

!!RED ALERT!!

HUNTINGTON CONTINENTAL

**Board members taking away your rights!
Ability to make partial payments at risk!**

Lawyer's legal fees - \$100,000!

Read and sign the petition on the last page

Your online voice: www.huntingtoncontinentalvoice.com

My name is Joseph Miner. I obtained your mailing address from public record. I personally write this letter, as a fellow HOA member, to inform all owners of major issues that are both of significant importance and extreme consequence if we do not act immediately as a unified group.

I got behind on my assessment payments. I then tried to make my assessment payments. The lawyers rejected my checks. They sent my money back then sued me because the Board gave them authority to do so. In court they lost, I won. HOA owners can make partial payments!

The same lawyers are now fighting this ruling, trying to take away your legal rights as a homeowner, and they will be paid from your own HOA money – that you worked so hard to pay! Your Board paying attorneys, with your money, using you as “standing” to sue, to take away your right to make partial payments by law! What could be more crazy!? Only lawyers would use such a scheme!

We are in a fast moving world. We have families, jobs, businesses and just can't be expected to keep up with everything going on in this world at all times. Often, behind our back, some attorney, some legislature, is

doing something to change the law and take away our rights! We don't even know it's happening until it's over. This is one of those situations. Huntington Continental's own lawyers are trying to take away your legal rights as a homeowner in an association.

Homeowners rights don't come easily, and while you are hard at work trying to earn a living to pay your bills, these lawyers are working harder, behind the scenes, to take away protective rights the legislature has given you; Why? They collect and profit big from powerless homeowners. They sue and add enormous attorneys fees to your bill.

A “partial payment” is the legal ability to pay something less than the whole amount. Say you owe \$1000, you pay only \$800 to try to pay down your balance. The lawyers send your check back to you telling you no partial payments! They then offer you a “payment plan” and charge you lawyer fees for that payment plan. Often the “lawyer fees” are as much or more than you owe! This whole lawyer “racket” stinks because you are allowed to make partial payments by law; it's what the law states!

Summary

California law states HOAs must accept partial payments for assessments. Collection lawyers in California have been ignoring, skirting this law for several years (ignoring the law makes the lawyer lots of money). The law protects all homeowners in associations from losing their home in times of trouble by allowing owners to make partial payments of the entire assessment debt. After a very long and expensive court battle I just won a major court decision, by 3 Judges, that maintains your rights as a homeowner and **FORCES associations in California to accept partial payments.**

It's a little difficult to grasp, but the attorneys, to keep their “racket” going, need to try to overturn the case I just won in appellate court. **Now they are using the HOA (YOU), and suing in your name (HOA) to attack the ruling that protects YOU! And they are using your money; the Board has contracted to pay them!!!** It's the most sinister thing I have ever seen and you don't even know it's going on because the Board has not informed

you! Don't let anyone tell you different, this is exactly what is happening!

The ruling, I won in court, protects your rights as a homeowner in times of trouble. It's vital for you to keep this law in your favor for many obvious reasons. The attorneys were playing dirty and not following the law, they forced people into payment plans making attorneys millions of dollars in California. There are many reasons the attorneys benefit if no partial payments are allowed... collection attorneys hate this ruling!!

Attorneys also have been writing, what many call, illegal contracts. The contracts state that any monies collected by the attorneys go to the attorneys first; but this is not the law! The law states any payments made go to pay your unpaid assessments first. Paying off the attorney's fees first, and you will never pay off your assessments; and that is just how they designed it! Ask for a copy of Feldsott's collection contract.

Perhaps the Board of Directors don't realize this is happening, or they have been misled, or schmoozed by the attorneys. I don't know why they would allow attorneys to take your rights. When I spoke to two members a while back, they were not properly informed (either they are not smart enough to understand this, they have been schmoozed, or they choose to be ignorant) truthfully they did not seem to care, they chose to be ignorant, and that is probably the most dangerous situation for us other than being power hungry.

