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NOVEMBER / DECEMBER 2012

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A FINAL WORD

It's a new day in America. It can be a new day for advocacy in California, but we all have to give it a chance. Support Mobilehome Magazine and you will see big changes around California!

From the Editor

Welcome back to Mobilehome Magazine. As you can see we are in transition. We are converting to a totally new format. We hope it provides you with a fresh, more organized look. We will have ongoing departments: From the Editor, Around Los Angeles, Around California, Around the World, Feature Article, Tips and Suggestions, The Managers Corner, Articles by invited Guests, This and That and much more.



By the way our new format launches the new schedule of publishing every month. The next issue will be distributed January 1, 2013. It will be a challenge to keep up, but we feel it is important to have a monthly publication. The information is more current. We hope you enjoy the new look and find it more informative. As noted on the following page, our mission is still the same, with a few tweaks.

If this is your first issue of MHMag, we hope you read it and benefit from the articles. And please tell your friends and neighbors about us. We serve

all mobile/manufactured home owners. Although we are a "free" magazine, the only way you will continue to receive it is by subscribing. Please fill out application on page 19 and send it to the P.O. Box in Chatsworth. We really appreciate your support.

This month we tell you more about our Mission and Goals on page 5. We now believe, more than ever, that it is important to give good information to park managers and owners. Why? We believe understanding of laws and issues by both residents and managers will lead to a more harmonious relationship and less animosity. This is one of our goals. To that end, Melody, a park manager, has written a terrific article "the importance of information" on page 6. Thank you Melody.

Donna Matthews continues her column, this month on Contract Law - page 7.

Our guest writer, Myson, suggests things we can do to protect our homes against the coming winter weather. Thanks Myron. See page 9.

The PHRAA is a terrific group in England who has a very informative website and "tells it like it is." Residents there rely on them for good, truthful information. See page 10. You will be shocked to read the article on page 11 about a park owner. Don't miss it.

Everyone wants to keep up on the latest news in the mobilehome world. Page 12-13 provides articles about what residents are doing to protect rent control, fight a management company and owner, and defend the value of their property.

If you are concerned about your investment and spending money to defend it, please read the spread on pages 14-15 about seven day notices. We only want you to be prepared should you receive such a notice from your park owner.

The results of our Sep/Oct 2012 Survey are published on page 17. Check it out.

Do you think we should all start working together? Read "A Final Word" on page 18.

Have a terrific Christmas and New Years.

Mobilehome Owner's

M A G A Z I N E

Serving the Mobile/
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Community in California

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Our Mission & Goals

As individuals, our identity and aspirations develop with time. The more we learn, the better we can "fine tune" our lives, leading to a happier, healthier life. It's much the same with Mobilehome Magazine. Our staff is growing and we welcome our new contributors Donna Matthews, Michelle Smith, and Melody Lee. Donna brings us 25 years of helping, advising, and leading mobilehome owners. Melody Lee brings a managers point of view and is already a hit with her two recent articles. Michelle Smith is the coordinator of a message board for mobilehome onwers (MHOF - a Yahoo Group) and the Regional Manager for GSMOL Region 11 near Sacramento. Michelle will help keep us informed about current events here in California.

Our doors are open to anyone who can make a positive contribution to our mission. Join with us and let's continue to help those who need our assistance.

A NEW TITLE & A NEW LOOK

You may have noticed our new cover TITLE - Mobilehome Owner's Magazine. We wanted a more descriptive title, one aligned more with our goals. So we have included the word "Owner's," as the magazine is really for "Mobilehome Owners." And our new format will allow you to take better advantage of the information we provide. Please let us know what you think about the changes.

WHAT IS OUR MISSION?

1. To provide comprehensive, accurate, up to date information to you. We are mobilehome owners ourselves and understand what you experience. We have been around the block and have much to offer you.
2. You are our primary audience and our goal is to reach as many mobile/manufactured home owners as possible.
3. To provide a network so you will not feel alone or afraid
4. To educate managers, park owners, legislators, attorneys, judges, state officials and others who are involved with mobilehome issues.
5. To help you ban together and show the legislators, state officials, and courts that the mobilehome laws must be enforced. In other words, to form an action group, with homeowners behind them.
6. To document problems individual mobilehome owners have had without enforcement. For example, the Unlawful Detainer form needs to be

changed.

7. To enable YOU so you, as an owner of a mobilehome, can respond to problems you face in your park.
8. To stop violations of the MRL in mobilehome parks and to promote a better relationship between residents and managers and owners.

MANAGERS SUPPORT US

Yes, we welcome support and subscriptions from park managers. Ultimately managers and owners are an important element of our MISSION - to promote harmony in mobilehome parks. It is a fact that some managers are not well trained. This is not their fault and we can help them "get up to speed." In fact managers are already subscribing and our goal, in the next few months, is to distribute to every manager here in Southern California.

It is our hope that park managers will support our efforts. And we look forward to working with managers and hope they are open to seeing Mobilehome Magazine in their park. And of course we are always open to have them write an article or make a suggestion. Let's all work together to make our lives in mobilehome parks better.

OUR FAQ HANDBOOK

Don't forget about our Frequently Asked Questions Handbook (\$6.00 thru MHMag - see the subscription application on page 19). We have already sold over 1,200, many to park owners and managers. It is a "must have" for anyone living in or managing a mobilehome park.

TODAY THE VOICE IS:

- a. The most informative publication in the State of California.
- b. It is the only advocate publication published monthly.
- c. It is the only quality, full color publication of its kind
- d. Soon we will reach more mobilehome owners in California than any other advocate.

