

Attachment D
Objection and Response by Nomad Village Mobile Home
Park to Petition for Arbitration and Exhibits Attached

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6 State Bar No. 152015

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9 Attorney for NOMAD VILLAGE MOBILE HOME PARK
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11 ARBITRATION PROCEEDINGS UNDER THE SANTA BARBARA COUNTY
12 MOBILEHOME RENT CONTROL ORDINANCE
13

14 IN RE NOMAD VILLAGE MOBILE HOME PARK)
15) OBJECTION AND RESPONSE
16) BY NOMAD VILLAGE
17) MOBILE HOME PARK
18) TO PETITION
19) FOR ARBITRATION
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29 FACTUAL BACKGROUND

30 Nomad Village Mobile Home Park is located at 4326 Calle
31 Real, Santa Barbara, CA 93110, between El Sueño Road and San
32 Marcos Pass. Nomad Village is a 150-space mobile home park, in
33 which the mobilehomes are all owned by homeowners who rent their
34 Spaces from the Park. The Park was developed in the late 1950's

1 and from 1958 to 2008, was operated by Nomad Village, Inc.,
2 which leases the land on which the Park is located under a
3 ground lease which expired in 2008. The fee interest in the
4 ground on which the Park is located is owned by the Bell Trust,
5 the long-time owner of the land.
6

7 Nomad Village Mobile Home Park is operated by Waterhouse
8 Managemet Company, the management company for Lazy Landing, LLC,
9 which entered into a long-term Ground Lease for the Park
10 commencing August 1, 2008. The term of the Ground Lease is 34
11 years. The Ground Lease requires that the Park operator pay
12 property taxes and maintain the Park and make all necessary
13 improvements to the Park. The Ground Lease requires that the
14 Park operator pay rent to the property owner in the amount of
15 20% of the gross space rents paid, which is double the amount of
16 rent that was charged to the prior operator, Nomad Village,
17 Inc., which paid rent in the amount of 10% of the gross space
18 rents paid.
19

20 There are no leases between the Park and any homeowner; all
21 of the homeowners are on month-to-month tenancies, all of which
22 are subject to the Santa Barbara County Rent Control Ordinance.
23

24 There has not been any space rent increases in Nomad
25 Village Mobile Home Park at all since the current management
26 took over.
27
28

1 On January 26, 2011, the Park delivered to all homeowners
2 in the Park two separate notices with respect to rent, as
3 follows:
4

5 1. A Notice of Increase in Monthly Rent Effective May 1,
6 2011, dated January 26, 2011, to all homeowners of Nomad Village
7 Mobile Home Park. The same Notice was sent to all homeowners of
8 the Park. This Notice stated that the homeowner's Base Rent
9 would be increased by 75% of CPI for the period of May 1, 2009
10 through May, 1, 2011. The Notice stated that in addition to the
11 Base-Rent increase, the homeowner's Space Rent is also being
12 increased in accordance with the terms of the Ordinance by the
13 amount of \$161 per space, per month; of this amount, \$102.84
14 will be temporary, for a period of 7 years, beginning May 1,
15 2011, and terminating April 30, 2011. This increase was in
16 accordance with the terms of the Ordinance for recoupment of
17 expenses incurred by Park management for increased operating
18 expenses by park management for increased property taxes, and
19 increased ground lease payments, as well as for capital expenses
20 being incurred by the Park. The Notice stated that it was being
21 issued pursuant to the Santa Barbara County Rent Control
22 Ordinance (referred to as "Ordinance" herein). A copy of this
23 Notice is attached hereto as Exhibit A.
24
25

26 2. A Notice of Amount of Space Rent Commencing May 1,
27 2011, constituting a ninety-day Notice of Rent Increase in the
28 Base Rent for each of the Spaces in the Park, dated January 26,

1 2011; the increases were in the exact amount of .75% of the CPI
2 of the existing Base Rent for each of the Spaces, for the period
3 May 1, 2009 through May, 1, 2011, with the rent increase
4 effective May 1, 2011. The amount of Base Rent, obviously,
5 differs from Space to Space; but for each given space, Base Rent
6 was increased by 75% of CPI, for the period. An example of such
7 a Notice (with the name a space number redacted) is attached
8 hereto as Exhibit B.
9

10
11 Homeowners of the Park were also provided with a Spreadsheet,
12 entitled Nomad Village Space Rent Increase (May, 2011) setting
13 forth in detail the amounts of the space rent and the charges on
14 which they were based. A copy of the Spreadsheet is attached
15 hereto as Exhibit C.
16

17
18 As set forth in the Notice of Increase in Monthly Rent,
19 Park management provided the homeowners with an informational
20 meeting with Park management about the rent increase on February
21 16, 2011, at 6:00 P.M. at the Park recreation room. The Park
22 management set a Meet and Confer for February 16 at 7:30 P.M. at
23 the Park recreation room, for designated representatives of the
24 homeowners to attend, pursuant to the terms of the Ordinance.
25

26 Four representatives of the Park management attended the
27 Meet and Confer. In addition, Park management had its
28 electrical engineer, John Maloney, available for any questions

1 by the homeowner representatives. Four persons who indicated
2 that they were designated representatives of the homeowners
3 attended, however, they indicated that they were not empowered
4 to enter into negotiations with Park management at that time.
5 Park management provided a number of financial and other
6 documents supporting the rent increase at the time of the Meet
7 and Confer, as well as before and after the Meet and Confer. A
8 follow up Meet and Confer was held on March 8, 2011, at the Park
9 recreation room. Three representatives of Park management
10 attended. Two of the representatives of the homeowners
11 attended, however, they again indicated that they were not
12 empowered to enter into negotiations with Park management at
13 that time.
14
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16
17 The Homeowner representatives, and all homeowners in the Park,
18 were provided with a statement of income and expenses for the
19 Park for the past 5 years (i.e. 2006-2010). A copy of the Nomad
20 Village MHP Income and Expense Summary 2006-2010 is attached as
21 Exhibit D.

