

Mobilehome **Magazine**

**Advocating For Owners of
Mobile & Manufactured Homes
in California**



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From the Desk of the Editor



Welcome to the April 2013 issue of Mobilehome Magazine. This month we are very fortunate to have articles by several guest writers, including three from the Sonoma/Santa Rosa area. We thank them all for their contributions.

April is tax month and we have several articles on taxes: Donna Matthews (page 14) writes why she believes pass through fees are illegal. Read the article on page 15 and learn how residents at Rancho San Miguel have been fighting against a recent pass through. Finally, a Tax Story (page 16) about taxes on mobile/manufactured homes and why you need to be aware how your own home is taxed. It could save you \$\$.

If you subscribe to Mobilehome Magazine, you read (March 2013) about our latest project - a FREE magazine for mobilehome owners. This month we continue to explain this important project - see pages 8-9 and 11. Get on board and soon your area will have its very own local magazine! This could change the face of advocacy.

Distribution of information is critical. It is the foundation on which advocacy is built. Without distribution, residents only source of information would be from park managers. Read how a resident questioned management (page 10) and was able to get Mobilehome Magazine delivered to his friends and neighbors, although management tried to stop him. Good work!

Some good news out of Santa Rosa (page 7) regarding a condo conversion victory where residents prevailed against a forced conversion. And GSMOL is sponsoring a bill (AB510) that brings fairness and choice to mobilehome owners facing forced condo conversions. Mobilehome Magazine asks you to support this bill by writing your Senator.

Mobilehome Magazine wants to promote better relations between park owners, managers and residents. To that end, we not only allow but welcome contributions by managers and park owners. Our goal is everyone abiding by the Mobilehome Residency Law and Title 25. See page 20 for our philosophy on this matter.

Finally, we have given this issue of MHMag a new look. We hope you like it. Let us know what you think and thanks for reading!

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.

THE 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.

Mobilehome Magazine 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), 83% rated MHMag as terrific.



YOU CAN GUARANTEE DELIVERY BY SUBSCRIBING

The only way you can guarantee delivery is by subscribing. The cost is minimal, only \$1.25/month (\$15.00/year) and you will receive your copy by U.S. mail about the 1st day of each month. We also offer a terrific 36 page Handbook (\$6.00) that explains in lay terms the laws that protect you. This is a "must have" reference every mobilehome owner should have.

Subscribing is easy. Just fill out the application on page 23 and send it to Mobilehome Magazine, P.O. Box 3774, Chatsworth, CA. 91313, with your check for \$15. Or you can save a stamp by subscribing through PayPal on our website at www.mobilehomemagazine.org - go to Products and use your credit card.

**WE THANK YOU
FOR YOUR SUPPORT!!**

Condo Conversion Victory

At Long Last, Glad Tidings for Residents of The Country MHP in Santa Rosa

The Country MHP is a senior park, first established around 1971. We have 178 home sites on 26 acres. The Country HOA was founded in 2005 and has been very active and effective during that time. Among our achievements: we prevented the landowner's attempted condo-conversion of our park (see my story on our condo-conversion victory). We have a monthly newsletter and hold bimonthly membership meetings. We have direct, ongoing communication with our city council, planning department and rent control board, many of whom know us on a first-name basis. We are also well-known to our state government representatives. Some of our HOA members are also active in our citywide MHP resident advocacy group SRMOA, and GSMOL.

Our most powerful weapons against landowner attacks and abuse are information and organization. Mobilehome Magazine provides that. As an active advocate for mobilehome owners, I support Mobilehome Magazine and I feel all mobilehome owners and advocates should.

After a three-month wait, the best possible holiday gift arrived on December 19, 2012: A Sonoma County Superior Court judge upheld the City of Santa Rosa's decision to turn down the condo-conversion of The Country MHP due to a lack of resident support.

The Superior Court's hearing of this condo-conversion case was held in September, but was delayed for so long because of the

Court's huge paperwork backlog as described in a Press Democrat article on November 30, 2012: "Continued budget cuts...have forced them to leave 50 positions unfilled...and caused paperwork to pile up."

Residents of The Country felt this good news was worth the wait, and had a champagne celebration in their clubhouse. Here's the time line of their condo-conversion battle:

- **May 2006** - Residents notified of condo-conversion, the survey shows a majority opposes it, & the battle begins.
- **August 2010** - Condo-conversion is turned down by City Planning Commission.
- **November 2010** - Landowner appeals to City Council, condo-conversion is turned down again, landowner files lawsuit against City in Superior Court.
- **September 12, 2012** - Superior Court hearing for landowner's lawsuit.
- **December 19, 2012** - The residents learn of their victory, just in time for Christmas!

Because we prevailed in court, all MHP resident homeowners in The Country, and in the City of Santa Rosa, will benefit:

- Affordable housing for seniors will be preserved
- Local rent control for MHPs will be preserved



Suzanne Angeo

- The value of our homes will be preserved

Other landowners with MHPs in Santa Rosa who may have been considering a forced condo-conversion will now likely face the same results from the City, and the Superior Court.

Our attorney believes the landowner may still appeal to the local Appellate Court, but we know that the majority of recent condo-conversion case decisions by that Court have been in the residents' favor. We will know shortly if the landowner will appeal, but are cautiously optimistic that the property investments we have made in our homes will be preserved. For now, at least, we do have a say in condo-conversion, and consideration of the resident survey results, as required by state law, do matter. A new bill sponsored by GSMOL, SB 510, may further strengthen this law. *By Suzanne Angeo, Vice-President, Santa Rosa Manufactured-home Owners Association (SRMOA)*

Help Stop Unfair Condo Conversions

Pass SB 510 (Jackson)

As you may have heard, park owners have been converting parks to “condos” by subdividing parks and forcing the homeowners to pay unaffordable prices for their lots, causing them to lose their investments in their homes and, often, to be forced out of their parks.

California’s conversion law has a “resident support survey” requirement to prevent this scheme and to save your home. However, some courts have ruled that, because of ambiguities that they perceived in the law, a conversion must be approved even if it is only supported by 5% to 10% of a park’s current homeowners and is opposed by and unaffordable to the remaining 90% to 95%. Some courts have also asked the state legislature to fix this problem.

