

1 Jeffrey Lewis (Bar No. 183934)  
2 609 Deep Valley Drive, Suite 200  
3 Rolling Hills Estates, CA 90274  
4 Tel. (310) 935-4001  
5 Fax. (310) 872-5389  
6 E-Mail: Jeff@JeffLewisLaw.com

7 Attorneys for Petitioner  
8 L. RIED SCHOTT

COMPOSED BY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

OCT 26 2017

Sherril R. Barber, Executive Officer/Clerk  
By Paul Sanchez, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

11 L. RIED SCHOTT,

12 Petitioner,

13 v.

14 PALOS VERDES HOMES  
15 ASSOCIATION,

16 Respondent and Real  
17 Party in Interest.

) Case No.: BS169638

) DECLARATION OF JOHN HARBISON  
) IN SUPPORT OF PETITIONER'S  
) BRIEF

) PART ONE OF TWO

) (Assigned for all purposes to the  
) Hon. Ruth Ann Kwan, Dept. 72)

) RES ID: 171017259316

18 Date: November 28, 2017  
19 Time: 9:00 a.m.  
20 Department: 72

21 Filed: May 17, 2017  
22 Trial: None Set

23 BY FAX  
24  
25  
26  
27  
28

DECLARATION OF JOHN HARBISON



1 I, John Harbison, declare as follows:

2 1. I am a member of petitioner Residents for Open Board Elections (“ROBE”)  
3 and am authorized by ROBE to make this declaration on ROBE’s behalf.

4 2. I have owned real property located within the City of Palos Verdes Estates  
5 (“City”) since 1992. My property is within the geographic boundaries of the City and  
6 Respondent Palos Verdes Homes Association (“Homes Association”) and is subject to the  
7 Association’s jurisdiction. I am a member in good standing of the Association.

8 3. I have reviewed the September 25, 2017 declaration by Sidney Croft filed in  
9 this action. I found some statements to be inaccurate. This declaration is submitted for the  
10 purpose of highlighting the major inaccuracies of that declaration. Time and page limitations  
11 prevent me from responding to each inaccuracy.

12 4. On December 16, 2016, Renata Harbison and I did some research by  
13 reviewing the minutes of the Board of Directors (“Board”) of the Homes Association at their  
14 office in Malaga Cove. We reviewed the minutes from 1923-1941, and requested copies of  
15 certain pages. We said we were willing to make it easier for them by taking photos of the  
16 minutes with my iPhone. The office manager for the Homes Association, Kim Robinson,  
17 refused to allow us to make copies or take photos of any minutes, and said we could only  
18 review the minutes at the counter and take notes.

19 5. On September 28, 2017, I returned to the Homes Association office and  
20 requested to see all the minutes from the 1920s to 2005, in order to obtain evidence that  
21 would refute the many claims made by Sidney Croft in his September 25, 2017 declaration in  
22 this action. Oddly, the Homes Association seems to have misplaced or lost the minutes from  
23 1935-1941 (which we saw on December 16, 2016) but which the Homes Association staff  
24 could not produce for our inspection on September 25, 2017. My notes from my 2016 visit  
25 reflect that the 1935-1941 minutes had been available at the December 16, 2016 inspection.

26 6. Below is what I learned, in addition to what I obtained from old copies of the  
27 Palos Verdes News, whose name was changed to “Palos Verdes Peninsula News” in July  
28 1967. Where quotes from these source materials are used, I have noted the source.



1           7.       **Myth No. 1: Failure to Obtain a Quorum is Only a Recent Phenomenon.**

2       The Homes Association argues that the failure to obtain a quorum is only a recent  
3       phenomenon with most years in the 1980's and 1990's resulting in a quorum. In 2016, I asked  
4       the Homes Association to provide me information about quorum counts from 1980 – 2016.  
5       They provided me a table with the exception of 1982 where minutes of the Annual Meeting  
6       seem to be missing. I have prepared a graph summarizing the information provided to me.  
7       The graph fairly and accurately summarizes the information the Homes Association provided  
8       me. The graph is attached hereto and incorporated herein as **Exhibit "A."**

9           8.       By going through the old Homes Association Board minute books and the old  
10       newspaper articles reporting on the annual meeting, I have been able to put together a more  
11       complete picture of the history of the annual meetings of the Homes Association over the  
12       last 90 years, 1928 - 2017. I have prepared a graph that summarizes the information I learned  
13       from the Homes Association minute books and old newspaper articles. The graph I created is  
14       a fair and accurate summary of the information I obtained. A true and correct copy of that  
15       graph is attached hereto and incorporated herein as **Exhibit "B."** Overall, a quorum was  
16       achieved in 39 of the 90 years. However, a clearer picture can be obtained by breaking the  
17       voting and quorum data into periods:

- 18           a.   **1928 – 1940:** During these initial years, most lots were still unsold and hence  
19           the Trustee (Bank of America/Palos Verdes Inc.) could (and did) reach the  
20           quorum just by voting the unsold lots they controlled. They also used their  
21           super majority to make changes to the by-laws in the early years, although no  
22           one at the Homes Association has been able to produce documents explaining  
23           those changes. The fact that quorums were achieved when votes were  
24           consolidated or controlled in a few hands is not a relevant indication of  
25           whether the fifty percent quorum requirement is a reasonable method of  
26           ensuring democratic elections for separately owned lots.
- 27           b.   **1941 – 1969:** During this period of 29 years, a quorum was never reached;  
28           moreover, in all but one year the total was less than 900 (when a quorum

- 1 would have been 2,640 in the early years and 2,716 in the later years due to  
2 additional lots created).
- 3 c. **1970:** A unique year in which a quorum was achieved because of a concerted  
4 effort to mail 3 sets of ballots (see below for more description of that year).
- 5 d. **1971 - 1973:** No quorum in those three years. It is not known whether the  
6 ballot procedure was modified.
- 7 e. **1974 - 2001:** A quorum was achieved in 22 of these 28 years.
- 8 f. **2002 - 2006:** A return to a straight 5 years without a quorum.
- 9 g. **2007 - 2009:** The last period in which a quorum was achieved. The Board took  
10 an active role in getting out the vote, including three mailings each year and  
11 telephone calls by Board members.
- 12 h. **2010 - 2017:** Eight straight years without a quorum.

13 9. In conclusion, when the votes were in the hands of owners rather than the  
14 developer (i.e. excluding the years before 1940), a quorum was achieved in only 26 of the 77  
15 years since 1940. Furthermore, in the years in which a quorum was achieved, the Board  
16 seems to have taken a more active role in terms of sending multiple ballots and making  
17 phone calls by individual Board Directors to get out the vote. In contrast, the current Board  
18 is at best passive, and arguably has placed many obstacles to make it harder to achieve a  
19 quorum (see discussion below and in ROBE's Complaint).

20 10. **Myth No. 2: Proxies are not Allowed, Are Never Used and that's How**  
21 **the Members Like it.** The Homes Association brief argues that proxies are not allowed and  
22 "[Homes] Association's Members have been satisfied with the status quo regarding proxy  
23 voting since the Bylaws were adopted." (Brief, p. 14-15). My research reveals that proxies  
24 were accepted throughout the first eight decades of the Homes Association – going back to  
25 the 1920s. In some years, they listed the people who were holding the proxies. For instance:

- 26 a. **1929:** "3327 building sites were represented by proxies" (February 1929 Palos  
27 Verdes Bulletin published by Homes Association).

28



- 1           b. **1930:** “2998 building sites were represented by proxies” (February 1930 Palos  
2           Verdes Bulletin published by Homes Association).
- 3           c. **1931:** 14 by individual, 3223 by Jay Lossmar, 175 by Jay Lossmar, and 13 by  
4           Schellenberg & Wright (Source: Homes Association Minutes, January 1931).
- 5           d. **1934:** 400 by Gard, 10 by Lossmar, 1 by Schellenberg, 1 by Morgan, 2688 by  
6           Bank of America) (Source: Homes Association Minutes, January 1934).
- 7           e. **1935:** 477 by Gard, 4 by Lossmar, 1 by Schellenberg, 1 by Lee, 2684 by Bank  
8           of America) (Source: Homes Association Minutes, January 1935).
- 9           f. **1940:** “Prior to the election the Palos Verdes Trust Company and Palos Verdes  
10           Estates, Inc. voluntarily handed their proxies to a committee composed of  
11           O.C. fields, Maj. Glenn Hayes and Col Val E, Mittenberger, who had been  
12           selected by a representative group of residents and in accepting these proxies  
13           publically stated that they would vote them as a majority for members present  
14           in person.” (Source: Palos Verdes News, January 19, 1940).

15           11.    **Myth No. 3: This is the First Challenge to Election Procedures in 100**  
16    **years of governance.** Croft’s declaration states that this action is the first time a group of  
17    Homes Association members have challenged election procedures and the integrity of the  
18    election process. (Croft Decl., ¶ 56; Homes Association Brief, p. 14). The Homes  
19    Association’s assertion that no one ever brought a challenge to lower the quorum is patently  
20    wrong. It happened in 1954 and I have collected multiple articles from 1954 with statements  
21    about broad public support for lowering the quorum to 30%. The Homes Association is even  
22    quoted as being fully supportive of that effort. Below are relevant dates and documents  
23    pertaining to the 1954 challenge to the quorum.

- 24           a. **1/14/1954 No quorum:** Committee formed to lower quorum to 10%. A true  
25           and correct copy of this January 14, 1954 article is attached hereto and  
26           incorporated herein as **Exhibit “C.”**
- 27           b. **1/24/1954:** Proxy Committee formed to deal with lowering quorum.
- 28



- 1 c. **2/18/1954:** Homeowners favor an amendment to lower quorum. Strong  
2 support from residents is noted: “President Iverson then asked how many of  
3 those present favored amendment of the by-laws and had confidence in the  
4 Committee. The response was a thunderous ‘Aye’; when he asked for the  
5 opposition vote, there was a very weak ‘no’.” (Palos Verdes News, February  
6 18, 1954). A true and correct copy of this February 18, 1954 article is attached  
7 hereto and incorporated herein as **Exhibit “D.”**
- 8 d. **3/11/1954:** Committee Issues Public Statement on Lowering Quorum (Palos  
9 Verdes News, March 11, 1954). A true and correct copy of this March 11, 1954  
10 article is attached hereto and incorporated herein as **Exhibit “E.”**
- 11 e. **4/8/1954:** Editorial on Property Owners Voting Committee. “According to a  
12 spokesman for the Home Association, they have no criticism of the objectives  
13 of the Property Owners Voting Committee – none whatsoever” (Palos Verdes  
14 News, April 8, 1954). A true and correct copy of this April 8, 1954 editorial is  
15 attached hereto and incorporated herein as **Exhibit “F.”** The editorial refers to  
16 the annual meeting as a “farce” and accuses the Board of being a perpetual  
17 Board with local residents having no voice.
- 18 f. **4/15/1954:** Property Owners Voting Committee Needs Your Help (Palos  
19 Verdes News, April 15, 1954). A true and correct copy of this April 15, 2014  
20 statement in the Palos Verdes News is attached hereto and incorporated herein  
21 as **Exhibit “G.”**
- 22 g. **4/29/1954 -** Property Owners Voting Committee Soliciting Signatures (Palos  
23 Verdes News, April 29, 1954). A true and correct copy of this April 29, 1954  
24 article is attached hereto and incorporated herein as **Exhibit “H.”**
- 25 12. **Myth No. 4: There has never been any frustration expressed over a lack**  
26 **of quorum.** Croft declares and the Homes Association argues that there has never been any  
27 frustration expressed by Homes Association members over a lack of quorum. This is untrue.  
28



1 For 29 years from 1941-1969) there was annual frustration expressed at most Homes  
2 Association Annual Meetings, as reported by the Palos Verdes News. For examples:

- 3 a. **1942:** “As it is now, many people believe that the present board will be self-  
4 perpetuating and board personnel will change only when directors resign and  
5 their places are filled with appointments.” (Palos Verdes News, January 16,  
6 1942). A true and correct copy of this January 16, 1942 statement in the Palos  
7 Verdes News is attached hereto and incorporated herein as **Exhibit “I.”**
- 8 b. **1949:** Editorial (Palos Verdes News, November 17, 1949). A true and correct  
9 copy of the November 17, 1949 editorial is attached hereto and incorporated  
10 herein as **Exhibit “J.”**
- 11 c. **1950:** Article: “P.V. Property Owners Boycott Annual Meeting” (Palos Verdes  
12 News, January 12, 1950). A true and correct copy of this January 12, 1950  
13 article is attached hereto and incorporated herein as **Exhibit “K.”**
- 14 d. **1950:** “P.V. Property Owners Boycott Annual Meeting” (Palos Verdes News,  
15 January 12, 1950). The newspaper summarized their earlier Editorial as follows:  
16  
17 “Most of the questions and statements made by those present indicated  
18 dissatisfaction with the ‘Perpetual motion group in power,’ as one woman  
19 stated...One person suggested that when vacancies occur on the Board,  
20 in view of the repeated lack of quorum from year to year, that the new  
21 members be chosen from citizens at large rather than the same ‘ruling  
22 circle.’... As one of the residents was leaving, he was heard to say: ‘This  
23 reminds me of the Communist who beat you on your head and say ‘we  
24 are doing it for your own good.’ ”  
25  
26 (Palos Verdes News, January 17, 1957).
- 27 e. **1968:** A January 15, 1968 article in the Palos Verdes Peninsula News reported  
28 on the January 1968 meeting. The article reported that there had been no  
quorum for 28 years. The Homes Association president said “It’s kind of too  
bad, really.” The article noted the use of 610 proxies but the combination of  
proxies and votes were insufficient to conduct business. A true and correct  
copy of this January 15, 1968 article is attached hereto and incorporated herein  
as **Exhibit “L.”**





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

f. **1969:** A January 12, 1969 editorial ran in the Palos Verdes Peninsula News. The editorial states:

We do take issue, however, with the unwillingness on the part of the existing Homes Association leaders to permit the normal democratic process to function in the yearly selection of its directors. It is not enough for directors to dutifully call for proxies and when a quorum is not present to indicate that this implies that the home owners want it that way. Any perpetuation in power by an in group no matter how benevolent the power structure is antithetical to the democratic process and morally wrong. It is time the power structure in the Homes association paved the way for by-law reform and opened the door for home owners to participate in their association.

