



Exhibit # 3C-1

February 19, 2021

**VIA E-MAIL ONLY**  
**todd@endreslaw.com;**

Mr. C. Todd Endres, Esq.  
Endres & Elizondo  
1425 Victor Avenue, Suite B  
Redding, CA 96003

RE: Woodridge Mutual Water and Property Owners Corporation:  
Association's Maintenance Obligations of Woodridge Lake and Fire Roads &  
Association Records Inspection Request

Dear Mr. Endres:

This office represents Mr. Kevin Montler, a member of the Woodridge Mutual Water and Property Owners Corporation, a California nonprofit mutual benefit corporation ("*Association*"). We understand that your firm represents the Association as corporate counsel.

Mr. Montler and other Association members have serious concerns in connection with the Association, including a) deferred maintenance of the common area lake ("*Woodridge Lake*"); b) deferred maintenance of the fire escape roads located in the common area, which is required under the Fire Exit and Public Utility Easement or otherwise by local ordinance or regulations, ("*Fire Roads*"); c) a lack of transparency; and d) non-compliant election procedures, among others.

I note, at this juncture, that due to the significant dangers to life and safety associated with the Association's deferred maintenance of Woodridge Lake and at least two (2) Fire Roads, Mr. Montler respectfully requests that the board of directors for the Association ("*Board*") take ***immediate action in connection with these common areas***. Such action should include application of Sonar, maintenance of the Fire Roads in compliance with appropriate easements and regulations, and using modern brush-clearing standards to assure the safety of the Association's members and their invitees.

#### **I. Maintenance Obligation for Woodridge Lake and Fire Roads**

The Association and Board are bound by the obligations set forth in the Davis-Stirling Common Interest Development Act, Civil Code Sections 4000-6150 ("*Davis-Stirling Act*"), which applies to common interest developments, including the Woodridge Lake Estates Subdivision.

Under the Davis-Stirling Act, the Association is responsible for maintaining Woodridge Lake and the Fire Roads. Civil Code Section 4775(a) states, "unless otherwise provided in the declaration of a common interest development, the association is responsible for repairing, replacing, and maintaining the

common area.” The Declaration of Restrictions for Woodridge Lake Estates Subdivision, as amended, (the “CC&Rs”) clearly lists Woodridge Lake as Association common area in Section 25. Further, no provision in the CC&Rs requires that any party other than the Association repair, replace, and maintain common area. As such, the Association is responsible for maintaining Woodridge Lake and the Fire Roads.

Both Woodridge Lake and at least two of the Fire Roads are in hazardous conditions. Mr. Montler and other members strongly believe that the unmitigated vegetation overgrowth at Woodridge Lake present an unreasonable danger to members and guests. Also, Mr. Montler notes that the Association has neglected at least two Fire Roads, rendering those Fire Roads unusable.

Mr. Montler is not formally enforcing his rights to compel the Association to comply with its obligations to maintain Woodridge Lake and the Fire Roads at this time, as he would like to work with the Board to resolve this issue in an efficient and collaborative manner. However, he is exploring all options.

Two readily-available remedies that would appear to resolve the hazardous conditions of Woodridge Lake and the Fire Roads are 1) applying Sonar to Woodridge Lake, and 2) clearing and improving all non-compliant Fire Roads so that they are safely passable in the event of a fire event or other natural disaster.

It is worth noting that the Association has a history of using Sonar pellets in Woodridge Lake. I also understand that the State of California has approved the use Sonar as an aquatic herbicide in Woodridge Lake.

## **II. Association Records Inspection Request**

Mr. Montler hereby exercises his rights of inspection of Association records, pursuant to the Davis-Stirling Act.

Pursuant to Civil Code Section 5205, the Association shall make association records available for inspection and copying, and members have the option of receiving records electronically. As used in the Davis-Stirling Act, the term “association records” includes in pertinent part: financial documents; interim financial statements; executed contracts; written board approval of vendor or contractor proposals or invoices; reserve account balances; agendas and minutes of the members, board, and any committees and the governing documents. (Civil Code Section 5200.)

Mr. Montler is exercising his right to inspect the Association’s records and requests that the Association provides the items listed below by email:

- a) All executed contracts with current or former directors for the current and each of the previous two fiscal years;
- b) All executed contracts with consultants or vendors, including, but not limited to, any consultant or vendor providing their services in connection with Woodridge Lake, for the current and each of the previous two fiscal years;
- c) The budgets for the current and each of the previous two fiscal years;
- d) All insurance policies for the current and each of the previous two fiscal years;
- e) All written studies or reports in connection with Woodridge Lake or the Fire Roads, including all environmental studies;
- f) All Board and committee meetings minutes and materials concerning Woodridge Lake or the Fire Roads for the current and each of the previous two fiscal years;

- g) All financial statements, including all or any of the following for the current and each of the previous two fiscal years:
  - 1) Balance sheet.
  - 2) Income and expense statement.
  - 3) Budget comparison.
  - 4) General ledger
- h) All reports resulting from a reserve study, which is required at least once every three years under Civil Code Section 5550;
- i) All Association governing documents; and
- j) Election Rules, which are required by Civil Code Section 5105.

### III. Conclusion

The Association and the members of the Board owe fiduciary duties to the Association members. Mr. Montler reminds the Board of it is duty to act in the best interest of the Association. To that end, and to address the dangerous conditions of Woodridge Lake and the Fire Roads, *Mr. Montler requests immediate action, including:*

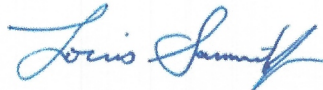
1. Applying Sonar to Woodridge Lake; and
2. Clearing and improving all non-compliant Fire Roads so that they are safely passable in the event of a fire event or other natural disaster.

In connection with the Association records request, we expect that the Association will provide the requested Association records electronically within ten (10) business days, for records from the current fiscal year, and within thirty (30) calendar days for records for each of the previous two fiscal years, if not sooner, in compliance with Civil Code Section 5210(b). Please send the requested records to the undersigned electronically.

Thank you for your attention to this matter. I look forward to hearing from you.

Very truly yours,

SCHERER SMITH & KENNY, LLP



Louis J. Sarmiento, Jr.

Cc: Client