SB 510 fixes this problem by making it clear that cities have the right to turn down conversions when they find that the results of the survey have not demonstrated adequate resident support.

PLEASE WRITE YOUR SENATOR!

The single most important thing you can do is write a letter to your senator. This bill will be heard in late April in the Senate and Transportation and Housing Committee. We need to get as many letters of support as possible now! Need to know who your senator is? Go to the Senate web site at findyourrep.legislature.ca.gov. You can enter your address and it will tell you your Senator’s name. You can send your letter to your senator at the following address: Senator _____, State Capitol, Sacramento, CA 95814, You should also send a copy to the author of SB 510, Senator Jackson, at the same address. (Don’t worry that there is no room number; the Capitol mail room will deliver it to the Senators)

SUMMARY

SB 510 brings fairness and choice to manufactured-home owners by giving them a seat at the bargaining table when a park owner proposes to convert a rental park to condominiums.

THE CURRENT CONVERSION PROCESS: DEVASTATING TO HOMEOWNERS

Right now, the manufactured-home park condominium conversion process is broken in California. Over a decade ago, in an effort to streamline the resident ownership of parks, California adopted a special provision of the Subdivision Map Act to allow a rental park to be subdivided

into individually owned spaces. That provision has been hijacked by outside speculators and unfair park owners, who unilaterally convert parks without the support of their parks’ homeowners or local governments, and at lot prices that homeowners cannot afford.

Upon conversion, local rent control protections are eliminated and the homeowners’ investments in their homes are often devastated by the high prices demanded for their lots. It has led to a system where subdivision promoters are boasting to outside land speculators that they can make quick millions by using California’s broken subdivision law to purchase mobilehome parks at a fraction of what they will later resell them for. From one of the park owners’ own examples, they tout purchasing a park for “\$75,000 per lot” and then immediately subdividing the park and forcing the park’s current low-income homeowners to purchase those lots for “\$200,000 to \$250,000.”

Since neither the current homeowner nor prospective home buyers are willing to pay the inflated prices, these homeowners lose their investments in their homes, often being forced to simply abandon them. The park owner is then free to sell the abandoned lots to more affluent outside purchasers. Current law attempted to prevent this scheme by requiring subdividers to obtain a survey of support of the residents in their parks for their proposed conversions. However, subdividers have used unintentional ambiguities in the law’s legislative history to convince appellate courts that a conversion must be approved even if it is only supported by 5% to 10% of a park’s current homeowners and is opposed by and unaffordable to the remaining 90% to 95%. If not clarified, this absurd misinterpretation of the intent of the law will result in most of a park’s homeowners losing their investments in their homes because it invites park owners to price their lots at amounts that only a tiny fraction of a park can afford and then eventually sell the remaining lots to more affluent outside purchasers. This misinterpretation turns the statute’s stated purpose of preventing conversions that lack resident support and will, therefore, result in the eventual economic displacement of most of a park’s residents.

*Article From GSMOL email Update Wednesday
March 13, 2013.*

*Mobilehome Magazine is happy to forward this
email update (in full) to anyone who sends a request
to fawodley@yahoo.com*

Der Volks Zeitschrift The "Peoples' Magazine"

Foreword: No we haven't gone crazy, and our German is not very good, but we are remembering the Volkswagen - The Peoples Automobile. We just want to make a point that Mobilehome Magazine's new project, a **FREE MAGAZINE** for all mobilehome owners in California, is a magazine for the people, by the people; thus the title: Der Volk Zeitschrift - **THE PEOPLES' MAGAZINE**. It looks like two areas will have it first - Sonoma County and San Diego. You can have it in your area too. All it takes is a desire and little organization. Call Frank at 818-886-6479. He will take you through the process.

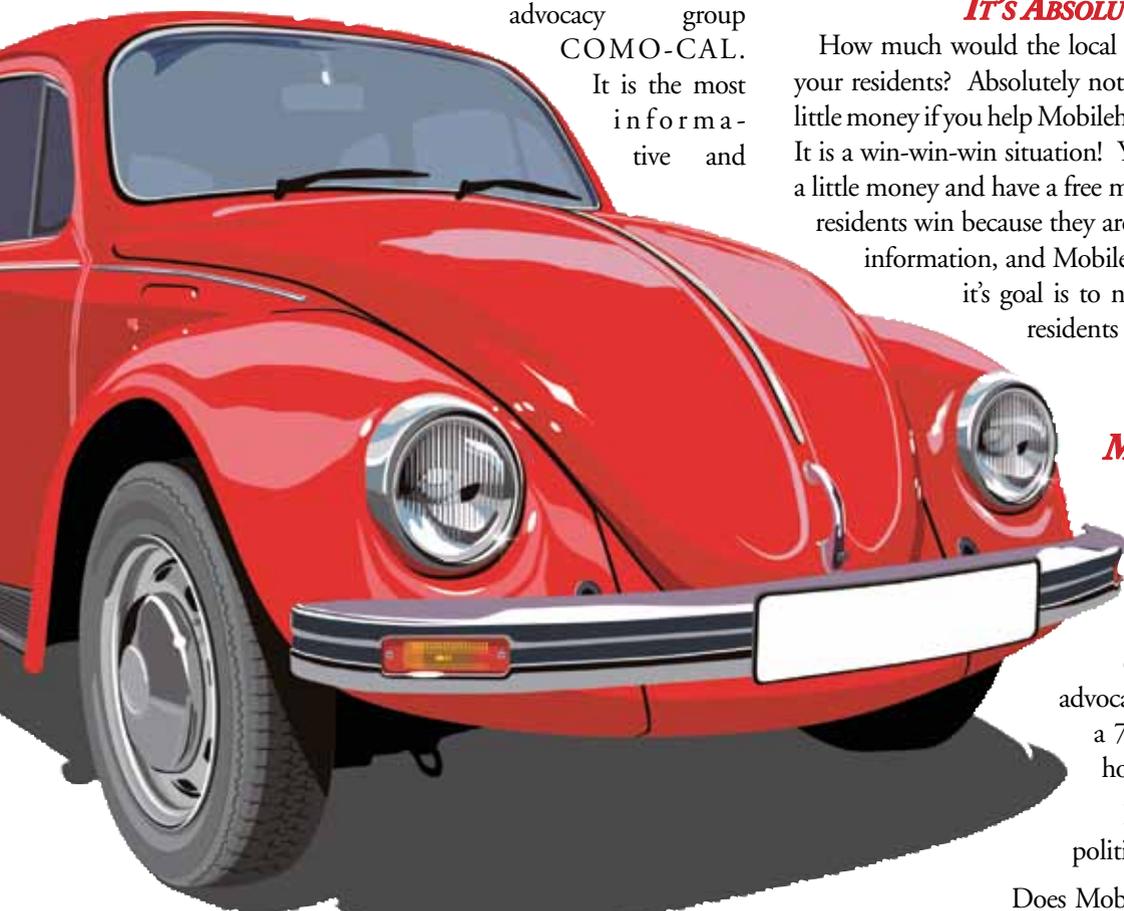
Today less than 5% of the approximately one million residents in California get information to help them protect their homes and lifestyle. Many feel alone and uninformed. We need to change that and there is a way!

