



San Fernando Valley Edition

Mobilehome Magazine

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In this issue:

- Mobilehome Law 101
- Protecting Inheritance Rights
- Survey - Voice Your Opinion

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Exclusively for Owners of Mobile/Manufactured Homes in California
We Advocate to protect your rights, your lifestyle and your investment

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FROM THE EDITOR



Welcome back to MHMagazine

Mobilehome Law 101

Welcome back to the second issue of Mobilehome Magazine (MHMag). I hope you received, read and appreciated the first issue. Obviously the goal of Mobilehome Magazine is not to entertain. It is not about crossword puzzles, jokes, recipes, cartoons, or the like, but about “boring” subjects like rent control, vacancy control, condo conversions, the Mobilehome Residency Law, and more. It is understandable why many of you might not be thrilled to read such content, but sooner or later you will be thrust into a situation that requires a basic knowledge about what’s happening in California in other parks and the law.

Why is this information so important? Because about 95% of us live on someone else’s land. As Bill Murry would say “That’s a fact, Jack!” Only about 300 parks across California are resident owned, the other 5,000 are rental parks. If you are reading this magazine, you live in a rental park and pay rent to a landlord. You are a tenant; therefore you are vulnerable! **TENANT = VULNERABLE.** It wouldn’t be so critical if you lived in an apartment. You could just pack your bags, order a moving van and leave. But because you own your home, often costing in the hundreds of thousands of dollars, you have much to lose, often everything if you are evicted.

So what’s the answer? How can you protect yourself? First of all you don’t have to have a PhD in Mobilehome Law, but you do need a basic understanding. And you need to be prepared BEFORE you find yourself getting a 7 day notice, getting a 3 day notice to pay or quit, getting an unlawful detainer notice, etc.

Of course you have many options. If you face possible eviction, you can try to find an attorney versed in mobilehome law who you can trust and who is not very expensive. Hopefully the attorney you pick knows the law and will take care of you. Personally I’ve been there and done that and the outcome was not a good one. It just cost me a lot of money and time!

So my suggestion is understand the basics, read Mobilehome Magazine, get COMO-CAL’s Handbook (\$6.50), join COMO-CAL to unite with other mobilehome owners. Above all, understand what’s happening around the state and in your area. In other words, take an interest in protecting your rights and your investment. Certainly no one else will. It only takes a few minutes of your time.

Thank you for reading and supporting MHMag.

Frank A. Wodley,

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Mobilehome Residency Law

How to Use It

by Sally Studer, COMO-CAL VP



Mobilehome Law 101 starts with The Mobilehome Residency Law (MRL), the State-issued pamphlet that park residents should receive from their park owners at the beginning of every year. (Note: as of 1/1/2011 your park is not required to automatically give you a copy of the MRL, now you MUST ASK for a copy. If you ask, then the park is obligated to give you a copy.)

The MRL looks so complicated and in such small print, that you don't think it could help with the problems in your park. So it is often thrown in a drawer or discarded.

At first glance, reading the MRL looks like an impossible task, but it truly isn't. You will likely be amazed at the number of violations that pertain to your park. If they weren't commonplace, the laws would never have been written.

You don't always need an attorney to force your park owner to abide by the MRL, you just

need to become tired enough of the violations and abuses that you decide to take a stand. Sadly, by that time, you may have been conditioned to accept whatever is thrown at you. It's not just because you don't know what to do, but you probably fear retaliation if you begin asserting your rights. However, with the backing of the MRL, retaliation is not likely to happen. You may discover that your park owner and manager haven't read the MRL either. Why would they, if none of their dictates are ever challenged?

Once you are aware and become familiar with the laws, when a violation occurs, you can write a simple letter to management. Be polite, state the number of the appropriate law and quote the law itself. There is always strength in numbers, so encourage other residents to add their signatures to your letter or have them write their own letters.

Don't become discouraged if you find few other residents want to become involved. That's a common reaction. There are always those who take a stand, but a majority will expect others to do it on their behalf.

Can it really happen? Here are just two of many examples that occurred in our local parks in Modesto.

