SForbath@cozen.com>
Cc: Sunny Soltani <ssoltani@awattorneys.com>
Subject: RE: RDME Resolution

**** EXTERNAL SENDER ****

Ben,

I do not believe the Motion used the term "receipts," nor other language that would support the Resolution stating "receipts" or another similar term for unofficial documentation. I understood the Chair's motion to include only official documentation, but I can't claim I heard that exact term. A review of the video might be warranted, but I thought you might share my memory or impression once pointed out.



Thomas W. Casparian
Member | Cozen O'Connor
401 Wilshire Boulevard, Suite 850 | Santa Monica, CA 90401
P: 310-460-4471 F: 310-594-3082
Email | Bio | Map | cozen.com

***PLEASE NOTE OUR NEW ADDRESS.**

From: Benjamin R. Jones <bjones@awattorneys.com>
Sent: Tuesday, May 11, 2021 3:35 PM
To: Casparian, Thomas <tcasparian@cozen.com>; Forbath, Susy <SForbath@cozen.com>
Cc: Sunny Soltani <ssoltani@awattorneys.com>
Subject: RE: RDME Resolution

****EXTERNAL SENDER****

Thanks Tom. To clarify, are you saying the motion used the term "official documentation" rather than "receipts," or are you saying that "official documentation" or some other term should be substituted for "receipts" in the resolution notwithstanding that the motion used the term "receipts"? If the latter, please explain the basis for your understanding. Thanks.

Benjamin R. Jones | Associate, Assistant City Attorney of Carson
Aleshire & Wynder, LLP | 18881 Von Karman Ave., Suite 1700, Irvine, CA 92612
Tel: (949) 223-1170 | Dir: (949) 250-5430 | Fax: (949) 223-1180 | bjones@awattorneys.com | awattorneys.com

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From: Casparian, Thomas <tcasparian@cozen.com>
Sent: Monday, May 10, 2021 11:58 AM
To: Benjamin R. Jones <bjones@awattorneys.com>; Forbath, Susy <SForbath@cozen.com>
Cc: Sunny Soltani <ssoltani@awattorneys.com>
Subject: RE: RDME Resolution

**** EXTERNAL SENDER ****

Ben and Sunny,

Thank you for the courtesy and opportunity, we do appreciate it and are only looking to avoid issues down the road. Keeping your limitations in mind, we will limit our comments to the one drafting issue we feel is in error and will cause problems later. In the Conditions of Approval at No. 10(b)(i) (Option B, relocation payments), the new language orders payments in the amount of the homeowner's purchase price if higher

than the appraised amount, "upon submission of any proof of the relevant purchase of the mobilehome in the form of escrow documentation or receipts." We believe "receipts" is far too vague, receipts are too easily forged or falsified, and use of the term is not supported by the language of the motion passed by the Planning Commission. We understood the Commission to require "official documentation" of any higher purchase price, and believe the Commission's stated intent supports substituting that term or similar for "receipts."

Of course, we object to the entire concept where people bought homes with the full understanding that the park would be closed and they would have to move or abandon those homes at any time after 2012, but we understand this opportunity for comment is not the forum for that objection. Thanks again.



Thomas W. Casparian
Member | Cozen O'Connor
401 Wilshire Boulevard, Suite 850 | Santa Monica, CA 90401
P: 310-460-4471 F: 310-594-3082
Email | Bio | Map | cozen.com

***PLEASE NOTE OUR NEW ADDRESS.**

From: Benjamin R. Jones <bjones@awattorneys.com>
Sent: Thursday, May 6, 2021 11:01 AM
To: Forbath, Susy <SForbath@cozen.com>; Casparian, Thomas <tCasparian@cozen.com>
Cc: Sunny Soltani <ssoltani@awattorneys.com>
Subject: RE: RDME Resolution

****EXTERNAL SENDER****

Hi Susy & Tom,

Please see draft resolution with redline changes reflecting PC action attached. Please understand that Sunny and I are allowing you to review this as a professional courtesy despite the fact that we are not obligated to do so (nor are we obligated to incorporate any changes you may request). There will not be multiple rounds of back-and-forth; you will have this one opportunity to review, we will consider your input and make/accept changes as we see fit, and then the resolution will be presented to the Chair for signature. Please also understand that these changes are intended strictly to reflect the Commission's action per the motion made on 4/27, and are not intended to correct or improve any provisions that may be less than a perfect model of clarity, so your input should also be limited accordingly.

Any concerns regarding the conditions as approved by the Commission may be addressed during the City Council hearing, because as McKina has informed you, Mayor Pro Tem Dear filed an appeal of the PC decision to the Council on 4/28. The appeal has been deemed complete, and we anticipate the CC hearing will be set for 6/1. A 15-day notice of public hearing will need to be issued, and the signed PC resolution will need to be included as an exhibit to the City Council staff report. So if you could please provide us with any feedback you may have regarding the attached by Monday evening or early Tuesday morning, we would appreciate it.

Thanks.

Benjamin R. Jones | Associate, Assistant City Attorney of Carson
Aleshire & Wynder, LLP | 18881 Von Karman Ave., Suite 1700, Irvine, CA 92612
Tel: (949) 223-1170 | Dir: (949) 250-5430 | Fax: (949) 223-1180 | bjones@awattorneys.com | awattorneys.com

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From: Benjamin R. Jones
Sent: Monday, May 3, 2021 4:20 PM
To: Forbath, Susy <SForbath@cozen.com>
Cc: Casparian, Thomas <tCasparian@cozen.com>
Subject: RE: RDME Resolution

Hi Susy – I need to touch base with Sunny, should have an update for you in the next day or two.

Benjamin R. Jones | Associate, Assistant City Attorney of Carson
Aleshire & Wynder, LLP | 18881 Von Karman Ave., Suite 1700, Irvine, CA 92612
Tel: (949) 223-1170 | Dir: (949) 250-5430 | Fax: (949) 223-1180 | bjones@awattorneys.com | awattorneys.com

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From: Forbath, Susy <SForbath@cozen.com>
Sent: Monday, May 3, 2021 3:32 PM
To: Benjamin R. Jones <bjones@awattorneys.com>
Cc: Casparian, Thomas <tCasparian@cozen.com>
Subject: RE: RDME Resolution

**** EXTERNAL SENDER ****

Hi Ben –

Can we please get a draft of the Resolution? We'd really like to have a clear understanding of the conditions.

Thanks



Susy Forbath
Regulatory and Government Relations Professional | Cozen O'Connor
401 Wilshire Boulevard, Suite 850 | Santa Monica, CA 90401
P: 310-309-4500 F: 310-594-7308
Email | Bio | Map | cozen.com

From: Forbath, Susy
Sent: Wednesday, April 28, 2021 3:52 PM
To: 'Benjamin R. Jones' <bjones@awattorneys.com>
Cc: Casparian, Thomas <tCasparian@cozen.com>
Subject: RDME Resolution

Hi Ben –

When can we see a draft of the Resolution revised to reflect the Planning Commissions actions?

Thanks,
Susy

 Susy Forbath
Regulatory and Government Relations Professional | Cozen O'Connor
401 Wilshire Boulevard, Suite 850 | Santa Monica, CA 90401
P: 310-309-4500 F: 310-594-7308
Email | Bio | Map | cozen.com

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