MOBILEHOME MAGAZINE - CALIFORNIA

The magazine you are reading is Mobilehome Magazine - California. It is a full color, 24 page, monthly magazine published by the former statewide advocacy group

COMO-CAL.

It is the most
i n f o r m a -
t i v e a n d



professional publication for mobilehome owners in California. Anyone can subscribe for \$15/year (12 issues) by sending a check to Mobilehome Magazine, P.O. Box 3774, Chatsworth, Ca. 91313 or going onto their web site at www.mobilehomemagazine.org where you can use PayPal to subscribe. This magazine will continue to be published and those subscribing will continue to receive it.

MOBILEHOME MAGAZINE - LOCAL AREAS

Now, what about local areas? The publisher of Mobilehome Magazine wants to provide all mobilehome parks a FREE, LOCAL EDITION of Mobilehome Magazine. This will be published in addition to the California edition. Initially it would be 12-16 pages, published monthly in full color. Participating parks could submit content. Initially 3,000 magazines would be printed, so we are asking you to get on board. We would need perhaps 20 parks in a local area to participate in order to get started. There would be NO subscriptions to the Local Edition. Also it would be posted online for all to see.

IT'S ABSOLUTELY FREE

How much would the local edition cost your park and/or your residents? Absolutely nothing. In fact you can make a little money if you help Mobilehome Magazine get advertising. It is a win-win-win situation! Your park wins (you can make a little money and have a free magazine for all your residents), residents win because they are connected, and getting good information, and Mobilehome Magazine wins because its goal is to network, organize and educate residents around California.

CAN WE TRUST MOBILEHOME MAGAZINE?

Can we trust Mobilehome Magazine to "do the right thing for mobilehome owners"? Absolutely! In fact Mobilehome Magazine developed out of a statewide advocacy group. COMO-CAL had a 7 year history helping mobilehome owners.

Is Mobilehome Magazine political? Absolutely not!

Does Mobilehome Magazine work with

other advocates in California? The answer is YES. Anyone helping residents is welcome to provide content for the magazine. After all, we all have to work together!

HOW IT MIGHT WORK?

It is simple. The building block is a local magazine. Each local magazine initially reaches 3,000 mobilehomes in a local area, say Sonoma County. Local advocates write for the magazine, including individuals who are active and organizations. This magazine is posted online at www.mobilehome-magazine.org with magazines from other areas, say San Diego and Orange County. Ultimately there can be similar building block units all over California.

THE POSSIBILITIES ARE ENDLESS

The possibilities are endless. The magazine can be used to promote upcoming bus tours, events in local parks or area meetings. It can be used to alert mobilehome owners about any threat, such as the Cardenas Motion in Los Angeles. It can be used to educate and inform, not only residents, but also park owners, managers, and City, County and State lawmakers.

Anyone with a computer can access ALL magazines, both local issues and the California edition. For the first time ever a resident in Santa Rosa can read what's happening in a particular San Diego park and visa versa. An advocate in Los Angeles can read what an advocate in Santa Cruz is writing about.

Remember, the sayings: Knowledge is Power & Strength in Numbers. Mobilehome owners would be connected in a network as never before. And best of all, it's all for FREE!

SUPPORTED BY ADVERTISING

Each local edition of Mobilehome Magazine would be supported solely by advertising and donations. Mobilehome Magazine would be responsible for the publication of each magazine and would send enough magazines for all residents to each participating park via 2nd Priority Mail.

A BONUS - YOU CAN MAKE \$\$\$\$\$

Not convinced yet? You can also make some money by helping Mobilehome Magazine get businesses wanting to reach residents in mobile home parks. If you are interested, just call Frank at 818-886-6479 and he can give you details.

WIN-WIN-WIN & \$\$\$

How much would the local edition cost your park and/or your residents? Absolutely nothing. It is a win-win-win situation! Your HOA wins (you can make a little money and have a free magazine for all your residents), residents win because they are connected, and getting good information, and Mobilehome Magazine wins because our goal is to network,

organize and educate mobilehome owners in California.

WHAT CAN YOU DO TO HELP?

“Great idea, a magazine for all mobilehome owners in California. Surely Mobilehome Magazine can't do it alone.”

You're so right! This project needs the assistance of everyone who is serious about changing the face of advocacy. Now you don't have to go to a meeting or join an organization to be informed. Mobilehome is free to all and provides good, accurate, up to date information you can read in the comfort of your own home. And because everyone gets the magazine, there will be no fear of retaliation by your park.

You may ask, *What can I do to help?* The answer is simple. Volunteer to distribute the magazine in your park, making sure each resident gets a copy. That would only take perhaps an hour or two a month - a small price to pay to be informed. Also you could contribute content using M.S. Word, but initially it would be limited by the size of the magazine. As we add more parks, the magazine will grow in size.

LONG TERM AFFECT

We predict this simple project will have long term affects. Residents will feel more connected, less alone. They will begin to understand there are laws that protect them and there is something that can be done when laws are violated. They will know the issues they face are not unique to them.

Advocates will be able to reach large numbers of residents. And managers, park owners, local officials and state legislators will be more informed.