Get on board and enjoy the ride!

Frank A. Wodley
Editor & Publisher



The Value of Information

by Melody Lee, Manager, Chatsworth MHP

As a park manager, I am confronted every day with a variety of issues, including parking problems, late payment of rent, 7 day notices, 14 day notices, 3 day notices to pay or quit, new Rules and Regulations, the use of common areas, solicitation, pet issues, neighbor disputes, new legislation which change the law, the distribution of the Mobilehome Residency Law, utility issues, etc. The list goes on and on. I have both a responsibility to run the park, and serve the residents. For that reason it is critical that I understand the laws governing life in mobilehome parks, namely the Mobilehome Residency Law, Title 25 (Health and Safety), etc. When a resident comes to me, I either need to know what I'm talking about or I need to know where and how to find answers.

It is also important that I understand what's happening in other parks here in the San Fernando Valley and around California. Although my park owner provides training, there is still much for me to learn and understand and there is simply not enough time to research and keep up to date. Bottom line, current, accurate information is important. Keep in mind that as of January 2011, the Mobilehome Residency Law is not distributed automatically to residents. That's why I welcome Mobilehome Magazine which comes directly to my door (by mail or hand distribution).

I understand that some managers won't allow the distribution of Mobilehome Magazine in their park. Perhaps they feel the magazine is a solicitation, which is not allowed by law. I'd suggest park managers have an open mind. The magazine is not a solicitation, nor does it attack managers or park owners. I feel park manager's can and will benefit from the magazine. When issues arise, Managers have

another source of information. They are able to see issues from another point of view. And often times the magazine supports their policies.

Also the magazine promotes the Handbook of Frequently Asked Questions. The 58 Frequently Asked Questions and Answers was compiled by the Senate Select Committee on Manufactured Housing in Sacramento. It enables managers and residents to better understand the laws by presenting them in a simple, readable format. Every manager and mobilehome owners should have a copy!

Now regarding a couple issues in some parks, namely harassment and intimidation. If you feel that you are being harassed then write a letter to the manager and set up a meeting with the manager and ask for someone to arbitrate. If there is intimidation then I would write to the owner's and set up a meeting with the manager and the owner if possible. If you have a club house by law the owners address and phone number must be posted for access by the resident.

I'm told that the magazine will be sent directly to many managers through out Southern California. I think that is a good idea and hope other managers will welcome the magazine as I have..

Finally, the reason why I support and write for Mobilehome Magazine is to promote a better relationship between managers and residents. Understanding the laws promotes harmony, with less confrontations. That makes my job easier and makes my residents happier. Let's all work together.

Contract law

by Donna Matthews

I believe that most of the problems that mobilehome owners face today come from the fact that mobilehome owner's rights under contract laws are not acknowledged or enforced.

When a perspective resident contracts to install, or purchase a mobilehome in a park, the park owner is required to give a required written rental agreement (a lease is a rental agreement). A copy of the California Civil Code Provisions, the Mobilehome Residency Law (MRL) must be attached, as an exhibit, to the rental agreement, and is incorporated into the rental agreement by reference, MRL798 (c). Therefore there is a legal obligation for enforcement of all MRL provisions.

CONTRACT LAW

(1) [4] Contract:

(a) Civil Code Definition: *A contract is an agreement to do or not to do a certain thing. It gives rise to an obligation or legal duty, enforceable in an action at law.*

(b) The Uniform Commercial Code distinguishes "agreement" from "contract." An "agreement" is the bargain of the parties in fact determined from their language or by implication from other circumstances; a "contract" is the legal obligation resulting from that agreement.

There can be no acts constituting actual fraud, including Intentional Misrepresentation, Negligent Misrepresentation, Misrepresentation of Law, Fraudulent Representation, Concealment, False Promise, Threat of

Duress, or Undue Influence.

(2) [43] Rule of Validation:

The basic policy in the field of contracts is protection of the justified expectations of the parties. Parties will generally enter into a contract with the expectations that the provisions of the contract will be binding on them.

APPLICATION OF CONTRACT LAW

Now apply these contract laws to the required written rental agreement and the Mobilehome Residency Law provisions. The homeowner contracted to place his/her home investment in the park, with the justified expectation that the laws protecting that investment would be honored by the park owner..

It is the park owner who obtained a Conditional Use Permit in order to construct his park. The standards and conditions of this permit had to be provided and maintained to receive his Permit to Operate a mobilehome park, and the same standards and conditions are required for a permit renewal each year. These standards and conditions became the terms and conditions of a homeowner's park tenancy, MRL798.8, and are the provisions listed in the required written rental agreement, MRL 798.15 (a-h) rental agreement or lease that the homeowner received when he/she contracted to place his/her investment in the park.,

I believe the most important MRL provision that is completely ignored and not enforced is the MRL provision 798.15 (h), which states "All

other provisions governing tenancy."

My belief is that an annual rent increase is a governing factor of tenancy and should have been a required provision in all written rental agreements. Then prospective tenants would know what their rent would always be, and there could be no unconscionable rent increases, or do I believe a need for rent control. I believe if enforced, the park owner could not arbitrary charge for anything that was not a provision in the agreement, or change the terms and conditions of tenancy that was not a provision in the required written rental agreement.

I believe, after the homeowner contracted to place his/her home investment in the park, or have purchased a home in the park, her/she has a vested financial interest in the park, therefore becomes a co-investor. It is the homeowner's investment that makes the park owner's investment a financial success.