A true and correct copy of this January 12, 1969 editorial from the Palos Verdes Peninsula News is attached hereto and incorporated herein as **Exhibit “M.”**

g. **1969:** “President Little referred to a recent editorial on lowering the quorum to 20%. No quorum since 1941 with the result that the Board of Directors of the Homes Association had become a self-perpetuating body. He noted that the Board had been approached with a request to take steps to reduce the quorum from a simple majority required under the by-law to a quorum represented by only 20% of the total building sites.... suggested a committee be formed to discuss methods by which by-laws could be amended.” (Source: Homes Association Board Minutes for January 14, 1969).

h. **1969:** A January 15, 1969 article ran in the Palos Verdes Peninsula News. The article states:

Association President Gayb Little suggested, ‘the creation of a committee of the association board members and representative community leaders to consider the “updating” of the group’s by-law.’ The proposal appeared to have grown out of an editorial which appeared in the Jan 12 issue of the News, suggesting that ‘association by-laws be modernized.’ Little called it ‘constructive.’

A true and correct copy of this January 15, 1969 article from the Palos Verdes Peninsula News is attached hereto and incorporated herein as **Exhibit “N.”**

i. **1970:** A January 14, 1970 article entitled “Tempers Boil in PVE after Quorum Reached” ran in the Palos Verdes News. The article notes discord at the





1 meeting when the Chairman violated rules and cut off the audience before  
2 some were able to propose amendment to the by-law to reduce quorum. Legal  
3 action was threatened by one person, Musgrave. The article noted the reason  
4 for the best turnout in 30 years: "...the art jury (recently under fire) and the  
5 quorum requirement (long a subject of concern for some residents.)" A true  
6 and correct copy of this January 14, 1970 article from the Palos Verdes  
7 Peninsula News is attached hereto and incorporated herein as **Exhibit "O."**  
8 j. **1970:** A January 21, 1970 article ran in the Palos Verdes Peninsula News. The  
9 president agreed to the request by member Musgrave to appoint a committee  
10 to examine proxy cards. The article reported that many residents questions the  
11 legality of quickly adjourning the meeting after declaring the winners of the  
12 board election but before other business could be taken up. A true and correct  
13 copy of this January 21, 1970 article from the Palos Verdes Peninsula News is  
14 attached hereto and incorporated herein as **Exhibit "P."**  
15 k. **1970:** A January 28, 1970 article ran in the Palos Verdes Peninsula News. The  
16 article notes a proposal to amend by-laws, including reducing the quorum to  
17 one third and by-laws amendment to majority. "He [Albert Hall – member of  
18 the proxy certification committee] told the News that he had hoped to propose  
19 several amendments to the association by-laws at the Jan 13 affair, but was  
20 unable to. He plans to submit them to the Board next Tuesday." The article  
21 then goes on to list the amendments in the article, including lowering  
22 amendment threshold to a majority and election to one-third. "Arguing on  
23 behalf of his proposals, Hall said, "For years the directors have said it would be  
24 impossible to secure a two-thirds majority for a change in the by-laws. With the  
25 same expertise shown recently, the directors could do this by mail." A true and  
26 correct copy of this January 28, 1970 article from the Palos Verdes Peninsula  
27 News is attached hereto and incorporated herein as **Exhibit "Q."**  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

l. **1971:** A January 13, 1971 article ran in the Palos Verdes Peninsula News. On the difficulty for PVHA to reach a quorum without multiple mailings and an active role in getting out the vote:

“Association President Harry Brandel, who presided at the one hour gathering, praised the proxy response as the greatest in the group’s history, ‘except for last year, of course, when we achieved our first quorum in 30 years.’ A quorum consists of 2569 of the total 5137 Building sites in the city and Miraleste, which is also under the jurisdiction of the protective restrictions and covenants of the organization and its by-laws. He acknowledged that the association hadn’t sought proxies ‘as zealously as last year, because we couldn’t afford the time and money.’”

A true and correct copy of this January 13, 1971 article from the Palos Verdes Peninsula News is attached hereto and incorporated herein as **Exhibit “R.”**

m. **1972:** A January 12, 1972 article ran in the Palos Verdes Peninsula News entitled “Same Old Story – No Quorum.” A true and correct copy of this January 12, 1972 article is attached hereto and incorporated herein as **Exhibit “S.”**

n. **1973:** A January 10, 1973 article ran in the Palos Verdes Peninsula News. The 1973 article reported that acting chairman Robert Barret said the reason a quorum was achieved in 1970 was “because of all the mailings we sent out.” A true and correct copy of this January 10, 1973 article is attached hereto and incorporated herein as **Exhibit “T.”**

o. **1974:** A January 9, 1974 article ran in the Palos Verdes Peninsula News. The 1974 article reported that a quorum was achieved through the use of proxies. A true and correct copy of this January 9, 1974 article is attached hereto and incorporated herein as **Exhibit “U.”**

p. **1976:** A January 1976 article ran in the Palos Verdes Peninsula News. The 1976 article reported that a quorum was achieved through the use of proxies. A true and correct copy of this January 1976 article is attached hereto and incorporated herein as **Exhibit “V.”**



1           q. **1982:** A January 1982 article ran in the Palos Verdes Peninsula News. The 1982  
2 article reported that a quorum was achieved through the use of proxies. A true  
3 and correct copy of this January 1982 article is attached hereto and  
4 incorporated herein as **Exhibit “W.”**

5           **13. Myth No. 5: The Homes Association argues that it has never adjourned**  
6 **day-to-day until a quorum is reached.** However, I found several examples where  
7 adjournment has been allowed to enable more votes to be cast and a quorum reached:

8           a. **1931 Proxy voting allowed:** adjournment for a couple of weeks to allow  
9 quorum to be met (February 1931 Palos Verdes Bulletin published by Homes  
10 Association). A true and correct copy of this 1931 Bulletin is attached hereto  
11 and incorporated herein as **Exhibit “X.”**

12           b. **1941:** First lack of quorum and new date set for March 11 (Palos Verdes News,  
13 January 17, 1941). A true and correct copy of this 1941 Bulletin is attached  
14 hereto and incorporated herein as **Exhibit “Y.”**

15           c. **1942:** “Annual Homes Election a Bust-Quorum Badly Needed” – “As it is  
16 now, many people believe that the present board will be self-perpetuating and  
17 board personnel will change only when directors resign and their places are  
18 filled by appointment.” Meeting was adjourned to May 19<sup>th</sup>. (Palos Verdes  
19 News, January 16, 1942). A true and correct copy of this 1942 Palos Verdes  
20 News is attached hereto and incorporated herein as **Exhibit “Z.”**

21           d. **1969:** “Therefore for lack of a quorum, the Directors adjourned day to day  
22 until such time as a quorum could be accomplished, but not later than the next  
23 annual meeting.” (Homes Association Minutes, January 14, 1969).

24           e. **1971:** “Meeting adjourned day-to-day until such time as a quorum could be  
25 accomplished, but not later than the next annual meeting.” (Homes  
26 Association Minutes, January 12, 1971).

27           **14. Myth No. 6: The Homes Association argues that the number of ballot**  
28 **mailings is not relevant to establishing a quorum.** The 1970 election was the first in 30

1 years that got a quorum, with 3027 voting (up from 771 in 1969). One person found this so  
2 surprising that he asked for verification of the count. As such, in the January 13, 1970 Homes  
3 Association minutes was a full accounting which revealed a glimpse into the importance of  
4 multiple ballots to achieve a quorum:

- 5 a. 4631 ballots were mailed on 12/3/1969, yielding 1630 ballots voted (less than  
6 the required quorum).
- 7 b. 3000 ballots were mailed on 12/29/1969, yielding an additional 500 ballots  
8 voted for a total of 2131 voted (less than the required quorum).
- 9 c. 2500 ballots were mailed on 1/8/1970, yielding 2605 ballots voted prior to the  
10 meeting.
- 11 d. 222 were voted at the meeting, and 35 of these were challenged. Eventually 187  
12 of these were accepted bringing the total to 3027 (more than the required  
13 quorum).

14 (Source: Homes Association Minutes, January 13, 1970).

15 15. **Myth No. 7: ROBE's challenge of proposing alternative candidates is**  
16 **the first time this has happened at the Homes Association – there have never been**  
17 **more than five candidates.** My review of Homes Association minutes and newspaper  
18 articles reveals that statement to be untrue:

- 19 a. "F.H.B. Roessler and A.P. Allen were nominated for three and two year terms,  
20 respectively; and a slate of eight candidates was suggested for the three year  
21 term to succeed Oscar L. Willett, recently resigned." (Palos Verdes News,  
22 January 19, 1940). A true and correct copy of this January 19, 1940 article is  
23 attached hereto and incorporated herein as **Exhibit "AA."**
- 24 b. In 1982, a challenger, John Judge, got 40 votes and the support of some  
25 residents over complaints about selective enforcement of deed restrictions.

26 Their election was not without a hint of challenge, however: John Judge,  
27 a Malaga Cove resident active in group litigation against the Association,  
28 the city and the Neighborhood Church. This showing won Judge an  
ovation from the audience and incumbents alike. 'We haven't had



1 anybody (other than incumbents) that has received votes in so long,”  
2 Brandell remarked.”

3 (Ex. W).

4 16. **Myth No. 8: ROBE’s challenge to the election procedures relates to the**  
5 **pending appeal by the Homes Association’s illegal sale of parkland.** In 2012, I was  
6 involved in the filing of litigation against the Homes Association involving the illegal sale of  
7 parkland, LA Superior Court Case No. BS142768. I prevailed in that litigation. The issues  
8 were so clear that the Los Angeles Superior Court granted a plaintiff’s summary judgment  
9 motion on the illegality of the Homes Association’s actions. The papers filed by the Homes  
10 Association in this action suggest that this challenge to the election procedures by ROBE  
11 relates to that parkland litigation. Not so. Judgment was entered against the Homes  
12 Association in that parkland case in 2015. The Homes Association has appealed and that case  
13 is now pending before the court of appeal case number B267816. Briefing in the appeal has  
14 been completed. A result is expected in early 2018. It is doubtful that the outcome of the  
15 Homes Association election would have any meaningful impact on the illegal parkland case.

16 17. It is true that ROBE has been critical of the incumbents of the Homes  
17 Association for approving the illegal sale of parkland and for their decision to appeal the  
18 adverse judgment. But ROBE and its candidates have also enumerated other issues and  
19 decisions that the Board has made in recent years, leading many (including the members of  
20 ROBE) to conclude that the current Directors have been poor stewards and should be  
21 replaced.

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

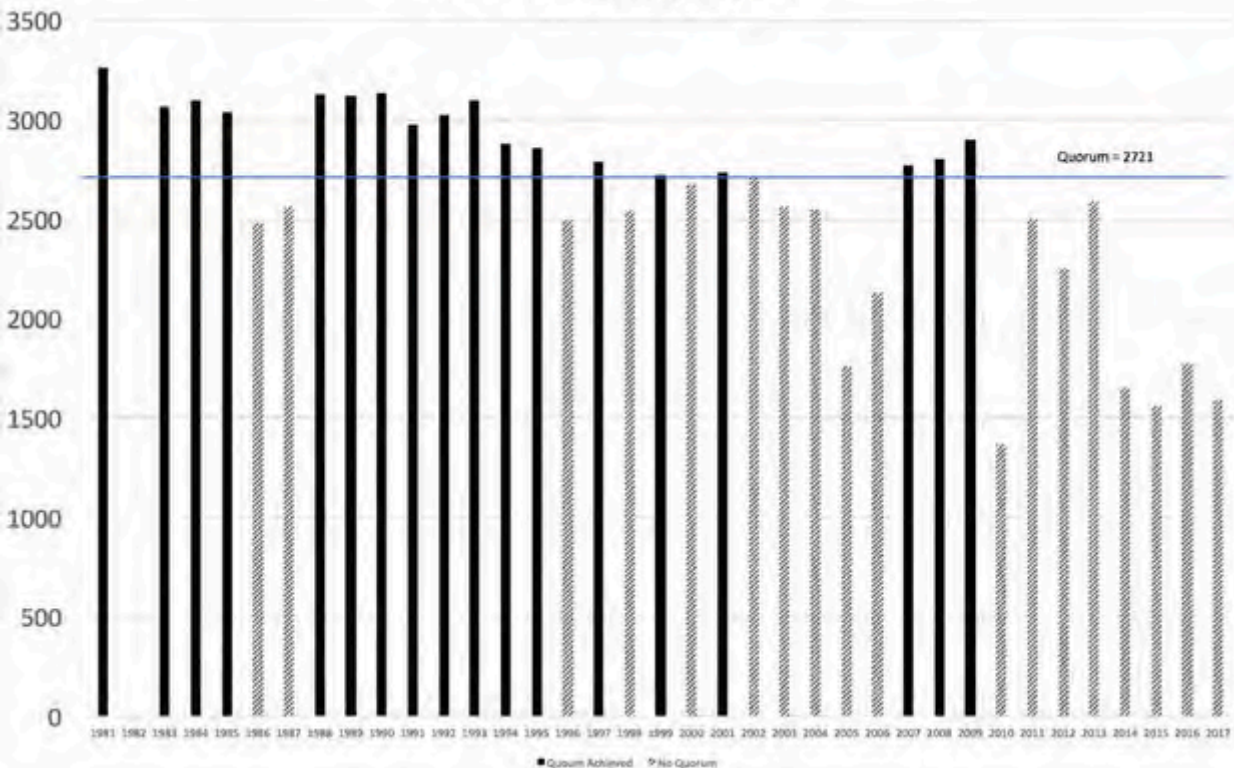
24 Executed this 2<sup>nd</sup> day of October 2017, in Palos Verdes Estates, California.