YOU ARE THE KEY

You are the key. Without you the “Peoples Magazine” is just a dream, another idea that never succeeded. Don't let that happen! This is an opportunity. It is your opportunity to make a difference! Call us today! Call Frank at 818-886-6479.

TARGET AREAS

Initial target areas are:

- The general Sonoma/Santa Rosa/Napa/San Rafael area
- San Diego
- Hemet
- Greater Orange County (Huntington Beach/ Carson)
- Inland Empire / San Gabriel Valley / Riverside
- Santa Cruz / Central Coast

If you live in either of these target areas and want a FREE local magazine for your park, please email or call Frank Wodley at 818-886-6479.



We have written several articles on the subject: the distribution of literature. Why? Because information is critical. Information is the foundation of any advocacy. How else would you know anything about the laws that protect you? I'm sure most don't even know what the Mobilehome Residency Law is, let alone read it.

Without good, up to date information, you wouldn't have any idea if your park were following "the rules." In fact many parks don't follow the rules. Many interference with sales, fail to maintain, managers trespass on your space, etc. Parks get away with it because residents don't understand their rights.

The following was written by a mobilehome owner who was trying to promote Mobilehome Magazine in his park.

I am relatively new to mobile home park living. Moving to California from North Carolina in 2010 was a very large undertaking for my wife and myself. We have done the best we can becoming familiar with the park rules & regulations. Our park has 16 pages of rules and as I attempted to learn them I have become aware that some of them do not agree with the MRL (Mobile Home Residency Law). That being said, my inquisitive mind began to get me into a less favorable standing with my park manager who seems to think that park rules and regulations supersede the MRL.

After being introduced to "Mobilehome Magazine" by a friend, I chose two pages and the subscription blank form from the January 2013 issue and had 400 copies made for distribution in my park. I was sure I had the legal right to do this but after it was done I started hearing from a few friends that the manager was not too happy with my decision.

In an attempt to clear the air, I contacted Frank Wodley, editor of "Mobilehome Magazine" and told him of my dilemma. He not only informed me that I was right in doing what I had done but also informed me that he would mail me enough magazines to distribute free to the entire park. Before doing so, I thought that this time I would do it right. After all I didn't want the majority of the park mad at my wife or myself. However, upon talking to the manager, he informed me that not only had I previously broken the parks "no soliciting rule" but that he would not permit me to deliver ("SOLICIT") free magazines to the entire park. Perplexed, I again phoned Mr. Wodley. Frank sent me the following email from an attorney: "Since the newsletter deals with issues relating to mh living, it

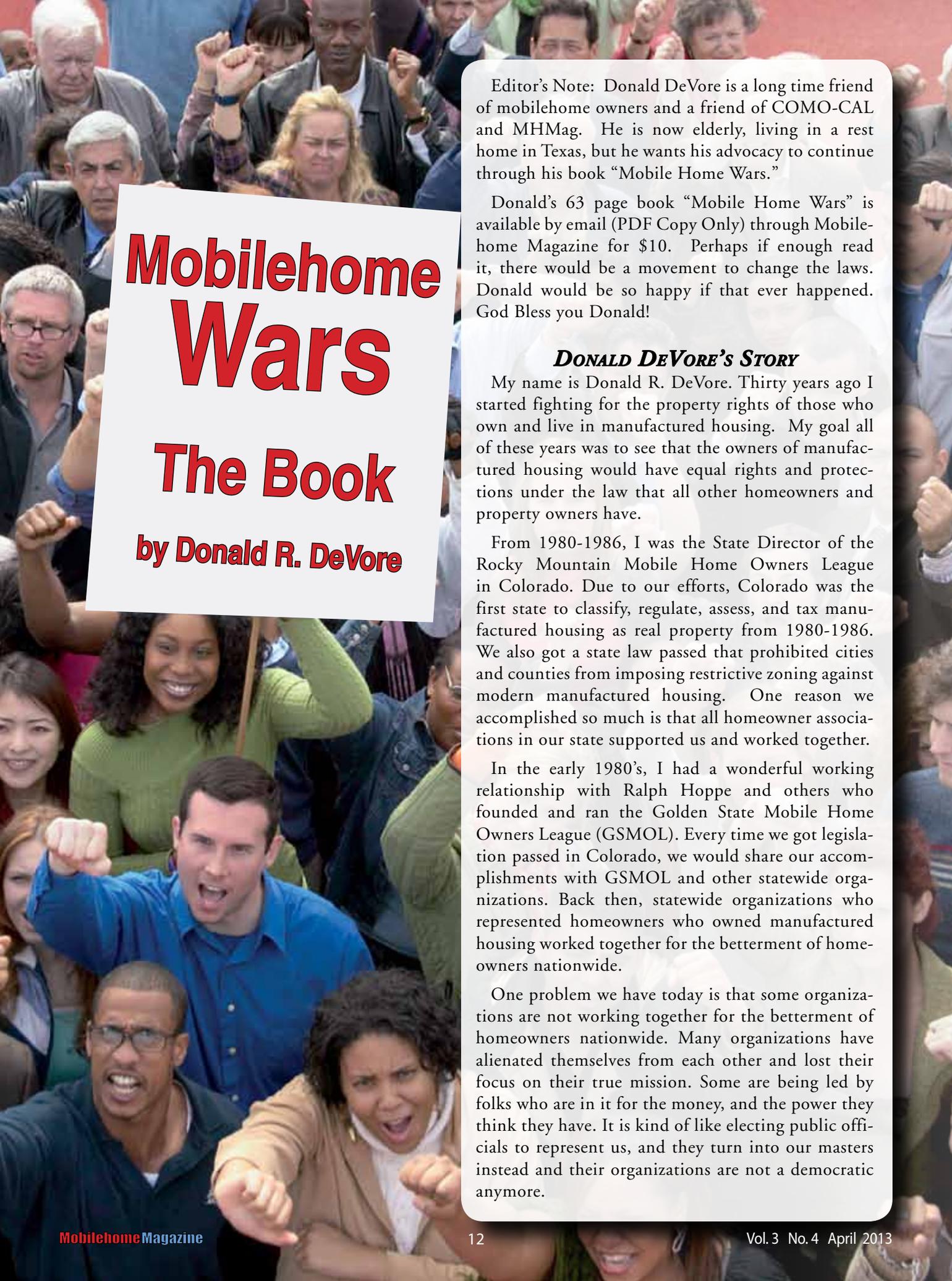
falls within the protected speech of 798.50-52. This does not constitute the type of "commercial solicitation" that parks can normally prohibit. Park Owners cannot willfully violate the MRL, nor can it be waived. You should feel free to distribute this as you see fit, and take note of any attempts to stop it." In essence, we are protected by the MRL and I could go ahead and distribute the "Mobilehome" magazine. I handed this e-mail to the manager and told him that I was going to distribute the magazines.