I believe the Legislators realizing these facts passed these unique mobilehome laws to protect the homeowner's rights and investments. One very important MRL provision is that is very protective is: NO rental agreement can contain a provision by which the homeowner waives these rights, MRL798.19, or it is void.

It is my belief that the terms and conditions of a contract or rental agreement are binding until both parties make a written agreement to any changes.

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The Clock is Ticking

by Myron, Hughes-Westbrook Insurance

The clock is ticking!!! The rains and the occasional strong winds are coming. This is the time of year to change your smoke detector battery, change your furnace filters and have your roof inspected. Maintenance issues are NOT covered by homeowners insurance. Auto insurance and homeowners insurance are the same in this regard. Your auto policy won't buy you a set of tires after yours wear out and homeowners won't buy you a roof after your roof wears out. Roof leak damage inside the home from a worn out roof is a covered loss.

The worst call I take here at my agency, Hughes West-Brook, is the call from a policy holder reporting a claim that's not covered. We will take multiple calls this winter from folks believing that their leaky roof is covered by their policy. HOWEVER, often times there IS coverage. We write for 7 to 10 companies at any given time and all carriers are the same with respect to roof coverage.

Covered roof leaks must be part of sudden and accidental damage to the roof. There are 2 common cause of sudden & direct roof damage that are covered. They are Wind and Falling Objects. If wind tears off part of your roof, your policy will pay for the roof damage as well as any water damage if the wind is part of a rain storm. Falling objects coverage includes tree limbs and branches that might be blown onto your roof. Also, in very high wind areas, we will take many covered claims from carport and/or window awnings that are blown loose crashing into homes or onto roofs. These are covered losses.

One thing I want to add with respect to flying awnings and tree branches is that coverage here is different from auto insurance. With auto coverage your policy will pay if your car hits another car, right? Under homeowners, if your awning blows into your neighbor's home HIS policy pays for the damage not yours. Likewise, if your neighbor's limb or awning crashes into your home, the coverage rests with your policy not his. It's 'every-man-for-himself' with storm damage.

There is one exception to this and 2 things must be in

place for the exception to apply. I will use a rotten tree as an example. Let's say that your neighbor has a dying tree in his yard with a big limb hanging over your roof or carport. The first thing is that you must do is put the neighbor on notice that you fear damage to your person or property if the tree should fall onto your property (wind aided or not). If you have a good relationship I would expect your neighbor would take action to remove the dead tree. If not, a very good and cheap way to give notice is to send a letter (keep a copy of the letter) through the US Mail with a return receipt as proof of delivery. This way you will have proof that you put the owner of the tree on notice of an impending danger. This will hold up in small claims court.

Getting back to the leaks, they mainly occur in 3 places, around vents and skylights, at the marriage line between the 2 halves of your home where the roof peaks. Another area of concern could be the seam between the home and a screened in porch.

What happens is that the sealant dries out. In Southern California we live in a dry climate. That dry air combined with summer heat will crack that sealant in roughly 3 years time. And, this past summer has been the hottest summer of my 45 years in Southern California.

I hope this helps you. Remember, the most important question you can ask about any insurance policy is: "What's NOT covered". With homeowner as with auto policies the answer is that damage that occurs over time is generally not covered and damage that occurs suddenly and directly generally is covered.

If you have questions, be sure to call your agent or, feel free to call us at Hughes West-Brook Insurance Agency 800-660-0204. We are in our 40th year serving the manufactured housing community only!

Myron Hughes

Owner-Broker

UK Group (PHRAA) Fights Unscrupulous Park Owners

First of all, a few definitions of abbreviations: UK = United Kingdom. UPO = Unscrupulous Park Owner. PHRAA = Park Home Residents Action Alliance.

We have written about news in England several times in the past. Our "sister" group in the UK is PHRAA, an advocacy group that has been active since 2002. Please visit their website at <http://www.phraa.co.uk/>. In their 10 years their website has had 527513 visitors - that's about 4,400/month (can you believe that! - terrific work guys) and they have considerably less plots (spaces are called plots and rents are called "pitch fees") than here in California.

PHRAA has an online newsletter at <http://www.parkhomesphraanews.co.uk/> and it is well worth checking out.

PHRAA tells it like it is. They pull no punches. In fact Californians can learn much from our friends in England. It is shocking how similar are the issues. Four years ago our friend Ron Joyce, the General Secretary of PHRAA wrote an article for COMO-CAL's VOICE. Here is an excerpt from that article:

"We have a saying in the UK that "everything is bigger in the United States of America" and from what we now know about your Residential Mobile Homes Industry this is certainly true for in California alone there are twice as many Residential Mobile Home Parks and three times as many spaces as currently available throughout the whole of the UK. But although there is a vast difference in the scale of the industry we are devastated to learn that many of our fellow Mobile Home owners in California and other states are victims of exactly the same problems as those encountered daily by all too many of us mainly elderly and vulnerable residential mobile homeowners here in the UK.

We too face losing our homes to unscrupulous park owners, face huge increases in ground rent and utility service charges (gas electricity, water and sewage disposal). We also suffer bullying, harassment, intimidation, being ripped off at every opportunity etc., and the failure of Government to provide any effective and enforceable law to protect us compounded by the total indifference by all in authority who maybe could help but won't. All of which leaves us almost completely to the mercy of the dictatorial regime of the every increasing number of Unscrupulous

Park Owners obsessed with greed and power, ruthlessly imposed with impunity over his elderly helpless and captive victims. Abuse of the elderly is prevalent throughout the UK Mobile Homes Industry.