22 In addition, the Homeowner representatives, and all homeowners
23 in the Park, were also provided with various other documents
24 supporting the rent increase, including a copy of the Ground
25 Lease showing the amount of ground rent payable by Park
26 management and the fact that the Park management is responsible
27 for real estate taxes, a property tax statement showing the
28

1 property tax increase, and the CPI Index published by the
2 Federal government showing the CPI increases on which the Base
3 Rent increase was based. A copy of these additional documents is
4 attached as Exhibit E. A variety of other documents have been
5 provided to the homeowners representatives as well.
6

7
8 In April, 2011, Park management was notified that a
9 Petition challenging the Park's rent increase had been filed
10 with Santa Barbara County. It was purported that the Petition
11 was made by a majority of homeowners, as required by the Santa
12 Barbara County Code. The Petition states that it is challenging
13 the rent increase, although the Petition does not properly
14 identify the basis of the Petition.
15

16 The Petition was represented to be brought under the Santa
17 Barbara County Rent Control Ordinance ("Ordinance"), which is
18 set forth in Chapter 11A of the Santa Barbara County Code.
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OBJECTIONS TO PETITION

I

THE EXPRESS TERMS OF THE ORDINANCE MANDATE THAT THE PETITION FOR
HEARING MUST BE DENIED

Section 11A-5 of the Ordinance is entitled "Increases in Maximum Rent Schedule," and deals with permissible rent increases and the operation of arbitration hearings regarding rent increases.

Sub-section (d) of Section 11A-5 specifies that the arbitrator must deny a hearing upon finding, inter-alia, that the petition was not supported by a homeowner majority, or that the noticed rent increase is not in excess of seventy-five percent of CPI, and provides as follows, emphases added:

(d) The arbitrator **shall** deny a hearing on a noticed increase:

(1) Where management has not waived its right to object and proves by a preponderance of evidence that:

(A) The homeowners' petition for hearing was not supported by a homeowner majority or was untimely filed. For purposes of this determination, management may require the testimony of the clerk but may not require the production of homeowner's petitions or copies thereof, except that said petitions may be examined by the arbitrator; or

(B) **The noticed increase is not in excess of seventy-five**

1 **percent of CPI.**

2
3 As to subsection (B), the noticed increase in rent is not
4 in excess of seventy-five percent of CPI, and therefore the
5 petition must be denied as to the Base rent increase. The
6 increase in base rent, as set forth in the Park's January 26,
7 2011 Notice, is seventy-five percent of CPI, and therefore, by
8 definition, **not** in excess of seventy-five percent of CPI. The
9 pass-through for capital improvement expenses and the increases
10 for increased operating expenses for ground lease rent and
11 property taxes is a proper separate basis for a rent increase,
12 as set forth herein.
13

14 The Notice of Increase in Rent and the Notice of Amount of
15 Space Rent Commencing May 1, 2011 (Exhibits A and B) clearly set
16 forth that the Base Rent is being increased by seventy-five
17 percent of CPI for the period at issue, May 1, 2009 through May
18 1, 2011. The last rent increase at the Park was May 1, 2008.
19

20 The reference in the Ordinance to the CPI index is as
21 follows:

22 ...the percentage by which the most recently published
23 edition of the United States Department of Labor,
24 Bureau of Labor Statistics, Consumer Price Index for
25 Urban Wage Earners and Clerical Workers, Los Angeles-
26 Long Beach-Anaheim area, all items, Base Index
27 1967=100, shows that such index has increased during
28

1 the immediately preceding twelve months for which said
2 index has been published at the time notice of said
3 increase was given or since the last rent increase..

4
5 (Ordinance, § 11A-5(a)(2).)

6 The Base Rent increase employed the 12-month increase for
7 December, the month before the rent increase notice was given,
8 and did it for each of the relevant years in question. The
9 Ordinance **specifically contemplates** that the increase may cover
10 a period for longer than one year since the last increase, by
11 providing that the CPI adjustment is either for the CPI increase
12 over the last year OR since the last increase. The calculations
13 of the base rent increase may be seen in Exhibit B.

14 Accordingly, the annual Base Rent increase was 75% of CPI,
15 so that under the terms of the Ordinance, it is mandatory that
16 the Petition be denied as to the challenge of the increase in
17 the base rent.
18

19
20 As to subsection (A), it is unknown whether the Petition in
21 fact is supported by a homeowner majority. The Ordinance and
22 the Rules under the Ordinance make clear that the Park may not
23 be provided with any of the signatures on which the Petition is
24 allegedly based, and is not allowed to even see copies of the
25 Petition with any of the purported signatures. There is no
26 evidence that the Clerk of the Mobilehome Rent Control Ordinance
27 made no effort to independently verify the authenticity of any
28

1 of the signatures on the Petition, whether or not any of the
2 signatures were actually verified, or whether the Clerk simply
3 engaged in a counting exercise as to the number of signatures.
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1 (1) Such relevant factors may include, but are not limited to,
2 increases in management's ordinary and necessary maintenance and
3 operating expenses, insurance and repairs; increases in property
4 taxes and fees and expenses in connection with operating the
5 park; capital improvements; capital expenses; increases in
6 services, furnishings, living space, equipment or other
7 amenities; and expenses incidental to the purchase of the park
8 except that evidence as to the amounts of principal and interest
9 on loans and depreciation shall not be considered.
10

11
12 Accordingly, the rent increase based upon increased
13 operating costs due to the property tax increases and
14 ground lease increases are properly the bases for the rent
15 increase, in addition to the capital expenses, discussed
16 below.
17

18
19 II

20 THE CHARGES FOR CAPITAL EXPENSES AND CAPITAL IMPROVEMENTS
21 MAY BE PASSED THROUGH TO THE HOMEOWNERS
22

23 As set forth in the Notice on Rent Increase and the Nomad
24 Village Space Rent Increase Spreadsheet, part of the temporary
25 rent increase component is for capital expenses and improvements
26 to be made to the Park, from a reserve fund that the Park has
27 funded to an escrow account of \$320,000, as well as additional
28

1 fees incurred in connection with Park improvements. These
2 improvement projects will be ongoing, as bids are obtained and
3 work is performed.

