

# Mobilehome Magazine

Advocating For Owners of  
Mobile & Manufactured Homes  
in California

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# From the Desk of the Editor



This month we continue our efforts to improve Mobilehome Magazine, both from a content prospective and a presentation prospective. We have hired an "Art Director" and will begin to upgrade our "look." You should see significant changes in the April issue.

Also we are actively looking for ways to reach many more mobilehome owners across California. You may be receiving Mobilehome Magazine for the first time. If so, please check out our article "What is Mobilehome Magazine and Why is it Important to You" on page 5. We are more than just a magazine that gives you information, we are a movement to help folks across California protect their lifestyle and investments.

We are asking you to get involved (see pages 6-7). It could mean every resident in your park would get Mobilehome Magazine for FREE. Just think - up to date, accurate, honest information every month without attending any meetings, or belonging to any organizations. And we are always available if you have questions. Just call us at 818-886-6479.

We present several articles this month that should be of interest to everyone, namely "Inheritance - What You Need to Know" by Bruce Stanton, GSMOL Corporate Attorney, "Aging in Place" by Ishbel Dickens, Executive Director, National Manufactured Home Owners Association (NMHOA) and "Estate Planning" by Attorney David Loop. All three are "must-have" articles and should be in your "reference library." See pages 14-18.

Donna Matthews, a long time advocate, continues her on-going column, this month writing about Rental Agreements (Pages 8-9).

Crystal Adkins writes about "Disability and Mobilehome Living," on pages 19-20.

Finally, please remember Mobilehome Magazine is more than just a source of information. We continue the advocacy of COMO-CAL. For example, we are working to form a "Residents' Committee" for mobilehome owners in Los Angeles. We are also contacting leaders in several areas around California in our efforts to get a local magazine in their area. We hope to soon have local area magazines serving all of you. Those not covered by a local area magazine can still get our statewide magazine by subscribing. Our application is on page 23. Thank you for reading and supporting Mobilehome Magazine.

*Frank A. Wodley,*

Editor & Publisher

## Mobilehome Magazine

Serving the Mobile/  
Manufactured Home  
Community in California

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# What is **Mobilehome Magazine** & Why is it Important to You?

Many of you are receiving this complimentary copy of Mobilehome Magazine for the first time. Mobilehome Magazine is a one-of-a-kind magazine published every month exclusively for owners of mobile/manufactured homes in California. First published in September 2011, approximately 50,000 copies have been distributed to date, with the majority in the Los Angeles area. Beginning January 2013, Mobilehome Magazine has been distributed state-wide, i.e. to owners of mobilehomes in California like yourself.

## **DREAM PROJECT OF COMO-CAL**

MHMag is the dream project of the Coalition of Mobilehome Owners - California (COMO-CAL) - a statewide advocacy organization focused on providing the tools to protect mobile/manufactured homeowners' life style. First established in late 2004, COMO-CAL provided information and legal services to mobilehome residents for seven years. Near the end of 2011 COMO-CAL leaders decided to take a different direction, i.e. provide residents a low cost source of information, namely Mobilehome Magazine. As a consequence, we are now able to reach many more mobilehome owners.

There are other "magazines" in California; however they are often the voice of park owners and managers. Because you live in rental park, you are often vulnerable to unscrupulous park owners, and you need more. You need honest, accurate information. You need to know you are not alone, and you need to know someone cares about you. MHMag is a source of important information to assist you in protecting your life style and investment.

We are not in competition with any other group. Our main priority is getting information to you, to network mobilehome owners across California and to show you are not alone. We are there for you.

MHMag continues the tradition of COMO-CAL's "THE VOICE", rated as the best, most informative newsletter in California. In our latest web site poll ([www.mobilehomemagazine.org](http://www.mobilehomemagazine.org)), 83% rated MHMag as terrific.

## **WE THANK YOU FOR YOUR SUPPORT**

## **Around California**

### **UTILITIES**

There is a discussion at the Public Utilities Commission in San Francisco to transfer the operation of all utilities in all California mobilehome parks to the local utility company. We have a copies of three briefs filed on behalf of mobilehome owners (GSMOL), park owners (Western Manufactured Housing Association - WMA) and the utility companies (SOUTHERN CALIFORNIA EDISON COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY, SOUTHERN CALIFORNIA GAS COMPANY, PACIFICORP, BEAR VALLEY ELECTRIC SERVICE, AND CALIFORNIA PACIFIC ELECTRIC COMPANY, LLC.).

All mobilehome owners should be aware of this issue as it could well cost all of us lots of money (estimates up to \$18,000/space). This "transfer" will not take place anytime soon, but it is important to speak up NOW.

Anyone wanting a copy of the briefs, send an email to [fawodley@yahoo.com](mailto:fawodley@yahoo.com) and specify what brief you want.

### **KORT & SCOTT PURCHASE PARKS**

As you may have read on page 12 of the November/December 2012 issue of Mobilehome Magazine about the

lawsuit against Kort and Scott by residents of Royal Western in Torrance. Now we understand Kort and Scott has purchased Rancho Huntington and perhaps 2-3 more parks in Southern California. If you live in a Kort and Scott Park (Sierra Management), please call or email us.

### **UPDATE - VACANCY CONTROL IN LOS ANGELES**

The Cardenas Motion to eventually eliminate Vacancy Control in Los Angeles is still alive and well. The Mobile Home Park Task Force (MHPTF) met twice in January and will meet next on March 5, 2013. As you may have read in a previous issue of MHMag, we strongly oppose this task force. Why? Because we are represented by a handful of mobilehome owners who have essentially NO contact with those they represent, they do not meet outside MHPTF meetings, they do not strategize, and they are not experts in MH law. They are really just folks who want their names in lights.

Mobilehome Magazine has formed a Residents Committee that a) does meet, b) does contact residents in Los Angeles, c) does brainstorm and strategize, and d) will communicate with the L.A. City Council. We need representation from the Harbor City area and more from Sylmar. Please call Frank at 818-886-6479 if you would like to volunteer for this committee.

