

## **Summary of timeline and board response regarding non-compliant construction project**

6/27/11 An ACC member was notified via a complaint from a resident that construction had started on La Cantera

7/6/11 ACC's facilitator sent correspondence to the owners of the construction project advising them to stop and submit their project to the ACC process for approval.

7/13/11 The owners replied through their attorney that they were proceeding on already-approved plans. A review of ACC files resulted in discovery of an approval letter provided to these owners for a 2 story project in 2006. At that time there was no 18 month time limit for construction to begin.

7/19/11 ACC sent a certified letter to the owners re: needing to go through the ACC process if their construction was not exactly according to their previously approved plans and requested a meeting with them within the next 48 hours.

7/20/11 Regular board meeting. ACC reported that a construction project had been started without ACC approval and the owners have stated they are building according to their original approved plans. The ACC was investigating to determine if this was the case.

7/21/11 The owners provided ACC their current plans for this project. They also provided an incomplete project submission form. (A topographic survey and site plan are among the missing items)

7/25/11 ACC sent a followup letter to the owners re: fees needed, plans had not been approved due to substantial changes from their previous plans, etc.)

7/29/11 ACC sent email to owners reconfirming that their plans had not been approved and requesting additional height survey information and noting a discrepancy in the drawings that had been provided to the ACC on 7/21/2011.

7/29/11 By this date, the owners had deposited with Hoamco the requested plan review fee and construction deposit.

8/2/11 ACC met with Owners and notified them that there would be possible legal action to obtain compliance with the CC&R's and Design Guidelines. The ACC again asked them to cease construction. A followup written memo was sent the same day documenting the meeting.

8/2/11 ACC received the original plans (from 2006) from Hoamco. SPCE board president delivered the plans to ACC chairman for review on the evening of 8/2. ACC chairman determined the current construction differs substantially from the original plans approved in 2006. This information was sent to SPCE's attorney.

8/3/11 Attorney sent a cease and desist letter to the owners attorney

8/4/11 Owners sent email to ACC facilitator acknowledging their receipt of the Cease and Desist order. Owner said this would cause hardship on the part of their contractors.

8/4/11, 7 pm Board held special Executive Session meeting and included ACC members in the meeting. Voted to take legal action and authorized board president to confer with attorney regarding the specific action.

8/5/11 Teleconference of some board members with lawyer. SPCE attorney sent Final Cease and Desist letter to Owners' attorney stating they could tear down the non-compliant portion of their 2006 approved plan and build exactly to that plan or stop construction and submit their plan for review and approval according to current design guidelines. Gave owners until August 10 to decide which option they would choose.

8/6/11 SPCE attorney received an email from the Owner directly. SPCE attorney sent a response to owner's attorney again stating SPCE's position and the August 10 deadline.

8/9/11 A board member noticed no construction at the site.

8/10/11 11:09 am SPCE attorney received fax from owners attorney that they have agreed to temporarily halt construction, are currently reviewing this matter and will respond to our demands in writing by the end of next week.

8/10/11 9:00 pm approx. Another owner in the community hand delivered a copy of a TRO, complaint and summons filed that day naming San Pedro Creek Homeowners Association as an involuntary plaintiff. The owner stated the TRO would be served 8/11/11 on the constructing owners.

8/15/11 Owners attorney requested Design Guidelines amendments and resolutions adopting them. These were furnished to SPCE attorney on 8/16/11 to provide a response.

8/16/11 SPCE attorney sent email to owners attorney regarding ACC's authority to update Design Guidelines and attached the past amendments and resolutions received from Hoamco.

8/18/11 SPCE attorney received proposal from owners attorney. Board met in Executive session with ACC Chairman by telephone conference that evening to discuss the proposal.

8/19/11 Telephone conference of some board members, Walt and Kimberly with SPCE's attorney to discuss board's decision regarding owners proposal. SPCE attorney sends response to Owner's attorney.

8/22/11 SPCE's attorney received a response from the Owner's attorney that more time is needed for them to decide which option they choose regarding their construction project.

8/23/11 All parties agreed to extend the Temporary Restraining Order and postpone the hearing at least two weeks but no more than four weeks.

### **UPDATES TO TIMELINE OF BOARD ACTIONS REGARDING NON-COMPLIANT SPCE CONSTRUCTION PROJECT**

9/20/11 SPCE HOA president received email from SPCE attorney re: request by constructing Owners for meeting with their attorney and ACC to review their plans and the "minor" modifications they propose.

9/21/11 SPCE Board met in Exec session and agreed to a meeting between the constructing owners and some ACC members with SPCE's attorney present. Meeting is planned for 10 am Tuesday 9/27

9/23/11 SPCE attorney received notice from other SPCE Owner's attorney of request for Expedited Hearing on the TRO that was filed.

9/27/11 ACC meeting of 4 ACC members, SPCE attorney, constructing owners and their attorney to review plans

9/29/11 SPCE attorney received notice of a Counter Claim filed by constructing Owner's attorney and their request for a hearing on a Motion to Dismiss and Quash the Temporary Restraining Order

10/1/11 Special meeting held by the ACC to develop response to owners re: plans

10/4/11 SPCE's attorney received a proposed settlement agreement from the other SPCE Owner's attorney who filed the TRO complaint. SPCE attorney requested modifications to

agreement which were accepted by the other Owner's attorney. Proposed settlement agreement was also sent to constructing Owner's attorney for acceptance.

10/5/11 Letter from SPCE attorney to Owner's attorney outlining ACC review process and owner's design options for ACC approval

10/12/11 Received notice that the Hearing re: Motion to Dismiss has been scheduled for December 28, 2011, 1:30 pm at the Valencia County Courthouse, Courtroom#3

10/12/11 Received draft of Settlement Agreement and Order of Approval to dismiss the Temporary Restraining Order, Complaint, Answer and Counterclaims with Owners agreeing to abide by the ACC design review process of SPCE Homeowner's Association and to refrain from further construction activities until the ACC of the Association approves any proposed construction plans.

10/15/11 SPCE attorney filed Response to Owner's Motion to Dismiss and Quash Temporary Restraining Order requesting a denial of the motion to dismiss.

10/19/11 As of this date there has been no further response from the construction owners.