As we share the same problems, CoMO-CAL and PHRAA are working together to bring pressure on our respective Governments to introduce the urgently needed and long overdue ENFORCEABLE protection all Mobile Homeowners worldwide have the right to expect. This is why we are so exited at being contacted by Frank Wodley, President of CoMO-CAL and are already exchanging information, ideas, ideals and expertise to achieve these aims.

PHRAA is manned by dedicated volunteers offering help and advice to, and exclusively for the welfare of park homeowners. PHRAA "TELLS IT AS IT IS" nothing is censored. All information, including regular warning bulletins, is freely available to all through the websites and newsletters. No plea for help from a desperate homeowner is ever turned away.

PHRAA invites all mobile home owners throughout California and the US to visit the PHRAA website www.phraa.co.uk. All are welcome. You can also send us an email and say Hi to Ronald Joyce ronjoyce106phraa@yahoo.com.

The one great weapon mobile homeowners in California have to your advantage is that you have CoMO-CAL administered by a dedicated team headed by Frank, Bob and others all equally committed to the cause. These are the people who have voluntarily pushed up their heads into the firing line to win the extremely difficult, and at times very dangerous, battle for your rights, freedom from persecution to enjoy your chosen lifestyle in the peace and quiet you have earned and rightly deserve. But they cannot achieve this aim on their own. They need your total support. Only by joining together to form one powerful united force can you win these rights. CoMO-CAL offers you this opportunity. Grab it with both hands. It may take some time, but "PEOPLE POWER" is an unstoppable force and will prevail."



Compensation For Victims At The Glen

Park home residents at The Glen, near Bromsgrove, Worcestershire, who were victims of a campaign of arson, blackmail and fraud from park owner John Doherty and his associates, have now received £507,170 in compensation. The cash, which was handed over to the 19 residents in mid April, was taken by the police from earnings that the gang had made from their crimes.

The offences happened in 2007 when the two Doherty brothers led a blackmail campaign against residents on their park. Four homes were burnt to the ground in bids to get the owners to sell them at reduced prices.

In February 2009 John Doherty, his brother Simey Doherty and five others were jailed for a total of 64 years for offences including conspiracy to commit arson, blackmail and to defraud. Detective Inspector Mark Colquhoun, who led the investigation into these crimes, welcomed the compensation pay out. 'Four people were so scared they sold their homes to the Dohertys for just £1 when the market value was at least £75,000,' he said. 'It was vital these residents were compensated, not just for the distress they went through but for the financial losses they sustained.'

He also said that while he was pleased that the residents had been compensated, sadly some had died since their ordeal and never got to see the money. Instead it will go to their families.

Sonia McColl, from the Park Home Owners' Justice Campaign, said: 'The residents endured a campaign of terror that others simply could not imagine. Some elderly residents stayed up all night in their day clothes because they feared their homes would be torched...I think justice has been done as far as it can be, but the victims and I feel the prison sentences are not long enough, for what they went through.'

Sonia praised West Mercia Police for their handling of the case, hoping that it sent a forceful message to other unscrupulous park owners across the country that not only will they face prison bars if they abuse residents but their equity will be taken and given to their victims.

As well as the £507,170 which is going to residents at The Glen Park, a further £240,245 will go to four victims of a similar fraud at Harvest Hill Park in Coventry. The Glen and Harvest Hill Parks were sold and, once John Doherty's mortgage lender was paid, the rest of the cash went to the victims - more than 90 per cent of their original compensation claims.

Published May 16, 2012 in Park Home and Holiday Caravan Magazine (UK) <http://www.parkhomemagazine.co.uk/features/park-home-news/140-compensation-for-victims-at-the-glen.html>.

Editor's Note

Editor's Note regarding PHRAA comments on page 12: Now Mobilehome Magazine is fighting for you, in place of COMO-CAL because we are able to help countless more mobilehome owners than with COMO-CAL, at a much lower cost. MHMag offers you an opportunity to unite and work toward a better life for all mobile/manufactured home owners.

The success of Mobilehome Magazine depends on you, our reader. Without you we are nothing. With your support, we can reach many more mobilehome owners who desperately need good information.

How can you support us? a) With your subscription. That's all we ask - and if you can't afford \$15, then send us what you can. At least send us a completed application so we know you read and appreciate Mobilehome Magazine. b) Volunteer to distribute MHMag in your park. It is your right. Help your friends and neighbors. It only takes an hour or so a month. c) Contribute an article d) Write to the editor and/or e) Make a donation. All information is kept confidential and all monies go directly to expenses of printing and distributing the magazine. THANK YOU!

Lawsuit Against Sierra Management



TORRANCE - Paul Masminster, a resident of Royal Western Mobile Home Park and former COMO-CAL Vice President, has been fighting his park's management company, Sierra Management - Kort and Scott, for over 10 years. He organized a resident's group called Save Our Soles (SOS)

and has been documenting park issues for several years. - taking over 3,000 photos, keeping a time log, and having a paper trail of years of correspondence with his park management and owner.

Now he has recruited the attorney group Endemen, Lincoln, Turek and Heater of San Diego and they have filed a lawsuit to be heard in a Los Angeles Superior Court. They are in the interrogatory phase today.

Among the issues contained in the lawsuit are: a) management not following park rules and regulations b) failure to maintain affecting park appearance c) inability to sell homes d) electrical problems e) sewer problems f) fear tactics and intimidation and several more.