- A disabled resident taking care of her disabled mother received 7 violation notices in 3 months time, after she dared to speak up to the park manager. The most outrageous of these was a demand to remove the wheelchair ramp her mother needed. An inspector's survey was necessary

to verify that the ramp was safe. Another of the frivolous notices was a demand to remove a healthy shade tree at the homeowner's expense. With her neighbors' help and using the MRL, she stood her ground and won against ALL 7 notices. The harassment stopped!

- A park was charging a \$300.00 non-refundable fee to all perspective home buyers and then using illegal reasons to deny approval of the purchases. Residents got the practice stopped!

Sharing your new-found knowledge and success with other residents, not only in your park but in surrounding parks, will enable others to gain confidence and courage to take a stand as well. It's a beautiful thing!

Editor's Note: A "large print" version of the MRL is available through Senate Publications & Flags, 1020 N Street, Room B-53, Sacramento, Ca. 95814, (916) 651-1538. Call them for the current single copy price (about \$7.00)

I'd suggest reading the Frequently Asked Questions section of the MRL first (either COMO-CAL's Handbook or the MRL purchased from Senate Publications). If you have a particular issue, then refer to the MRL for the actual wording of the law.

Enforcing the law is another issue. But keep this in mind. A group of residents has much more power than a single resident. That's why we highly recommend getting organized. Please refer to attorney Chandra Spencer's article in MHMag, Volume 1, Issue 1, page 20.



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MHMag

Quotes: Apathy / Courage

I have a very strong feeling that the opposite of love is not hate - it's apathy. It's not giving a damn.
Leo Buscaglia

There are risks and costs to action. But they are far less than the long range risks of comfortable inaction.
John F. Kennedy

Action cures fear, inaction creates terror.
Douglas Horton

And to stick our head in the sand and pretend that we are somehow safer if we do not know or to pretend we are somehow safer if we limit our options seems to me not only foolish but actually dangerous.
Mac Thornberry

America is another name for opportunity.
Ralph Waldo Emerson

Chaotic action is preferable to orderly inaction.
Will Rogers

Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen.
Winston Churchill

Apathy is a sort of living oblivion.
Horace Greeley

Is it ignorance or apathy? Hey, I don't know and I don't care.
Jimmy Buffett

Science may have found a cure for most evils; but it has found no remedy for the worst of them all - the apathy of human beings.
Helen Keller

A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury.
John Stuart Mill

An appeaser is one who feeds a crocodile, hoping it will eat him last.
Winston Churchill

Action is a great restorer and builder of confidence. Inaction is not only the result, but the cause, of fear. Perhaps the action you take will be successful; perhaps different action or adjustments will have to follow. But any action is better than no action at all.
Norman Vincent Peale

Inaction breeds doubt and fear. Action breeds confidence and courage. If you want to conquer fear, do not sit home and think about it. Go out and get busy.
Dale Carnegie

Iron rusts from disuse; water loses its purity from stagnation... even so does inaction sap the vigor of the mind.
Leonardo da Vinci

Earn While You Learn - Help Us Help You

This month a resident of Reseda MHP was handed a check for \$36. Why? Because she sent us a lead and with some effort on our part, the lead became an advertiser in MHMag. I've always said "help us help you - it is a win-win."

How DOES IT WORK?

It's simple. Send us information on a business you think might want to advertise in MHMag. Businesses like roofers, plumbers, real estate agents, tree service, automotive repair, pet supplies, chiropractic, etc. Any business you use as an owner of a mobilehome. Any business you use as a senior. You get the idea.

We need the business name, address (if you have it), phone number, website (if you have it). A business card would be terrific.

If we are successful getting the business to advertise, we will give you a percentage of the advertising fee! You can make as much as \$100 or more from one business referral.

Better yet, if you find and secure advertising on your own, we will double the percentage - you can make over \$200! In today's economy, that's a pretty good return for a few minutes of your time. And you help yourself and others by supporting Mobilehome Magazine.

Survey Mobilehome Magazine - Voice Your Opinion

Please take a few minutes to voice your opinion. We want to hear from you! Each one of you! Why is your information so important? Because we serve you. We want to hear your suggestions and comments. COMO-CAL's "THE VOICE" is rated as the most informative publication for owners of mobilehomes in California by many. Why? Because we listen to our members and what they need from us. Please remember, all information will be kept in the strictest of confidence.

