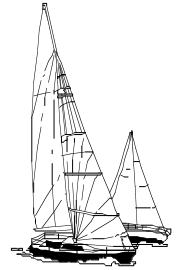
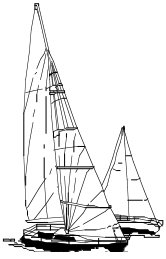


MONARCH BAY ASSOCIATION

BAY BANTER

NOVEMBER 2008



BOARD MEETING TO BE HELD NOVEMBER 10TH

*The next Board of Directors meeting will be held on Monday, November 10, 2008 at the McCollom home, 21 Monarch Bay Drive. The homeowner forum will be held at **7:30 p.m.***

The Meeting Agendas will be available at least 4 days prior to the meeting and will be posted at the guardhouse. Please note that items that are not listed on the agenda cannot be acted upon by the Board of Directors unless the items are of an emergency or urgent nature.

TREES OBSTRUCTING VIEWS TO BE REMEDIED

Did you know that our Bylaws, Section 12.12.6.2, which we all agreed to abide by when we purchased our homes, state “No owner shall permit any tree or other planting to grow to the point of obstructing the view from any other Lot, obstruction being defined as impact on seated view from the affected neighbors lowest living level. In the event that the owner shall violate the provisions hereof, the Association may enforce the provisions hereof as provided in paragraph 12.15.2.”

While most of us do trim our trees regularly, unless a neighbor brings it to our attention, we may not realize what an impact our trees may have. We encourage all neighbors to communicate with one another to resolve these issues amicably. In 1998, the Board adopted the “Monarch Bay Policy Relating to View Obstruction By Tree or Planting” which is published annually in our Membership Directory. The Board is proposing an additional paragraph to Section 5 of the attached policy with the proposed addition is in bold italics. All other provisions to remain the same.

We welcome your input and comments in writing in advance of the December 8th Board meeting or by attending this meeting to address your comments personally. This 30 day comment period is provided to gain input and meet the requirements of the California Civil Code. Thank you for your cooperation.

BEACH CLUB DECAL REPLACEMENT

If you need to replace your Beach Club vehicle decals when buying a new car or replacing your windshield, you may do so by contacting the Beach Club directly at 234-3330.

For other vehicle decal replacements, please contact the guard for assistance in obtaining replacement decals.

PROPERTY TAX BILLS RESENT

Earlier this year we advised that the Moulton family changed title to the Monarch Bay property to "MMB Management LLC." In doing so, the Tax Assessor's office also changed the mailing address for all 214 lots to Progressive's office address. This has since been corrected and tax statements were to be resent to each owner individually. If you have not received your tax bill, please contact the Tax Collector's Office at (714) 834-3411 or you can check your tax bill online at <http://tax.ocgov.com>.

As previously noted, you should not be alarmed with the name change as this does not represent a change in ownership, but merely a change in the form of ownership. The LLC is made up of the members of the Moulton family and was created to enable the family to have a better mechanism to manage their property.

SAFETY REMINDERS

Please remember these very important safety issues within our community:

- 1) The speed limit in Monarch Bay is a maximum of 15 m.p.h. but slower is safer, especially when kids are out and about.*
- 2) Please stop at the stop sign as you exit the community, next to the guardhouse.*
- 3) Only licensed drivers are allowed to operate golf carts and motorized equipment in the community.*
- 4) Dogs must be leashed while in our community if not within a home or enclosed yard.*

MONARCH BAY ASSOCIATION
c/o Progressive Community Management
27405 Puerta Real, Suite 300, Mission Viejo, CA 92691
(949) 582-7770 FAX (949) 582-7796

or by e-mail to: lisak@progressivecm.com // www.progressivecm.com/mba

The Offices of Progressive Community Management will be closed in observance of the Veterans Day holiday on Tuesday, November 11th and for the Thanksgiving holiday from noon on Wednesday, November 26th through Friday, November 28th. As always, we are available for emergency service by calling our regular business number and following the emergency paging instructions. We wish you and your families a very Happy Holiday Season!

Monarch Bay Policy Relating to View Obstruction By Tree or Planting

The Board believes that views, whether of the Pacific Ocean or inland hillsides, produce visual benefits for homeowners. The Board also believes that tree and vegetation produce visual benefits for homeowners including buffering and screening the space between homes.

A homeowner may claim view obstruction by tree or planting and initiate the resolution process described below. However, the Board has decided that a claim of view obstruction may only be made regarding any tree or planting which is within 300 feet of the complainant's property; unless the Board finds that any tree or planting beyond 300 feet is without question a significant obstruction of the complainant's view.