So what does SOS want? They want control of the settlement, they want Sierra Management out, they want 50% of their rent over the last 4-5 years returned to them, they want rents rolled back to \$800/month, they want all items mentioned in the lawsuit repaired, no more RV's, and a management company that complies to all state and federal laws. You can contact Mr. Masminster through MHMag.

Voters narrowly defeat El Monte measure seeking to repeal mobile home park ordinance

By Maritza Velazquez, SGVN

Posted: 11/07/2012

http://www.sgvtribune.com/elmonte/ci_21946969/voters-narrowly-defeat-el-monte-measure-seeking-repeal

EL MONTE - An initiative aimed at addressing skyrocketing rents at a local mobile home park narrowly failed on Tuesday by just 59 votes. With all precincts reporting, 49.8 percent of voters supported Measure F, and 50.2 percent opposed the initiative.

Measure F would have repealed a 1990 voter-approved ordinance that prohibits the city from regulating rents at its 33 mobile home parks. The 1990 ordinance also provides a 10 percent rental assistance subsidy for qualifying tenants.

El Monte initiated the ballot measure in response to complaints of price gouging from residents at the Brookside Mobilehome Park, where some tenants are paying \$1,500 a month in rent - three times the average mobile home rent in the city.

Mobile home park residents own their coaches, but rent the dirt beneath them. Many of those at Brookside say

they're being held hostage because it costs thousands to move their coaches, a price that is much too high for many on a fixed income.

"With the incomes in El Monte, I feel that there should be rent control to lessen the financial burden for people," said 24-year-old Alicia Gutierrez.

City officials have said the measure was not about imposing rent control, but rather allowing El Monte to simply inquire into the prices local mobile home parks are charging. With the 1990 ordinance in place, the city cannot allocate resources or staff time to look into rent issues, officials said.

Those who opposed the measure argued that its passage would result in rent control, a bad and costly policy and eliminate the 10 percent subsidy for some qualifying residents.

"I felt bad after I heard they're paying \$1,200 for a space and I can see their point, but I'm also a landlord in El Monte and I don't want them to tell me what I can charge," said 81-year-old resident Betty Cook.

maritza.velazquez@sgvn.com 626-544-0817

Watsonville rent-control fee passes

By Donna Jones

Santa Cruz Sentinel

Updated: 11/07/2012

http://www.mercurynews.com/elections/ci_21946134/watsonville-rent-control-fee-retains-early-lead-late

WATSONVILLE - Measure R, an initiative to levy a \$5 monthly charge on mobile homeowners, was approved by voters Tuesday.

With a simply majority needed for passage, the measure won almost 56 percent of the vote.

The fee is designed to establish a legal defense fund for the city's mobile home rent-control ordinance. It will raise about \$59,000 a year.

Mobile homeowners say the fund is needed so that they can protect their investments. City leaders supported the measure as a way to ensure a component of Watsonville's low-cost housing stock stays affordable.

About 2,500 people live in the city's 1,000 mobile homes, which sit in parks. Residents own the homes, but rent the space they sit on from park owners.

Under the ordinance, park owners are entitled to cost-of-living increases, but must provide a financial analysis to justify higher increases.

In recent years park owners and residents have clashed over rent increases, and the city has stepped in to ensure its ordinance governing rate increases was observed.

Similar battles in Capitola ended with leaders there repealing the ordinance in 2011 after spending more than \$1 million during the previous decade to defend it.

Watsonville's City Council can't repeal the ordinance because it was enacted by voters and only voters can change it. That's why all registered voters were able to weigh in, even though only mobile homeowners would pay the fee.

There was no organized opposition.

Editor's Note

El Monte: I would like to thank Norma Macias of the El Monte City Council for sponsoring Measure F. I hope to work with Norma to further her efforts to help the residents in Brookside Mobilehome Park. Mobilehome owners need protection, especially if they live in a park owned by greedy owners whose rents far exceed that of other parks in the area and who usually do not maintain their parks.

Torrance: My friend and colleague Paul Masminster has long felt that a lawsuit is the only way to get the attention of an unscrupulous park owner. He has had good success because of his daily efforts to document issues in his park.

If you have similar issues in your park, please let me know and I'll put you in touch with Paul. There are many who can benefit from his suggestions.

Also keep in mind the attorney group Endemen, Lincoln, Turek and Heater of San Diego who specialize in "failure to maintain" lawsuits. They just helped residents in Blue Pacific to purchase their park as a consequence of such a lawsuit.

Watsonville: The folks in Watsonville have a terrific idea and are to be congratulated. I support it 100%. In fact I've suggested that we work on a similar fund for ALL

MOBILEHOME OWNERS in California. Would you support it? Let me know.

As you may know there are about 365,000 mobilehome spaces and a total of 5,300 parks. About 1,300 parks have 100+ spaces, 950 parks have 50-99 spaces, and 1250 parks have 20-49 spaces. Those 1,300 parks having over 100 spaces contain 67% of the total number of spaces.

Now to the fund: If everyone contributed \$5/year, we would collect \$1.825 Million or if we contributed just \$1/month, the total would be 4.38 Million. \$2/month = \$8.76 Million!

I would jump at the chance to contribute to a fund, but it is a numbers game. For it to be effective, all 365,000 would have to contribute.

Of course there are many questions. What would the fund be used for. Who would make the decisions? How would be ever be able to get everyone contributing? Where would the money be held. Would it be safe? Etc.

Let me know your thoughts. We have a "Letters to the Editor" column, we welcome your opinions, and suggestions. Get involved. We all benefit when you do.

It's Your Money!