25   
26 \_\_\_\_\_  
27 John Harbison



**EXHIBIT A**

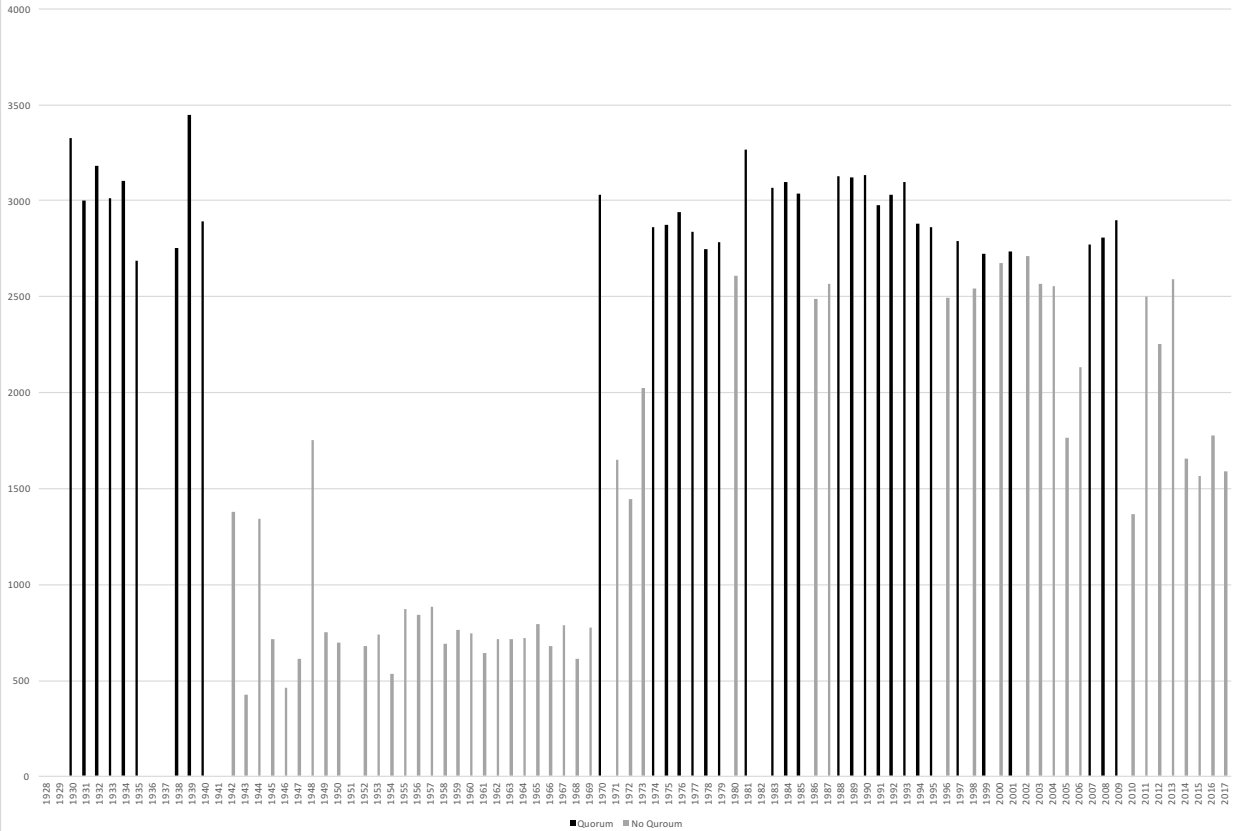
# PVHA Quorum Analysis by Year



**EXHIBIT B**



# PVHA Quorum Analysis By Year



## **EXHIBIT C**

## NEW GROUP FORMED BY HOME OWNERS

Tuesday, January 12, the annual meeting of the Palos Verdes Homes Association was held at the Malaga Cove school auditorium. As expected, there was no quorum. Only 431 proxies were represented and 101 property owners in person, making a total of 532 votes. (It requires a minimum of 2,700 votes to constitute a quorum.) The Homes Association tendered the financial report and the meeting was adjourned in less than half an hour after it opened.

However, the meeting was continued by the property owners present who selected their representatives and then formed the "Home Owners Proxy Committee," headed by Henry J. Iverson, chairman. The purpose of the new group will be to change the policy in regard to proxies—so that only 10 per cent of proxies will have to be represented in order to constitute a quorum.

For details, watch for the next issue of this newspaper.

**EXHIBIT D**

## Home Owners Favor Amendment Of PV Homes Association By-Laws

Thursday, February 11, marked an important event in the history of Palos Verdes Estates. A public meeting of the Property Owners Voting Committee was held at the Malaga Cove School Auditorium. President of the Committee, Henry J. Iverson, in his opening address presented a concise and well prepared, factual talk setting forth the purpose of the meeting.

It was disclosed that there are 5,315 lots in Palos Verdes Estates, each lot representing one vote. The present By-laws demand that 50% plus one vote must be present to constitute a quorum, making it necessary in order to amend the By-laws to have 2,658 votes. However, it provides that there must be 60% representation, or 3,189 votes.

### One Objective

The sole object of the Property Owners Voting Committee is to amend the by-laws whereby it would be necessary to have 30%

of the total vote represented or 1,595 votes in order to hold annual meetings and elect officers.

Several other members of the Committee spoke on various phases of the steps necessary in order to obtain a sufficient number of votes. Printed authorization forms were distributed which lot owners may sign expressing their desire to amend the by-laws.

### Change Favored

When President Iverson called for free expression from the floor, several persons objected on the ground that the status quo is satisfactory. However, a greater number by far spoke

(Continued on page 2)

**EXHIBIT E**

# Property Owners Committee Issues Public Statement

Palos Verdes Property Owners Voting Committee in order to clarify its objectives, issued the following public statement:

## MARINE LIFE TO DINE WELL

Marineland of the Pacific today placed an order for 8 tons of freshly caught squid, to be glazed, frozen and put up in 10 pound cartons and stored in huge refrigerator units. These squid are to be fed to the sharks, turtles and other specimen to be contained in the Oceanarium at Portuguese Bend. An 8 ton supply will last approximately eight weeks on a full feeding program.

Prior to the opening of Marineland on June first, the specimens collected at this time will be maintained in holding tanks or receivers in the Los Angeles harbor.

## LOCAL TALENT HIGHLIGHTING FLOWER SHOW

"To the home-owners and property-owners in Palos Verdes Estates, and Miraleste, we, the Property Owner's Voting Committee wish to report:

"First of all, we wish to go on record, as being 100 per cent in favor of upholding and perpetuating the Protective Restrictions of Palos Verdes Estates.

"We have confidence in our friends and neighbors, and believe that every person who has built a home here has made an investment according to his means, and each wishes to see his investment protected, and the beauty of the place preserved.

"We feel that there are men and women in Palos Verdes, and Miraleste who have the intelligence, the interest, and the integrity to lead the aesthetic direction of this community. We believe that the people who have this authority should be elected, and not appointed, in order that all who have an investment should have a say.

"We believe that if anything

(Continued on page 4)

**EXHIBIT F**



# EDITORIALS

## Property Owners Voting Committee

The Palos Verdes Property Owners Voting Committee is at work. Their object is to secure sufficient signatures on a petition to change the "ancient" By-Laws of the Homes Association, whereby it will no longer be necessary to have 50% plus one vote in order to constitute a quorum to conduct an annual meeting.

The annual farce in the procedure to hold an annual meeting is just that — a farce. The local resident property owners had no voice in electing the Board of Directors of the Homes Association. The Board of Directors has become a "perpetual" Board.

It is not a question of whether or not the members of the Board of Directors are doing what is right or what is wrong. Their veracity is not questioned. It is the principle in question — a real American principle where the people govern themselves by FREE election.

The population of Palos Verdes has increased 75% since the time of the last election. The people should vote directly for their representatives without being deprived of this inherent right. These "newcomer" residents, together with the "old timers", are denied this privilege simply because of antiquated By-Laws, well meant in the beginning, but obsolete now.

The By-Laws must be changed. The present Property Owners Voting Committee is hard at work to secure sufficient signatures on petition in order to hold a meeting and change the By-Laws. All of that has been explained time and time again. This editorial is merely to alert you to cooperate with this Committee, and place your confidence in them. According to a spokesman of the Homes Association, they have no criticism of the objectives of the Property Owners Voting Committee — none whatsoever.

**EXHIBIT G**

# Property Owners Voting Committee Needs Your Help

The Property Owners Voting Committee, under the chairmanship of Henry J. Iverson, reports that due to the tremendous job ahead of them in their all important task of getting in the signatures necessary to change the By-Laws of the Homes Association it will be necessary to do two things:

1. Recruit volunteers to call from door to door to secure the signatures.
2. Request lot owners to call at the homes of the committee members to sign the petitions.

Following is a list of committee members who are available at any time to take the signatures:

1. Linnea Bjorkman  
2526 Via Campesina
2. B. F. Varney  
3016 Via La Selva
3. H. J. Iverson  
1541 Addison Road
4. Mrs. H. Dawson

(Continued on page 2)

# ★ PETITION

(Continued from page 1)

can be conducted and officers elected.

## Proxy Problem Solution

This petition does not authorize, advocate or make any change in the basic building restrictions. All property owners are automatically members of the Homes Association. Changing the quorum from 50% to 30% would make it possible for the residents of Palos Verdes Estates to hold a meeting of the Palos Verde Homes Association and express their wishes. It would relieve resident property owners of the necessity of depending upon vast numbers of proxies from non-residents in order to hold such a meeting.

Said Mr. Iverson, "As will be fifteen years since the last meeting was held due to the almost impossible task of obtaining enough proxies it is time that the citizens of the community made this change."

Mr. Iverson also reported that a letter of explanation and a petition is being sent by the Committee to every out-of-town property owner.

**EXHIBIT H**

# ***Property Owners Committee Now Soliciting Signatures***

**This petition is being circulated to obtain signatures to lower the quorum in the By-laws of the Homes Association from 50% to 30%. Changing the quorum from 50% to 30% does not in any way alter the other By-laws. It would still require the approval of 66 $\frac{2}{3}$ % of all the Homes Association members before any change can be made in the other By-laws or in the basic restrictions.**

**EXHIBIT I**

### Self-Perpetuating

As it is now, many people believe that the present board will be self-perpetuating and board personnel will change only when directors resign and their places are filled by appointment.



## **EXHIBIT J**

# EDITORIAL

JANUARY 10TH, 1950

On January the 10th, 1950, is the day when the Palos Verdes Homes Association is supposed to hold its annual meeting. However, just as in the years gone by, there won't be held such a meeting simply because there WONT be sufficient proxies to constitute the necessary quorum.

And thus another year will roll by without ANY changes in the policies of the Palos Verdes Homes Association. It appears that through the perpetual retention of the present Board of the Homes Association, there is no opposition, neither constructive nor destructive that would have any bearing on the policies of the Homes Association. Any individual resident or property owner, or for that matter even all combined residents or property owners have not the slightest legal influence on whatever the Homes Association determines to do. The reason is—not a sufficient number of proxies to constitute a quorum.

Why is there no possibility for a sufficient number of proxies?

To that we shall answer as the developments might dictate.

However, before proceeding further with this everlasting battle of Palos Verdes Homes Association, we invite all interested parties to submit their views on this controversy through the medium of this newspaper. We must insist that all articles be signed. Furthermore, we suggest that all articles be written in a short and explicit manner. One is either for or against the present policies of the Homes Association. We maintain that the present perpetual self-sustained governing body of the Homes Association has outlived its best usefulness. A change is necessary—unless all of us are willing to recognize that 3,200 acres which constitute Palos Verdes Estates, has become a little principality in the midst of American democracy.

**EXHIBIT K**

## Homes Association

As stated in our editorial of November 17th, 1949, the annual meeting (farce) of the members of the Palos Verdes Homes association was to be held January 10th, 1950—but it was not. The reason is the same old story—lack of necessary quorum. And, thus, “The Old Man Homes Association” is to carry on without heirs, and probably die one of these days because of old age.

**EXHIBIT L**

# No Quorum Again For Homes Assn.

Peninsula News 1968-01-15

**PALOS VERDES ESTATES** — "It's kind of too bad, really."

That's how Palos Verdes Estates Homes Association President Gaybert Little summed up his feeling on Tuesday night as he surveyed the 54 people attending the association's 43rd annual meeting at Palos Verdes high school. They haven't had a quorum in 28 years.

In addition to the residents attending, 610 valid proxy card votes had been received in the mail. A total of 4677 such cards and a handsome annual statement and invitation to the meeting were sent to all property owners on Dec. 27, by association general manager, Mrs. Patricia Gribbon.

But the combined number of proxy votes and actual audience didn't even come close to the 2564 property owners who were required in order to conduct association business. (A quorum is required by the group's by-laws.)

The last time the association gathered a quorum was in 1940. Little attributed that feat to the fact that "much of the property was in the hands of developers — so a relatively few people controlled many votes."

This year's attendance is "the smallest we've had in recent years," he remarked. "Either things are going well and people are satisfied or there are oth-

er activities in the community which keep them away."

Despite his disappointment, Little went on to report that "our building has held an even keel over the years — running between four and four-and-a-half million annually, which is quite a lot for a community our size. It's lived up to the promise of developers," he explained.

Before declaring the meeting incompetent to conduct business, Mrs. Gribbon reported the association's net worth as of Dec. 31, was \$104,477.01.

Questions from the audience included one from John Bromley, Jr., 2124 Thorley Rd., who asked, "What can be done to change things?"

Little responded that two-thirds of the membership needs to vote for a change. He went on to note that "it seems unless there's a crisis it will be hard to get a quorum."

Another question concerning the sources of the group's revenues brought this answer: Revenue comes from art jury fees for new plans and alterations; investments, and income from land which is leased to crop growers. Revenues for 1967 amounted to approximately \$20,000, Mrs. Gribbon said. Expenses were about \$19,000.

**EXHIBIT M**

# Updating Needed

The by-laws of the Palos Verdes Homes Association permit a locked-in continuation of existing officers and directors and deny an opportunity for implementation of normal democratic procedures for such a representative financial institution.

Meeting notices and proxies for this year's annual meeting are being mailed out this week. The annual meeting is scheduled for Tuesday, Jan 14 at 8 pm and if the history of each of the last 18 years is any guide there will again be a failure of a quorum.

The by-laws of the association, which is composed of 5124 building site owners in Palos Verdes Estates and Miraleste, provide that owners of a majority, or 2563, must be present at the annual meeting in person or by proxy to constitute a quorum.