4
5 The Ordinance expressly provides that the costs of capital
6 improvements and capital expenses may properly be passed on to
7 homeowners in the form of a rent increase, including for work to
8 be performed in the future.

9 Section 11A-2 of the Ordinance defines Capital Improvements
10 and Capital Expenses as follows:

11 (a) "Capital improvement" is any addition or betterment
12 made to a mobilehome park which consists of more than mere
13 repairs or replacement of existing facilities or
14 improvements and which has a useful life of five or more
15 years.

16
17 (b) "Capital expense" is a repair or replacement of
18 existing facilities or improvements which has an expected
19 life of more than one year.

20
21 Section 11A-6 of the Ordinance, which deals with Capital
22 Improvements, provides as follows:

23 (a) Capital Improvements

24 (3) Notwithstanding any other provision to the contrary,
25 the cost of capital improvements required by a change in
26 governmental law or regulation may be **automatically passed**
27 **on to homeowners** at the time of an annual increase. Any
28

1 hearing on such costs shall be **solely** for the purpose of
2 determining whether management's plan for compliance or for
3 recoupment of costs is unreasonable if so alleged by
4 homeowners.

5
6 Subsection (b) Section 11A-6 of the Ordinance, is entitled
7 "Capital Expenses," and has the same provisions for Capital
8 Improvements.

9 The ordinance also makes clear that these expenses may
10 include those to be incurred in the future.

11 Section 11A-6(b)(1)-(2) states:

12 (b) Capital Expenses.

13
14 (1) The cost of capital expenses **incurred or**
15 **proposed**, including reasonable financing costs, may be
16 passed on to homeowners at the time of an annual
17 increase.

18
19 As noted above, capital expenses set forth in a rent
20 increase notice may be "current or proposed" The Park then
21 has a six-month window to **begin construction** with the money
22 after the rent increase is approved:

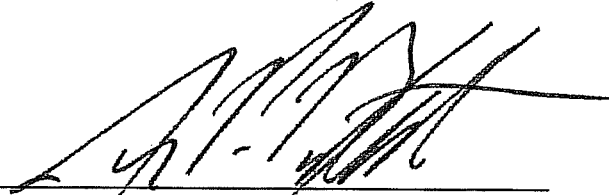
23
24 (5) If management fails to begin construction of
25 a capital expense item within six months after
26 approval of the cost of the capital expense, then
27 management shall discontinue the increase for the
28 capital expense and shall credit any amount collected

1 to each homeowner. If management fails to
2 automatically discontinue such increase, then such
3 increase shall be considered an increase in the
4 maximum rent schedule and shall be subject to all the
5 provisions of this chapter, including, but not limited
6 to, amount and frequency of increase.
7

8
9 CONCLUSION

10
11 For the foregoing reasons, the Nomad Village rent increase
12 was in accordance with the terms of the Ordinance, and the
13 Petition should be denied.
14

15 Dated: April 26, 2011
16

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19 _____
20 JAMES P. BALLANTINE
21 Attorney for
22 NOMAD VILLAGE MOBILE HOME
23 PARK
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DECLARATION OF SERVICE BY U.S. MAIL

I, LISA M. PAIK, declare:

I am, and was at the time of the service hereinafter mentioned, over the age of 18 years and not a party to the within action. My business address is 329 East Anapamu Street, Santa Barbara, California 93101, and I am a resident of Santa Barbara County, California.

On April 26, 2011, I served the foregoing document described as OBJECTION AND RESPONSE BY NOMAD VILLAGE MOBILE HOME PARK TO PETITION FOR ARBITRATION on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Bruce E. Stanton
Law Offices of Bruce E. Stanton
6940 Santa Teresa Blvd., Suite 3
San Jose, California 95119

I caused such document to be mailed in a sealed envelope, by first-class mail, postage fully prepaid. I am readily familiar with the firm's business practices with respect to the collection and the processing of correspondence, pleadings, and other notices for mailing with the United States Postal Service. In accordance with that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Santa Barbara, California in the ordinary course of business.

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

Executed on April 26, 2011, at Santa Barbara, California.



**NOMAD VILLAGE
4326 CALLE REAL
SANTA BARBARA, CA 93110**

To: Homeowners, Nomad Village Mobilehome Park

Date: January 26, 2011

Re: Notice of Increase in Monthly Rent Effective May 1, 2011

Dear Homeowner:

This Notice is in accordance with the Santa Barbara County Mobilehome Rent Control Ordinance ("Ordinance") and the California Mobilehome Residency Law ("MRL"), that effective May 1, 2011, pursuant to the terms of the Ordinance, your Base-Rent for your monthly Space Rent at Nomad Village Mobilehome Park will increase by 75% of the change in the Consumer Price Index – Urban Wage Earners and Clerical Workers for the Los Angeles-Riverside-Orange County, California, for the three 12-month percentage changes for the period through December 2010 (CPI adjustments of -.6%, 2.5% and 1.6%, respectively).

There have been no rent increases whatsoever to Homeowners at Nomad Village for 3 years. The Park is also giving you the benefit of a reduction credit for one of the years.