A lesson to us all. Do not take everything in your park rules as "gospel". They too are capable of making mistakes. To be aware of the law, first check the MRL or still better subscribe to "Mobilehome" magazine. I have found it full of vital information to the mobile home owners as well as the owners of manufactured homes.

Just a couple notes. First, this resident is absolutely correct! The Mobilehome Residency Law does take precedent over park rules and regulations, i.e. portions of park rules that are contrary to the MRL are void. Park rules DO NOT supersede the MRL. Either the manager doesn't know the law or if he does, he wants to mislead his residents.

Second, everyone makes mistakes; however there is a big difference between a "mistake" and a deliberate effort to interfere with a guaranteed right. In the case above, the manager knew exactly what he was doing. He wanted to prevent a resident from distributing "protected" information to other park residents. This happens countless times. Why do you think managers are so eager to do their job - protecting their residents from solicitation - when they are so lax in other areas? Simply because they know how important it is that THEY are the only source of information.

By the way, this park gets another magazine which is not that much different from Mobilehome Magazine. Both have advertising; however the other magazine's content is supplied by the park Recreational Club, i.e. nothing about your rights or laws that protect you. In fact this sort of magazine is routinely delivered monthly into over 400 parks across California, WITHOUT interference by management. Bottom line: your right to receive information from those who advocate for you is guaranteed by law. Stand up for your rights or you may lose them!



Mobilehome Wars

The Book

by Donald R. DeVore

Editor's Note: Donald DeVore is a long time friend of mobilehome owners and a friend of COMO-CAL and MHMag. He is now elderly, living in a rest home in Texas, but he wants his advocacy to continue through his book "Mobile Home Wars."

Donald's 63 page book "Mobile Home Wars" is available by email (PDF Copy Only) through Mobilehome Magazine for \$10. Perhaps if enough read it, there would be a movement to change the laws. Donald would be so happy if that ever happened. God Bless you Donald!

DONALD DEVORE'S STORY

My name is Donald R. DeVore. Thirty years ago I started fighting for the property rights of those who own and live in manufactured housing. My goal all of these years was to see that the owners of manufactured housing would have equal rights and protections under the law that all other homeowners and property owners have.

From 1980-1986, I was the State Director of the Rocky Mountain Mobile Home Owners League in Colorado. Due to our efforts, Colorado was the first state to classify, regulate, assess, and tax manufactured housing as real property from 1980-1986. We also got a state law passed that prohibited cities and counties from imposing restrictive zoning against modern manufactured housing. One reason we accomplished so much is that all homeowner associations in our state supported us and worked together.

In the early 1980's, I had a wonderful working relationship with Ralph Hoppe and others who founded and ran the Golden State Mobile Home Owners League (GSMOL). Every time we got legislation passed in Colorado, we would share our accomplishments with GSMOL and other statewide organizations. Back then, statewide organizations who represented homeowners who owned manufactured housing worked together for the betterment of homeowners nationwide.

One problem we have today is that some organizations are not working together for the betterment of homeowners nationwide. Many organizations have alienated themselves from each other and lost their focus on their true mission. Some are being led by folks who are in it for the money, and the power they think they have. It is kind of like electing public officials to represent us, and they turn into our masters instead and their organizations are not a democratic anymore.

THE RIGHTS OF MOBILEHOME OWNERS

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No state shall make or enforce ANY law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

So, it is my opinion, based on the 14th Amendment to the United States Constitution, that any Mobile Home Landlord Tenant Law, and other laws that regulate the owners of manufactured housing are illegal and unconstitutional. These laws that classify the owners of manufactured housing as a distinct, separate class of citizens based on them owning and living in manufactured homes is illegal and unconstitutional. These laws do not offer equal rights and protection under the laws that ALL other property owners have.

For 30 years the landlords through their own organizations have fought to protect their property rights, and the privilege of controlling the property rights of the home owners and property they do not own. This is made possible by all parties concerned using the wrong premise of law concerning manufactured housing on leased land. Under state Real Estate Land-Lease Laws, all property on leased land are regulated by this law except for manufactured housing. You have mountain cabins, all types of buildings, and even conventional housing developments sitting on leased or rented land that are regulated by Real Estate Land-lease Laws.

I will say this once again. Until manufactured housing on leased or rented land is regulated by Real Estate Land-lease Laws, the owners of manufactured housing will NEVER achieve full property rights and equal protection under state laws. That is how simple it is to solve the problems you have faced for more than 30 years now. Placing manufactured housing on leased or rented land under Real Estate Land-lease Laws will fix the problem permanently. The owners of manufactured housing should be treated the same as all other property owners. Any other actions are a waste of time and money.

MOBILE HOME WARS

My book is called “Mobile Home Wars” and covers 28 years of history and legislative activity concerning manufactured housing. This book is for homeowners so they can get the information they need about the laws and issues that regulate them nationwide. I am happy that Mobilehome Magazine is giving you an opportunity to read my book. I would hope that Californians would support this organization and join their effort to obtain the same rights and protection under the laws for all Californians who own and live in manufactured housing.

God Bless, Donald R. DeVore

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Pass-Through Fees

I have always believed that pass-through fees charged mobilehome owners are illegal fees, my reason being, 1). The fee was not a provision included in the required written rental agreement, MRL 798.15 (h). 2). This fee would not be a fee for rent, utilities or actual services rendered, MRL 798.31. 3). I found so often it was a fee for park normal costs of doing business and the park owner could be receiving these fees twice, in the homeowners base rent payments and again reimbursed for these costs..