The last time the quorum requirement was met was in 1940. Since that time the annual meeting has been declared not in session and existing directors, or their successors appointed by the existing officers and directors, have continued in office.

Changing the by-laws to reduce the requirement for a quorum is even more difficult than convening a quorum. A two-third vote is required to amend the by-laws.

We have no quarrel with the general direction and objectives of the Palos Verdes Homes Association and its functionary, the Art Jury. The five man board of directors of the Homes Association and the six man Art Jury are responsible for the high standard of development in PVE and Miraleste. They have enforced the stringent building requirements and have been responsible for the quality development of both areas.

We do take issue, however, with the unwillingness on the part of the existing Homes Association leaders

to permit the normal democratic process to function in the yearly selection of directors. It is not enough for directors to dutifully call for proxies and when a quorum is not present to indicate that this implies that the home owners want it that way.

Any perpetuation in power by an in-group no matter how benevolent the power structure is antithetical to the democratic process and morally wrong. It is time the power structure in the Homes Association paved the way for by-law reform and opened the door for home owners to participate in their association.

And while we are on the subject, we must draw attention to the fact that the Homes Association counts among its assets \$67,831 in U. S. Treasury bonds, \$35,000 in bank Certificates of Deposits and \$6501 in savings accounts deposits.

This \$109,331 nestegg was built up by the Homes Association over the years from crop leasing revenues, building site sales and fees. These funds are being amassed against the day when the association will have little or no income but must continue its services.

We would suggest that the associations by-laws be modernized to permit investing these funds in line with modern balanced portfolio management in order that the funds not be eroded by inflation. Such conservative investment policies as evinced by these investments are almost unheard of today in even the most conservative private and publicly administered trust and pension funds.

The Homes Association is one of the Peninsula's most treasured institutions, but it needs updating so that it can continue to serve as it has in the past.



Jeffrey Lewis  
Attorney at Law  
609 Deep Valley Drive, Suite 200  
Rolling Hills Estates, CA 90274

**PROOF OF SERVICE**

*Residents for Open Board Elections, et al. v. Palos Verdes Homes Association*  
Los Angeles Superior Court Case No.: BS169638

I, Jason R. Ebbens, declare that I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the within action; my business address is 734 Silver Spur Road, Suite 300, Rolling Hills Estates, CA 90274.

On **October 26, 2017**, I served the foregoing: **DECLARATION OF JOHN HARBISON IN SUPPORT OF PETITIONER'S BRIEF PART 1 OF 2** on the interested parties in this action by placing  the original  a true copy thereof, enclosed in a sealed envelope with postage pre-paid, addressed as follows:

Brant H. Dveirin, Esq.  
**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
633 West 5<sup>th</sup> Street, Suite 4000  
Los Angeles, CA 90071

*Attorneys for Respondent and Real Party in Interest*

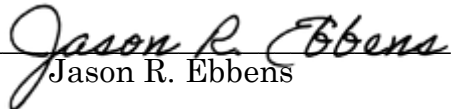
BY MAIL. I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the U. S. Postal Service. The within correspondence will be deposited with the U. S. Postal Service on the same day shown on this affidavit, in the ordinary course of business. I am the person who sealed and placed for collection and mailing the within correspondence on this date at Rolling Hills Estates, California, following ordinary business practices.

BY GOLDEN STATE OVERNIGHT. The within correspondence will be deposited with Golden State Overnight delivery service on the same day shown on this affidavit, in the ordinary course of business. I am the person who sealed and placed for collection and mailing the within correspondence on this date at Rolling Hills Estates, California, following ordinary business practices.

**COURTESY COPY** BY ELECTRONIC SERVICE. I served the foregoing document(s) on interested parties via email to each of the parties listed in the service caption above. A true and correct copy of the transmittal will be produced if requested by any party or the Court.

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

Executed on **October 26, 2017**, in Rolling Hills Estates, California.

  
Jason R. Ebbens



1 Jeffrey Lewis (Bar No. 183934)  
2 609 Deep Valley Drive, Suite 200  
3 Rolling Hills Estates, CA 90274  
4 Tel. (310) 935-4001  
5 Fax. (310) 872-5389  
6 E-Mail: Jeff@JeffLewisLaw.com

7  
8  
9  
10  
11 Attorneys for Petitioner  
12 J. RIED SCHOTT

NON-FORMED COPY  
ORIGINAL FILED  
Superior Court of California  
Central District

OCT 26 2017

Sherril B. Carter, Executive Officer/Clerk  
By Paul Ramirez, Deputy

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

L. RIED SCHOTT,

Petitioner,

v.

PALOS VERDES HOMES  
ASSOCIATION,

Respondent and Real  
Party in Interest.

Case No.: BS169638

DECLARATION OF JOHN HARBISON  
IN SUPPORT OF PETITIONER'S  
BRIEF

PART TWO OF TWO

(Assigned for all purposes to the  
Hon. Ruth Ann Kwan, Dept. 72)

RES ID: 171017359316

Date: November 28, 2017  
Time: 9:00 a.m.  
Department: 72

Filed: May 17, 2017  
Trial: None Set.

BY FAX

DECLARATION OF JOHN HARBISON

Jeffrey Lewis  
Attorney at Law  
609 Deep Valley Drive, Suite 200  
Rolling Hills Estates, CA 90274

11

**EXHIBIT N**

Peninsula News 1969-01-15

# Still No Quorum at PVE Homes Meeting

**PALOS VERDES ESTATES** — Despite the largest audience and the largest proxy vote recorded in the past 10 years, the Palos Verdes Homes Association failed to achieve a necessary quorum to con-

duct business at its annual meeting last night at Palos Verdes High School.

But no one can say the gathering of some 130 residents wasn't lively. And no one can say that a new option wasn't offered to

residents who demanded a change in the by-laws which require a quorum.

Association President Gayb Little suggested, "the creation of a committee of association board members and representative community leaders to consider the 'updating' of the group's by-laws."

The proposal appeared to have grown out of an editorial which appeared in the Jan. 12 issue of the News, suggesting that "association by-laws be modernized." Little called it "constructive."

Efforts to create such a  
(Continued on Page 2)

## Injunction Request Denied by Judge

By **CORENA GREEN**

*Editor*

**LOS ANGELES** — Superior Court Presiding Judge Richard Schauer denied today the applica-

made his ruling without hearing arguments by county counsel.

In briefs and oral argu-  
(Continued on Page 2)

# ...No Quorum

Peninsula News 1969-01-15

(Continued from Page 1)  
committee during the one-hour meeting were unsuccessful, even though Jerome Sokolski, president of the Western PVE Homeowners' Association was nominated by Remi Nadeau and approved by the audience.

Interest in proposing additional committee members lagged when Mrs. Grace Armstrong and Fred G. Hartley both rose to praise the present board. Mrs. Armstrong approved the quorum method, and Hartley observed that the "confidence of property owners in their present directors is evidenced by their absence."

J. B. Thomas asked whether a list of association members was available to property owners who might wish to propose another slate of directorial candidates.

Little said, "Yes," but added that no opposing candidates have been proposed.

Someone else in the audience proposed that the existing board resign.

"We won't do that," Little answered, "but we are reasonable people and we'd be talking to reason-

able people" (referring to the suggested committee.)

A report from the proxy committee showed 688 proxy cards returned and 83 property owners in attendance (the entire audience totalled about 135.) The closest any former meeting had come to last night's total of 771 voting property owners was 761 in 1959, according to Mrs. Patricia Gribbin, association manager. Over 2563 votes are necessary to do business.

Mrs. Gribbin reported to the meeting that 4453 notices of the meeting were mailed to property owners. Of that number, 3318 reside on the Peninsula; 559 in California; 51 out of state; six out of country, and 19 address unknown.

## Weather

WEATHER - Fair this afternoon. Low cloudiness spreading inland. Warmer days, but colder tonight.

Beach cities high: 65 and low: 46.

Ocean temp. 57.

Mountains will be clear today with locally gusty winds today and Thursday. Resort high: 45.

**EXHIBIT O**

Peninsula News 1970-01-14

# Tempers Boil in PVE After Quorum Reached

## Residents Speak Assorted 'Pieces'

**PALOS VERDES ESTATES** — A cacophony of angry and praising voices rang discordantly in the ears of Palos Verdes Homes Association President Harry Brandel, Jr., last night, as he perspiringly sought to explain his actions to some 50 people who surged to the stage following his sudden adjournment of the association's annual meeting.

Here are some of the remarks he heard:

"I think you did this on purpose."

"I think you did a damned good job."

"What kind of grounds did you close the meeting on?"

"I made up my mind that this year I was going to say something nice to you, and you do this!"

"You had a chance to be a hero, and you fumbled the ball."

"Do we have recourse about the meeting?"

"We came here intent on creating something worthwhile, and you're driving people away with this action."

"Congratulations on the beautiful way you're teaching our youngsters how to railroad a meeting."

"It would have been helpful if you'd explained to the audience the purpose of the meeting."

"This gives the impression the directors won't listen to anyone."

"You didn't treat anyone like ladies and gentlemen."

"Harry, you're wonderful!"

Brandel said he didn't want to have questions that would "get out of hand and damage the Save Our Shoreline Committee message. It's not a matter of denying people the right to answer questions." He also said the sole purpose of the meeting was to elect officers.

By BETTY LUKAS  
Staff Writer

**PALOS VERDES ESTATES** — The Palos Verdes Homes Association won its first quorum in 30 years last night, rushed through an election of directors, and set off a roaring verbal battle when residents were denied the right to speak from the floor.

A jubilant crowd of over 600 Palos Verdes Estates property owners (who, by virtue of their owning land in the city are members of the association), had expectantly jammed the Palos Verdes High School multipurpose room, even standing at the rear and spilling outside the doors.

They waited somewhat impatiently for the meeting to begin (it was called for 8 pm, and started at 8:40), occasionally clapping and vocally urging board members and President Harry Brandel, Jr., to begin.

They were attentive when finance officer, Mrs. Patricia Gribbin reported the association's total assets are \$120,576.24, and when she read the certification of mailing 4631 letters of announcement.

They burst into excited applause when Brandel announced that a total of 2827 proxy cards had been tallied comfortably over the 2563 needed for the quorum.

R. K. Musgrave of Paseo del Mar requested an inspection of elections and certification of

findings." Brandel agreed to appoint a committee of three to inspect the proxy cards and certify their authenticity. "In the laudable zeal of the association to get a quorum, there may have been discrepancies," Musgrave observed.

Brandel proceeded to declare the present board of directors elected, "in view that over half the residents voted for the board when they signed the proxy card."

Musgrave rose again for a point of order. Brandel ignored him, and began to read a history of the association. "I am pur-

posely touching on the areas where the association has been criticized," he pointed out as he mentioned the art jury (recently under fire), and the quorum requirement (long a subject of concern for some residents.)

He mentioned efforts of the Western Palos Verdes Estates Homeowners' Association, organized last February by Jerome Sokolski and other local residents, to permit residents to withhold their vote, but still have their proxy cards count. "This was not agreeable to the association," he explained.

(Continued on Page 3)

## Controversy Erupts Over Jury Quorum

**PALOS VERDES ESTATES** — A personal controversy between the president of the Palos Verdes Art Jury and a homeowner erupted into accusations following the Palos Verdes Homes Association meeting last night.

James Payton, whose home is on Via Mirabel, close to the controversial building site of Dr. Frank Rosso, said he was planning to submit a motion that a quorum be required at all art jury meetings when final decisions are made.

He charged that a quorum of the art jury was not present

when the decision was made approving Rosso's plans.

Carrington Lewis, art jury president, replied, "I've been present at all Rosso meetings."

"The minutes don't show it," Payton replied.

"The minutes aren't right," said Lewis.

"They require that members' names be listed," said Payton.

"I don't know anything about that. All I know is that you're wrong and I'm right," said Lewis.

"I appreciate your modesty," said Payton.

## County to Declare

SLIP (D)

# ...PVE

(Continued from page 1)

Earlier, about 20 residents had revoked their proxy cards as a symbolic gesture of protest against the incumbent board.

Frederick Hesse, mayor of Rolling Hills, and Dan Derbes, member of the Peninsula Advisory Council, were immediately introduced by Brandel, who said they had a "horror story" to tell.

Both spoke of the imminent threat of high density to the Peninsula as a result of the Regional Planning Commission's approval of the Master Plan, and urged residents to "sign petitions" (which were at the rear of room), contribute money, and write Los Angeles County Supervisors.

Several members of the audience then rose to address Brandel. He ignored them all, and adjourned the meeting at 9:40 pm; explaining that the board would stay "as long as necessary" to discuss issues and concerns with residents.

Following the meeting Musgrave told News that, in his opinion "this was no meeting."

He said the chairman of the meeting failed to properly qualify the proxies, failed to recognize persons from the floor, improperly named directors elected and unilaterally adjourned the meeting.

Asked if he planned any subsequent action, Musgrave said he would study "various legal alternatives" including notification to the California Corporation Commission of the details of the meeting.



**EXHIBIT P**

# Proxy Committee Appointed

Peninsula News 1970-01-21

**PALOS VERDES ESTATES**  
— In accordance with a request made by Palos Verdes Estates resident R. K. Musgrave during the Jan. 13 Palos Verdes Homes Association meeting, President Harry Brandel, jr. named three persons today to a committee to inspect proxy cards.

They are Mrs. Anne Leeper, chairman of the Palos Verdes Estates Planning Commission and former city councilman; Albert Hall, a resident of Montemalaga, and Mrs. Patricia Gribbin, association executive manager.

Musgrave had asked for the committee to certify validity of the proxies, explaining that, "in the laudable zeal to get a quorum, there may have been discrepancies." Although asked to be a member of the committee, he declined, Mrs. Gribbin said, because he would be out of town.

No date has been set for the committee to meet.

The association obtained its first quorum in 30 years at the Jan. 13 annual meeting, but many residents questioned the legality of the gathering when Brandel unilaterally adjourned the session after declaring existing directors elected.

