

Attachment BB
**Arbitrator's Opinion and Award (Revised on
Remand)**

IN THE MATTER OR ARBITRATION BETWEEN

NOMAD VILLAGE MOBILE HOMEOWNERS,

Petitioner

and

**OPINION AND AWARD
(Revised on Remand)**

NOMAD VILLAGE MOBILE HOME PARK

Respondent.

ARBITRATOR

Stephen M. Biersmith
Attorney at Law

HEARING SITE

County Administration Building
County of Santa Barbara

HEARING DATES

September 19 – 20, 2011 &
February 17, 2016

REPRESENTING THE PETITIONER

Mr. Tom Griffin
Attorney at Law
1758 Calle Cerro
Santa Barbara, CA. 93101

REPRESENTING THE RESPONDENT

Mr. James Ballantine
Attorney at Law
329 East Anapamu Street
Santa Barbara, CA. 93101

PROCEDURAL MATTERS

On January 19, 2016 the Board of Supervisors remanded the Arbitrator's original decision dated December 20, 2011 for reconsideration of several findings including Awards No. 4, No. 5, No. 6, No. 7, No. 11 & No. 12. Although the evidentiary record was deemed close, an additional day of hearing was held on February 17, 2016 to give both sides an opportunity to be

heard as to whether or not the original determination should be modified. Both parties moved to introduce additional documents. The items were marked, but not admitted.

ADDITIONAL EXHIBITS

For the Petitioner:

9. Tax bill spreadsheet (Not admitted)

For the Respondent:

- U. Noman Village Rent Schedule (Not admitted)
- V. Nomad Village post – 2011 capital expenses (Not admitted)

AWARD

1. The CPI increase as calculated and proposed by the Park Owners in its letter dated January 26, 2011 can be charged to the Homeowners.
2. The Homeowners do not have to pay the additional 10% increase in ground rents.
3. The Homeowners are to pay the Park Owners for all real property taxes assessed by the County.
4. All granted temporary increases are to be amortized at 9% for seven (7) years.
5. The Homeowners are to pay the \$62,145.55 which were capital improvement expenses incurred prior to the commencement of the arbitration. The Homeowner are not required to pay the \$320,000 held in escrow at the time of the hearing in that they were not definite and certain prior to the commencement of the arbitration.
6. The original request of \$50,973 in professional fees for payment by the Homeowners is reduced to \$25,000, which is a reasonable amount for services associated with the capital expenses and improvements.
7. The Homeowners are to pay \$40,000 for the A&E fees associated with the capital improvements, a smaller number than petitioned for due to the reduced utility of those items since their purchase.
8. The Homeowners are to pay \$130,531 for the supplemental tax increase payments.
9. The Homeowners do not need to pay for the uncompensated increases associated with the increased lease payments.

10. The Homeowners have elected not to proceed with a property tax appeal or reassessment and should not be charged with professional fees associated with the same.
11. The Homeowners are to pay \$110,000 for legal fees associated with the challenge to the rent increase.
12. The Permanent Increase is to be \$25.59 and the Temporary Increase \$39.44 as supported by the attached.

Dated: March 5, 2016



Stephen M. Biersmith, Esq.
Arbitrator

**NOMAD VILLAGE – RENT SCHEDULE CALCULATIONS Pursuant to Arbitration Award
(Item Numbering Follows Numbering in Arbitration Award)**

1.	CPI increases – as noticed			<i>variable</i>
2.	n/a			
3.	Property Tax Increase: Per year	46,070	Per Month per Space	\$25.59
4.	Amortization applied per award (9% for 7 years) see below			
	Amortization rate:	0.09 years	7 Per Month	Per Space
5.	Capital Improvements	62,145.55	1,000	6.67
6.	Professional Fees	25,000	402	2.68
7.	A&E Fees	40,000	644	4.29
8.	Supplemental Tax Payments	130,531	2,100	14.00
9.	n/a			
10.	Anticipated professional fees relating to Property Tax Appeal		0	0.00
11.	Legal Fees re: space rent increase	110,000	1,770	11.80

RENT INCREASE SCHEDULE SUMMARY:

TOTAL PERMANENT INCREASES

 CPI Increase (variable)

 Property Tax Increase 25.59

TOTAL TEMPORARY (7-Year) INCREASES 39.44

TOTAL INCREASES AWARDED . 65.03

DECLARATION OF SERVICE BY MAIL

I am employed in the County of Ventura, State of California, I am a citizen of the United States, over the age of 18 years and not a party to nor have an interest in the within action. My business address is 5462 Rincon Beach Park, Ventura, California 93001.

On March 5, 2016 I served the within document described as:

FINAL RECOMMENDED FINDINGS OF FACT AND RECOMMENDED DECISION

X By placing the true copies in a sealed envelope(s) addressed as follows:

Mr. Don Grady
Real Property Division
County of Santa Barbara
1105 Santa Barbara Street
Santa Barbara, CA. 93010

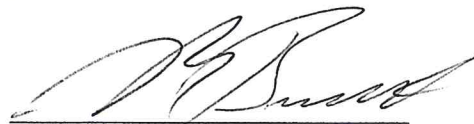
Debra Hammick
833 E. Mason Street
Santa Barbara, CA.

Mr. James R. Ballantine
Attorney at Law
329 East Anapamu Street
Santa Barbara, CA. 152015

X (BY MAIL) I am readily familiar with the normal business practice of my employer for the collection and processing of correspondence and other materials for mailing with the United States Postal Service. In the ordinary course of business, any material designated for mailing with the United States Postal Service and place by me in a designated "OUT" box in the office of my employer is deposited the same day with the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 5, 2016, at Ventura, California


Stephen M. Biersmith, Esq.