

FILED

Superior Court Of California

County Of Riverside

11/23/2015

W. BROWN

BY FAX

1 Rian W. Jones, Bar No. 118830
 2 Pejman D. Kharrazian, Bar No. 279260
 3 EPSTEN GRINNELL & HOWELL, APC
 4 10200 WILLOW CREEK RD., SUITE 100
 5 SAN DIEGO, CALIFORNIA 92131
 6 (858) 527-0111/FAX (858) 527-1531
 7 rjones@epsten.com
 8 pkharrazian@epsten.com

9 Attorneys for Petitioners
 10 RANCHO SERRANO ASSOCIATION and RON
 11 TURCO

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 13 COUNTY OF RIVERSIDE, WESTERN REGION, HISTORIC COURTHOUSE

14

15 In the matter of:
 16 RANCHO SERRANO ASSOCIATION, a
 17 California Non-Profit Mutual Benefit
 18 Corporation; RON TURCO, an individual,
 19
 20 Petitioners.

CASE NO. RIC1512975

**DECLARATION OF PEJMAN D.
 KHARRAZIAN IN SUPPORT OF EX
 PARTE APPLICATION FOR ORDER
 SETTING PETITION FOR HEARING
 AND SPECIFYING METHOD OF NOTICE
 [CIV. CODE § 7515]**

Date: November 24, 2015
 Time: 8:30 a.m.
 Dept.: 2
 Judge: Hon. Gary B. Tranbarger

Petition Filed: October 26, 2015

21 I, Pejman D. Kharrazian, declare and state as follows:

22 1. I am a member in good standing of the State Bar of California and am an
 23 attorney with the law firm of Epsten Grinnell & Howell, APC, attorneys of record for
 24 Petitioner Rancho Serrano Association ("Association") and Petitioner Ron Turco ("Turco") in
 25 the above-captioned petition.

26 2. I have personal knowledge of facts herein declared, and can and will
 27 competently testify to said facts if called upon to do so. As to those matters stated herein on
 28 information and belief, as to those matters I believe the facts stated herein to be true and
 correct based on my personal knowledge and belief.

///

1 3. I have received from the Association’s manager a true and correct list of
2 Petitioner Association’s members, including their last known addresses, for the purpose of
3 providing notice of the hearing on the “Verified Petition for Order Reducing Percentage of
4 Votes Necessary to Amend the Bylaws of a Common Interest Development and for an Order
5 Approving the Amendment” (“Petition”). The list of the Association’s members has been
6 used to prepare a mailing list for the purpose of providing notice of the hearing on the Petition.
7 The Association consists of 120 members and each of those individual members needs to
8 receive notice of the Petition.

9 4. The Petition with exhibits is approximately 251 pages long. Due to the size and
10 cost of copying the Petition, Petitioner urges the Court not require the entire Petition be copied
11 and sent to each person entitled to notice, and instead Petitioner requests the court enter an
12 order allowing it to mail, by regular first class mail with postage prepaid, a copy of the
13 proposed “Notice of Hearing on Petition for Order Reducing Percentage of Affirmative Votes
14 Necessary for Amending Bylaws and for an Order Approving the Amendment”, attached hereto
15 as Exhibit A, to each member of the Association, at his or her last known address on file with
16 the Association. Additionally, Petitioners request that they not be required to serve a copy of
17 the *ex parte* application and the memorandum filed in support of the Petition on the 120
18 members; that those members interested in the proceedings can either obtain copies of the
19 documents from the Association’s manager or from the Court files.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct, and that this declaration was executed on November 23, 2015,
22 at San Diego, California

23 
24 _____
25 Pejman D. Kharrazian

EXHIBIT A

1 Rian W. Jones, Bar No. 118830
2 Pejman D. Kharrazian, Bar No. 279260
3 EPSTEN GRINNELL & HOWELL, APC
4 10200 WILLOW CREEK RD., SUITE 100
5 SAN DIEGO, CALIFORNIA 92131
6 (858) 527-0111/FAX (858) 527-1531
7 rjones@epsten.com
8 pkharrazian@epsten.com

9 Attorneys for Petitioners
10 RANCHO SERRANO ASSOCIATION and RON
11 TURCO

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF RIVERSIDE, WESTERN REGION, HISTORIC COURTHOUSE

14 In the matter of:
15
16 RANCHO SERRANO ASSOCIATION, a
17 California Non-Profit Mutual Benefit
18 Corporation; RON TURCO, an individual,
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