**EXHIBIT Q**

# PVE Property Owners Urged to Attend Meeting

Peninsula News 1970-01-28

**PALOS VERDES ESTATES** — Palos Verdes Estates property owners are being urged to attend the 8 pm, Wednesday, Feb. 4 meeting of the Palos Verdes Homes Association in PVE City Hall by Albert Hall, who was recently

named a member of the proxy certification committee.

In a printed statement Hall chided Association President Harry Brandel, Jr., for his conduct of the Jan. 13 annual meeting of the association, the first in 30 years to reach a

quorum.

He asked that those who were unable to speak at the annual meeting attend Wednesday's monthly board of directors meeting to air their complaints or make comments on the operation of the association.

He told the News that he had hoped to propose several amendments to the association by-laws at the Jan. 13 affair, but was unable to. He plans to submit them to the board next Tuesday.

He urges that the board, "in accordance with Article XXII of the by-laws, seek by mail from the corporation members written assent of two-thirds of such members to the following amendments: Amend Article XXII so that future amendments of the by-laws and articles of incorporation may be accomplished by a majority vote at a meeting at which a quorum is present, or represented by proxy.

"Amend Article V, Section 1 of the by-laws to change the quorum for transaction of business at a members' meeting from one-half to one-third of the lot owners.

"Amend Article IV, Section 1 to provide that the term of office of a director be reduced from three to two years, and that no director may serve for more than two years without standing for election."

Arguing in behalf of his proposals, Hall said, "For years the directors have said it would be impossible to secure a two-thirds majority for a change of the by-laws. With the same expertise shown recently, the directors could do this by mail."

Explaining that he wasn't seeking to destroy the association, he did suggest that "after 47 years — just maybe a few changes should be made."

He also pointed out that, according to Article IV of the articles of incorporation, the association would have ended in 1973, but that in 1968, the directors changed this deadline to perpetuity. "They didn't ask members, or even publish the fact. This was an item that should have been explained at the annual meeting," he suggested.



**PURLOINED POT** — Cy Agid, owner of Palos Verdes Jewelers in Malaga Cove Plaza stands beside homeless plant after discovering the depotted plant outside his shop Monday morning. The flower pot bandit or bandits also made off with two flower planted pots which had graced the front of Barnett Realty and a large rectangular plant holder from Security Pacific National Bank sometime Saturday night (News Photo)

**EXHIBIT R**

# *No Quorum, No Business As Homes Ass'n Meets*

By **BETTY LUKAS**

**PALOS VERDES ESTATES** — Fifty Palos Verdes Estates property owners gathered at Palos Verdes High School last night for the 46th annual meeting of the Palos Verdes Homes Association, but couldn't transact business because a quorum wasn't present.

A total of 1671 building sites in the city was represented either via proxy cards, which had been mailed to the association office or attendance at the meeting.

Association President Harry Brandel, who presided at the one hour gathering, praised the proxy response as the greatest in the group's history, "except for last year, of course, when we achieved our first quorum in 30 years." A quorum consists of 2569 of the total of 5137 building sites in the city and in Miraleste, which is also under the jurisdiction of the protective restrictions and covenants of the organization and its by-laws.

He acknowledged that the association hadn't sought proxies "as zealously as last year, because we couldn't afford the time and money."

He noted the slow down in local construction — some \$500,000 below 1969 — and "zilch" revenue from crops as reasons for the decision not to invest funds in promoting a quorum. Another factor, pointed out to the News by former association president Gaybert Little, was the group's \$10,000 contribution to the Save Our Coastline committee, made with member approval early in 19710.

According to a report given by manager Mrs. Patricia Gribbin, the association's current liabilities and net worth amount to \$106,053.57. Of its total current assets of \$103,545.76, over \$90,000 is invested in treasury bonds and treasury bills, she said.

After hearing Mrs. Gribbin's report and a report from proxy committee chairman, Mrs. Anne Leeper; Brandel launched into a history of the association, describing its early functions and responsibilities. He also pointed to the manner in which "other areas" of the Peninsula have developed as ample reason to credit the association's art jury "for making our community more

attractive than others."

In sharp contrast to last year's turbulent annual meeting when Brandel denied residents the right to speak from the floor, he invited questions from the sparse audience.

One query about land-fill rumors, especially in a canyon near the Palos Verdes Stables, was answered by PVE Major Joseph Barnett. "There's no plan for any landfill in any parkland of our city," he said, when asked by Brandel to answer.

Brandel told questioner Howard Harlan that two-thirds of the city is already developed; a woman on Via Del Monte complained about weeds on the property next to hers. Brandel said this wasn't the particular province of the association, but he'd ask Mrs. Gribbin to write the absent property owners and suggest that they improve their property.

Someone speculated that \$106,000 "seemed like a lot of money as a surplus." Brandel explained that the association needs to plan for the future, since its income from art jury fees will ultimately cease, but

**EXHIBIT S**

## PV HOMES ASSOCIATION

Peninsula News 1972-01-12

# Same Old Story -- No Quorum

**PALOS VERDES ESTATES** — No quorum, no business. No hum. And another annual meeting of the Palos Verdes Homes Association goes into the record books as the group met Tuesday night and failed to achieve a legal quorum for the 31st time in 32 years.

Approximately 40 Palos Verdes Estates and Miraleste homeowners met in the Palos Verdes High School multipurpose room to hear Homes Association President Harry M. Brandel, Jr., rule that due to a failure to achieve a quorum no business could be transacted at the meeting.

Only once — two years ago — in the past 32 years has the homes association obtained enough proxies or in-person attendance by the 50 percent of all homeowners and lot owners covered by the protective restrictions and covenants

policed by the Homes Association to achieve a quorum.

Tuesday night's roll call saw 1445 lot sites represented by proxy or in person of the 5136 sites in the city and Miraleste, well short of the 2569 needed for a quorum.

As a result the two directors, Thomas Spear and Richard G. Bredesen whose terms expire this year will be automatically renamed by existing directors to new terms without any formal action by lot owners. Such has been the practice in each of the last 32 years, with the exception of two years ago. Two other directors, Brandel and Arthur W. Ross, have terms which expire next year, while the third, Robert J. Barrett, Jr., vice-president of the association, goes two years until the end of his term.

In presenting her report for

the year, Patricia H. Gribbin, manager-secretary of the association, revealed that the association's net worth had climbed to \$119,753 as of Dec. 31, 1971, from \$106,053 a year ago. Income after expenses during the 1971 year total \$4,933.10. The association balance sheets shows \$117,118 in various bank accounts, treasury bonds and certificates of deposit. Brandel said the associations by-laws require that funds be invested either in US government securities or in national banks.

Major expenses during the year were for manager and office salaries, the Art Jury and rent. No contributions to Save Our Coastline committee were noted. The year before the

association contributed \$10,000 to SOC.

During 1971, after the Art Jury had approved the various plans, the City of Palos Verdes Estates issued a total of 64 building permits for new homes and 149 miscellaneous permits representing \$5,682,882 — two million over 1970 totals.

During informal remarks near the end of the 40 minute meeting Brandel declared he was disappointed that a quorum was not attained, "we always like one, but maybe next year."

He praised the association's "protective restrictions" on indiscriminate construction as "giving continuity to this quality community" and being responsible for the "orderly

growth" of Palos Verdes Estates and Miraleste.

"One needs only to look at other areas of the Peninsula," he said, "to see how development can occur without controls and how tract development can destroy the character of a community."

Brandel defended the large financial reserve of the association as needed for the day when Palos Verdes Estates and Miraleste are totally built and the association will need to continue to operate without permit fee income. He noted that the five directors of the association have no commercial interest in the community and

(Cont. on Page 2)

## \$10,000 Theft From Beach Girl

PALOS VERDES PENIN-

at 3 am Tuesday. Sheriff reports

dresses, furs and footwear were



## ... Homes Association

(Cont. from Page 1)

added, "we will not be a part of any commercialization of our attractive area."

The association president alluded to a potential conflict of interest on the part of the three architect members of the Art Jury because often homes they design are presented to the Art Jury for approval. Brandel said when this occurs the architect involved disqualifies himself from voting. Brandel said it would be difficult to get architects to serve on the Art Jury "if we had to go outside the community to find competent men."

During the question period, homeowners attending were informed that it would be impossible for Palos Verdes Estates to erect gates at entrances to the city, that improvement of the golf course

was a matter for the city council, and that lot splitting is a long and difficult procedure.

The members of the Art Jury are George Montierth, AIA, president; J. Merrill Gray, AIA, vice-president; Corwin H. Eberling, AIF; Edward Carson Beall; Gaybert Little; and Mrs. Gribbin, executive secretary-treasurer.

Serving on the proxy committee for Tuesday night's

## Harbor College Honors Memory Of Mrs. Taylor

WILMINGTON — Harbor College friends of Mrs. Thelma Taylor, retired librarian and one of the school's original Forty Niners group, who passed

meeting were Anne S. Leeper, Thomas H. Griffiths, and Gerald S. Honey.



**EXHIBIT T**

Peninsula News 1973-01-10

# PVE Home Association Misses a Quorum--Again

By **BETTY LUKAS**  
*Staff Writer*

Invariably, the annual donkey basketball game and the annual meeting of the Palos Verdes Homes Association are held on the same night and at the same place.

Invariably, the game out-draws the meeting. So it was last night at Palos Verdes High School.

Although 2,021 proxy cards were reported at Tuesday's 48th annual meeting of the association, the figure was 547 short of the quorum necessary to conduct business.

However, it was the largest response recorded since 1970, when a quorum was reported for the first time in 30 years.

Three separate association mailings to property owners were credited with last night's proxy turnout. In 1972, 1,445

cards were returned; in 1971, 1,571.

Acting chairman Robert J. Barrett Jr., declared that the proxy committee would cast proxy cards in favor of its nominated board candidates. (Association president Harry Brandel Jr. was ill.)

Re-elected were Barrett; Richard G. Bredesen, Thomas A. Spear, Brandel, and Arthur Ross.

Association secretary-manager, Patricia Gribbin, reported that the total liability and net worth of the association as of Dec. 31, was \$170,390.10. The 1971 figure was \$119,753; 1970, \$106,053.

When asked what long-range plans the association had for the growing surplus, both Barrett and Mrs. Gribbin said, "None," adding that its primary function will be to avoid future taxation of residents. (Because the

association actually governed the area prior to incorporation of the city in 1939, its by-laws permit taxation of property owners. That power still exists, but has not been enforced since incorporation.)

Mrs. Gribbin noted that the largest portion of association (\$72,187.50 in 1972) came from art jury fees. The design of income (72,187.50 in 1972) came from art jury fees. The design of every home built in the city must be approved by the jury before a building permit is issued.

Construction in PVE and Miraleste (both of which are under association and art jury jurisdiction) in 1972 soared to \$7,231,827, over \$1 million above 1971 figures.

When queried about the status of the controversial University subdivision, Mrs. Gribbin said the art jury had only approved a preliminary subdivision map,

and that one house plan had been submitted but had not been considered yet.

She also added that the University Subdivision Corp. has not submitted its proposals for local protective restrictions. She defined "local" restrictions as architecture, height, setback, minimum square footage and minimum cost of a structure.

"These local restrictions must be approved by the art jury and the association," she stressed, in response to questions from three members of the City Committee to Preserve Our Environment. (The committee has been engaged in debate with PVE council concerning the 220-home project since last August.)

When asked how the association managed to achieve a quorum at its 1970 meeting, Barrett said, "It's because of all

the mailings we sent out."

(News records show that the Western Palos Verdes Estates Homeowners' Association — no longer existent — had been working since February, 1969, to force changes in the association. Headed by Jerome Sokolski, the group stirred community interest by charging that homes association by-laws were outdated and cumbersome.)

Mailings from the fledgling organization and attacks by Sokolski prompted 600 people to attend the annual meeting in person. A total of 2,563 property owners were represented either by proxy or in person.)

Just before closing shortly after 9 pm, Barrett announced that the association will be celebrating its 50th anniversary May 25. Two years ago the life of the association was extended in perpetuity. It had been due to die on its 50th birthday.

**EXHIBIT U**

# Homes Association Gets Quorum, Keeps Officers

For the second time in 34 years a quorum was achieved Tuesday night by the Palos Verdes Homes Association but no new directors will join the board of directors.

The quorum was achieved by proxy cards which were cast in favor of the incumbents, the nominated board candidates.

Richard G. Bredesen and Thomas Spear were elected for one-year terms; Arthur W. Ross and Harry M. Brandel Jr. for two-year terms; and Robert J. Barrett Jr., for a three-year term. Brandel is president.

Anne F. Leeper, Robert K. Garland, and John Virden Jr. were the members of the proxy committee.

Total number of proxy cards received was 2,860 which was 283 over the 2,577 needed for a quorum. Last year the figure was 547 short of a quorum.

The association has jurisdiction over both Palos

Verdes Estates and Miraleste. The first annual members' and organizers' meeting was held June 25, 1923 and the second annual meeting of the members was held Jan. 11, 1927. From then until 1940 a quorum was accomplished each year.

However from 1940 to 1970 the association did not muster a quorum so no business could be transacted and no officers officially elected.

In 1970, community interest was stirred by Western Palos Verdes Estates Homeowners' Association charges that the association's by-laws were outdated and cumbersome, (This organization no longer exists.)

As a result, 600 persons attended the meeting and a total of 2,563 property owners were represented either by proxy or in person. However because proxy statements support the management, the incumbents

were elected and no changes were made.

At Tuesday's meeting the report showed total assets of \$222,973.35 for the organization.

During 1973 in Palos Verdes Estates, permits were issued for three apartments and 114 homes plus 185 miscellaneous permits. Total valuation was \$9,419,113.

In Miraleste permits were issued for two homes, seven for miscellaneous structures and five for swimming pools with an approximate value of \$187,000.

At the meeting several residents complained that roof levels of homes under construction obstructed their views. Mayor Joseph Barnett assured them that the city was attempting to regulate building heights.

Other questions involved the undergrounding of telephone lines installed during World War II as an emergency measure.

**EXHIBIT V**

# PV Homes Returns Incumbents

Two incumbent directors of the Palos Verdes Homes Association were re-elected at the annual meeting Tuesday night.

Harry M. Brandel Jr., board president, and Terry TeReckas, Miraleste member, will begin new three-year terms.