The Board believes that most homeowners can and will resolve view obstruction issues among themselves. However, the Board recognizes that not all claims will be resolved, hence the Board has ruled that the process to resolve view obstruction by tree or planting claims is as follows:

1. Initial Discussion

A complainant, who believes a tree (where "tree" is taken to mean tree or other planting) which has grown on another resident's property has caused unreasonable obstruction of view from the complainant's property, shall first notify the tree owner of such concerns. The notification shall request personal discussions to enable the complainant and tree owner to reach a mutually agreeable solution, and shall be followed-up in writing. The complainant shall invite the tree owner to view the alleged obstruction while seated in the lowest living area of the home. Failure of the tree owner to respond to the complainant within 30 days of the date of the follow-up letter shall be deemed refusal by the tree owner.

2. Complaint to the Board

If the initial discussion of Step 1 fails to achieve agreement between the complainant and tree owner, the complainant may submit a written complaint to the Board of Directors requesting a review by the Board. A copy of the complainant's letter to the tree owner must be included; and the complainant shall send a copy of the complaint to the Board and to the tree owner.

3. Acknowledgment of Complaint

The Board shall acknowledge to the complainant that the complaint has been received. A date for the Board or the Tree Committee to evaluate the view obstruction shall be agreed upon. The owner of the tree causing the alleged obstruction will also be invited to the evaluation. The complainant must be present during the view obstruction evaluation.

4. Evaluation of View Obstruction

The Board shall consider the complaint and render a written determination, which shall be sent to the complainant and the tree owner. If the Board finds that there is a view obstruction, the tree owner shall be informed that the view obstruction is a violation of bylaw 12.12.6.2 and shall be directed to resolve the view obstruction within 30 days.

5. Noncompliance by Tree Owner

If the tree owner does not resolve the view obstruction within 30 days, the Board shall send to the tree owner by certified mail a notice that the tree owner is in violation of bylaw 12.12.6.2.

Until the view obstruction is resolved, a copy of the notice of violation of bylaw 12.12.6.2 shall remain in the Association's files. The fact that there is an ongoing violation of bylaw 12.12.6.2 shall be disclosed to prospective buyers of the tree owner's home.

Additional Paragraph Proposed: *“Until the view obstruction is resolved, approval of architectural improvements submitted by the tree owner to the Architectural Control Committee will be conditioned on remedying of an existing non-compliance with the Tree/View Policy.”*

The Board has resolved that it is generally not in the best interest of the Monarch Bay Association to take legal action against a tree owner in violation of bylaw 12.12.6.2. Therefore, the Board, in its discretion, may determine to not prosecute legal proceedings against the tree owner.

The complainant may request the tree owner to participate in a mediation process to resolve the view obstruction claim; or to participate in binding arbitration; or the complainant may initiate litigation in a court. The Board shall cooperate with the complainant in establishing that the tree owner is in violation of bylaw 12.12.6.2, if the Board has previously determined that a violation of the bylaw has occurred.

REPUBLISHED FOR MEMBER COMMENT – NOVEMBER 2008



EVERY DROP COUNTS

WATER CONSERVATION & WATER QUALITY PROTECTION

Did you know:

Fact 1: Each person on average uses 120 gallons of water a day in our area: 50% is used outdoors and most is wasted. This results in urban runoff which pollutes our creeks, beaches and ocean.

Fact 2: We face water rationing: Our water supply has been cut, more cuts are coming, and there's a drought.

Fact 3: Conserving water is the fastest way to help: By changing a few habits, we each save more water, protect our beaches, and together make a difference.

Save water, save cash:

Right now, there are many rebates available to you to help you upgrade old appliances to water efficient models. You can find water-saving strategies that work for you at: www.bewaterwise.com or call 888-376-3314. You can replace/upgrade your toilet, clothes washer, sprinkler system controllers, sprinkler nozzles and even install synthetic turf at great savings through these rebate programs.

Other ways to save water & protect water quality in our creeks and at the beach:

- 💧 Are you watering the sidewalk? Run a full cycle of your irrigation system at a time when you can watch it to make sure there is no runoff. Adjust your timer and sprinkler heads as necessary to prevent runoff. See www.bewaterwise.com to create a watering schedule for your yard. Take advantage of the rebates above to fine tune your system with "smart" controllers and efficient nozzles. If you hire a gardener or landscaper, make sure you express your desire to conserve water and prevent runoff from your yard.
- 💧 Cut back watering by at least one day a week to avoid overwatering and still keep your lawn and landscaping healthy. See www.bewaterwise.com for more information.
- 💧 Upgrading your landscaping? Consider choosing drought tolerant plants. Check out the "Garden Spot" on www.bewaterwise.com to see how beautiful "California-friendly" landscapes can look. Two-thirds less water use, low maintenance and less pesticides too!
- 💧 Use mulch around trees and plants. It slows evaporation, retaining the water for your plants.
- 💧 Sweep up debris and dispose of it in the trash -- instead of hosing down your driveway, sidewalk or patio. Hosing into the street is illegal and sweeping saves water too!
- 💧 Take your car to a commercial carwash that recycles the wash water, rather than washing it at home. Or, use a mobile car detailer who properly contains and disposes of dirty wash water. Many mobile detailers with high-pressure systems use small quantities of water.