If you send us a completed survey (COMO-CAL, P.O. Box 4821, Chatsworth, Ca. 91313), we will give you a \$2.50 credit toward the purchase of our Handbook (regularly \$6.50, but only \$4.00 with the survey.) Our way of saying "THANKS." Remember we only publish MHMag to help you!!!

1. Did you receive the first issue of MHMag?

Yes No

2. Did you:

- Read some of it
 Read most of it
 Keep it for reference
 Did not read it
 Throw it away

3. Was the Magazine informative?

- Absolutely
 Some of it was
 Not really

4. What kind of information would you like to see in MHMag?

- Articles by attorneys
 Local news
 State-wide news
 Something in Spanish
 All of the above
 Other _____

5. Would you like to continue receiving MHMag?

- Absolutely
 I don't care
 No

6. If you answered "absolutely, would you subscribe to the magazine? () Yes () No () Undecided

7. If you answered yes, how much would you pay per year (6 issues) to receive Mobilehome Magazine?

- \$5.00
 \$10.00
 \$12.50
 \$15.00
 Other _____

8. Would you volunteer to help with MHMag?

- Yes
 No

9. If yes, what can you do?

- Help us get advertising
 Write about your park
 Help us edit / proof the magazine
 Other _____

10. We are considering selling a CD with information gathered from multiple sources. For instance, the 2012 MRL, the Rent Stabilization Ordinance for Los Angeles, a chart detailing all areas in California with rent control, City of L.A. Mobilehome Reference Guide, and much more. Would you be interested in purchasing a copy?

Yes No How much? _____

10. Other comments or suggestions? Use additional sheets if necessary. Please type or print.

Please complete Page 8. Send completed Survey to:

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And Thank You for taking the time to complete the survey. It helps us help you better.

Survey

You, Your Park, & COMO-CAL

ISSUES IN YOUR PARK

1. What issues do you have in your park?
 Utility Charges
 Unequal enforcement of rules
 Harassment / Intimidation
 Threats of Eviction
 Parking Issues
 Retaliation
 Other _____
2. What issues worry you the most?
 Increasing rents
 Vacancy decontrol
 Loss of equity (value)
 Loss of rights
 Fear of eviction
 Poor maintenance of park
 Pet issues
 Neighbor issues
 Lack of quiet enjoyment
 Out of control manager
 Retaliation
 Closure of park
 No enforcement of your rights
 Passthrough

TELL US ABOUT YOU

3. Do you use a computer at home?
 Yes No
4. Do you use the internet?
 Yes No
5. If so, have you visited our website at comocal.org?
 Yes No
6. Have you ever received a notice from your park?
 Yes No
7. If so, what kind (7 day, 3 day...)?

YOU AND COMO-CAL

8. Do you know about COMO-CAL?
 Yes No
9. Will you join COMO-CAL?
 Yes No Undecided
10. If No, why not?
 I don't need an advocate
 There are no problems in my park
 Can't afford \$25/year
 I don't know that much about COMO-CAL
 I have my own attorney if I need help

FAQ HANDBOOK

11. Do you have a copy of our FAQ Handbook?
 Yes No

I'D LIKE

- A Copy of the FAQ Handbook. I've enclosed a check for \$4.00 (usually \$6.50). Includes mailing.
- To join COMO-CAL. I've enclosed a check for \$25.00
- I am sending a business card - someone who might advertise in Mobilehome Magazine.
- I'd like to make a donation to keep Mobilehome Magazine here in the San Fernando Valley.

