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Re: A Petition to Recall the Eastbluff Board of Directors Has Been Filed

Dear Neighbors:

My name is Don Slaughter. My family and I have owned our home in Eastbluff since 1984. I have been on the Eastbluff board three different times and was a member of the original governing documents committee which created the current architectural guidelines.

DIRECTORS RESIGN

Two directors recently resigned from the Eastbluff board. I was asked by board president Jock Marlo and board member Roger Ferel to apply for appointment. Homeowner Tom Meng and I were elected to the board at the September 8, 2008 meeting. The board now consists of Jock Marlo, Brad Hinman, Roger Ferel, Tom Meng, and myself. Tom and I have been on the board for one week.

RECALL PETITION

Today, I was notified that a petition to recall the entire board had been filed with the Homeowner's Association. Curiously, Roger Ferel signed and circulated the recall petition which put him in the rather unusual position of proposing to recall himself. He is also asking for Tom Meng and me to be recalled just one week after he voted to put both of us on the board and one week after he asked me to join the board. If you think that is confusing, you are not alone.

REASON FOR THE RECALL

There is a group of homeowners led by Roger who want the Eastbluff bylaws to be amended to take part of the budget making process away from the board of directors.

When amendment was presented to the board, Jacob Harle, the long time attorney for the association, advised the board not to proceed with the amendment because it was illegal. Three directors followed the advice of the attorney and one did not. If you guessed Roger did not follow the advice of the attorney, you would be correct.

Roger, who is a retired doctor, decided that the attorney and the rest of the board were wrong. Since he couldn't convince the board to ignore the advice of the attorney, he circulated a recall petition to throw us all out and, presumably, replace us with people who will do what he wants.

REASONS FOR THIS LETTER

I am writing this letter to you for three reasons:

1. I am asking those homeowners who signed the recall petition to please reconsider that decision. If you would like to have your name taken off the list, please call Scott Smith at the Association office. His number is (714) 444-2602.

As you are considering this, please remember that two of the directors you are seeking to recall, Tom Meng and myself, did not even vote on the bylaw amendment because we

were not directors at the time of the vote and, of course, Roger, voted in favor of the amendment.

Also, homeowners are not really lining up to serve on the board. It is essentially a thankless job. Only two people applied for the recent vacancies even after notice was given to the community. If we start recalling directors for following the advice of the association's attorney, who will want to serve on the board other than Roger? Don't forget that anybody who is unhappy with the association's budget or the advice of the attorney can always voice their objections to the board or can run for the board and fix the problem. There are also statutory limits on the amount the board can increase in annual assessments without a vote of the homeowners.

I hope you will not proceed with this recall. It is a bad thing for Eastbluff.

2. I want to alert the rest of the homeowners as to the recall and the reason for it. I also want to urge you to please vote against the recall if it gets that far.
3. I want to let everyone know that I have set up a website, www.eastbluff2.net, which I will use to keep you advised of developments in this sad affair and post links to the relevant documents.

And if anyone doesn't think this will get nasty, please read the following which is a verbatim excerpt from an email Jan Sukrau (a lawyer and the spokesperson for the bylaw proponents) sent me after I called my next door neighbor and friend of 24 years, Ken Woodworth, to ask him who had brought the recall petition to him (it was Roger, of course). After we spoke, Ken called Roger to have his name removed from the list. Jan then jumped to some erroneous conclusions. I did not correct her misspellings.

"Don:

You are held to a higher ethical standard than a non lawyer so I am appalled by your contacting persons on our "Petition to recall the entire Board of Directors" in effort to intimidate them into taking their names off the list.... This is imitation tacit demonstrates further evidence of deviant behavior on behalf of the board and acts as additional ammunition for the recall. Don, it is time to grow up and act professionally. You need to act like the lawyer that you represent yourself to be....."

So it has been quite a first week for me on the Eastbluff board; an election, a recall, and now insults. I can't wait for next week.

I was about ready to ask "who needs this" but Jock Marlo called and thanked me for sticking in there with Brad and him.

So into the mud we go, with Roger leading the way. And for what exactly?

Thanks for your time. Please feel free to call or email me with your questions or comments. If you will send me your email address, I will keep you posted directly. Send it to don@slaughterlaw.com.

To preempt the next attack, I am passing out this letter as a homeowner and at my own expense.