# Get a FREE Local Issue of **Mobilehome Magazine**

## **MOBILEHOME MAGAZINE AS A STATEWIDE MAGAZINE**

Anyone who is now a subscriber will continue to get the statewide version of Mobilehome Magazine. This is the version now being printed and sent out to residents across California. We currently print 5,000 copies per month.

### **The Mobilehome Magazine Formula For Success**

- Communication
- Information
- Numbers
- Knowledge
- Power
- Networking

1. Mobilehome Magazine provides a means for leaders (park/regional/state) to communicate with residents (on a park/regional/state wide basis).
2. Communication provides information from leaders (park/regional/state) to residents (on a park/regional/state wide basis).
3. Information equals Knowledge and Knowledge equals Power.
4. There is Strength in Numbers. Reaching all mobilehome owners in a group of parks in an area results in Numbers. Numbers = Strength.
5. Having many Regions with their own Regional Magazines results in Super Strength!



## **A FREE LOCAL MAGAZINE FOR ALL**

Yes, we are actively working with park groups around the state to provide Mobilehome Magazine free to their residents. Yes, you read it correctly, we want to provide all residents in parks a local version of Mobilehome Magazine at NO CHARGE.

Get on Board! If you live in a park, especially if you are active in a Homeowner Association, we want to hear from you.



## MOBILEHOME MAGAZINE AS A LOCAL MAGAZINE

What is local area? It is an area like Hemet; San Diego/Chula Vista; Calimesa/Yucaipa; San Jose; Orange County; San Jose; Sonoma/Santa Rosa, etc.

How would this work? It is simple. A group of participating parks, working with Mobilehome Magazine individually, would produce a local version of Mobilehome Magazine. Initially producing 3,000 magazines per local area. Participating parks could contribute up to 1+ pages of content (issues in their park, events, etc.) per month and would help get local advertising for the magazine (1-2 ads). This won't take a lot of time; perhaps only a couple hours a month!

When could this happen? As soon as approximately 10 park groups are on board, a local magazine can be started.

### THE PARK GROUP'S RESPONSIBILITY

A Park Group is a small group of residents in a park that provides leadership to resident in their group.

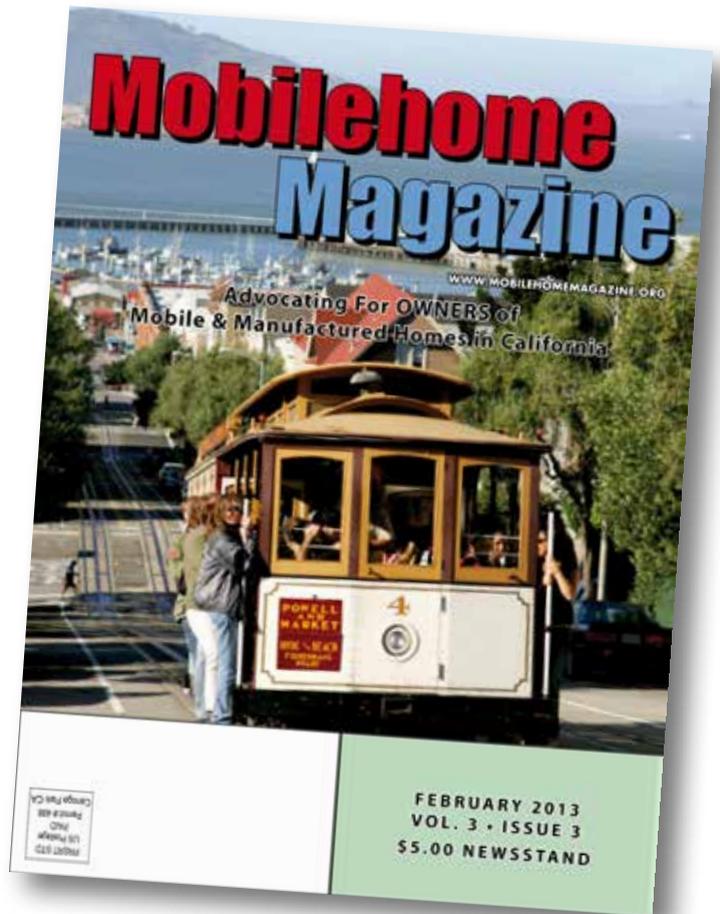
1. All residents in participating parks would receive a local version of Mobilehome Magazine, ultimately at no charge.
2. Residents in participating parks would no longer subscribe to Mobilehome Magazine.
3. Every participating Park Group would: 1) Designate a representative who would pick up magazines from a central location in the local area, to be determined. 2) The park group would distribute the magazines door to door, so everyone gets an individual copy. 3) The Park Group will provide up to one full page of information each month to the local magazine. If a park does not have a full page of information, MHMag will use their space to provide content of interest to all mobilehome owners. If a park group wants more pages, they can be made available.
4. Each Park Group would help Mobilehome Magazine obtain advertising from local businesses and would be paid a commission. Essentially your park would get one free magazine for each dollar of advertising you secure. And those getting more than one or two ads would receive

cash for their Park Group, i.e. free magazines AND cash to operate your Park Group!

The success of Mobilehome Magazine directly affects your future. A local magazine will assure important, timely information getting to all mobilehome owners, ultimately giving mobilehome owners STRENGTH AND POWER.

### CALL US TODAY

Mobilehome Magazine is ready to work with you to get a local magazine into your park and area. But we can't do it for you. You must get the ball rolling. We are available 24/7 to chat with you. Let's do this together, for the benefit of all mobilehome owners. Just call Frank at 818-886-6479 for further details.





# Mobilehome Rental Agreement

- Article 1. General # “Tenancy”# 798.12 is the right of a home owner to the use of a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of services and facilities of the park
- Article 4. Fees and Charges # 798.31.A homeowner shall not be charged a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. (Covered in the rental agreement # 798.15 (f) the utility installations required to be provided, this would be the fees, if any, the commodity used.)
- Article 6. Termination of Tenancy # 798.56. A tenancy shall be terminated by the management only for one or more of the following reason, provisions (a- e). (And only after proper notices have been given).