YOUR CONTACT INFORMATION (PRINT PLEASE)

Name: _____

Park Name: _____

Space #: _____

Phone Number: _____

E-mail Address: _____

THANK YOU FOR TAKING OUR SURVEY

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Protecting Mobilehome Inheritance Rights

I am often contacted by families following the death of a mobilehome resident about what they should do to get the home secured and sold, or just to obtain an understanding of their rights as heirs to the estate. The Mobilehome Residency Law (MRL) portion of the California Civil Code contains a specific section which sets forth the rights of heirs or joint tenants when the homeowner has died. It is important that certain steps be followed by the heirs to ensure that they protect their rights to the home. It is equally important that heirs know their rights ahead of time, so they will not fail to do what is necessary to maintain the mobilehome tenancy after the death of a family member. Otherwise, the park owner can use what is typically a time of confusion and emotions to deprive the estate of what is often its most significant asset value. Where rent is not paid, or some other violation of park rules occurs due to the actions of unsuspecting relatives, the park owner can use it as justification for requiring that the home be evicted from the park, or to de-control and raise space rent where there is local rent control in place. Absolute vigilance by the decedent's family is required to ensure that this does not occur.

Preliminarily, a homeowner can take certain steps in advance to ensure that his or her family understands what needs to be done to protect the mobilehome inheritance.

1. KNOW YOUR RIGHTS. This is essential. A homeowner needs to know his or her rights so that they can communicate them to family members. Every mobilehome resident should have a copy of the MRL, which is distributed by most park owners annually. Anyone can go on line to download a copy of the complete MRL for free at: www.sen.ca.gov/mobilehome, or can write to the Senate Publications Office in Sacramento to purchase a copy for \$5.25. Or any resident should be able to go to the park office and request a copy. The MRL requires a park owner to distribute a copy to all residents each year where a "significant change" of the MRL provisions is made by the legislature, so there will often be a copy kept in the home. But heirs who do not know anything about the MRL will need to know where to look for a copy of the law. This leads us to step 2 below.

2. INFORM YOUR HEIRS OF WHERE TO FIND INFORMATION AHEAD OF TIME. Just as you would tell your family members where to find important papers, or the details of disposition of property and funeral instructions, you also need to tell your heirs how to secure and sell your home after your passing. Be sure that they know where to find a copy of Civil Code

section 798.78, which is the MRL section that sets forth the rights and responsibilities of heirs. Make a copy of that section and leave it in a place where they can locate it, or give it to them in advance with a copy of this article.

3. WHAT SHOULD THE HEIRS DO AFTER THE HOMEOWNER HAS DIED? It is important that heirs act immediately to prevent the loss of their inheritance rights in the home. There are two options set forth in section 798.78. First, any heir, joint tenant or personal representative may seek to sell the home "in place" in the park. Or, in the alternative, any heir or joint tenant may seek to establish a tenancy with the park and move into the home. But for either of these steps to be available, it is required that the decedent's estate satisfy all of the decedent's responsibilities, such as payment of rent and utilities or maintenance of the homesite. Thus, if the rent is allowed to go into default or other maintenance issues arise which are not performed after a notice is served (this might only be taped to the door), then the right to establish a tenancy or sell the home is lost. 798.78(b) specifically provides that in such a case the park owner can require the home to be removed from the park. **IT IS THUS CRITICAL THAT THE HEIRS ASCERTAIN WHAT THE SPACE RENT AND UTILITIES PAYMENTS ARE AND PAY THEM IMMEDIATELY AS THEY COME DUE.** The death of the homeowner does not deter many park owners from claiming a breach of the rental agreement if the rent or utilities payment is even one day late. And since the heirs may not visit the home immediately, they might be unaware that the first of the month has rolled around and a rent payment is due. No payments can be missed if the family wants to be certain that its rights are protected. And if a three-day notice to pay rent or utilities is served, it must be satisfied at once within the three day period. The three days are calculated from the day after the notice is served. Since service of any 3-day or 7-day notice by the park does not have to be personal, and the notice can thus be posted on the home and mailed to that address, it is important that the heirs visit the home regularly to check for posted notices, and that the mail be immediately forwarded to an address where it will be read. There is nothing worse than opening an envelope after the fact to find that an important deadline has been missed. If a rent payment is not made within the three-day period, and there is a loan on the home, the heirs should immediately contact the lender and request that it "cure" the rent default by paying they may cure a rent default twice every twelve months, and the park owner is obligated to accept the payment. This section presumably also applies where the homeowner

Inheritance Rights (continued) by Attorney Bruce Standon

has died, but the estate desires to maintain the right to sell the home "in place".