What Would You Do if you received a 7 day notice?

by Frank Wodley & Donna Matthews

Most of us live in a mobilehome park where we (1) pay rent to a landlord and (2) have a very significant investment in owning our mobile or manufactured home. This combination makes us vulnerable. What would you do if:

- a. You received a seven (7) day notice,
- b. You received a sixty (60) day notice
- c. You received a fourteen (14) day notice
- d. The park wanted you to sign a new Lease
- e. The park wanted new Rules and Regulations
- f. Your manager was abusive, harassed and intimidated
- g. You were given a rent increase
- h. The list goes on and on.....

The answers often are NOT OBVIOUS. Mobilehome magazine, with this issue, is starting an ongoing column (*It's Your Money*) to offer you suggestions to deal with various issues that you might face as a resident in your mobile/manufactured home park. Let's take them one at a time. First one: **What would you do if you received a seven day notice?**

WE ARE ALL VULNERABLE

I have often observed that my manager, if so inclined, could "write up" anyone in my park for a rule or regulation (let's just call them rules for short) violation. If one looks hard enough, they

could conclude that every park resident is violating one or more park rules. Bottom line: **we are all VULNERABLE to the whims of our park owner or manager.** For example, there is a 10 MPH speed limit in my park, which I feel is very slow. Although I drive carefully, I admit I often drive 15 MPH in my park - an obvious violation of a rule. Another example, the rear of my car may at times extend a few inches into the street - another violation. We all violate rules! That's a fact, Jack!

SEVEN DAY NOTICES

Rules and Regulations are a part of your park rental agreement. A violation of a rule constitutes a breach of the rental agreement and can be grounds for an eviction. MRL section 798.56(d) states the first step in an eviction process is for the park to give you written notice of a rule violation. This notice is called a Seven Day Notice because a resident has seven days to "correct" the violation. If not corrected, next the park can issue a 60 day notice to terminate your tenancy.

A REAL EXAMPLE

Why are we talking about seven day notices? Recently a Palm Springs resident (I'll call her Lois) called after receiving a letter from the park's attorney (a seven day notice). Here are parts of that letter:

"If you do not (immediately) cure the violations, your tenancy shall be terminated by service of a Sixty (60) Day

Notice of Termination of Tenancy. Your tenancy ...is terminated on the day the Notice is served upon you, not 60 days later. You will be required to quit and remove or sell your mobilehome. In other words, you will be required to vacate the Park and move or sell your mobilehome after the 60 Day Notice is served.

Both the parks rental agreement and California Civil Code provide that you will be obligated to pay all legal fees and costs incurred by my client in terminating your tenancy. Typically such fees and costs are substantial; therefore I am confident my client will prevail, I urge you to begin now to put aside sufficient monies in order that you can pay these sums to my client, estimated to be several thousand dollars."

ATTORNEY'S THREATENING LANGUAGE

Ten years ago I also received a seven day notice from my park. Would you believe, the language was identical? In fact it could be you getting the same letter someday! One important change, my letter stated "you will not be permitted to leave your coach in the Park and sell it to some other person." In other words, **I COULDN'T SELL MY HOME AND HAD TO MOVE IT!** What a windfall for my park owner! No wonder my friends and neighbors were getting so many seven day notices. It was a "side business" for my park owner! Fortunately today you ARE allowed to sell your mobilehome. (Parks often interfere with sales, but this is a subject for another time.)

IT CAN COST YOU LOTS OF \$\$\$\$\$

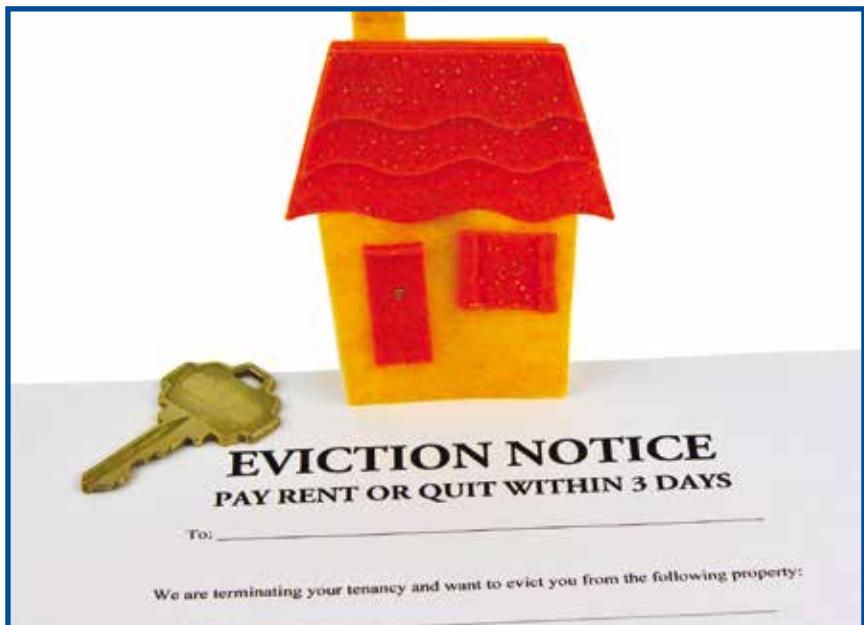
I can attest, getting a threatening letter from the park is no picnic. Just considering the dire possibilities had my stress level shooting off the charts. I felt I had no choice but to hire an attorney. It **cost me \$1000** for a letter from an attorney who, unfortunately, knew nothing about mobilehome law. It was a waste of my time and my money! **If I only knew what I know today!**

BACK TO Lois

Obviously Lois was very upset at the prospect of being evicted, possibly not being able to sell her home (she could in fact lose it), and owing her park owner thousands of dollars. So what did Lois do. She correctly realized this was very serious, with little time to act. Unfortunately Lois was NOT prepared (she was an old COMO-CAL member and hadn't subscribed to MHMag). Her first act was to ask friends and neighbors who they could recommend, then she had the attorney (**\$750**) write a letter "denying most allegations and explaining that the park manager was retaliating.