When renting a lot in a mobilehome park the park owner is required to give a written “Rental Agreement” with an attached copy of the Mobilehome Residency Law (MRL),#79815. Whose provisions (a-h), are incorporated into the rental agreement by reference. The provision # 798.8, states that a rental agreement is an agreement between the management and homeowner establishing the terms and conditions of a park tenancy, added is the statement, that a lease is a rental agreement. This is where I believe there is confusion. All the provisions in the MRL refer to a rental agreement, while many park owners require the homeowners to sign a standard type rental lease that I do not believe contain the provisions required for a mobilehome park rental agreement.

Before discussing the provisions required for the required written rental agreement MRL 798.15 (a – h) I want to list other provisions that pertain to the Mobilehome Rental Agreements (leases).

- # 798.16. The rental agreement may include such other provisions permitted by law, but need not include specific language contained in state or local laws not a part of this chapter. (This I believe would include all the laws in the Mobilehome Parks Act, pertaining to standards and conditions of the Park Owner’s Permit to Operate).
- # 798.19. No rental agreement for a mobilehome shall contain a provision by which the homeowner waives his or her rights under the provisions of Articles 1-8, inclusive, of this chapter. Any such waiver shall be deemed contrary to public policy and void. ( As leases are rental agreements, no original lease or a new lease can contain a provision where by the homeowner waives his or her rights under any of these MRL Articles).

Now for the provisions in Article 2 Rental Agreement, #798.15 the rental agreement shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, all of the following. (Those otherwise required by law, would be the laws pertaining to the park owner’s contractual duty to provide and maintain the standards and conditions of his Permit to Operate).

- 1). Term of tenancy and rent therefore. (Tenancy can only be terminated when there is a violation of park rule. Rent therefore, I believe should be a provision for annual rent increases).
- 2). The Rules and Regulations of the park.
- 3). A copy of the MRL attached and incorporated into the rental agreement (lease) by reference.
- 4). A provision specifying (1) it is the responsibility of the management to provide and maintain physical improvements in good working order. (2) a reasonable period to repair.
- 5). A description of the physical improvements to be provided the homeowner during his or her tenancy.( # 798.12., Tenancy is the right of homeowner to the use of site and installations)
- 6). A provision listing those services which will be provided at the time the rental agreement (lease) is executed and will continued to be offered for the term of tenancy and any fees, if any, to be charged for those services. ( Will the commodities used be part of the monthly rent?).

- 7). A provision giving the management the right to charge a reasonable fee for maintenance of the land, if after notification to the homeowner and he or she fails to do so.
- 8). All other provisions governing tenancy. ( I believe annual rent increases to be a provision of tenancy and should be included(so there would be no unconscionable rent increases).Also I believe the park owner does not have the legal right to add any fees or provisions that are not a term and conditions of tenancy in the required written rental agreement). The reason being; Contract Law (1) [4] (b) Uniform Commercial Code, The Code distinguishes "agreement" from "contract": An "agreement" is the bargain of the parties in fact as determined from their language or by implication from other circumstances: a

"contract" is the total legal obligation resulting from that agreement. (The law states, # 798.8, that a rental agreement (lease) is an agreement between management and the homeowner establishing the terms and conditions of a park tenancy, therefore I believe all rental agreements (leases) should contain these laws and be enforced, and if there is any change both parties should agree to the change, in writing.

Article by Donna Matthews, Advocate for Mobilehome Owners for 25 years.

Donna can be reached through Mobilehome Magazine: e-mail: fawodley@yahoo.com; phone: 818-886-6479.

# Letters to the Editor

## Overcharging Homeowners With Excessive Annual Rent Increases by Misconstrued CPI

Many Mobile Home Park (MHP) Owners use the current year's CPI to calculate park residents' "Annual Rent Increases" (ARI). The Consumer Price Index (CPI) is measured in many different ways. It is based on how clearly your Lease agreement explains it. To many residents, it is complicated and difficult to understand.

When MHP Owners use the CPI to figure your Annual Rent Increase, mistakes can be made. In fact, these mistakes can result in rent overcharges of a few hundred dollars or even a few thousand depending on how long your rent increases have been miscalculated. Even a small percentage miscalculation, one which you might not notice, can become huge after a few years.

I have been a resident in a mobilehome park in the city of Rolland Heights since June 2006 and recently discovered that for years many residents here have had this problem, and no one corrected it. I have found that mistakes occurred when the MHP Owner's management team gave the wrong CPI rate, or an incorrect "Anniversary Increase Date" (AID). These errors can lead to rents that are higher than they should be.

Besides, mixing the increased rent with other charges, like utilities, late charge etc. makes it is even more difficult to understand whether or not the annual rent increase you were given was based on a wrong CPI percentage, or an incorrect starting date.

If you have suspicions whether or not there have been mistakes in your own rent increases, you can send\* your documents (see below) and I will determine, no cost to you, whether or not your rent increases were correctly calculated. If you would like me to recalculate your rent, I would like to be compensated for my time. Of course any fee would be negotiable.

We have been successful in our MH park. and have received rent refunds when there have been mistakes, especially for residents who moved here prior to 2008. So please, don't hesitate. Just recalculate it. Give yourself a chance to correct this issue and get reimbursed.

Please make copies of the following: a) Lease Agreement, (b) Notice of Increase Rate, ( c) Billing Statement (Anniversary Date). You will receive a result in 14 working days.

Regards,  
Richard Dee  
Rolland Heights

\*Send documents to Mobilehome Magazine, P.O. Box 3774, Chatsworth, CA. 91313 and Mobilehome Magazine will forward them to Richard Dee.

# Words of Wisdom from Our Female Representatives in Washington D.C.

Editor's Note: The following quotes are from a Diane Sawyer(ABC-TV) interview with 20 of our female representatives in Washington D.C. Of course the quotes were primarily for our children, but I felt there were "words of wisdom" that we all could benefit from reading. They are presented in no order. A few in particular resonate with me...I've bolded them.