Patricia Gribben, executive secretary of the Association, said 2,911 proxy votes were received by mail and four proxy votes from the audience to make the meeting official. At least 2,626 votes are needed for a quorum.

Ms. Gribben estimated about 50 attended the meeting at Palos Verdes High School.

In the past the Homes Association has had difficulty in attaining a quorum at its annual meetings.

**EXHIBIT W**



# Opponent Fails Try For PV Homes Board

Peninsula News 1982-01-14

"Keep up the good work" was the overall message Palos Verdes Estates homeowners gave to the P.V. Homes Association Board of Directors at its annual meeting Tuesday.

Called for the purpose of electing (or re-electing) two directors to a three-year term, the meeting was attended by about 100 people; 3,113 proxy cards had been turned in to the association earlier, establishing a quorum of PVHA members — the number needed to hold an election.

Board President Harry Brandell and member Marion Ruth were re-elected to their positions. Their election was not without a hint of challenge, however: 42 votes were received by John Judge, a Malaga

Cove resident active in group litigation against the Association, the city and Neighborhood Church.

This showing won Judge an ovation from audience and incumbents alike.

"We haven't had anybody (other than incumbents) that has received votes in so long," Brandell remarked.

After the formal business of re-election, members of the audience briefly spoke on matters presently before the Association — all of which dealt with enforcing the PVHA deed restrictions.

A general pat-on-the-back was given to the board for promising to uphold the original deed restrictions concerning the school sites in the city.

Purchased a number of years ago for \$10 per parcel by the PV school district, the sites are restricted to "school" or "park" use only.

A month ago, the district aired its intention to seek modification to these restrictions — which could have led to the sale and development of unused sites in the city. However, the PHVA informed the district via letter that seeking such modification would be a waste of time.

Most homeowners present at the meeting were supportive of the board's activities, agreeing with speaker Joseph Sanford that it had done an excellent job.

Sanford and many of the other speakers at the meeting are resi-

dents of the Valmonte area, and were active or supportive of the Valmonte School Action Group, which was formed in opposition to the targeted closing of that elementary school next year, and currently fights the district's plans to relocate administration offices at the residential site.

However, a small contingent — the same contingent which gave Judge his spattering of votes — complained that directors were "selectively" enforcing deed restrictions.

This cry issued from a group of residents opposed to the erection of a Fellowship Hall on the grounds of Neighborhood Church, in Malaga Cove. These neighbors claim too much activity goes on at the church already.

Please Turn to Page 3

# *PV Homes Directors Elected*

Peninsula News 1982-01-14

Continued From Page 1

that building a "social hall" would only encourage more activity, and that the Association has not fulfilled its duty in restricting such activity in a residential area.

Having taken the issue before the PVE Planning Commission, City Council, and the California Coastal Commission as well as the Association, and everywhere meeting with pass-the-buck or opposition, the group of residents recently filed suit against the church, the city and the Association.

They claim the Association is upholding deed restrictions on "church" or "religious activities" in a residential zone — a phrase which appears to be keeping lawyers and lay people busy trying to define.

When asked why the "selectivity" in enforcing deed restrictions, Brandell smilingly declined comment, noting that since the issue was now in litigation, remarks at this time may jeopardize the Association's defense.

**EXHIBIT X**

# PALOS VERDES BULLETIN

Published by the Palos Verdes Homes Association, Palos Verdes Estates, California

VOLUME 7

FEBRUARY 1931

NUMBER 2

## THE HOME

*"The enduring strength of America is the home."*

THESE words, appearing in a recent advertisement of the Crowell Publishing Company, strike the keynote of our continued growth as a nation.

Our greatest presidents, Washington and Lincoln, to whom our thoughts turn naturally during this month, could have accomplished nothing without that great power back of them, the American home.

This irresistible force founded our nation. It held that nation together through the stress of a civil war. It is proof against any economic depression that might threaten the structure of that nation's business.

The pioneer spirit of the representative American family—resilient, buoyant—is an overwhelming force. It cannot long be stemmed. It will sweep the nation on to renewed and increased prosperity as it has always done in the past.

## NEW HOMES IN MIRALESTE

In addition to the comparatively new residences of Dr. and Mrs. Lee W. Stark on Beauvais Road, Mr. and Mrs. Arthur P. Allen at the corner of Via Colinita and Maine Road and Mr. and Mrs. Chester H. Sherer on Via Frascati near the intersection with Granvia Miraleste, there have been a number of houses recently built or planned in Miraleste.

A large Californian type house was recently completed near the Miraleste School on Lot 5892-1 by Mr. and Mrs. A. W. Ross. Three new houses near the intersection of Via Lorenzo and Via Siena are nearing completion on Lots 4904-9, 10 and 12. One of these is for Mr. and Mrs. Edwin V. Haley, another for Capt. McCafferty and the third for Mr. E. F. Commons.

Plans have also been approved for a house west of Dr. Stark's on Lot 9302-1-11 for Mr. Meade Goodloe. A fine house is to be built on Lot 4908-1 near the corner of Lorraine Road and Western Avenue by Mr. and Mrs. Eugene Mills of Long Beach, whose plans have already been approved. Across the road from Dr. Stark and north of the

(Continued on page fifteen)



THE NEW HOME OF DR. AND MRS. LEE W. STARK  
Beauvais Road, Miraleste

## PALOS VERDES BULLETIN

Publication Office  
75 MALAGA COVE PLAZA  
PALOS VERDES ESTATES, CALIFORNIA

Los Angeles Office  
501 LANE MORTGAGE BLDG.  
Eighth and Spring Streets

Published by Palos Verdes Homes Association, a non-stock, non-profit, community organization, in which every building site in the 3225 acres of Palos Verdes Estates has one vote; incorporated under the laws of the State of California.

Mailed to any address upon request.

This publication is not copyrighted and permission is given to reprint, with credit, anything appearing in it.

\* \* \*

News notes and items of interest should be in the hands of the editors not later than the fifteenth of the previous month.

"California's Outstanding Residential Community"

### WHAT SHALL WE PLANT?

Planting time is here. The new catalogs, in which seedsman and nursery present their tempting offerings, have been making their irresistible appeal these long winter evenings as we sit before the fire dreaming of spring and summer gardens—for even in a Southern California winter, Spring beckons with all her wonted charm.

But in the midst of such a profusion of good things, what shall we plant? For after all, our space and time and finances are limited. "How happy I could be with almost any of these, if the other dear charmers were away!" We *must* pick and choose—and thinking back over our successes and failures of past years, a plan or two will perhaps emerge that will be worth trying.

For example, instead of planting the usual ornamentals of attractive flower or foliage, why not confine our choice this year to those which bear edible fruit? It is surprising how many there are of these—from avocados, guavas, pomegranates, mulberries, the many varieties of citrus, to the less well-known *Eugenia*, *Carissa*, *Tacsonia* and *Cocos australis*. In the



A GLIMPSE OF THE WEHRMAN RESIDENCE  
VIA COLINITA, MIRALESTE



STREET ENTRANCE TO THE NEW HOME OF DR. AND MRS. LEE W. STARK ON BEAUCVAIS ROAD, MIRALESTE

favored climate of Palos Verdes Estates we can grow anything of this sort, even the tender *Monstera*, sapote and cherimoya—everything except perhaps the pistachio, which is said to favor the drier air of the interior. Be sure, however, to have the nurseryman give you plants of improved fruit-bearing stock.

Even thus limiting our choice to fruit-bearing ornamentals, we are again bewildered by the wealth of material available. Perhaps it would be wise to limit our choice still further. How would it do, then, to say we shall choose only those varieties whose fruit cannot commonly be bought in the market? Why should we bother to raise a navel orange, when we can grow with no more trouble any one of half a dozen other equally ornamental citrus varieties whose fruit is rarely seen in commerce—the giant lemon, the seedless lime, the citron, the kumquat, the mandarin?

For rough hedges and planting screens, as small trees for bordering paths and roads, the guavas are excellent. The mature strawberry guava is a tree ten or twelve feet high, of upright growth, with trunk and branches of a warm, light brown flecked with grey where the older bark remains. Among the small evergreen leaves the deep red fruit is born in clusters in the greatest abundance. The pineapple guava or feijoa (*fay-ho-a*) is more shrubby in habit, of denser growth, with handsome, light-green leaves, whitish on the under side, and fuchsia-like flowers. Its gray-green fruit is larger and very abundant. Either kind may be picked when not quite ripe and kept until soft, but is of finer flavor if allowed to ripen on the tree and fall of itself. The strawberry guava when thoroughly ripe tastes surprisingly like a luscious strawberry, and makes the most delightful ice cream. The feijoa, whose seeds are much smaller, instead of being peeled should be cut in two like a miniature melon and eaten with a spoon.

\* \* \*

### RED CROSS QUOTA

In compliance with the request from the National Red Cross organization for relief funds for the suffering farmers of the country who in normal seasons feed the nation, Mrs. C. H. Cheney, chairman of this committee in Palos Verdes, appeals to the residents of this district for contributions. Mrs. Ben Moeller and Mr. E. L. Etter are the other members of this committee.

The total sum called for is \$10,000,000 and \$500 is the quota set for Palos Verdes. Please make out checks to American Red Cross Relief Fund and mail to Mrs. C. H. Cheney, Box 75, Palos Verdes Estates.

### THE ANNUAL MEETING

About one hundred persons attended the Annual Meeting of the Palos Verdes Homes Association which was held on Tuesday, January 13th, at the Lane Mortgage Building, Los Angeles, and two new directors, Mr. Frederick M. Hodge of Granvia La Costa, Margate, and Dr. O. J. Stein, of Via Campesina, Malaga Cove, were elected to succeed Donald K. Lawyer and G. H. Morgan, whose terms expired.

Mr. C. H. Cheney, former Secretary and Manager of the Association, was called upon and gave a short talk concerning the necessity and desirability of vigilance in maintaining the restrictions.

Mr. T. H. Pennekamp, the Director of Finance,



CHANGES WROUGHT BY PLANTINGS AT THE HOME OF MR. AND MRS. EDWARD JESSOP, ON WESTERN AVENUE, NORTH, IN MIRALESTE  
Above, March 1928; below, January 1931

read a report summarizing the financial condition of the Association and submitted a balance sheet as of December 31, 1930.

President J. C. Low then called upon Mr. Jay Lawyer, General Manager of Palos Verdes Project, and a Director of the Association. "I am very gratified indeed to see so large an attendance," said Mr. Lawyer. "The last meeting, I believe, had an attendance of 21. It is especially pleasing to see so many people here who live in Palos Verdes Estates.

"I want to take this occasion to thank the people particularly who live in Palos Verdes for their cooperation and the spirit of friendliness which they have shown to the entire program of development.

"I was reading not long ago an article by Mr. Nichols of Kansas City, who has handled a comparable development to Palos Verdes Estates, in which he said that after all, about 75% of the success or failure of the project must be based upon the attitude of the people who live in the area. If they give a hearty and understanding cooperation, and believe in it, it is an outstanding success, but without that cooperation it would be a failure.

"It struck me that he had hit the right note exactly. These last two years, as we all know, have been about as strenuous as the world has ever known. I was reading in the *Financial World* the other evening an article which said that it was entirely possible the year 1930 would go down in his-



HOME OF MR. AND MRS. G. V. MCCORKLE  
Lorraine Road, Miraleste

tory as the worst that the world has ever experienced.

"Yet, in spite of this, we have managed to go steadily forward and make substantial progress. We have our library. I was particularly pleased Sunday afternoon to see the interest that was shown in the exhibit of pictures and the reception. The swimming pool has been completed and opened this year. A great deal of planting has been done. Miraleste School has been finished and opened. In spite of adverse conditions, we have reason to feel proud of the progress which has been made.

"If we have enough proxies today, the annual meetings hereafter of the Homes Association will be held at Palos Verdes, in the library or some other suitable place. Today Dr. Stein and Mr. Hodge have been elected members of the Board, which will make with Mr. Gard three directors who are in no way connected with the management of the Project. I am sure that they are going to take an interest and cooperate in every way to carry forward the ideal that Palos Verdes is."

Mr. Everett M. York, Secretary and Manager of the Association, called the attention of those present to the fact that there had been added during the last year to the physical property of the Association the Neptune Fountain and the Swimming Club and pool; and that there had been a net gain besides of several acres of park lands—the area of parks now owned by the Association amounting to 696.58 acres. In addition to this, the Association holds the underlying title to all streets, plazas, paths and lanes in Palos Verdes Estates.

Mr. York also called attention to the wide distribution obtained each month by the *Bulletin* amounting to 8,000 to 10,000 copies; and urged that everyone who has property in Palos Verdes Estates help to place the *Bulletin* in the hands of interested persons, this being one way that all can aid in the development of the community.

It was explained at the meeting that a great many of the members wished to hold the Annual Meetings hereafter in Palos Verdes Estates instead of at Los Angeles. This would require, however, an amendment to the By-laws and a two-thirds vote, and it was found that the total of votes present, after a careful count, was about fifty short of this requirement. President Low then suggested that the meeting be adjourned for a couple of weeks in order to give time for obtaining further proxies. It was accordingly voted to adjourn until Wednesday, Jan-

uary 28th, at 10 A. M., for consideration of this amendment.

During these two weeks enough further proxies were obtained to total well over the two-thirds requirement, so that when the meeting reconvened on January 28th, it was voted to make this change in the By-Laws and hold the Annual Meetings henceforth at Palos Verdes Estates.

\* \* \*

#### EXHIBIT OF PAINTINGS BY RALPH HOLMES

A large and appreciative group of art lovers attended the opening reception to Ralph Holmes, painter, at the exhibition of his paintings which is being held from January 10th to February 15th in Palos Verdes Public Library and Art Gallery. Forty canvases of mountains, desert and seashore, including a very fine evening view of Portuguese Bend, Palos Verdes, make up this exhibit, considered one of the best group of subjects by this painter ever gotten together.