Lois, a former COMO-CAL member, contacted Mobilehome Magazine, explaining her immediate need for help. I had her talk with Donna Matthews (Donna writes an on-going column for MHMag). Donna made the following suggestions:

1. Answer all notices in writing.
2. Keep a paper trail, as you may wind up going to court on a Unlawful Detainer Suit.
3. If it is a true violation to a reasonable rule correct it in the 7 days and answer in writing that you have corrected it
4. If you do not feel it is a true and valid violation, as per the Termination of Tenancy provisions, show your reason and request an answer within a certain number of days. (I recommend sending the answer with a proof of service).



5. Don't make the answer long, stick to the cited violations, and the truth.
6. Do not add any information that can be used to confuse the issue.
7. Remember the MRL798.56 (d) states **it is the manager's obligation** to demonstrate that a rule or regulation has in fact been violated.
8. Sometime the park attorney sends an intimidating letter, know the laws they are there to protect your home investment. The attorney's statement must be verified.
9. If you need a lawyer, advise him of the pertaining mobilehome laws so he can better assist you.

IMPORTANT POINT

One important point missed by the park attorney: Civil Code 798.57 Statements of Reasons in Notice: The management shall set forth in a notice of termination, the reason relied upon for the termination with specific facts to permit determination of the date, place, witnesses, and circumstances concerning that reason. In other words, a notice must contain specifics/details of any rule violation. In the case of Lois, the park attorney, the seven day notice did not contain details (date, place, witnesses, and circumstances); therefore it was not a proper notice.

WHAT HAPPENED TO Lois

Lois decided to sell her home and she was lucky that someone, previously approved by the park, made an offer to purchase her home. I understand Lois is purchasing a home - good luck Lois.

IT'S YOUR MONEY

It's your money. The decisions you make if and when you get park notices can have huge consequences. The wrong decisions can cost you lots of money, even your home.

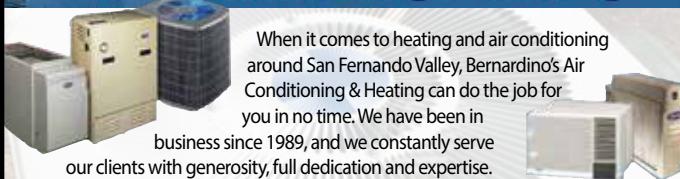
The best way to handle notices is to be prepared. Have a recent copy of the Mobilehome Residency Law, and a copy of Frequently Asked Questions (available from MHMag). Have our phone number handy and subscribe to Mobilehome Magazine. It takes less than an hour of your time a month. A little preparation goes a long way!

This article is the first of several articles under the subject "What Would You Do?" We feel it important that we share our expertise with you so you are better prepared should you receive a notice from your park.

We thank you for reading and supporting Mobilehome Magazine. Please tell your friends and neighbors about us. Post a notice on your bulletin board. Let's do this together.

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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.

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Have something to sell? Next issue we will have a "Classified Advertising Section." The rate for one issue is \$6.00/line, 4 line minimum.

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Did you know you can publish your business card for as little as \$50/issue. Call us for info.

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What better way to sell your home and save thousands. MHMAG reaches over 20,000 California readers. Many are looking to relocate. You get a terrific rate. - call Frank at 818-886-6470 for details.

FAQ HANDBOOK

Mobilehome Magazine continues selling the FAQ Handbook, a must have for all mobilehome owners. It gives simple explanations of the laws. Now only \$6.00 - the best investment you'll ever make.

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.

SURVEY RESULTS

MHMAG Survey Results

We always like to hear from you and the survey is one way you can let us what's on your mind. A few readers sent us last issue's survey and here are the results:

- 100% pay rent to a landlord
- 100% agree there is Strength in Numbers
- 80% feel they are vulnerable
- 80% feel their whole park should get MHMAG
- 80% feel their park is just okay or
- 70% say they are not afraid of the park manager
- 50% get a park newsletter from management
- 33% get a newsletter from their rec committee
- 33% get a newsletter from their HOA
- 33% have no group

33% have a recreational group

33% have an HOA

20% hate their park

15% get no newsletter

15% said they would help distribute MHMAG

Regarding Issues (highest to lowest interest)

- Rent Control (highest interest)
- Management Problems
- Around California
- Information about purchasing a new home
- Information on refinancing their home
- Information about organizing
- Information about Failure to Maintain (lowest)

A Final Word

Well the election is finally over! I'd guess most of us hope our leaders in Washington D.C. (and Sac) will come together "for the good of all AMERICANS." This is their opportunity to start problem solving - TOGETHER. And we all know there are plenty of problems to be solved - many of us have been struggling just to survive these last few years.

How can our leaders serve us if they are only interested in themselves, and/or being faithful to their party? I'm really fed up with politics - come on guys, get your act together. WE NEED YOU TO WORK TOGETHER!

TIME FOR CA ADVOCATES TO WORK TOGETHER

Most of you are not aware of the friction between advocates here in California. Over the last 20 years, our statewide group has lost 85% of its members. In my opinion, the loss is because of their politics. Mobilehome owners have "voted." They want change and now is the time!