*Dream big and ignore the naysayers, the cynics and the keepers of the status quo.* **Tammy Baldwin D-WI**

***Do what you love** because if you do a job or if you have a vocation that you truly love you will be successful, but more importantly you'll be happy.* **Deb Fischer R-NE**

*My mother who changed my life by bringing me to this country showed me, not told me to take risks and never give up.* **Mazie Hirono - D HI**

*Stand up straight. It's pretty straightforward.* **Elizabeth Warren. D- MA**

***Think about someone other than yourself** and say, "Good morning, can I be of help?" Then you'll make a world that is better, you'll make a difference and you'll work with others to make change.* **Barbara Mikulski- D-MD**

*I tell children not be afraid to take risks and not be afraid to fail; that in order to achieve your dream, sometimes you fall short. If you keep trying, if you believe in yourself, you will get there.* **Susan Collins R-ME**

*My advice would be to **listen more than you speak**. Listen to other people and you'll be so surprised what you can learn and also how you can find people to work with to solve problems.* **Kelly Ayotte R-NH**

*Don't be afraid to take on that challenge that you want and demonstrate that women are unique in how we do battle, but we can be very successful* **Maria Cantwell D-WA**

*I believe **the world is made up of problem solvers and problem makers**. And the former is really what we need more of.* **Dianne Feinstein D-CA**

*There's nothing you can't do, but you have to put your mind to it and have to work very, very hard.* **Kristen Gillibrand D-NY**

*Once you've gone 100 miles you can always go ten more.* **Amy Klobuchar D-MN**

*My parents always told me to **never quit**, be determined, to be focused but also to live with a grateful heart.* **Mary Landrieu**

***Knowledge is power**. If you really work hard at learning and trying to learn as much as you can about as much as you can that no matter what your dream is you have a really good chance of achieving it.* **Claire McCaskill D-MO**

***Learn something every day**. And don't be afraid to push yourself to learn.* **Lisa Murkowski R-AK**

*Do what you love and keep at it. Persistence is about 95% of success.* **Jeanne Shaheen D-NH**

*Be courageous, believe in yourself, and no matter what you are doing, what job it is, large or small, do your very very best.* **Debbie Stabenow D-MI**

*Read, read, read.* **Kay Hagen D- NC**

*Never let anybody tell you you can't do something or can't achieve something. I've always found that if someone tells you you can't do something, it's usually because they're afraid you will.* **Patty Murray D-WA**

*The best advice I could give or receive is "Always remember the people who gave us the privilege of serving and always act in their interest."* **Heidi Heitkamp D-ND**

*My advice is when somebody tells you it's complicated, it's really not and break it down and find the way and solve the problem.* **Barbara Boxer D-CA**



# Survey on Advocacy - Part I

The face of Advocacy in California is in a continual flux. Today there are only two groups\* that reach mobilehome owners statewide, namely GSMOL and Mobilehome Magazine (formerly Coalition of Mobilehome Owners - California (COMO-CAL)). Our advocacy is important to you! Now is your chance to give us your input on some important aspects of advocacy. Why the Survey? Because Mobilehome Magazine wants to provide you the best service possible. We will use your input to help improve all organizations. You deserve no less! \*We understand CMRAA is no longer accepting memberships.

Any mobile/manufactured homeowner can take this survey. If you can, make a copy of pages 11 and 12 (otherwise cut them from the magazine). Fill out the Survey completely. Please indicate your name & park name. Names will be kept

confidential. Surveys become the property of Mobilehome Magazine. Results of this Survey will be published in April or May 2013. We would like to thank Carl Eric Leivo, Ph.D. (and others) for contributions to this Survey.

We plan to run a similar Survey online. If you'd rather that that one, and we don't have your email address, please send us your email address and we will include you. We **thank you** for your time to give us this input.

Please send your completed Survey to:

**Mobilehome Magazine,  
P.O. Box 3774,  
Chatsworth, CA. 91313**

## PART I: ADVOCATES AND YOU

Several statements are listed below. Please check the space if you Agree Strongly, Agree, Disagree, or Disagree Strongly with the statements.

	Agree Strongly	Agree	No Opinion	Disagree	Disagree Strongly
I support the fact that several entities (organizations, groups, individuals, etc.) advocate for manufactured / mobile homeowners in California.					
I believe that no single organization can do it all.					
I believe that an advocate should provide information and/or assistance to help manufactured /mobile homeowners protect their rights and investment.					
I believe that an organization should let members know how membership fees/subscriptions will be used.					
I believe that an organization should explain, before an individual joins or subscribes, what it will do for them.					
I believe that an organization that I belong to should be responsive to me (reply to letters, emails and phone calls in a timely manner).					
I believe that advocates should provide accurate, up to date information.					
I believe that advocates should not provide misleading or incomplete information.					
I believe that advocates should work for the general welfare of all manufactured /mobile homeowners and not to benefit themselves.					
I support organizations and advocates that help manufactured / mobile homeowners, even if I am not a member or subscriber to the organization.					
I believe that non-profit organizations and advocates should frequently provide summary financial statements including donations, special funds, etc.					
I believe that manufactured /mobile homeowners should not let their organization affiliation affect the way they think or act toward other groups.					
Advocates and organizations should adopt and publish a Code of Ethics for their members and leaders.					
Advocates and organizations should respect and welcome all who support mobilehome owners.					

# Survey on Advocacy - Part II

## PART II: WORKING TOGETHER

Organizations that work together carry out some or all of the following activities. Please check the space if you think that organizations should do these activities Always, Most of the Time, Sometimes, Almost Never, or Never.