Equally important is the duty of the estate to maintain the physical appearance of the home and the homesite. This means that landscaping must be maintained, and debris cannot be allowed. Any seven-day notices for Rules violations need to be corrected at once. Newspapers should be stopped, the home should be secured, and vehicles should be either removed or otherwise stored only in the carport at the homesite. A gardener should be hired to mow and weed the homesite if the heirs live out-of-town or otherwise are not likely to visit the home often. But it is also important to check for notices at the home regularly, in case something is posted that is never received via mail.

To ensure the best possible communication, the heirs should meet with management as soon as possible following the death and identify a new person and address for communication purposes. Rent bills and all notices from the park should be directed to that new address, so that communications do not fall into a "black hole".

4. WHAT THE HEIRS SHOULD NOT DO. It is equally important to understand one of the most frequent problems encountered by estates. Often, the heirs allow someone to move into the home if it is otherwise vacant in order to be a caretaker and watch over the home. This certainly sounds reasonable enough. After all, the estate desires that the home be protected from crime or vandalism. And if it is perceived that cousin Bob will most certainly qualify to purchase or occupy the home, it might be tempting to allow him to just move into the home early without qualifying for tenancy first. This should not be done. Most all parks throughout California do not allow a non-tenant to occupy the home if a tenant is not present. Thus, either scenario could trigger an immediate seven-day notice of a rules violation. If the estate desires to allow someone to occupy the home, written permission should be obtained from the park first. Otherwise, it should never be allowed to occur, since the result could be a termination of the estate's right to sell the home "in place". Note that we are only speaking of occupancy here; any authorized person, including heirs or third party contractors or realtors can enter the home to clean, repair or secure it. But no one can occupy it by spending the night or establishing it as their residence. If a seven-day notice is received for this sort of violation, the occupant needs to be removed at once. Note that this scenario also does not help the potential tenant, whom the park might categorize as a "rules violator" when an application for tenancy is later

presented for consideration.

5. WHAT ABOUT SATISFYING AGE RESTRICTIONS? In senior parks, or parks which seek to meet the Federal guidelines for "housing for older persons", homeowners who are 55 or older often leave the home to much younger heirs who are under age 55. The immediate reaction of these younger heirs is that they are not old enough to live in the park, and thus cannot qualify for tenancy. But special exemption language in the Federal law allows heirs who are under age 55 to still inherit the home and live in it without compromising the park's senior status under Federal law. Otherwise, the inheritance might prove to be without value for the family, and this was never the intent of the Congress when the 1988 laws regarding age limitations were passed. This means that a park can never reject an heir based upon age status by arguing that it will lose its senior status under Federal law if a 40-year old heir is allowed to occupy the home. The key is that only the heirs or blood relatives of the deceased homeowner would probably qualify for this exemption. Note that if the park otherwise has an age limit for all residents in its own rules, those limitations may still need to be complied with.

6. CAN THE PARK RAISE THE SPACE RENT ? The answer depends upon the local laws. If there is a local mobilehome rent control ordinance, it should be consulted. Many ordinances do not allow a park to raise rents to the family following the death of the homeowner. But if the family sells the home to a dealer, the rent can probably be raised at that time, since local rent control typically does not protect commercial dealers or agents.

The ability to protect a home during the inheritance process can be tricky. But if these steps are followed, the family of a deceased homeowner should be able to inherit and realize the value of the mobilehome which has been left to them in a Will or Trust. Just as importantly, the intent and last wishes of the deceased homeowner can be honored and carried out.

ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRATICING ATTORNEY SINCE 1982, AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS CURRENTLY THE CORPORATE COUNSEL FOR GOLDEN STATE MANUFACTURED HOME OWNERS LEAGUE.

Tips & Suggestions From COMO-CAL'S FAQ Handbook

RULE CHANGES

Q. Is the new park management allowed to change rules on long-time residents or are they "grandfathered in" under the old rules?