Three things to remember, 1) Laws speak for themselves. 2) A contract is the total legal obligation of the provisions in the park required written Rental Agreement. 3) The California Court of Appeal confirmed the fundamental concept that; an illegal act cannot be enforced by law. 4).A City or County ordinance provision cannot supercede state law.

THE QUESTION COMES UP

If a pass-through is illegal and the mobilehome owners are charged a separate fee or a fee tacked onto their rent why do they not do something? WHY? The answer is very simple. Homeowners are very limited when it comes to finances, and knowing all the laws that protect their home investments.

When the park owner announces there will be a separate charge for some reason and the homeowners disagree 1). If they approach their representatives for redress of grievances they are referred to a different department or told it is a civil matter and to consult an attorney. 2). When the homeowners consults an attorney they are told that it would cost so much money to legally fight the charge in court, that it would be much cheaper to pay the fee, so the fee stands. 3). If the fee is granted through a petition to a City or County, through their Rent Control Ordinance provision, giving the park owner the

right for their request for a just return on their investment, I believe would be in conflict with mobilehome laws. But to fight the fee the homeowners are back to the cost of litigation.

WHAT HAS HAPPENED?

An example of how a pass-through fee happened: a park in Hemet was sold for a huge amount of money and when the park owner receive his tax bill he petition the City of Hemet for an increase in the homeowner's annual rent, to cover the additional tax. The homeowners testified that taxes are an operating expense in the annual CPI, which covers the governmental inflation figure, and added taxes at time of a park sale was not a provision in the required written rental agreement MRL 798.15 (h), their terms and conditions of tenancy MRL798.8, and the homeowners cannot be charged a fee for other than rent, utilities, and services actually rendered, MRL798.31. Taxes are an item included in the rent, and are not a utility or a service rendered. The Hemet Commission approved a raise.

Another example; though Title 25, Mobilehome parks Act. #1328. Utility Facilities. Prior to installation of a mobilehome for human habitation or occupancy, utility facilities for the mobilehome shall be provided on the lot or site, and maintained as per the annual renewal of the park Permit to Operate, that is issued in accordance with the California Health and Safety Code, a park owner in Cathedral City petitioned the city for a just return to cover his costs for utility expenses. Even though utility installations have a life expectancy, and most income property owners figure a depreciation time for charging the amount off their income tax forms, and realizing that in time the installations would have to be updated or replaced, would have a replacement fund, in order to still be able to maintain rentals. The Commission granted the park owner an increase. I do not know

if this increase was in a separate fee or if added to their rent. If added to the rent this amount would not only be computed in the annual CPI yearly rent increase but also be compounding each annual rent year. The question would be, " Is the park owner also depreciating or subtracting the cost on the Park Operating Statement?"

REVIEW

A future park owner applies for a permit to build a rental mobilehome park, This Conditional Use Permit contains all the standards and requirements that must be provided before a Permit to Operate will be issued. These standards and requirements must be maintained for the Permit to Operate renewal each year.

When the park is finished and approved the park owner decides on the base rent he will charge, for the use of the lot, installations, and park facilities and services, MRL 798.12. All provisions of tenancy must be in a written rental agreement, MRL798.15 (h) therefore I do not believe the park owner cannot charge any additional pass-through fee tacked separately or tacked onto the base rent, when it is not a written terms and conditions of tenancy in the required written rental agreement.

The park owner receives the Gross Rent Income from which he can deduct all Park Expenses, Depreciation of the required installations, and the remainder then becomes his Net Income. I do not believe he can add additional normal business expenses for which he is already receiving in the rent.

If the park owner starts charging a separate fee for items included to be provided in the running of a rental park business it can no longer be a charged off as a business operating expense and the park owner may find his "Gross Rent Income" becomes his "Net Income", and I believe would not be according to the required written rental agreement, MRL 798.15, therefore illegal.

Article by Donna Matthews.

Chattel Mortgages, Personal Property, And Real Estate

Current legal systems regard manufactured home loans as chattel mortgages. Lenders secure their loans with a mortgage over movable personal property. The lender holds a security interest in the manufactured home until the loan is paid off. The home owner does not have full legal title to the home until repayment of the loan.

Yet, manufactured homes are seldom moveable property. Fewer than 18 percent of manufactured homes have ever been moved according to the American Housing Survey.

California law labels manufactured homes in leased-space parks as “personal property” instead of “real estate.” Manufactured home owners face discrimination as a result. It becomes difficult to obtain manufactured home loans compared to real estate mortgages. Manufactured home owners who qualify for loans pay higher interest rates compared to mortgages for site-built homes. Fewer buyers can obtain financing, there is less demand for manufactured homes, and therefore selling prices are lower.

The California Uniform Commercial Code governs manufactured home loans. The Commercial Code lacks the protections that site-built home owners enjoy when they deal with mortgage lenders.

The National Conference of Commissioners on Uniform State Laws recommends the Uniform Manufactured Housing Act. If the California legislature adopts the proposal, manufactured home owners could freely choose whether to define their home as “real estate” instead of “personal property.”

If their manufactured home were defined as real estate, homeowners could:

- Qualify for lower interest real

estate mortgages;

- Hold full title to their manufactured home even though they have a loan;
- Receive added protections if they default on loan payments;
- Control who inherits manufactured homes;
- Benefit from state statutes against phony practices in lending and real estate;
- Qualify for the State homeowners tax exemption; and
- Create and record a clear chain of ownership.

Home owners might ask how such a change would affect their taxes.

There would be no difference for home owners who bought manufactured homes built after July 1, 1980. California legislators adopted the Manufactured Home Property Tax Law. This law mirrors Proposition 13, which governs site-built property taxation. Newer manufactured homes currently pay the same property taxes that they would pay if their homes were considered real estate.

Manufactured homes built before July 1, 1980 may be grandfathered. Owners of these homes pay a vehicle license fee to the California Department of Housing and Community Development (HCD).

At present, owners of older homes can choose to continue paying the vehicle license fee or shift to the Manufactured Home Property Tax Law. Under the proposed legislation, they could continue to make this choice.

About the author:

Carl Eric Leivo, Ph.D.