	Always	Most of the time	Sometimes	Almost Never	Never
All organizations (those advocating for mobilehome owners), including leaders and members, should work together for the good of all manufactured / mobilehome owners in California.					
Each should welcome comments, and suggestions about the other.					
Each organization, including leaders and members, should respect the other. This includes responding to letters, emails and phone calls (from organizations / individuals) in a timely manner.					
Each should welcome any input, even criticism, as an opportunity to improve their organization, their service to mobile/manufactured homeowners and their interaction with each other.					
Each should actively brainstorm how organizations can better work together, for the good of all.					
Share information about manufactured / mobilehome issues around the state with each other.					
Tell individual members, subscribers, and supporters about each organization and how others (groups, organizations, individuals) can help them. (By word of mouth, newsletter, internet, etc.)					
Promote the good qualities of each other organization in public, i.e. through their newsletter.					
Give credit to other entities when credit is due.					
No organization or advocate should promote itself as the "top dog." Everyone should be welcome to serve, i.e. make the contributions that they can.					
Politics should never get in the way of accomplishing what's good for manufactured / mobilehome owners.					
Organizations should be open and transparent, especially non-profit organizations.					

The goal of Mobilehome Magazine is to help as many mobile/manufactured homeowners across California as possible. That being said, we need your help, especially if you are a subscriber. Why? Because you may be the only resident in your park getting MHMag. How can you help us? By ordering a box of 125 magazines for your park. The magazines are FREE, you just pay for postage and handling (\$25/box). That amounts to twenty cents per magazine!

Also we would like to have everyone take this Survey. You can help by making copies (takes only one page, front and back) and distributing them to residents in your park.

We appreciate your participation. Next month we plan to continue our Survey by asking you questions about your experience with specific organizations.

All participants names will be kept confidential. We thank you for your time.

# Residents Fight Economic Eviction

Residents at Brookside MHP in El Monte are facing “economic eviction” by their landlord Tatum and Kaplan. There are more than 30 mobile home parks in El Monte, according to city officials. The average monthly rent at mobile home parks in the city is between \$400 and \$700. Rents at Brookside are as much as \$1500.

Sandy Witt, a resident at Brookside said: “I’m not rich.” “I’m living on \$800 a month and my rent is \$1,300. I have to depend on friends and family to help me with my rent, my utilities and stuff like that, otherwise I wouldn’t ever be able to make it.”

Last fall, voters approved Measure F, a mobile home rent control measure. A moratorium on mobile home space rental increases has been in effect since December to give the city time to get a handle on the situation. It’s due to expire in April.

“The park has been raising rates on rent at an exorbitant rate and has a tremendous amount of vacancies,” said El Monte Mayor Andre Quintero. “It doesn’t make any sense for that

economic model to work. High vacancies and high rent just doesn’t make sense.”

Quintero, who is also an attorney, said the city is looking into whether the park’s management is breaking the law.

“It could very well be a criminal prosecution that we employ,” he said. “It could be some kind of a civil injunction, we don’t know yet exactly how we’re going to address those rent increases that have taken effect as of the first of the year or as of December when we enacted our urgency ordinance.”

While the city determines what it can do, some residents fear they will be evicted because they can’t afford to pay rent.

January 29, 2013. Story by Sid Garcia, ABC TV. The full article can be viewed at:

[http://abclocal.go.com/kabc/story?section=news/local/los\\_angeles&cid=8972806&rss=rss-kabc-article-8972806](http://abclocal.go.com/kabc/story?section=news/local/los_angeles&cid=8972806&rss=rss-kabc-article-8972806)

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# Inheritance - What You Need To Know

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 decontrol 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 he or she 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 online to download a copy of the complete MRL for free at: [www.sen.ca.gov/mobilehome](http://www.sen.ca.gov/mobilehome). Any resident can write to the Senate Publications Office in Sacramento to purchase a copy for \$7.00. 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 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 the rent to the park. Under 798.56(e) (4), a bank 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 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 practicing 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 the golden state manufactured homeowner league (GSMOL).

**WE THANK  
MR. STANTON FOR HIS  
CONTRIBUTIONS**

# Aging in Place

Let's begin by stating the obvious: none of us is getting any younger! Given that fact, then how do we want to spend our golden years and what can we do to ensure that our manufactured home and the community in which we reside are built to accommodate our needs as we age?

Apparently 10,000 baby boomers retire every day and that by 2050 the number of people in this country aged 65 years or older will have doubled from the current 40 million to a staggering 80 million individuals.

Given these statistics there is increasing interest across the country in "naturally occurring retirement communities" (NORCS); places where people are already living together in some fashion as they age. Manufactured housing communities might be considered NORCS, especially age-restricted communities where at least 80% of the households are required to have at least one person who is age 55 or older.

However, I suspect that much more could be done to guarantee long-term opportunities for manufactured home owners to remain in their homes and communities for even longer.

For instance, do you have security of tenure? Is the land under your home guaranteed to be there for you or could the land be sold for development giving you very little time to move and possibly even result in the complete loss of the equity you have built in your home since there may be no other location to move it to? Do you have a reasonable and stable rent with some guarantee that rent increases will be fair and justified? Do you have a long-term lease?

Besides security of tenure issues, here are some other things to consider about your community – some of these might be addressed by a community owner who is willing to make accommodations to the structures in the community so that they are accessible to everyone. For instance, is there a ramp so that people who are wheelchair bound may access the clubhouse? Are there curb cuts so that people in wheelchairs can get around the community with ease? Could the clubhouse be used by Meals-on-Wheels so that everyone who wanted it could be provided with a hot midday meal? Could visiting nurses use the clubhouse as a clinic and provide flu shots and blood pressure checks, etc. for everyone at the same time? An economy of scale for the nurses is surely a benefit?

What about your own home? Is it built or could it be customized to universal building standards so that things like showers, toilets, counter surfaces, etc. could all be accessible to people who are wheelchair bound or have other physical restrictions?

There is a lot to think about and I have only touched on a few key provisions in this article. If you would like to know more about how to make your community as NORC friendly as possible please feel free to email me at: [ishbel@mhoa.us](mailto:ishbel@mhoa.us) or call the NMHOA office at: 206.851.6385.

Ishbel Dickens, Executive Director, National Manufactured Home Owners Association (NMHOA)



# Estate Planning

My previous articles for COMO-CAL's "The Voice" have been about how mobilehome owners can organize to buy the mobilehome parks where they live. This article is about estate planning – another topic about which I get many questions.