CASE NO. RIC1512975

**NOTICE OF HEARING ON PETITION
FOR ORDER REDUCING PERCENTAGE
OF AFFIRMATIVE VOTES NECESSARY
FOR AMENDING BYLAWS AND FOR AN
ORDER APPROVING THE AMENDMENT
[CORP. CODE § 7515]**

Date:
Time:
Dept.:
Judge:

Petition Filed: October 26, 2015

TO ALL MEMBERS OF RANCHO SERRANO ASSOCIATION:

NOTICE IS HEREBY GIVEN that RANCHO SERRANO ASSOCIATION (“Association”) and RON TURCO, an individual (“TURCO”) have filed a Petition for an order to reduce the percentage of affirmative votes necessary for approval of an amendment to the Bylaws (“Proposed Amendment”) for the Association, as voted on by the Membership on April 28, 2015, and for an order approving the Proposed Amendment. A hearing on the Petition has been set in Department 2 of the above-entitled court, located at 4050 Main Street, Riverside, California, 92501, on _____, at _____ before the Honorable _____, Judge Presiding.

///

1 Specifically, the Association is seeking to amend the Bylaws to bring them up to date
2 with current law, especially in light of the 2014 revisions to the Davis-Stirling Common
3 Interest Development Act (Cal. Civ. Code §§ 4000-6150), to revise the Bylaws so that they
4 better address the needs of the community, to remove developer references which are no
5 longer applicable to the community, make the Bylaws more user friendly, and comply with the
6 changes in the law. A copy of the Proposed Amendment was sent to the members on February
7 20, 2015, and a copy was, and is, also made available on the Association's website.

8 <http://www.myranchoserrano.com/docs.html>

9 The Association's effort to enact the Proposed Amendment produced the following
10 results. Of a total 120 members, 62 ballots were cast and received on or about April 28, 2015.
11 The 62 ballots were deemed valid by the inspectors of election. The results were as follows:

- 12 • 55 ballots were cast in favor of the Proposed Amendments (46% of the
13 voting power, and 89% of the ballots cast); and
- 14 • 7 ballots were cast against the Proposed Amendments (6% of the total
15 voting power, and 11% of the ballots cast).

16 Under the authority of California Corporations Code section 7515, the Petition seeks to
17 have the Proposed Amendment enacted by an order of the Court finding that the above vote
18 totals are sufficient to amend the Bylaws.

19 The Petition is based on this Notice, the pleadings, records and files in this action,
20 including the verified Petition, a Memorandum of Points and Authorities in support of the
21 Petition, and on such evidence as may be presented at the hearing.

22 Any member or other interested person may receive a copy of the Petition, the
23 Proposed Amendment, and all other papers filed in this case by making a request to the
24 Community Association Manager, Sheryl Whitaker, AMS, via email
25 (sheryl@avalonweb.com), by phone (951) 699-2918, or by mail to Avalon Management,
26 43529 Ridge Park Drive, Temecula, California 92590. Alternatively, the Petition and other
27 filings in this matter can be viewed during regular business hours at the at the Office of the
28 Clerk of the Riverside County Superior Court, located at 4050 Main Street, Riverside,

1 California 92501, or the documents can be purchased at the Court's website, [http://public-](http://public-access.riverside.courts.ca.gov/OpenAccess/CivilMainMenu.asp)
2 [access.riverside.courts.ca.gov/OpenAccess/CivilMainMenu.asp](http://public-access.riverside.courts.ca.gov/OpenAccess/CivilMainMenu.asp).

3 Pursuant to California Code of Civil Procedure section 1005(b), any papers opposing
4 the Petition "shall be filed with the court and a copy served on each party at least nine court
5 days before the hearing," or on or before _____, 201___. The Association
6 may be served through its counsel, Pejman D. Kharrazian, Esq., at the address listed in the
7 caption.

8 Dated: November ____, 2015

EPSTEN GRINNELL & HOWELL, APC

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: _____
Rian W. Jones
Pejman D. Kharrazian
Attorneys for Petitioners
RANCHO SERRANO ASSOCIATION and
RON TURCO