Carl Leivo, working closely with home owners, crafted a one-of-a-kind guide to manufactured home living in California. *MHP Living: Successful Living in California Manufactured Home Parks* covers all the issues of importance to manufactured home park residents. This guide is available at <https://www.createspace.com/3800762> and Amazon.com.

Leivo's career includes over 30-years' experience in business, government, and non-profits. He managed a manufactured housing space rent control program, set up manufactured home rehabilitation programs, and found funding for installation of mobile home earthquake bracing. He headed efforts that led to the purchase of parks in behalf of residents. Find out more at www.mhpliving.com.



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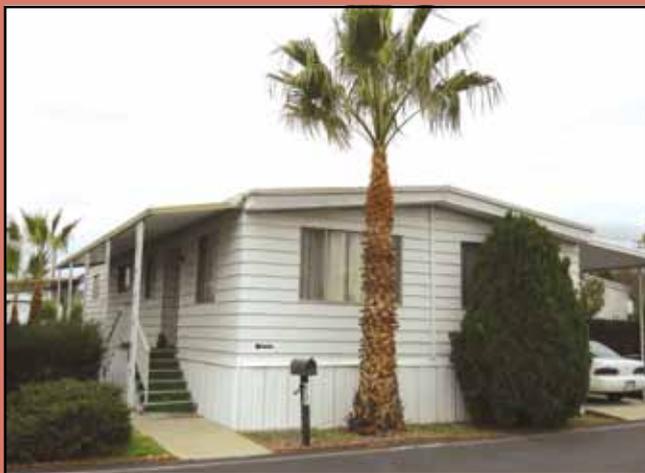
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An Opportunity Lost

An Update on the L.A. Cardenas Motion

We often write about rent stabilization (also referred to as rent control). In fact you, our readers, told MHMag that this was your number one topic. If you have back issues of MHMag, refer to Sept/Oct 2011, pages 11-12, Jan/Feb 2012 page 21, January 2013, pages 14-15, and February 2013 page 21.

VACANCY CONTROL 101

Rent stabilization is local. Approximately 110 cities and counties have some form of rent stabilization covering about 165K spaces statewide and the majority of these have some form of vacancy control.

So just what is vacancy control? Vacancy refers to the selling of your home. Vacancy control is a cap on the rent increase your park can charge your buyer. Here in L.A. there is a cap of 10%, meaning if your rent is \$500, your buyer's rent can not exceed 10% of your rent (\$50 + \$500) or \$550.

So how does your buyers rent affect you? They the ones who have to pay the extra money, not you, right? Yes that's right; however when they have to pay a higher rent, they are less likely to pay you what you want for your home. In fact, the trade has published that for every \$10 increase in rent, the value of your home decreases \$1,000. In the example above, a \$50 increase decreases what you can sell your home for by \$5,000! That's real money.

THE PARK OWNER'S AGENDA

Park owners often contribute substantial money to folks in high places (California Legislature, local city councils, etc) who promote their agenda. High on the park owner's agenda these last several years has been the elimination of rent stabilization and vacancy control. Just ask the folks in Oceanside, Calimesa, and Chula Vista. Also remember the statewide Prop. 90 and 98.

NOW IN LOS ANGELES

Tony Cardenas, L.A. City Councilman, is the park owners latest "high place person" to promote their agenda eliminating vacancy control in L.A. The Cardenas Motion would have been the first big step to phasing out vacancy control, ultimately costing 6,600 mobilehome owners in Los Angeles thousands of dollars individually and collectively many millions of dollars in lost equity.

THE PARK OWNERS KNOW

The park owners know you and I will lose thousands of dollars of equity. In fact Clark Fairbrother, the President of a large management company (Newport Pacific manages over 70 parks) wrote in 2010 about the relationship of equity vs rent, saying "the ratio is approximately \$10,000 of value for each \$100 of monthly rent." Of course park owner representatives only argue that our home values are inflated because of rent and vacancy control and as a consequence those trying to purchase our homes are adversely affected.

WHAT ARE WE DOING?

We realize the MHPTF does not represent our interests. It was formed and acts to promote the LA Housing Department. We will never get a fair shake as long as we continue to be complacent and apathetic.

Some San Fernando Valley residents have had enough. They are forming their own Residents' Committee which will meet on a regular basis, communicate to the 6,600 residents of L.A. who are covered by the L.A. Rent Stabilization Ordinance (through a local edition of Mobilehome Magazine), and they will report directly to the L.A. City Council. L.A. mobilehome owners need to take back their power.

WAKE UP LOS ANGELES

Recently Mobilehome Magazine, in conjunction with the Residents' Committee, printed and distributed 1,700, 4 page flyers to residents in the San Fernando Valley and Harbor City. Residents were invited to a meeting on March 8th to discuss the threat to their vacancy control. What happened? Not one resident showed up. And only two called asking about the Cardenas Motion. As a consequence, the Residents' Committee is now on hold. They can't do it alone! They can't do it without the support of residents in Los Angeles.

If you live in Los Angeles, and want more information or if you want to help, call Frank at 818-886-6479. Also you can go to <http://lahd.lacity.org/lahdinternet/RentStabilization/MobileHomeParks/tabid/243/language/en-US/Default.aspx>

Remember, the park owners want to eliminate vacancy control. If successful you will lose thousands of dollars in equity. In fact you may not be able to sell your home. Think about it!



KISS

Keep It Simple Stupid Our Philosophy



I feel it is important that residents, managers and park owners know the philosophy of Mobilehome magazine. There are lots of misconceptions about advocacy groups and now is a good time to make our position clear.

Mobilehome Magazine is not anti-manager or anti-park owner. In fact we welcome managers who will provide, via articles, our readers an understanding of various park issues from their perspective. In fact my manager, Melody, has been good enough to write a few articles for previous issues of MobilehomeMagazine.

Ultimately our goal is to have managers, owners AND residents obey the law. To that end, we need to provide the tools so residents will know if and when their park owner or manager is stepping over the line. No one is enforcing the law for residents, and if there is to be enforcement, it is on their shoulders. Enforcement requires that they have at least have a basic knowledge of the law.