First of all, congratulations for starting to read this! Estate planning is a topic most people don't like to contemplate. Surveys show that between 50% and 60% of Americans don't have a will, or any kind of estate plan. It's not pleasant to think about the undeniable fact that sooner or later, all of us will die. But for many of us getting along in years, there's this nagging – and appropriate – feeling... "I ought to do something about making an estate plan..."

What is an "Estate Plan?" It's more than just creating a will or a living trust stating who gets your property after you die. An estate plan should also include:

Taking steps so that after your death, your heirs avoid going through probate court proceedings;

Making a plan for your own care, if someday you can't make decisions on your own;

Taking steps to avoid estate taxes (if you are married and own large amounts of property);

If you have young children, making arrangements for their care in the event of your death.

You can achieve these things through a "testamentary document" such as a will or a living trust.

If you die without creating a will or trust, the State will decide what happens to your property according to "intestate succession" laws. These are set formulas that divide your property among your closest living relatives. Other possible heirs, such as friends or charities are completely excluded. The State's formulas may not match your wishes about how your property is distributed upon your death.

## Wills and Living Trusts – What's The Difference?

Wills and living trusts both have the same purpose. They let you leave your property to specific individuals. However, there is one big difference between a will and a living trust. Assets put in a living trust don't have to go through probate court after your death. This is because when you create your living trust, you transfer ownership of the designated property to yourself as

a "trustee." During your life, you still control all the property in your living trust. You can do with it whatever you like. After your death, the person you name to be your "successor trustee" distributes the property according to your wishes. Your specific wishes are written in the living trust document.

Why is it worthwhile to avoid probate court proceedings? There are two reasons: time and money. It can take a year or more to go through probate. It takes time to file the deceased person's will with the probate court, gather their assets, pay the estate's debts and taxes, and finally distribute what is left. As probate proceedings go on, fees for attorneys, accountants, appraisers and the probate court eat into the amount that will be inherited. Compare this with the distribution of assets under a living trust, which can be accomplished without court proceedings, with less expense, and usually within a few weeks.

## What Do I Need – A Will or a Living Trust?

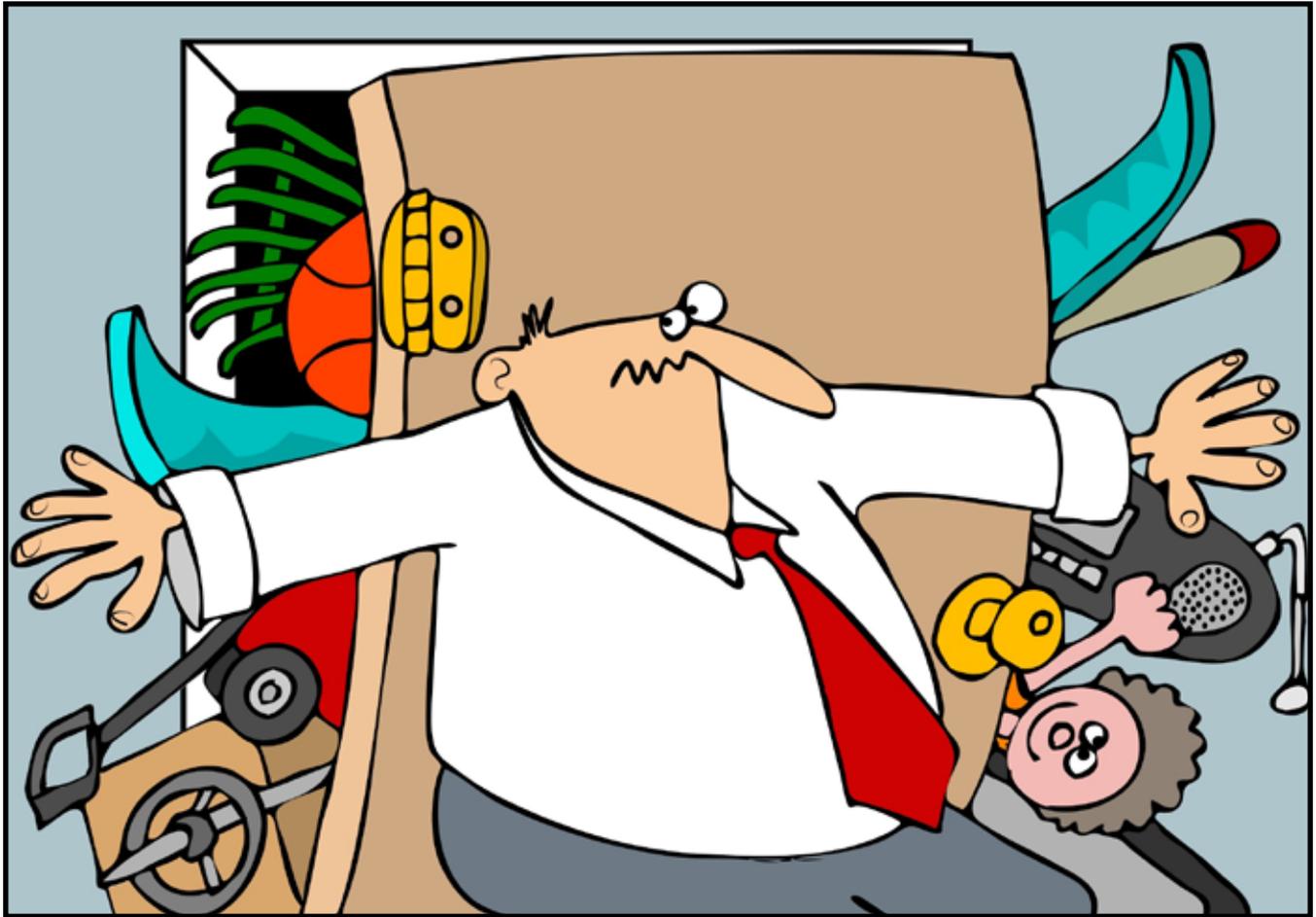
Many people actually have both. They use a living trust to avoid probate. They also have a "back-up" will to cover property they don't get around to transferring to the trust, and for types of property that are best not put into a living trust (e.g., your car).

