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COALITION OF MOBILEHOME OWNERS

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LET'S TALK ABOUT INTIMIDATION

Intimidation plays a big role in the strategy of some park owners. Why intimidation? Take a look at it's definition:

1. To make timid; to fill with fear.
2. To coerce or inhibit by or as if by threats.

Intimidate implies the presence or operation of a fear-inspiring force.

Synonyms: browbeat, bulldoze, bully, coercion, threatening, demoralizing,

These verbs all mean to frighten into submission, compliance, or acquiescence. *Intimidation is:*

- Threatening to use power or control to get others to do what you want them to do.
- Using coercion or force to get what you want from others. Making others feel like you are more powerful or forceful than what you really are.
- Wearing a mask of being "untouchable" so that people keep an emotional distance from you and yet do for you what you desire.
- Using verbal and nonverbal cues to let others know you are not going to reward any unfaithfulness to what you desire them to do for you.
- Using verbally, physically, sexually, or emotionally abusive behaviors to get people to "stay in line."
- Using physical size, stature, and strength

to get others to respect and obey you.

- Using punishments such as seven day notices, or threats of eviction. Using quick temper, anger, or rage to get people to do what you want.
- Acting in such a way that no one would dare question or stand up to you over any of your decisions, opinions, or directives.
- Using your money, wealth, or status to put others into their place so that your power over them is secured and not questioned.
- Keeping others loyal to you by threats of pulling back your support, love, caring, interest, or approval of them.

Using dictatorial, "gestapo," or autocratic behaviors to get people to do what you want.

The affects of intimidation of residents in mobile-home parks are obvious. Residents are afraid. They are afraid of making the manager upset, afraid of retaliation, and ultimately afraid of being evicted. They don't dare question what management says or does. They don't dare "make waves." They try to live "under management's radar." In essence, they submit to the will of management. Management's goal is realized!

So what should residents do?

1. Don't go it alone. Management wins as long as you go it alone - remember the saying: "divide and conquer?" *continued on Page 9 Intimidation*

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All persons living in a mobilehome are eligible for membership on an equal basis, except management, owners and employees of owners.

Purchase your Park

David Loop (Aptos):
 831-688-1293

Deane Sargent (Hillsborough):
 650-375-8043 DVD on purchasing your park—on request

George Turk (Millennium Housing): 949-515-5100

Mold Attorneys

Miller Law, Inc. (Sacramento)
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WE WILL NEVER SHUT DOWN!**By Frank Wodley, CoMO-CAL President****WE WON'T SHUT DOWN**

We are proud to say CoMO-CAL represents an opportunity for all mobilehome owners in California. An opportunity to have a voice, to stand up to unscrupulous park owners, and to finally have hope that positive changes can be achieved in mobilehome parks.

My article last month about CoMO-CAL shutting down was written to let you and others know that CoMO-CAL is not a given, that we require more than your \$15 annual membership fee if we are to really accomplish our goals. We need your support, we need your eyes and ears, and your feedback. And if you can afford it and believe in us, your donations.

We thank each one of you who have called or written showing your concern that CoMO-CAL may close its doors. Let me be very clear, **CoMO-CAL WILL NEVER SHUT DOWN** as long as we have members to serve.

What is the alternative? Going it alone? Picking an attorney out of the yellow pages when you get a notice? Calling the HCD Ombudsman? Asking another advocacy group for help? Actually none of these are real options for you. I've been there myself with NO WHERE TO TURN.

The bottom line: volunteer to help us in your park. We also need regional volunteers. Take on a task like rent control. We have many ideas, and need your help implementing them. We are considering raising the yearly dues to \$20. This would almost double monies available for everything we do. And we would continue to allow those on fixed incomes to pay what they can afford.

WIN \$200 AND HELP US GROW

Last month's VOICE mentioned that Bob Hites and Frank Wodley are contributing \$300 for a contest to see who can get the most new members for CoMO-CAL between August 1st and September 31st. In order to give everyone a fair chance, we have **extended the cut off date to Dec. 31, 2008.**

For every new \$15 member you sponsor, you get one point, two points for a \$40 member. Winners will be announced in the February 2009 VOICE.