We also believe that a group of residents are much more effective combating many issues in a park than just one or two. There is Strength in Numbers. To that end, we feel every park should have a Home Owners Association (HOA) advocating for residents rights. Mobilehome Magazine can guide your efforts to form your own HOA. It only takes 3-4 residents who want to make a change.

Because There's No Place Like Home



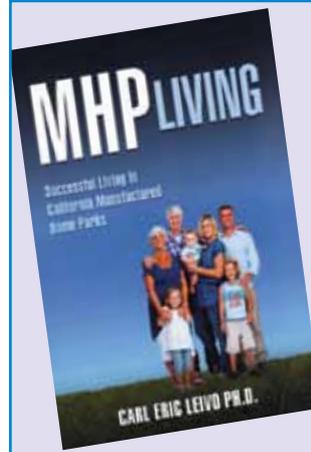
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Mobilehome Magazine

THIS & THAT

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 on Advocacy

Readers are responding to our Survey on Advocacy (Mobilehome Magazine pages 11 -12 March 2013). The Survey is also available online - just send us your email address and we will forward the link to you. Unfortunately it is too early to report results. Watch for next months issue.

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!

Renewals

Your expiration date can be found on the top portion of the mailing label on the back 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!

Next Month's Issue

Next month we may do a Survey on Managers. Look for it. We would like to know if you have management issues in your park.

Renew Issues

We have just mailed several hundred renewal notices. If we've made a mistake, as sometimes happens, the easiest way to get it fixed is to call Frank at 818-886-6479. There is really no need to copy your check to prove you've renewed. We never question our readers! We are here for you. Thank you for your patience.

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.

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) with "GETTING CONNECTED" on the subject line. Tell us where you live, your address and phone number

Santa Cruz Conference

We thank Henry Cleveland for giving us information about the recent Santa Cruz Conference discussing the loss of rent control. We appreciate the audio tapes Henry! Much thanks.

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We Are More Than A Magazine

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SUBSCRIBE & GET ASSISTANCE*

Ultimately the goal of Mobilehome Magazine is to help you. After all I formed and presided over the statewide advocacy group the Coalition of Mobilehome Owners - California (COMO-CAL) for seven years and prior to that I was an Associate Manager for GSMOL. Today Mobilehome Magazine has a network of advocates who have expertise in a variety of areas.

Mobilehome owners can't be expected to know all the ins and outs of the Mobilehome Residency Law and Title 25. They can't be expected to know how to deal with an "out of control" manager, a seven day notice, a park that is not properly maintained or many other issues that we face as residents in rental parks. To that end, Mobilehome Magazine is happy to formally offer assistance to **all who have subscribed**. *Depending on your question, we may also ask for a donation.

HOW DO I GET ASSISTANCE?

We will accept questions by email or snail mail. We will NOT answer questions over the phone. You need to provide us any documents that might apply. Also please include your membership number and contact information.

WE ARE NOT ATTORNEYS

We do not interpret the law. If you have a legal question, we may refer you to an attorney that is qualified to advise you on a mobilehome issue. We will make suggestions and try to give you direction with other questions.

UTILITIES:

Question: My park charges me \$25/month for trash. I also pay them \$27-\$28 for gas, about \$15 for electric, and a small amount for water. Do you think I'm being over charged?

Answer: I also live in Los Angeles. I pay my park only for gas - about \$25-\$35/month and pay DWP for electric and trash, about \$250 and \$70 respectively. Actually your utility charges seem very low - lets trade!

Anyone reading this who would like to share their utility costs please send your information to fawodley@yahoo.com or call me at 818-886-6479.

RENT INCREASES

Question: I moved into Brookfield Manor, Huntington Beach, late 2011. I was told my rent would be the same for one year. I was given a month to month lease agreement, that doesn't mention anything about rent increases. The park gave me a \$30 rent increase on January 2012, just a couple months after I moved in. Then another increase on January 2013. Is this legal?

Answer: I advised you to ask your manager, which you did. You discovered that you are under rent control and the January 1st date is the annual date for rent increases of your seller. I would question a \$30 increase, which is about a 4% increase. Los Angeles has a minimum 3%, no matter how low the consumer price index. I would also question why you received a lease without mention of rent control or rent increases!

INFRASTRUCTURE OF A MOBILEHOME PARK

Question: My home recently burned down and was replaced by insurance. Almost immediately my toilets were backing up only to find the sewer in the ground was damaged by the fire. Who is responsible for the sewer?

Answer: The park is responsible for any infrastructure outside your home. In my opinion they should have replaced any damaged sewer lines before you installed your new home.

INTERFERENCE OF SALES

Question: I want to sell my home and management says I must move it out of the park because it was build in 1975. Are they correct?

Answer: Absolutely not. Age is not a criteria to ask you to move your home. Only the condition of the home. We will have a full article about this subject soon in MHMag.

New to **Mobilehome Magazine**?

NEW SUBSCRIBERS

If you are a **NEW SUBSCRIBER**, please take advantage of this month's offer. Subscribe (\$15/year) and receive our 36 page Frequently Asked Questions Handbook (usually \$6) **FREE**. The Handbook is a must have reference guide all mobilehome owners should have. It gives simple to understand answers to many of your questions about the Mobilehome Residency Law.

RENEWALS

If you already subscribe, the expiration date for your subscription can be found on the mailing label (front cover). Please take note and renew on or before that date. **DO NOT SEND ANOTHER APPLICATION.** But let us know if any of your information, especially your email address, has changed. We will be sending renewal reminders soon.

OUR GUARANTEE TO YOU

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 offers you such a guarantee.

VOLUNTEER / DONATE

There are many ways to volunteer:

a. It is a big help when you volunteer to distribute MHMag in your park. Remember the law allows the distribution of the magazine in your park, but only by a park resident.

b. Volunteer to write an article of interest to other mobilehome owners - what's happening in your park, successes you may have had, etc.

c. We publish Mobilehome Magazine on a "shoe string" budget. Last year we distributed 40,000 magazines and 90% were FREE. We appreciate any donations you might send our way and please know 100% of all donations go to support our efforts to educate and inform California mobilehome owners.

Above all, please read the magazine, tell your friends and neighbors about it, and help us expand and prosper... help us help you. When you do we are able to help others as well.

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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.