Some "small" estates left only by a will can avoid probate. California has an out of court affidavit procedure for transfer of property, and a separate "simplified" probate process as well. However, these procedures apply only to estates with less than \$100,000 in assets. While some items don't count towards the \$100,000 limit (e.g., property that goes to a surviving spouse, payable-on-death bank accounts, vehicles), many people are surprised to discover their assets exceed \$100,000.

For example, many MH park residents have equity in their mobilehomes of \$100,000 or more. If your combined assets exceed \$100,000, and you have only a will, simplified property transfer procedures won't be available. After your death, your estate would be required to go through probate court.

For many mobilehome owners in California, the best "cornerstone" of an estate plan is a living trust. To avoid the probate process, and for simplicity and speed of administration, the living trust is an excellent estate planning tool.

David Loop is an attorney and homeowners' association board member at resident-owned Aptos Knoll Park, near Santa Cruz. You can ask him questions by sending an e-mail to [deloop1@sbcglobal.net](mailto:deloop1@sbcglobal.net), or calling 831-688-1293



## Mobile & Manufactured Home Living

Hello, my name is Crystal Adkins.

I am the proud mother of a beautiful 9 year old daughter, Livingston, and the wife to wonderful husband, Joe. After spending several years in the deep south, we decided to move back home to WV so our daughter could grow up closer to family.

We couldn't bare the thought of getting into a lot of debt in such an unstable economy so we decided to buy an older single wide and remodel it into a modern, contemporary home. We also wanted to stay debt-free and recycle as much as possible.

Once we purchased our late 1970's model single wide I began researching online for ideas and information to help us in our endeavor. Unfortunately, there was little information available. That prompted me to start my own blog, Mobile and Manufactured Home Living. You can find it at [MobileHomeLiving.org](http://MobileHomeLiving.org).

I wanted to make a place where we could celebrate our homes

without judgement. A place to show that manufactured homes can be just as beautiful as any stick-built.

Fortunately, the blog has been a wonderful success so far! It is a place to find beautiful remodels, ideas and information to help you with your own manufactured home. While we still have a long way to go, we have a good foundation. I would love for you to check it out!

P.S. I am very honored to be writing for Mobilehome Magazine as well. Frank Wodley, the founder, fights for mobile-home owners rights at every level and his passion for mobile-home owners is obvious. Please support the magazine by getting a subscription or donating. We must stand together!

Thank you,

*Crystal Adkins*

# Disability & Mobilehome Living



According to the 2000 census, nearly 50 million people in the United States have some type of disability. Of this group, 6.8 million have a condition that makes it difficult to bathe, dress and get around the inside of their own homes. 78 percent of individuals between 50 and 64 years of age state that they want to stay in their current residence as they get older. This means delaying, or avoiding completely, the necessity for them to live with their children, in assisted living centers, or in nursing homes for the elderly.

Most manufactured homes, like stick built homes, are built for people who are healthy and mobile. If staying in your home for as long as possible is important for you or your loved ones, take steps now to put plans and modifications in place to facilitate this goal. Here's a few simple fixes that you can do:

- The home should always be well-lit and have easy to operate switches. Dimmers are a smart suggestion, allowing the user to increase or decrease the intensity as needed. Rocking switches are easier to use than the standard switch.
- Install night lights throughout the home.
- Put the thermostat in a convenient place. Use a digital version with large numbers and a light for easier reading.
- Flooring should be free of rugs or obstacles to reduce the possibility of tripping.
- Add a shower seat and grab bars to the bathroom along with a handheld shower head. Many household accidents occur while getting in and out of the tub.
- Use D-shaped drawer and cabinet handles. This makes it much easier to pull than knobs.

- Add a raised toilet seat and grab bars around it to facilitate bending.
- Raise your dishwasher, washer and dryer to minimize bending.

There are industry-wide concepts that have become popular in disability and elderly remodeling designs. Universal Design is one such concept; Aging in Place is another. Both concepts strive to make the home safe, secure and completely usable throughout one's lifetime.

For elderly individuals Aging in Place is a dream that is increasingly becoming a reality. In the past, such a practice was not practical or feasible, due to a lack of infrastructure and services available. Some aging individuals couldn't stay in their homes after frailty set in because there were no home care services to cater to their needs. Over the last couple of decades, a huge emphasis on Aging in Place has allowed new industries to meet the needs that allow the older generation to live in their home for as long as they want.

Yet, you don't have to be handicap to reap the benefits of Universal Design or Aging in Place. Homeowners are embracing the aging in place concept and foregoing the move to popular retirement destinations. They are spending their money on renovation and upgrades instead.

A standard manufactured home is ahead of the game in accessibility because it only has one story. However, the home will need a few changes to improve accessibility and safety.

- Widening doors throughout the home
- Ensuring that a space has a 5' clearance for turning a wheelchair
- Removing bathroom sink cabinets for larger turnaround space
- Installing ramps
- Varying height kitchen work surfaces
- Knee space at a kitchen countertop for a chair
- Pull-out shelf for oven food transfer

*continued on page 20*

# Disability & Mobilehome Living



- Low exterior door thresholds
- Lever-handled locksets for exterior doors
- Offset tub/shower anti-scald controls
- Curbless shower with a flexible water dam

As with any remodeling project retrofitting to allow aging in place will cost money, but there are ways to cover the expenses that you may not be aware of. There are grants, loans and other financial products and state organizations that can help you.

According to the United States Department of Veterans Affairs website, veterans are eligible for a grant to pay for retrofitting of their homes for aging in place and handicap accessibility. This is a great benefit for our veterans.

Your local Council or Agency on Aging may offer a home modification program in your area. Repairs and modifications are offered free-of-charge for those with very-low income. HUD awards Community Block Development Grants (CBDG) to eligible local government housing entities for revitalizing distressed neighborhoods. Recipients of the funding often sponsor home modification programs. Contact your county

housing revitalization department for specific program information and qualifications.

States sometimes offer home modifications through its Department of Vocational Rehabilitation services. Although the focus of the program is employment for persons with disabilities, some provide home modifications as part of their support services. Check with your state's Vocational Rehabilitation department to see if you are eligible.