Associations are controlled by a Board of Directors. The Board is elected by the members (the homeowners). **Homeowners should elect competent, knowledgeable, caring, responsible people who understand the rules and the law regarding the association.** Unfortunately Boards are often comprised, and controlled by petty, power hungry, ignorant people who don't listen, don't care, don't know the law or the rules, have power trips and agendas (like paid health insurance) that benefit them. Selecting proper people for the Board is critically important. Knowing everything about a person running for the Board is crucial. Having a smart, informed Board who knows the laws and watches the attorneys and the management is needed for fairness and justice for all 450 homeowners in the complex.

This is a little confusing. As a homeowner, in an association, you wear two hats: 1) you are a homeowner, 2) you a member of the association. **These are different issues.** As a homeowner you are concerned about you, your family, your home, your rights. As a member of the association you vote for the Board of Directors to make WISE decisions on your behalf that affect the association. Often the Board make decisions that are not best for you as a homeowner, or a decision you do not approve of and had you known that you would have never voted for that Board member. At other times some Boards completely close their eyes and are puppets of the management company and the attorneys. They rubber stamp everything. It's not supposed to be that way.

The particular decision being made by the Board of Directors at this time, either as a puppet or unconcerned Board member, supports the collection attorneys effort to attempt the change the law to TAKE AWAY YOUR RIIGHTS TO MAKE PARTIAL PAYMENTS! You should be furious and take immediate action to stop this! Stop them from using attorneys fees as a scare tactic in every threat made to control you!

As a mother, a father, as a homeowner - the law protects you, your family and your home ownership in times of personal catastrophe. Protect your rights to keep your home! We, as homeowners, need to tell the Board to STOP THE ATTORNEYS AND PROTECT YOUR RIGHTS!

The ruling, the law, the long and thorough 10+ page letter that describes this entire situation, and other documents may be downloaded from the website: www.huntingtoncontinentalvoice.com I am donating this website to volunteers who wish to have a community action website.

Join us! Protect yourself! Sign the petition!

Fax to: 949-646-2794
Email to: josephminer@gmail.com (email me questions or to chat)
Mail to: Joseph Miner, 2576 Newport Blvd, #A, Costa Mesa, CA 92627
Sign online: www.huntingtoncontinentalvoice.com
Sign in person: At the Clubhouse on Election Day!

Please do not be lazy! One vote can make all the difference in these situations.

Call me for any information and tell me your past or present HOA issues!

Join us! Protect yourself! Sign the petition!

Petition to demand the Board of Directors to cease all action in the appeal of the JM Trust case.

I sign this petition demanding The Board of Directors of the **HUNTINGTON CONTINENTAL TOWN HOUSE ASSOCIATION, INC. immediately instruct Feldsott and Lee attorneys to withdraw their appeal that would take away members rights to make partial payments under the law, which is the main issue of the JM Trust case, and allow the JM Trust case to be heard as it was scheduled in Orange County Superior Court only to consider damages, if any.**

HUNTINGTON CONTINENTAL TOWN HOUSE ASSOCIATION, INC. Plaintiff and Respondent,
v.
THE **JMTRUST, etc. et al., Defendants and Appellants.**

Case No. 2013-00623099

Superior Court of California, County of Orange.

Filed January 13, 2014.

My name is [print] _____ I am the legal owner of a property located in the Huntington Continental Town House common area development. I am a member of the association. I sign this petition to demand the Board of Directors to stop all litigation that would prevent me, as a member of this association, from making partial payments per the decision by the Superior Court of Orange County Appellate Division - Case number 2013-00623099

I demand, as a member of the association, that the Board of Directors follow the direction of the homeowners who sign this petition and stop and withdraw this appeal by Feldsott and Lee using the HOA as standing for the litigation. To direct **Feldsott and Lee to withdraw this appeal, which, by withdrawing will preserve my rights in Orange County, as an owner, to make partial payments and potentiality save the HOA \$100,000 in unwarranted attorney fees.**

If you do not follow our direction and demands, we the HOA members, will hold you, the Board, personally accountable and responsible for all court costs and legal fees that may be incurred by the HOA and we will take any steps necessary to force the Board to act per our direction. We will hold you responsible for any and all fees and costs that that may be incurred by further proceedings in the JM Trust legal action to further appeal the Superior Courts Appellate Division decision support partial payments; including all attorney fees and costs for any legal action.

Signed: _____ Date: _____

Address: _____

Phone: _____ Email: _____

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