A. Existing residents are not exempt from park rule changes. According to the Mobilehome Residency Law (Civil Code Sec. 798.25), the park can change a park rule and regulation as it applies to existing residents, but the park must give residents 6 month's notice of the change, or a 60-day notice if it involves changes in rules relating to the park's recreational facilities, such as the swimming pool or recreational facilities within the clubhouse. The management must also meet and confer with park residents, at their request, upon a 30-day notice about the change in park rules but is not bound to accept residents' suggestions or requests about the rules. There have been several bills over the years in Sacramento to try to change the law giving residents a vote on park rule changes, but these attempts have never been successful.

Recap:

- Existing residents are not exempt from park rule changes.
- 6-month advance written notice of rule change.
- Only 60-day advance written notice if rule change affects recreational facilities.

SELLING HOME IN PLACE IN THE PARK

Q. Can the park manager force me to move my home out of the park when I sell it just because the home is old?

A. With regard to mobilehomes, the MRL (Civil Code Sec. 798.73) establishes two standards. Basically, the home cannot be required to be removed upon a resale if it: 1) is more than 17 to 20 years old or older but meets health, safety and construction standards of state law; and 2) is not in substantially run down condition or disrepair as determined in the reasonable discretion of management. Generally, if the home meets the first test it is hard to fail the second. If management is rigid on this issue, you may have to hire a private home inspector to look at your home and repair any code violations or defects the inspector finds in his/her report. Keep a copy of the inspector's final report as proof that your home meets state code standards. HCD inspectors no longer perform this function in most cases; although some local governments that do mobilehome park

inspections for the state may be willing to inspect your home. Be prepared to pay an hourly fee in any case, whether it's a public or private inspector. Several attempted legislative reforms requiring HCD to perform home resale inspections have failed to pass the Legislature.

Recap:

- RV and trailer owners may be forced to move their coach out of the park when they sell it.
- Mobilehomes are allowed to stay in the park after they are sold if they meet certain health and safety standards.

CAREGIVER RESIDENCY IN THE PARK AFTER HOMEOWNER'S DEATH

Q. Can the manager evict me from the park even though I inherited my mother's mobilehome after she died?

A. It depends upon the circumstances. Generally, a caregiver – including a caregiver relative – does not have the right to continue to live in the mobilehome, even if he or she has inherited it. The caregiver statute recognizes that a senior homeowner has the right to have a caregiver, even someone who is 18 or older in a senior park, to assist them with medical needs under a doctor's treatment plan, but the caregiver resident has no right of residency and is considered a guest of the homeowner. Therefore, when the homeowner dies, the caregiver's right to continue to live in the park normally ends. If, however, the caregiver was a party to the homeowner's rental agreement, or had otherwise been accepted for co-residency by the park while the homeowner was alive, the park could not evict the caregiver after the homeowner's death except for the same kind of reason they could have evicted the homeowner, such as failure to pay the rent. In either case, whether or not the caregiver has a right of residency in the park, if the caregiver inherits the home, he or she would have the right to resell it in place if they continue to pay the rent and charges and comply with other requirements of resale until the home is sold.

Recap:

- If heir is not listed on the rental or lease agreement, then heir cannot assume they have inherited residency rights.
- Heir is responsible for rents and fees until home is sold.

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The Last Word

Thank you for taking the time to read Mobilehome Magazine. We hope you learned how to protect your rights after the death of a resident/owner. And gained information about selling a home in place, park rule changes, caregiver residency, and the Mobilehome Residency Law. We suggest you keep this issue (and all issues) for reference - you never know when you might need it.

You will notice this month's issue is one-third less pages than the first issue. Why? Simply because we didn't get the response we had hoped. Less than 25 attended the meetings, joined or ordered Handbooks. Your support is critical to MHMag's success!

We are excited to announce that early in 2012 Mobilehome Magazine will expand and will eventually cover all of Southern California. We already are "lining up" advertisers in other areas. The present "San Fernando Valley" will expand into Santa Clarita and the Palmdale/Lancaster areas.

One correction from issue #1: Oakridge MHP is an all age park. Thanks to our readers for letting us know our error. And sorry for the "typos!"

Finally, advertisers help make this magazine possible. Please use them when you have the need. Of course we would like to know both your good and bad experiences. Have a wonderful Holiday Season!

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