In addition to the Base-Rent increase, your Space Rent is also being increased in accordance with the terms of the Ordinance by the amount of \$161 per space, per month; of this amount, \$102.84 will be temporary, for a period of 7 years. This increase is in accordance with the terms of the Ordinance for recoupment of expenses incurred by Park management as follows: The permanent increase is for increased operating expenses by park management for increased property taxes, and increased lease payments. The Santa Barbara County Assessor has recently tripled the property tax assessment of Nomad Village, which management has been forced to pay; management has evaluated this increase and believes it is not legal and plans to challenge the increase, and if the challenge is ultimately successful at reducing the taxes, then the Homeowners will receive a reduction in the amount of the net reduction received by the Park. The Lease payment for the Park recently doubled. The temporary increase is for costs for capital improvements and expenses that have been and are being incurred by Park Management for improvements dealing with the Park infrastructure, and for reimbursement of the increased tax and lease expense through the date of the effect of the Rent increase. These expenses incurred by the Park, totaling \$564,692.00, have been capitalized at 9% interest, amortized over 7 years, for a total monthly rent increase payable beginning May 1, 2011, and terminating April 30, 2018, in the amount of \$102.84 per space.

EXHIBIT A

Attached is a statement showing the specific dollar amount of your Base-Rent increase, along with the other Space Rent adjustment. This new Space Rent amount will first appear on your May 2011 rent statements.

The Park is providing the Homeowners with an **Informational Meeting** to explain the rent increase and discuss other matters relating to the Park, to be held at the **Park recreation room on Wednesday, February 16, 2011 at 6:00 P.M.** Pursuant to the terms of the Ordinance, the Park is also providing you with the following information. The increase in this Notice is greater than 75% of the increase in the Consumer Price Indices. The Park is offering the Homeowners a Meet and Confer session at the Park recreation room on February 16, 2011 at 7:30 P.M., to be held immediately following the Informational Meeting, to discuss the basis for this increase. You must send representatives to this session. If you fail to send representatives to this session, you may be forfeiting your right to a hearing to contest this increase. Your representatives may obtain information upon which this Base-Rent increase is based at the Waterhouse Management Office as of February 4. If the date for meet and confer is not convenient for your representatives, it may be possible to change that date by consulting with this office.

Should you have any question concerning this increase prior to that time, please contact this office.

Yours very truly,

NOMAD VILLAGE MANAGEMENT

Notice of Amount of Space Rent Commencing May 1, 2011:

██████████
4326 Calle Real # █
Santa Barbara, CA 93110

Space # █

Your new Space Rent commencing May 1, 2011 will be as set forth below, and will appear on your May, 2011 rent statement:

CURRENT RENT	75% CPI 12/2008	75% CPI 12/2009	75% CPI 12/2010	2011 CPI INCREASE	2011 SPECIAL INCREASE	NEW 2011 RENT
\$ 338.04	-0.45%	1.86%	1.17%	\$ 8.76	\$ 161.00	\$ 507.80

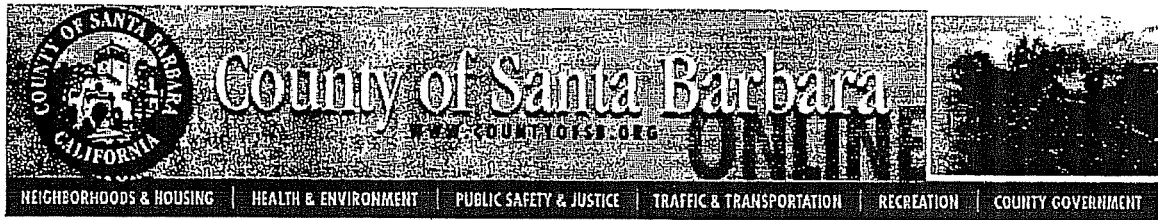
EXHIBIT B

	A	B	C	D	E	F	G	H	I
1	NOMAD VILLAGE SPACE RENT INCREASE (May, 2011)								
2									
3	PERMANENT INCREASES:								
4						2008	2009	Increase	Notes
5	1	Property Tax Increase							
6					Tax Bill	70,598	121,111		1
7					Sewer Fees	-50,145	-54,588		1
8					Taxes per se	20,453	66,523	46,070	1
9									
10	2	Lease Payment Increase			Rental Income	549,053	563,090		
11					Rate	10%	20%		
12					Lease Payment	54,905	113,527	58,622	2
13		Total Permanent Increases						104,692	
14									
15									
16	TEMPORARY INCREASES:								
17									
18		Amortization:			rate:	0.09	years:	7	3
19									
20	3	Capital Improvements							
21				A&E Fees	90,000				4
22				Professional Fees	50,000				5
23				Infrastructure	320,000				6
24				Total	460,000				
25				Amortization:				91,398	
26									
27	4	Uncompensated Increases			Annual	Monthly	Total		
28				Supplemental Tax Increase	46,070	3,839.15	130,531		7
29				Increased Land Lease	58,622	4,885.15	166,095		8
30				Uncompensated for (X) months:		34	296,626		9
31				Amortization:				58,937	
32									
33	5	Anticipated professional fees relating to Property Taxes					50,000		10
34				Amortization:				9,935	
35									
36	6	Anticipated professional fees relating to rent increase					125,000		11
37				Amortization:				24,836	
38		Total Temporary Increases			931,626			185,105	
39									
40		Total Permanent and Temporary Increases						289,797	
41									
42	TOTAL PER MONTH PER SPACE - PERMANENT					(150 spaces)		58.16	12
43	TOTAL PER MONTH PER SPACE - TEMPORARY					(150 spaces)		102.84	13
44	TOTAL PER MONTH PER SPACE - PERMANENT AND TEMPORARY							161.00	
45									