The distinguished patrons of the exhibit include the residents of Palos Verdes Estates and Miss Anna McConnell Beckley, Mrs. Valentine Bell, Miss Ada S. Blake, Dr. and Mrs. Wm. Allison Bryan, Mr. and Mrs. Pierpont Davis, Mr. and Mrs. Hamlin Garland, Mr. and Mrs. Julian E. Garnsey, Mr. and Mrs. Duncan Gleason, Mr. and Mrs. Jay Lawyer, Mr. and Mrs. Shirley E. Meserve and Mr. and Mrs. James W. Wilkinson. Following the reception on January 11th, the artist was host at a dinner at La Venta Inn to his patrons and friends.

Critics present extolled Ralph Holmes' work very highly. His previous exhibits have shown paintings of great delicacy of feeling and color. This present group, representing his work of the last two years, shows increased vigor and power. There is the bigness of the mountains and the mountain pines, the surge of the sea on the coast and with it all the beautiful half lights and great simple masses of nature, painted with sureness of stroke and much fineness of feeling.

A talk about the paintings on exhibit, how they came to be, with something of their composition, color and technique, was given by the artist in the gallery on Sunday afternoon, January 25th, and also before the Palos Verdes Woman's Club on the 28th. This talk will be repeated by Mr. Holmes at the exhibit in the Art Gallery on Sunday afternoon,



MR. HOLMES PAINTING IN THE DESERT AT INDEPENDENCE, CALIF.

February 15th, at 3 o'clock. This lecture is open, free to the public. Mr. Holmes will also give a talk to the children of the Palos Verdes school at a date specially arranged for them in the Art Gallery.

The exhibit was arranged by the Committee on Art Exhibitions and Art Functions of Palos Verdes Library and Art Gallery, named by the trustees for the winter season as follows: Mrs. Henry M. Young, Mrs. I. M. Spaulding, Mrs. Alden L. Hart, Mrs. F. F. Schellenberg, Mrs. W. W. Raleigh, Miss Agnes McMillan, Mr. Robert Paull, Mr. Edgar S. Gilmore, Mr. Hammond Sadler, Mr. Charles H. Cheney and Dr. Otto J. Stein, chairman.

Next on the schedule will be the Second Annual Purchase Prize Exhibit to be held from February 28th to April 27th, 1931. This will probably be followed by an exhibit of etchings and prints during May. Other exhibits are being arranged for the summer.

\* \* \*

### ART LECTURES

On the 19th of January Dr. Ernest Tross, Art Historian, gave the first of a series of lectures on art at the library. He is a graduate of the University of Munich, from which institution comes his title of Art Historian, not conferred upon students in any American university, because no such course is given in this country.

Dr. Tross brings to his audience a wealth of knowledge and a charm of presentation seldom equalled in a lecturer. He gives a course of lectures

at the Chouinard School of Art and is also heard on the radio from time to time. The lectures of the present series will be given here twice a month at the Palos Verdes Library.

\* \* \*

### WOMAN'S CLUB NOTES

Wednesday, January 14th, a real treat was given to the members of the Palos Verdes Woman's Club, when Mr. and Mrs. Newman of the Pilgrim Shop of Long Beach, brought their beautiful collection of hooked rugs to the home of Mrs. Otto Stein, and exhibited them to club members, and explained how they were made. One specially interesting one was a replica of a rug, designed for, and presented to the King of Spain, by Mrs. Newman, whose early ambition to make a rug "fit for a king," was fulfilled. After the talk, the hostess, Mrs. Stein, served tea to members and their guests.

"Truth and Falsehood" was the subject of the Child Psychology Section, held at the home of Mrs. Laurence Hussey on January 13th. January 21st the Tea-Cups Section met with Mrs. F. F. Schellenberg from 2:30 to 5. On the afternoon of January 28th the Art Section, with Mrs. Spaulding as leader, held its meeting at the Art Gallery, where Mr. Holmes talked on "The Quest for Art." February 6th the Garden Section will meet at the home of Mrs. Ripley Dorr, where Mr. R. L. Forsythe, who has charge of all the planting at La Venta and the Golf Club, will talk on seasonal plants and planting.

The next meeting of the Club as a whole will be



THE INVITING ENTRANCE TO THE HOME OF MR. AND MRS. C. E. TANNER  
*Via Colinita, Miraleste*



held at the Library, when the Public Affairs Section will be hostess.

An interesting quotation from the *Palos Verdes Bulletin* of February 1926 was read at the Woman's Club on January 14th. This told of the organization meeting at the home of Mrs. J. F. Dawson, when twenty charter members drew up a constitution for the Club, and elected Mrs. C. H. Cheney its first President.

Of unusual and timely interest was the talk on India, given by Dr. S. J. Pandit, a native Hindu, at the open meeting of the Public Affairs Section held at the Library on January 6th.

Dr. Pandit touched upon conditions in present day India from the viewpoint of a native of that country, dealing principally with Mahatma Gandhi and his followers, who, he said, number over 80% of the Indian population. They are protesting against the injustices in India, by their doctrine of passive resistance.

In contrast with other world leaders who have conquered through military or political power, Gandhi is advocating the development of soul force within. This, explained Dr. Pandit, means loving your enemies, but preventing them from wrongdoing by non-cooperation rather than by violence.

Ghandi is from the third caste in India, according to Dr. Pandit, yet his words touch the souls of all castes. He gave up a lucrative law practice to live and dress like the "untouchables," the poorest of



PATIO OF THE NEW HOME OF MR. AND MRS. A. W. ROSS  
*El Tesoro Place, Miraleste*

the Indians, and has even adopted as a daughter a girl from the untouchables, to whom he accords all honor. Thus, he has done more to break down the caste system than has been done in over two hundred years.

Following the talk, questions dealing with current phases of the Indian problem were answered by Dr. Pandit, who was given an enthusiastic vote of thanks by the audience.

February 10th at 8 o'clock at the Library will be held an open meeting again on the subject of India,



A MUSIC LESSON AT MIRALESTE SCHOOL  
*Mr. Wm. Ripley Dorr, instructor*



FLOWER-BORDERED DOORWAY AT THE HOME OF REV. AND MRS. O. J. FAIRFIELD, VIA VICO, MIRALESTE

at which an English point of view will be presented and an answer given to some of Dr. Pandit's statements.

\* \* \*

Miss Veloma Baer, who has recently returned from a trip to the Orient, is now showing at the Grace Spaulding Studios, Casa del Portal, a line of Oriental goods, hand-carved camphor chests and *objets d'art*. Miss Baer, who spent three months in Shanghai, is also establishing for Palos Verdes Estates and vicinity, a direct order system to the Orient, whereby individual wants for any type of Oriental furnishings may be met.

\* \* \*

(Continued from page nine)

Goodloe home a beautiful Californian house will start at an early date on Lot 9302-1-14, according to plans already approved for Mr. J. Tower Kidd of Huntington Park.



THE TOWER AT MIRALESTE SCHOOL

**GOLF CALENDAR**

*February 4 and March 4—Ladies' Day—No greens fees—Golf, Luncheon, Bridge.*

*February 1 and 15 and March 1—Semi-Monthly Tournament—Two prizes.*

*Every Sunday—Blind Bogey Tournament.*

*Every Wednesday—Ladies' Day.*

**MIRALESTE SCHOOL IS ONE YEAR OLD**

The Miraleste School, the second unit in the Palos Verdes School District, marked the first anniversary of its opening on February 1st with an enrollment which has more than doubled.

In order to take care of the increased attendance, Miss Jean Delavan was added to the teaching staff on January 19th. Miss Delavan will handle the primary grades, for which she has had special training. She is a graduate of the University of Southern California and has a B. S. degree from Columbia University.

Miss Edna Sprung, whose notable work the past year, and before that at Malaga Cove School, is well known, continues as Principal at Miraleste School and teacher of the grammar grades.



THIS LONG, COVERED PORCH AT MIRALESTE SCHOOL IS ENJOYED BY THE CHILDREN AT RECESS FOR ROLLER-SKATING

**GOLF NOTES**

The following is the schedule of one group in the Southern California Golf Association inter-club tournament:

- Jan. 28th: Oakmont at Palos Verdes.  
L. A. C. C. (south) at Riviera.
- Feb. 4th: Palos Verdes at L. A. C. C. (south).  
Riviera at Oakmont.
- Feb. 11th: L. A. C. C. (south) at Palos Verdes.  
Oakmont at Riviera.
- Feb. 18th: Palos Verdes at Oakmont.  
Riviera at L. A. C. C. (south).
- Feb. 25th: Palos Verdes at Riviera.  
L. A. C. C. (south) at Oakmont.
- March 4th: Riviera at Palos Verdes.  
Oakmont at L. A. C. C. (south).

Hole 14 in Jim Fiske's series has unfortunately been crowded out of this issue and will appear in March.



A CORNER OF THE HOLMES EXHIBIT  
Palos Verdes Art Gallery

**FRIENDS OF ART FUND**

Appeal for contributions to the Palos Verdes Friends of Art Fund has been made by the Art Jury, so that a sufficient sum may be on hand to acquire one or more paintings from the Second Annual Purchase Prize Exhibit to be held in March and April at Palos Verdes Library and Art Gallery. A prize of five hundred dollars will be offered.

The painting to be acquired this year will be hung in the Malaga Cove School, and the Board of Education is expected to help in defraying the cost. Last year the painting "Old Malibu Road," by Fitch B. Fulton, was acquired on recommendation of the Jury and now hangs in the Library. The artists submitting pictures for these exhibits have generally reduced the price materially where the painting is to go to a public institution such as the schools or library, and the people of Palos Verdes Estates who appreciate the great educational and cultural value of having these fine stimuli in our schools are asked to contribute generously to this fund.

There is available in the fund at present the following amounts:

Previously acknowledged .....	\$18.00
J. A. Richards, Los Angeles.....	1.00
John L. Porter, Pittsburgh, Pa. ....	5.00
	\$24.00

**PALOS VERDES FRIENDS OF ART FUND**

*Secretary Art Jury,  
Palos Verdes Estates, California.*

I wish to be enrolled a Palos Verdes Friend of Art of 1931. I enclose my check for \$.....

Name.....

Address.....

(Please make check payable to "Palos Verdes Friends of Art." .....

**EXHIBIT Y**

# First Lack of Quorum at Annual Homes Meet

## Richard Hough First Draftee Called

21 Others Leave Torrance Monday For  
L. A. Induction Station; Ceremony Slated

Richard Ernst Hough, son of Mrs. Ruth French Hough, 2413 via Campesina, is Palos Verdes Estates' first national defense army selectee. "Dick" with 21 other young men, will leave Torrance Monday morning for a Los Angeles induction station as members of the first "draft" group from Board 280, which includes Torrance, Lomita, Harbor City, Gardena, Palos Verdes Estates, Waverly and sections of Redondo Beach and San Pedro.

Mayors and Legion commanders from three towns in the District have been invited to participate in the "going away" ceremony on the steps of the Torrance City Hall at 8:00 a. m. Colfax Bell of Redondo Beach, Wayne Bogart of Gardena, and Tom F. McGuire of Torrance are the three mayors. The program will be brief and dignified. The Torrance High School band will play several selections. Carl G. Steele of Torrance, chairman of the local Selective Service Board, will conclude the program with an address.

### Leave Aboard P. E.

The selectees will leave aboard a special Pacific Electric bus at 9:00 a. m. They will arrive in Los Angeles at 9:55 and be taken to the induction station on West Third street for final check-ups.

L. G. Gilmeister, secretary of the Torrance Chamber of Commerce, and a member of the Advisory Board, is in charge of the program.

### 11 Are Volunteers

Of the 22 selectees being inducted, 11 are volunteers and 11 are draftees.

The local board has 3023 registrants, including five negroes. The board's area extends from

(Continued on Page 2)

## "June Moon" Cast Chosen

Casting was completed last night for "June Moon," a rollicking three-act comedy to be presented early in March by the Palos Verdes Players. The late

## Clouds Over Palos Verdes



Palos Verdes Estates owes a debt to this picture and its photographer, James Doolittle. The nation's foremost magazines have printed it as illustrating the desirability of Southern California living.

## 'Mikado' Date Decision Soon

Gilbert and Sullivan's "Mikado," with a local cast, directed by Mrs. Loretta Laurenti, will have its

## 'Round 'n Bout Malaga Cove

Betty Grable and Robert Stack

## M. B. Moote On Council

Mortimer B. Moote was appointed to the city council last week to fill the unexpired term of C.

## Director Election March 11 at School

Financial Statement and Reports of President,  
Manager Heard by Lot Owners

Only 697 votes (including proxies) of of 5278 were available at the annual meeting of the Palos Verdes Homes Association Tuesday evening, thus causing a postponement in the election of three directors. This is the first time in the history of the Association that a quorum has not been present.

### New Date Set

Tuesday evening, March 11th at 8:00 p. m. was set as the new date for the election. The place of meeting will be at Malaga Cove School auditorium, the same as Tuesday night's meeting. Approximately 45 residents were present then.

Regular annual reports from the former manager-secretary, G. Brooks Snelgrove and from President Ulric B. Bray were read at the meeting. Millard Johnson, present manager, read these reports and also told members of the financial standing of the Association as of December 31, 1940.

### Reports Read

The complete report of the Manager will be found on the inside pages of this issue of The NEWS.

Col. Val E. Miltenberger of Miraleste acted as chairman of the meeting in the absence of Dr. Bray who was in Detroit on business. Immediately after opening the meeting, Col. Miltenberger appointed Victor H. Norman and Isaac H. Hawkins as members of a proxy committee to determine the total number votes present. Slips of paper were passed and property owners were told they were entitled to one vote for each building site owned here. Persons holding proxies were instructed to name the number of votes they held. A short tabulation found only 697 votes present, far below the required number of 2640 for a quorum.

### Three Director Posts Open

The three directors to be replaced at the March meeting are Col. Miltenberger, Col. J. F. Dyer and Dr. Ulric B. Bray. Bray has stated he will not be able to be a candidate for nomination.

## Money Worries Council

Cuts in All City Depts.  
Urged in Economy Move

First public indication that finances of the new City of Palos Verdes Estates are not as stable as they might be was given last week at a regular session of the council.

A request of the Park Board and Planning Commission to the Council that Ray Berquist, park superintendent, be retained at a salary of \$150 per month touched off the fuse. Recent budget economies in the park department, instituted by Berquist, had been for the elimination of SRA labor and a voluntary pay cut for himself. The commission failed to recognize Berquist's recommendation and requested that his salary continue at \$150.