The mantra of all advocates should be: "*My number one priority is serving Mobilehome Owners and I will work with anyone who does, without regard to group affiliation.*" We can and must be UNITED through our deeds, by working together for the good of all. "Working together" should mean supporting and promoting all who serve, not attacking, bad mouthing or isolating them.

Mobilehome Magazine and COMO-CAL have an eight year history of service to mobilehome owners. It can't be disputed. We are 100% for mobilehome owners.

Unfortunately our efforts to "work together" with other advocates have been rebuffed and ignored. Ultimately mobilehome owners lose. MHMag is ready for a change.

IT IS TIME FOR MH OWNERS TO BE INVOLVED

This is also a time for mobilehome owners to come together, to believe our lives can be better with a little effort, by working together. Everyone should have a chance to voice their opinion and make a contribution.

If you have read this issue of Mobilehome Magazine, you will notice some "tid bits" of information. For example look at the results of the Survey - all who took it pay rent to a landlord, and all believe there is "Strength in Numbers." Eight out of ten believe we are vulnerable and feel their friends and neighbors should read MHMag.

Why? Because we are at the mercy of our park owner and manager. If they are so motivated, they can make our life miserable. And often I hear horror stories about life in one park or another. This could happen to anyone, don't think you're immune. Parks are bought and sold every day. Owners change. And we all know managers come and go.

So what is our defense? What can we do to protect ourselves? We've already given you the answer. **Unite. Organize.** Get our **Handbook**, **subscribe** to Mobilehome Magazine, and join an advocacy group. Being prepared need not cost a lot of money (our handbook is \$6, the magazine is \$1.25/issue, joining GSMOL is \$25/year - that's less than \$50/year). Wouldn't it be terrific if everyone was prepared.

IT'S YOUR CHOICE

It's your choice. Be strong together or be easy targets as individuals. You can see what happens when folks stick together - as in the case of the residents at Royal Western MHP in Torrance. They won a \$1.4 million lawsuit in 2008 and now are working on another for several million. Why? Because they decided "they won't take it anymore, they're Mad As Hell", and they are doing something about it. Ultimately they really have nothing to lose. They've already lost most of the equity in their homes, they've already been harassed, intimidated and retaliated against...what more can management do to them? And they stand to recoup thousands of dollars for their years living in such poor conditions. If you're in similar circumstances, you can do something about it. Call us, we'll help.

You can see sometimes there is justice, as in the case of the park owner in the UK who lost his park and is sitting in a jail cell. You can see when residents UNITE as they did in Watsonville. They now will have a defense fund to help fight challenges to their Rent Stabilization Ordinance.

LET'S INCLUDE MANAGERS & OWNERS

And our managers and owners should not be "out in the cold." They need good information, too. Many managers have had little training and often are only trying to do their best. Hopefully they will do a better job if we help them understand the laws, and see the negative effects on residents when they harass, intimidate, retaliate and are generally mean. Let's hope they will want to change, to be better managers, to work with residents, and to have a more harmonious relationship with residents.

DO YOU WANT TO CONTINUE RECEIVING MHMAG?

I hate sending the magazine to anyone that doesn't want to read it. That unread copy could be going to someone who really needs the information and help we provide.

So I have one last request. If you **really want to continue receiving MHMag, let me know, even if you can't afford to subscribe right now. Please call me at 818-886-6479.** Don't be self conscious. I understand how difficult it is for some to get by and I understand \$15 is a lot of money. **Thanks & Happy Holidays.**

Be a Hero & Make \$\$ Too

OPTION #1: Now you can raise money for your local group - whether a recreational group or HOA by purchasing Mobilehome Magazine wholesale and selling it to your members for \$.50-\$1.00/copy. It is a win-win! Mobilehome Magazine gets your support and you help us distribute. And you make money for your local group for any need you might have.

What is the catch? Actually there is no catch. You can purchase magazines at 25 cents each. A USPS Priority Medium Flat Rate Box costs \$13.50/box and holds up to about 125 magazines. In other words, you can order 50 for \$26.00/100 for \$38.50 or 125 for \$44.75 or any combination.

If you have 100 in your park, sell the magazine for 50 cents and make a few bucks...You win, we win and your friends and neighbors win.

OPTION #2: Distribute Mobilehome Magazine in your park. We will pay you 10 cents /copy delivered directly to

each space (don't put it in the US Mailbox). Acceptable places to deliver: a residents porch, newspaper tubes, park tubes or receptacles, or ... You get the idea. Just give us a call, send us an email or fill out the application below and check "I'll Deliver." We will send you a box of magazines , no charge, enough for your whole park. Pass them out and receive a check in the mail. Simple, painless, but helping everyone! For an hour or so of your time you can make \$20 for a park of 200 spaces. And you can be a hero - getting good information to your friends and neighbors.

OPTION #3: Once you subscribe to MHMag yourself, you can sponsor residents. You get \$5.00 for each resident who subscribes because of your efforts. Just have them write your name down as "SPONSORED BY." And watch for a check in the mail. If you are already a subscriber, having your friends and neighbors subscribe and write your name down as Sponsor get's you \$5.00 each. That's \$50 for 10 subscribers, \$100/20. Not bad and it's a win-win for all.

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\$90,000	9,000	45,000	18,000	100,000	1,000	301.00
\$100,000	10,000	50,000	20,000	100,000	1,000	324.00
\$120,000	12,000	60,000	24,000	100,000	1,000	371.00

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.