EXHIBIT C

A/B	C	D	E	F	G	H	I	J
1	NOMAD VILLAGE MHP							
2	Income & Expense Summary 2006 - 2010							
3								
4								
5								
6								
7								
8	INCOME							
9	Rental Income							
10	Rental Income	529,524.40	535,997.58	314,691.97	234,360.63	549,052.60	563,090.16	564,327.90
11	Utility Income							
12	Electric Income	58,122.37	55,861.63	33,898.88	22,367.20	56,266.08	55,011.02	56,143.53
13	Gas Income	54,447.29	53,157.45	39,808.77	20,442.99	60,251.76	42,688.28	47,546.22
14	Sewer Income	28,790.78	30,199.32	17,616.27	15,852.11	33,468.38	50,549.74	54,230.04
15	Water Income	31,174.61	32,960.72	19,566.54	14,623.32	34,189.86	34,361.48	33,805.52
16	Other Income							
17	Credit Checks	210.00	210.00	90.00		90.00		
18	Late / Bounce Ck Charges	838.30	-165.11	16.00	381.03	397.03	1,944.77	1,327.00
19	Laundry Income	2,243.70	4,014.65	1,339.63	1,776.40	3,116.03	3,225.21	2,775.30
20	Misc./ Other income	480.00	209.70	733.63		733.63	1,375.59	1,213.67
21	Recycle Fee		120.00	20.00		20.00		
22	Refund		59.00	-100.00		-100.00		
23	Surcharge-Road Work	13,147.16	4,751.93	815.81		815.81		
24	Total Income	718,978.61	717,376.87	428,497.50	309,803.68	738,301.18	752,246.25	761,369.18
25								
26	OPERATING EXPENSES							
27	Administrative Expenses							
28	Accounting						1,915.00	
29	Accounting & Legal	35,041.79	84,290.47	133,884.67		133,884.67		
30	Advertising							126.70
31	Bank Charges	26.92	71.60	72.00	194.51	266.51	660.47	781.59
32	Credit Checks						132.00	88.50
33	Donations	325.00	150.00	250.00		250.00		
34	Dues & Subscriptions	140.00	140.00		2,759.72	2,759.72	4,230.80	13,923.88
35	Education & Seminars				825.00	825.00	850.00	850.00
36	Insurance-Prop & Liab	9,366.87	11,944.01	5,218.98	7,270.71	12,489.69	14,899.54	10,959.15
37	Insur-Work Comp	12,265.76	8,043.00	3,362.00	2,307.77	5,669.77	7,714.86	7,814.32
38	Interest			2.18		2.18		
39	Legal-Evictions						1,728.00	1,176.00
40	Legal-General				9,004.12		6,001.59	51,045.00
41	Licenses & Permits				2,990.00	2,990.00	948.00	2,379.00

A	B	C	D	E	F	G	H	I	J
1	NOMAD VILLAGE MHP								
2	Income & Expense Summary 2006 - 2010								
3									
4									
5									
6									
7									
42		Meals & Entertainment						60.90	80.97
43		Miscellaneous							
44		NSF Cks & Coll. Fees	417.70						
45		Office Equipment					196.32		
46		Office Supplies	1,429.22	1,243.83	1,884.43	1,638.89	3,523.32	874.33	1,006.68
47		Payroll Service				411.90	411.90	1,788.83	1,710.40
48		Postage	302.46	201.00	291.00	868.70	1,159.70	1,635.66	1,826.93
49		Professional Services		2,546.26	1,897.50		1,897.50		
50		Promotional							
51		Telephone	4,570.37	4,958.42	3,299.14	1,441.56	4,740.70	2,979.28	3,476.17
52		Tenant Expense/Services	116.71	112.06				57.60	
53		Title Search				25.00	25.00		
54		Total Admin	64,002.80	113,700.65	150,161.90	29,934.20	171,091.98	46,476.86	97,245.29
55									
56		Employee Expenses							
57		P/R Tax-FUTA				165.56	165.56	223.99	167.99
58		P/R Tax-Medicare				473.74	473.74	1,099.81	1,169.38
59		P/R Tax-Soc Sec				2,025.54	2,025.54	4,702.63	4,999.78
60		P/R Tax-Suta				716.45	716.45	988.11	730.30
61		Taxes - Payroll	14,361.39	12,656.77	9,800.48		9,800.48		
62		Wages	108,828.31	113,198.81	74,506.26		74,506.26		
63		Wages-Maintenance				15,769.44	15,769.44	42,519.71	39,680.68
64		Wages-Managers				16,900.46	16,900.46	33,236.42	40,960.34
65		Total Employee	123,189.70	125,855.58	84,306.74	36,051.19	120,357.93	82,770.67	87,708.47
66									
67		Operating Expenses							
68		Auto Expense	2,886.95	6,382.80	1,676.30		1,676.30		
69		Casual Labor	590.00	500.00	660.00		660.00		
70		Cleaning Expense	897.00	1,348.50	1,225.00		1,225.00		
71		Clubhouse Supplies				17.78	17.78	65.21	862.41
72		Common Area Supplies				797.80	797.80	177.18	619.63
73		Janitorial Supplies				159.85	159.85	498.35	369.48
74		Management Fees	26,476.22	26,799.88		9,979.67	9,979.67	32,850.69	35,309.73
75		Outside Services				7,902.75	7,902.75	5,028.76	11,245.79



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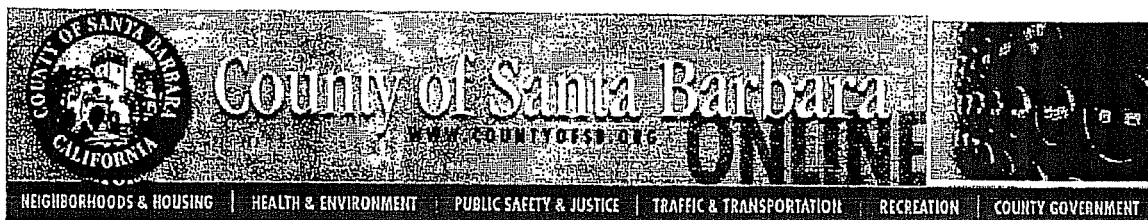
2007 Secured Property Taxes For Assessor Parcel Number (APN): 059-240-006