In a general discussion following, Robert W. Mooney, city treasurer, stated tax monies were slow in coming in and that economies in all departments would have to be made if the city administration was to meet its obligations this first year. He stated that all other revenue had been coming in as expected or exceeding the budgeting estimate. He personally estimated that 50 per cent of the tax monies had been received. Mooney did not object to the salary request for Berquist.

City Attorney Frederic H. Bihn suggested revamping the city departmental budgets for a six-

**EXHIBIT Z**

# Annual Homes Election a Bust

## Three 'M' Days For Draft

The third "M" Day for the registration of this nation's manpower will be not one day only, but for three.

According to Carl Marsteller, secretary of Selective Service Board 280, Palos Verdes Estates will have only one registration day, however. That will be on Monday, January 18th. Registration hours are from 7 a. m. to 9 p. m. The City Hall at Malaga Cove Plaza will be the registration headquarters. Other cities throughout the state will register men on Saturday, Sunday and Monday, February 14th to 16th. If local men cannot register on Feb. 16th, they may register at the Torrance Draft Board.

### 11 Centers

There will be 11 registration centers in the area served by the Torrance board. In Palos Verdes Estates' men will register at the City Hall, 10 Malaga Cove Plaza. Torrance, Lomita, Gardena and the industrial plants will also have registration depots.

All young men who reached their 20th birthday after Dec. 31, 1941, will be required to register as will all men who have not reached their 45th birthday by Feb. 16, 1942. Those men who have registered previously will not be required to re-register.

### Registrars Needed

Marsteller reports that he has approximately 60 persons ready to sign the registrants and needs easily that many more. Palos Verdes women wishing to be of aid are urged to contact Marsteller at the Selective Service Board, 1337 El Prado street, Torrance, either by phone or in person, or in writing.

*For America, Give!*



## Red Cross War Fund Nears \$2000 Mark Here

If all cities and towns of the United States gave a proportionate sum to the War Campaign Fund of the American Red Cross as Palos Verdes' people have, this nation's \$50,000,000,000 quota would have been filled this week.

According to Mrs. Walter F. Bieling, chairman of the local drive, a total of \$1500 had been

Irma Miller, Mrs. R. W. Stenzel, Mrs. D. F. Dyrsmid, Mrs. W. C. Stevenson, Mrs. Clarence Partidge, Mrs. Benjamin Tregoe, and Mrs. David Brown.

Words spoken can never be recalled

## Soft-Peddle The Curves

## Quorum Badly Lacking

Directors of Palos Verdes Homes Association this week entered their third year as guardians of 5278 individual lots in this community, but it's not from their own choosing.

Only 1379 1/2 unchallenged proxies were on hand Tuesday night when 100 local residents attended the annual meeting of the lot owners at Malaga Cove school auditorium. This was 1260 1/2 proxies short of the required quorum needed to elect four of five new directors.

### Votes Parred

By previous action of the present board, all tax-delinquent lots are barred from voting for directors, by-law changes or revision of restrictions. There were 1290 challenged votes on hand Tuesday night and these would have made the necessary quorum.

### Self-Perpetuating

As it is now, many people believe that the present board will be self-perpetuating and board personnel will change only when directors resign and their places are filled by appointment.

This tax delinquency ruling on proxies also cast a shadow on the work of the five-man "wake-up" committee that has been ardently preparing revisions to restrictions adapted to meet present property values and building costs. A change in by-laws requires 3518 proxy votes, a revision of restrictions, 4222 votes. Their work will have been futile unless some manner of voting tax delinquent property can be

(Continued on Page 4)

That Friendly Chap May Tell a Jap

# ANNUAL HOMES ELECTION A BUST

(Continued from Page 1)

agreed upon by the directors in cooperation with State authorities.

## Hawkins Has Solution

I. H. Hawkins, former board member, offered a probable solution to ensnaring the present entanglement. He stated that the State has power to co-sign a proxy for the owner so that his vote might be counted.

"Accepting of challenged votes by the board," he stated, "would mean a great deal of difficulty. You people are too nice to always be in difficulties."

## Gibbs Asks Reversal

George Gibbs, Jr., suggested that the board hold a recess, meet by itself, and reverse its previous decision of barring tax delinquent lots from voting. He suggested this so some progress might be made and that the "wake-up" committee might go on. Without a two-thirds quorum no by-laws change can be made, nor can restrictions be made without 80 percent of the votes.

Gilbert Cerlock, a member of the Homes Ass'n. board, challenged Gibb's request and asked him on what basis he felt that the board should change its vote ruling.

## Meet Again In May

On the motion of I. H. Hawkins, Tuesday night's meeting was adjourned until Tuesday, May 19th. He expressed a hope that the State would give its consent to co-sign proxies in time for that meeting.

That Friendly Chap May Tell a Jap

TEN HOMES



**EXHIBIT AA**

# Three Elected to Home Ass'n. Board; City Council Holds First Public Meeting

## Ordinances Main Topic

Official election of F. H. B. Roessler as mayor Palos Verdes Estates by the city council and the passing of several ordinances featured the first public meeting of the Palos Verdes City Council, Thursday, January 11, in the Malaga Cove school auditorium. Other necessary matters, such as procedure, meeting place, city offices seal, etc., were given attention.

Following the appointment of Frederic H. Bihn as city attorney and his installation by oath, the following ordinances were read and approved:

1. Emergency ordinance for public health. The county health department is to take over the enforcing of quarantine regulations, sanitation and other public health duties as prescribed by present county ordinance. The county will enforce these regulations without cost to the city of Palos Verdes Estates.

2. Emergency ordinance adopting the county building, plumbing and electrical ordinances of the County of Los Angeles for use in Palos Verdes Estates. The city agrees to enter into a contract with the county for the enforcement of these regulations. Enforcement of ordinance and inspection provided by county inspectors will be paid from fees collected by city from contractors, etc., doing work here. City must provide county inspectors a desk in city offices and also permit blanks.

3. Ordinance for entering into contract with Los Angeles county for the levying and collecting of taxes in Palos Verdes Estates. Under this ordinance the county is to make all assessments and to make all collections. For this service the county is to receive 1 per cent of the first \$25,000 collected and one-fourth of 1 per cent thereafter. The total estimated cost to the city for this service is estimated at \$262.

This ordinance, although passed by the council at their first public meeting, cannot be presented to county authorities for adoption until read and approved at three public council meetings. The second meeting was scheduled for Tuesday, January 16, with the final meeting slated for Monday, January 22.

Also discussed at the meeting was a proposed ordinance for the cleaning, maintenance and construction of city streets. Under the proposed plan, the city would enter into a contract with the county for this work. Payment to the county for road work will be payment from state fuel tax funds and state motor vehicle license funds due the

### NOTICE!

With this issue of The News the new managing editor and business manager is Herb Gullek. I will continue with my column "Review of Events" and direct the policies of The News. Also, commencing with this issue a regular editorial will appear on the second page written by me, the same as during the first year of this newspaper. These editorials will deal, whenever necessary, with local problems, as well as other subjects of interest.

The Publisher.

## New Board Gives Policy

The new Board of Directors of the Palos Verdes Homes Association authorized the following statement:

That it will be their intention to carry on the operation of the association's affairs for the benefit of all members and the community as a whole. It will be our policy to cooperate to the full extent of our ability in the preservation of the parks for the benefit of the whole community. There is no present intention of liquidating the Homes Association and it is felt that any such decision may be and should be deferred until and as future conditions may determine. It is believed that the members sincerely desire that all obligations incurred by their association be discharged and the Board proposes to proceed on that basis. In addition the Board desires to carry on as much of the program of community service as is possible until these functions are assumed by other agencies. An examination of the financial affairs of the Association at this time leads us to believe that both objectives can be realized. If there is any doubt on this point, it would arise from failure of members, in large numbers, to pay their assessments already levied. We believe it to be our duty to the members to take every possible means, including legal action if necessary to enforce collection of the assessments. Such action, of course, would involve expense, and we therefore urge the members to pay their assessments as promptly as possible, not only for the sake of the ultimate economy but in order that the Board may be thereby enabled to provide a greater degree of community service for such time as it may be necessary.

Signed,  
Board of Directors of  
Palos Verdes Homes Association.

## 135 Persons In Attendance

Upwards of 135 people attended the 15th annual meeting of the Palos Verdes Homes Association on Tuesday evening, January 9th, at the Malaga Cove school auditorium.

After the proxy committee, composed of Hammond Saddler, Millard Johnson and Thomas Haggok, had determined that there were 2893 votes by proxy, in addition to the votes of the members present, thus arruring a quorum, the chairman adjourned the meeting which immediately reconvened as an informal caucus of the Homes Association members present in the hall.

F. H. B. Roessler and A. P. Allen were nominated for three and two year terms, respectively; and a slate of eight candidates was suggested for the three year term to succeed Oscar L. Willett, recently resigned. Dr. Dennis Smith and Col. Val E. Wiltenberger proved the chief contenders for this nomination when the ballots were counted. Dr. Smith received the nomination by an easy majority.

The Homes Association meeting then re-convened and O. L. Willett moved that a unanimous ballot be cast for the three candidates selected by the residents. It was seconded by Col. Miltenberger and the approving vote followed.

Prior to the election the Palos Verdes Trust company and Palos Verdes Estates, Inc. voluntarily handed their proxies to a committee composed of O. C. Fields, Maj. Glenn Hayes and Col. Val E. Miltenberger, who had been selected by a representative group of residents and in ac-

In an adjacent column will be found the policy of the new Homes Association Board which was organized Wednesday evening, January 17.

cepting these proxies publicly stated they would vote them as a majority of members present in person.

Secretary Everett York read the minutes of the 1939 annual meeting and also the official notice of the present meeting. The complete financial report as of December 31, 1939 was rendered by the manager of the Homes

(Continued on Page 2)

## New Books At Library

Heading the list of new books at our local library is a book about that region frequently

# 135 Residents At Annual Meeting

(Continued from Page 1)

Association, Brooks Snelgrove.

Discussion following the financial report centered upon the proposed test suit for collection of delinquent taxes. Definite action on this matter will be discussed by the board at their Wednesday, Jan. 17, meeting.

Questioned from the floor on the necessity or possibility of the Homes Association imposing taxes until the new city government is able to raise enough to carry on, President Armstrong stated:

"I can express my views, but what the board will do is a matter for them to determine. However, as a matter of information for the members of the Board and for the people present we are facing a serious situation. It is rather serious to present in that it involves a number of questions, serious and controversial. However, I will try to present the matter as simply as possible"

"In the first place it is not known whether it is the purpose of the Board, as it is now constituted, to liquidate the Homes Association or not, but assuming that it does, I might say that it will be a regrettable thing if the new Board decided to liquidate because I think it has a decided function to perform in the community.

First, it must enforce the restrictions—the building cost restrictions and use restrictions—and it must enforce, or rather carry on, the Art Jury, because we do not have any community in this country where restrictions are enforced and controlled. We would lose the force of these building restrictions which were very carefully planned by men of good reputation, and we would lose the Art Jury control.

"I feel it would be a very tragic thing if the Homes Association were permitted to go out of business.

"Apart from that, if the Homes Association should be liquidated, I do know what is going to happen between now and the time the city takes over. Also, there are certain obligations of the Homes Association that must be met. If our creditors should hear that we are going to cease levying the Homes Association assessment in the future, in the meantime spend the Homes Association money in performing functions that the city should perform, the first thing the creditors would come down and attach everything we have.

"That isn't idle talk. It is a very serious problem. In order to take care of this problem, there must be some assurance to the creditors and community that the Homes Association is going to carry on, otherwise it is the duty to liquidate the obligations.

"With reference to doing that very thing, it has been said in the community that nobody is going to pay their Homes Association assessment. If the Homes Association assessments are not paid, you people are going to find yourselves without any service of any kind between now and the time the city takes over. Whenever that is, some say July, some November, some say next January."

Eugene P. Fay took the floor following Armstrong's talk and made an appeal for the prompt payment of delinquent Homes Association taxes and also voiced confidence in the future of Palos Verdes. "No fear complex need arise in this community" Fay said. "All problems now con-

**PROOF OF SERVICE**

*Residents for Open Board Elections, et al. v. Palos Verdes Homes Association*  
Los Angeles Superior Court Case No.: BS169638

I, Jason R. Ebbens, declare that I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the within action; my business address is 734 Silver Spur Road, Suite 300, Rolling Hills Estates, CA 90274.

On **October 26, 2017**, I served the foregoing: **DECLARATION OF JOHN HARBISON IN SUPPORT OF PETITIONER'S BRIEF PART 2 OF 2** on the interested parties in this action by placing  the original  a true copy thereof, enclosed in a sealed envelope with postage pre-paid, addressed as follows:

Brant H. Dveirin, Esq.  
**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
633 West 5<sup>th</sup> Street, Suite 4000  
Los Angeles, CA 90071

*Attorneys for Respondent and Real Party in Interest*

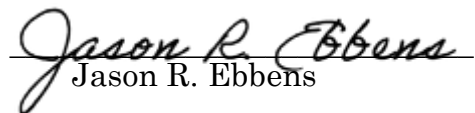
BY MAIL. I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the U. S. Postal Service. The within correspondence will be deposited with the U. S. Postal Service on the same day shown on this affidavit, in the ordinary course of business. I am the person who sealed and placed for collection and mailing the within correspondence on this date at Rolling Hills Estates, California, following ordinary business practices.

BY GOLDEN STATE OVERNIGHT. The within correspondence will be deposited with Golden State Overnight delivery service on the same day shown on this affidavit, in the ordinary course of business. I am the person who sealed and placed for collection and mailing the within correspondence on this date at Rolling Hills Estates, California, following ordinary business practices.

**COURTESY COPY** BY ELECTRONIC SERVICE. I served the foregoing document(s) on interested parties via email to each of the parties listed in the service caption above. A true and correct copy of the transmittal will be produced if requested by any party or the Court.

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

Executed on **October 26, 2017**, in Rolling Hills Estates, California.

  
Jason R. Ebbens