Some insurance programs cover home modifications. Worker's compensation, car insurance, medical trusts or state catastrophic accident insurance may all pay for a home modification. Senior citizens may have this benefit through their long-term care policies. These policies sometimes allocate a specific amount to home modifications in exchange for the stay at a long-term assisted living facility. There are home equity solutions to aging in place and handicap issues, as well.

Becoming handicapped is a difficult transition for anyone as is slowly losing your mobility over time. You can make your family's lives and yours easier with modifications to your manufactured home. These modifications can allow you to thrive in your home.



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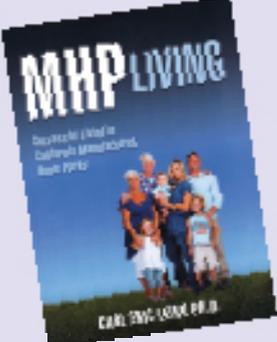
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# Mobilehome Magazine

## This & That

### KIND WORDS

We often receive little notes from folks when they subscribe or donate. Here is one that stands out. Thanks Beth so much! You've made my day!

*I have heard of you being spoken about in very nice terms. I was told a little about all the work you have done and what you have accomplished over these past years.*

*I stopped into our library a couple of days ago and there was a stack of your magazines. I took one home for myself and a couple of my neighbors. Been enjoying how informative it is. Have the subscription request.*

*Many thanks and please keep forging ahead on our behalf. It is appreciated. Sincerely Beth*

### A WORD ABOUT OUR ADVERTISERS

We depend on our Advertisers! They contribute 65% of all our income! Without them there would be no Mobilehome Magazine. We at Mobilehome Magazine feel we are all "family." Our advertisers offer services you need, so why not pick up the phone and give them a call, even if it just to say "Hi, I saw your ad in Mobilehome Magazine and I appreciate your support of mobilehome owners." Perhaps you can even find they will offer you a product at lower rates or give you better service. We believe in them, give them a try!

### GET CONNECTED

If you are getting this magazine and have email, but have not subscribed, at least get connected with us. Send us your email (to [frank@mobilehomemagazine.org](mailto:frank@mobilehomemagazine.org)) with "GETTING CONNECTED" on the subject line. Tell us where you live, your address and phone number

### LETTERS TO THE EDITOR

We are accepting "letters to the editor." You have a voice! Send us your thoughts. Of course we have limited space, so not all letters will be published. We love hearing from you. Because of Richard Dee's Letter (see page 9), I hope many will discover if they have been getting the proper rent increase allowed. There is real value in communication!

### THE POST OFFICE

We mail the magazine to all subscribers. Some did not receive the last issue, although you were on our list. Our suggestion: if you are a subscriber and don't get the magazine in the mail by the second week of the month, please call Frank at 818-886-6479 and we'll mail you another.

### RESIDENTS BILL OF RIGHTS & 2013 MRL

Last month every mobilehome owner in California should have gotten a copy of the Bill of Rights from your park manager and been notified that you can get a copy of the 2013 MRL, from management, if requested. If the park didn't give you a copy of the Bill of Rights and notify you about the new 2013 MRL, then you should tell management and ask them to follow through as required by law.

### THANK YOU

As in January, this last month many helped with the distribution of magazines in parks around California. We again delivered about 3,000 magazines this way. We know it takes time to deliver magazines and we at MHMag are very grateful to you!

A special thanks to William Schlegle of Terry's Mobilhome park and his friends and neighbors. Your park has the most subscribers of any park in California. Keep up the good work!

### RENEWALS

Your expiration date can be found on the top portion of the mailing label on the front cover. We thank the many who have renewed and remind the others to get your renewals in soon. And please, if you are reading this, don't forget we're doing MHMag on a "shoe string" budget. We welcome any donations you can send our way! 90% of the magazines sent out over the last year and a half were FREE. Your donations make that possible!

### EARN SOME SPARE \$\$

We are always looking for businesses that might benefit by advertising in Mobilehome Magazine. If you know a business that wants to target mobilehome owners in California, or specific areas like Orange, Riverside, or L.A. County, please let us know. We will pay you a finders fee.

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We understand money is tight. We understand you might be reluctant to send us \$15 for a year's subscription without really knowing what you're getting. We do understand.

## OUR GOAL

Our goal is to inform California mobilehome owners. We have advocated for you now for 10 years. The first two as a GSMOL manager, the next seven as COMO-CAL, and now as Mobilehome Magazine. We have hundreds of dedicated readers who believe in us. Get on-board and receive Mobilehome Magazine. You won't be sorry. And please tell your friends and neighbors about us. They can benefit also!

## ONLY IF YOU WANT IT

We are disappointed that some don't have the time or interest to read Mobilehome Magazine. And it costs us real money to publish the magazine. To that end, we are excited when we know the magazine is going to a mobilehome owner who **WANTS** it, will take the time to read it, and values its information. That's why we are offering this new "Try Before You Buy" program. It helps us identify who really wants the magazine.

## OUR GUARANTEE TO YOU IF YOU SUBSCRIBE

Any paid subscriber who is not totally satisfied with MHMag can get a full refund (within 60 days of your payment) by sending us a written request. Your refund check will be mailed immediately. No one else will give you such a guarantee.

## WE NEED VOLUNTEERS

If you walk for exercise in your park, we need you. We need folks to distribute the magazine in their park. Call Frank at 818-886-6479 if you are interested.

## Mobilehome Magazine Subscription Application (PLEASE PRINT)

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**Thank You! Your donation helps us continue our work!**

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\$80,000	8,000	40,000	16,000	100,000	1,000	<b>276.00</b>
\$90,000	9,000	45,000	18,000	100,000	1,000	<b>301.00</b>
\$100,000	10,000	50,000	20,000	100,000	1,000	<b>324.00</b>
\$120,000	12,000	60,000	24,000	100,000	1,000	<b>371.00</b>

Rates are examples of replacement cost on newer manufactured homes with a \$500 deductible, subject to change, and may not be available in all parks.