Situs	Tax Rate Area / Jurisdiction	Net Assessed Value
4326 CALLE REAL	69006 / County	\$1,902,147

Fund	Amount
Basic 1% Property Taxes	
0001 -- GENERAL	4,242.79
2120 -- COUNTY SERVICE AREA NUMBER 3	471.28
2230 -- COUNTY SERVICE AREA NUMBER 32	0.00
2280 -- S B CO FIRE PROTECTION DIST	2,531.71
2400 -- SB CO FLD CTRL/WTR CONS DST MT	57.38
2610 -- SOUTH COAST FLOOD ZONE 2	246.01
3050 -- SANTA BARBARA CO WATER AGENCY	73.71
3270 -- GOLETA CEMETERY DISTRICT	56.85
4090 -- SANTA BARBARA MET TRANSIT DIST	51.21
4160 -- SB COASTAL VECTOR CONTROL DIST	39.40
4500 -- CACHUMA RESOURCE CONS DIST	0.00
4640 -- GOLETA SAN DIST RUNNING EXP	51.24
5500 -- GOLETA COUNTY WATER DISTRICT	0.00
7001 -- HOPE ELEM SCH DIST-GEN	3,580.55
8201 -- SANTA BARBARA HI SCH DIST-GEN	3,211.49
9610 -- SBCC DISTRICT GENERAL	1,123.74
9801 -- COUNTY SCHOOL SERVICE FUND	771.85
9802 -- EDUCATION REVENUE AUGMENTATION	2,512.25
Total Basic 1% Property Taxes	19,021.46
Bonds	
7051 -- HOPE ELEM SCH BOND 1995	169.67
8251 -- SANTA BARBARA HIGH BOND 2000	237.39
Total Bonds	407.06
Fixed Charges	
2126 -- CO SVC AREA 3 BENEFIT ASSMT	73.00
2127 -- CSA 3 LIBRARY SPECIAL TAX	87.22
2611 -- SO COAST FLD ZN2 BENEFIT ASSMT	356.28
4161 -- VECTOR MGMT DIST ASSMT-ZN1	11.01
4785 -- GOLETA SANITARY SERVICE CHARGE	36,816.25
Total Fixed Charges	37,343.76
TOTAL TAX	56,772.28

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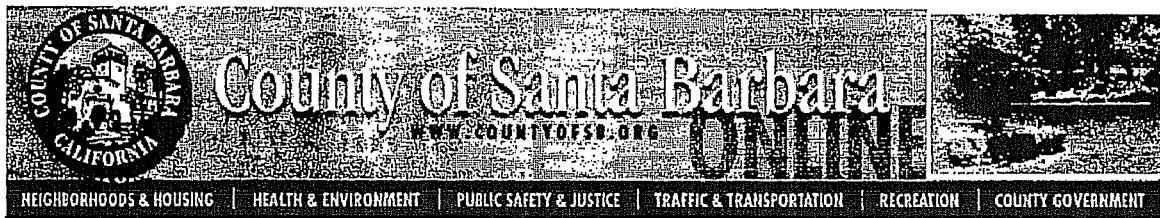
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2008 Secured Property Taxes For Assessor Parcel Number (APN): 059-240-006

Situs	Tax Rate Area / Jurisdiction	Net Assessed Value
4326 CALLE REAL	69006 / County	\$1,940,189

Fund	Amount
Basic 1% Property Taxes	
0001 -- GENERAL	4,327.65
2120 -- COUNTY SERVICE AREA NUMBER 3	480.71
2230 -- COUNTY SERVICE AREA NUMBER 32	0.00
2280 -- S B CO FIRE PROTECTION DIST	2,582.34
2400 -- SB CO FLD CTRL/WTR CONS DST MT	58.53
2610 -- SOUTH COAST FLOOD ZONE 2	250.93
3050 -- SANTA BARBARA CO WATER AGENCY	75.18
3270 -- GOLETA CEMETERY DISTRICT	57.99
4090 -- SANTA BARBARA MET TRANSIT DIST	52.24
4160 -- SB COASTAL VECTOR CONTROL DIST	40.18
4500 -- CACHUMA RESOURCE CONS DIST	0.00
4640 -- GOLETA SAN DIST RUNNING EXP	52.27
5500 -- GOLETA COUNTY WATER DISTRICT	0.00
7001 -- HOPE ELEM SCH DIST-GEN	3,652.16
8201 -- SANTA BARBARA HI SCH DIST-GEN	3,275.72
9610 -- SBCC DISTRICT GENERAL	1,146.21
9801 -- COUNTY SCHOOL SERVICE FUND	787.28
9802 -- EDUCATION REVENUE AUGMENTATION	2,562.49
<i>Total Basic 1% Property Taxes</i>	19,401.88
Bonds	
7051 -- HOPE ELEM SCH BOND 1995	171.32
8251 -- SANTA BARBARA HIGH BOND 2000	242.14
9621 -- SBCC BOND 2008	164.92
<i>Total Bonds</i>	578.38
Fixed Charges	
2126 -- CO SVC AREA 3 BENEFIT ASSMT	73.00
2127 -- CSA 3 LIBRARY SPECIAL TAX	20.82
2611 -- SO COAST FLD ZN2 BENEFIT ASSMT	367.94
4161 -- VECTOR MGMT DIST ASSMT-ZN1	11.34
4785 -- GOLETA SANITARY SERVICE CHARGE	50,144.62
<i>Total Fixed Charges</i>	50,617.72
TOTAL TAX	70,597.98

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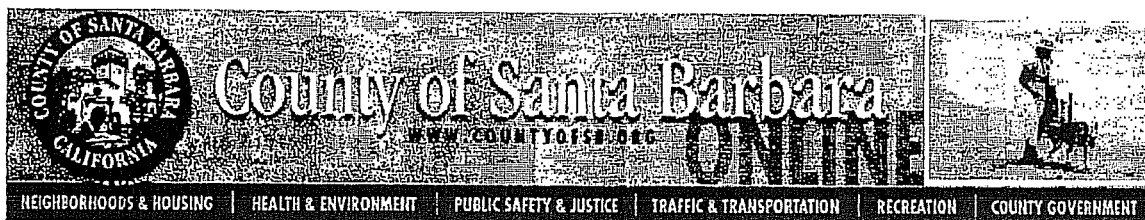
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2009 Secured Property Taxes For Assessor Parcel Number (APN): 059-240-006

Situs Tax Rate Area / Jurisdiction Net Assessed Value
4326 CALLE REAL 69006 / County \$6,350,000

Fund	Amount
Basic 1% Property Taxes	
0001 -- GENERAL	14,163.82
2120 -- COUNTY SERVICE AREA NUMBER 3	1,573.30
2230 -- COUNTY SERVICE AREA NUMBER 32	0.00
2280 -- S B CO FIRE PROTECTION DIST	8,451.70
2400 -- SB CO FLD CTRLWTR CONS DST MT	191.56
2610 -- SOUTH COAST FLOOD ZONE 2	821.27
3050 -- SANTA BARBARA CO WATER AGENCY	246.07
3270 -- GOLETA CEMETERY DISTRICT	189.80
4090 -- SANTA BARBARA MET TRANSIT DIST	170.96
4160 -- SB COASTAL VECTOR CONTROL DIST	131.52
4500 -- CACHUMA RESOURCE CONS DIST	0.00
4640 -- GOLETA SAN DIST RUNNING EXP	171.07
5500 -- GOLETA COUNTY WATER DISTRICT	0.00
7001 -- HOPE ELEM SCH DIST-GEN	11,953.07
8201 -- SANTA BARBARA HI SCH DIST-GEN	10,721.04
9610 -- SBCC DISTRICT GENERAL	3,751.42
9801 -- COUNTY SCHOOL SERVICE FUND	2,576.66
9802 -- EDUCATION REVENUE AUGMENTATION	8,386.72
Total Basic 1% Property Taxes	63,500.00
Bonds	
7051 -- HOPE ELEM SCH BOND 1995	560.71
8251 -- SANTA BARBARA HIGH BOND 2000	792.48
9621 -- SBCC BOND 2008	539.75
Total Bonds	1,892.94
Fixed Charges	
2126 -- CO SVC AREA 3 BENEFIT ASSMT	73.00
2127 -- CSA 3 LIBRARY SPECIAL TAX	21.51
2611 -- SO COAST FLD ZN2 BENEFIT ASSMT	998.77
4161 -- VECTOR MGMT DIST ASSMT-ZN1	12.99
4785 -- GOLETA SANITARY SERVICE CHARGE	54,587.91
8202 -- SB HIGH PARCEL TAX MEAS H 2008	24.00
Total Fixed Charges	55,718.18
TOTAL TAX	121,111.12

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2010 Secured Property Taxes For Assessor Parcel Number (APN): 059-240-006

Situs: 4326 CALLE REAL Tax Rate Area / Jurisdiction: 69006 / County Net Assessed Value: \$6,334,950

Fund	Amount
Basic 1% Property Taxes	
0001 -- GENERAL	14,130.23
2120 -- COUNTY SERVICE AREA NUMBER 3	1,569.57
2230 -- COUNTY SERVICE AREA NUMBER 32	0.00
2280 -- S B CO FIRE PROTECTION DIST	8,431.66
2400 -- SB CO FLD CTRL/WTR CONS DST MT	191.11
2610 -- SOUTH COAST FLOOD ZONE 2	819.33
3050 -- SANTA BARBARA CO WATER AGENCY	245.49
3270 -- GOLETA CEMETERY DISTRICT	189.35
4090 -- SANTA BARBARA MET TRANSIT DIST	170.56
4160 -- SB COASTAL VECTOR CONTROL DIST	131.21
4500 -- CACHUMA RESOURCE CONS DIST	0.00
4640 -- GOLETA SAN DIST RUNNING EXP	170.66
5500 -- GOLETA COUNTY WATER DISTRICT	0.00
7001 -- HOPE ELEM SCH DIST-GEN	11,924.74
8201 -- SANTA BARBARA HI SCH DIST-GEN	10,695.63
9610 -- SBCC DISTRICT GENERAL	3,742.53
9801 -- COUNTY SCHOOL SERVICE FUND	2,570.58
9802 -- EDUCATION REVENUE AUGMENTATION	8,366.84
Total Basic 1% Property Taxes	63,349.49
Bonds	
7051 -- HOPE ELEM SCH BOND 1995	559.38
8251 -- SANTA BARBARA HIGH BOND 2000	790.60
9621 -- SBCC BOND 2008	538.47
Total Bonds	1,888.45
Fixed Charges	
2126 -- CO SVC AREA 3 BENEFIT ASSMT	73.00
2127 -- CSA 3 LIBRARY SPECIAL TAX	93.19
2611 -- SO COAST FLD ZN2 BENEFIT ASSMT	1,007.15
4161 -- VECTOR MGMT DIST ASSMT-ZN1	13.21
4785 -- GOLETA SANITARY SERVICE CHARGE	54,587.91
8202 -- SB HIGH PARCEL TAX MEAS H 2008	24.00
Total Fixed Charges	55,798.46
TOTAL TAX	121,036.40

9/25/2010

Ground Lease Agreement

This agreement entered into this 31st day of July, 2008, by LAZY LANDING MHP LLC, herein referred to as Ground Lessee, and John R. Bell, Trustee of The Bell Trust UDT dtd 8/12/91, Randy J. Bell, and Robert M. Bell, herein referred to as Ground Lessor, in regard to the property consisting of a 150 space mobile home park commonly known as 4326 Calle Real, Santa Barbara, CA 93110, as more fully described in Exhibit A attached hereto and made a part hereof (the "Property").

Term. The Ground Lessee rents from the Ground Lessor and the Ground Lessor rents to the Ground Lessee the said Property for the term of **thirty-four (34) years** commencing concurrently with the expiration of the current lease between Ground Lessor and Nomad Village, Inc. (expires July 31, 2008) and ending July 31, 2042.

Rent. Rent for these Property shall be:

1. An initial payment of five hundred thousand dollars (\$500,000.00) due upon commencement of the lease term; and
2. An amount equal to **twenty percent (20%) of all collected rents** from the Property (including laundry, tenant rent, etc.), (specifically including Capital Improvements pass-throughs, or any other pass-throughs, but excluding all utility and tax or other mandated government assessments or fees pass-throughs from which Ground Lessee derives no profit); which shall be due and payable on or before the tenth (10th) day of the calendar month in which such fees and/or pass-throughs are actually collected.
3. In addition to said monthly rental, Ground Lessee agrees to continue to pay before delinquency any and all real estate taxes assessed, including any sewer or similar assessments, against the leased premises, including improvements made to or upon said real property by Ground Lessee,



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Consumer Price Index - Urban Wage Earners and Clerical Workers

Series Id: CWURA421SA0,CWUSA421SA0
 Not Seasonally Adjusted
 Area: Los Angeles-Riverside-Orange County, CA
 Item: All items
 Base Period: 1982-84=100

Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2000	161.3	162.4	163.9	164.0	164.4	164.3	165.0	165.3	166.3	166.9	166.6	166.7	164.8	163.4	166.1
2001	167.3	168.3	169.1	169.6	170.5	171.9	171.3	171.1	171.5	171.0	170.7	169.7	170.2	169.5	170.9
2002	171.5	172.8	173.8	174.8	175.4	174.7	175.0	175.6	176.3	176.5	177.0	176.7	175.0	173.8	176.2
2003	177.8	179.6	181.6	180.9	179.9	179.6	179.6	180.5	181.9	181.2	180.5	180.2	180.3	179.9	180.7
2004	181.7	183.4	184.9	185.2	186.8	187.4	186.8	186.5	187.8	189.8	190.3	188.5	186.6	184.9	188.3
2005	188.5	190.3	192.1	194.2	194.6	193.7	194.6	196.4	199.0	200.0	198.4	196.5	194.9	192.2	197.5
2006	198.3	199.9	200.8	202.9	205.0	204.2	204.5	205.0	205.3	203.5	203.3	202.9	203.0	201.9	204.1
2007	204.498	206.632	208.929	210.195	211.145	209.614	209.444	209.240	209.849	211.259	212.844	212.282	209.661	208.502	210.820
2008	213.825	214.231	216.493	217.914	219.702	222.435	223.245	221.230	220.285	218.726	214.083	211.007	217.765	217.433	218.096
2009	212.454	213.234	213.013	213.405	214.446	216.145	216.128	216.628	217.302	217.474	216.618	216.233	215.257	213.783	216.730
2010	217.290	217.090	218.157	218.475	218.787	218.222	218.367	218.752	218.427	219.339	218.694	219.619	218.435	218.004	218.866

12-Month Percent Change

Series Id: CWURA421SA0,CWUSA421SA0
 Not Seasonally Adjusted
 Area: Los Angeles-Riverside-Orange County, CA
 Item: All items
 Base Period: 1982-84=100

Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2000	2.2	2.7	3.5	2.4	2.9	3.4	3.6	3.4	3.5	3.9	3.7	3.6	3.3	2.9	3.6
2001	3.7	3.6	3.2	3.4	3.7	4.6	3.8	3.5	3.1	2.5	2.5	1.8	3.3	3.7	2.9
2002	2.5	2.7	2.8	3.1	2.9	1.6	2.2	2.6	2.8	3.2	3.7	4.1	2.8	2.5	3.1
2003	3.7	3.9	4.5	3.5	2.6	2.8	2.6	2.8	3.2	2.7	2.0	2.0	3.0	3.5	2.6
2004	2.2	2.1	1.8	2.4	3.8	4.3	4.0	3.3	3.2	4.7	5.4	4.6	3.5	2.8	4.2
2005	3.7	3.8	3.9	4.9	4.2	3.4	4.2	5.3	6.0	5.4	4.3	4.2	4.4	3.9	4.9
2006	5.2	5.0	4.5	4.5	5.3	5.4	5.1	4.4	3.2	1.8	2.5	3.3	4.2	5.0	3.3
2007	3.1	3.4	4.0	3.6	3.0	2.7	2.4	2.1	2.2	3.8	4.7	4.6	3.3	3.3	3.3
2008	4.6	3.7	3.6	3.7	4.1	6.1	6.6	5.7	5.0	3.5	0.6	-0.6	3.9	4.3	3.5

2009	-0.6	-0.5	-1.6	-2.1	-2.4	-2.8	-3.2	-2.1	-1.4	-0.6	1.2	2.5	-1.2	-1.7	-0.6
2010	2.3	1.8	2.4	2.4	2.0	1.0	1.0	1.0	0.5	0.9	1.0	1.6	1.5	2.0	1.0

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