Points will be totaled on January 1, 2009. The sponsor with the most points wins. First place receives \$200 cash. 2nd place \$50, 3rd place \$25, 4th place \$15 and 5th place \$10. So this is your chance to make a few dollars and help us grow our membership.

Note: a sponsor need not be a single CoMO-CAL member. It can be an HOA or a group of members. In that case, the prize would go to the HOA or collectively to the people doing the work.

Why are new members important?

- More members = more eyes and ears = more information = more knowledge = more power = more can be accomplished = more members, etc.
- More know they can call CoMO-CAL to get help i.e. less are alone

So have you printed your name on "Sponsored by", and made copies? You can copy our article - 10 Reasons to Join CoMO-CAL (Page 18) and include it with an application.

This is your opportunity to grow your organization.

September Lesson - Know about your Rent Increases

Whether you are under a long term lease, month to month, without or with rent control, you need to know what rent increases are appropriate.

As you read last month, some managers here in Los Angeles were giving increases of 4% instead of 3%. And the City of Los Angeles Housing Department does not provide “watch dog” services.

In order to enforce the rent stabilization ordinance, each of the 6600 spaces MUST know what the legal rent increase is, and just not take the word of management.

NO MATTER WHERE YOU LIVE, This is what you MUST DO:

Determine if you are renting under a month to month tenancy or long term lease.

In the case of a long term lease, all rent increases are governed by that document. End of story.

In the case of month to month, you may or may not be in a rent control area. You MUST determine this. If you are not sure and don't know how to research it, call us and we will help.

If you are not under rent control, the park may increase your rent without bound, i.e. there is no cap on the amount of the increase.

If you are under a RSO (rent stabilization ordinance), you need to determine the legal increase. Again, if you can't do that, call us and we will try to help. And remember, only about 25% of rental spaces in California are under a RSO. Many parks have gotten around the RSO by giving residents long term leases.

CoMO-CAL Now Member of MHOAA (Manufactured Home Owners Association of America)

CoMO-CAL is now registered as a member of the Manufactured Home Owners Association of America. MHOAA is a National Organization dedicated to the protection of the rights of all people living in Manufactured Housing in the United States.

They strive for the enactment of legislation which is intended to improve the quality of life for those who own the land on which their homes are situated AND those who might be living in rental communities.

They also monitor regulatory agencies e.g. (HUD) as well as State agencies in an attempt at assuring that statutes which exist as well as those planned will be tailored for the BENEFIT of resident/owners/renters of Manufactured Housing.

MHOAA is comprised of all volunteers who receive no compensation (save legitimate expenses) and who are totally dedicated to the welfare of its constituency.

MHOAA is sponsoring a National Convention in October 2008 and CoMO-CAL will be represented by our President, Frank Wodley.

CoMO-CAL has a long relationship with Kristen Zenter, President of the Wisconsin group and the past president of the group in Florida was a CoMO-CAL member.

We will have a full article in the November THE VOICE regarding this Convention. Note: a large part of Frank's expenses are being paid through a scholarship through MHOAA, not CoMO-CAL.

UPDATE ON RENT CONTROL ISSUES IN LOS ANGELES

Don't pass this article by if you don't live in Los Angeles. There are lessons to be learned by all.

Remember last month we said some parks were giving rent increases higher than allowable. An official of the L.A. Housing Department wrote us: *You are also correct in stating that RSO enforcement is complaint – based. The Ordinance, as adopted by Council, has always only provided for complaint based enforcement. **Education of landlords and tenants about their rights and responsibilities is very important.** LAMC Section 151.05 requires that landlords shall not demand or collect rent for a rental unit **without first serving a copy of the Rent Registration Certificate on the tenant of the rental unit every year.***

We also did a little more homework. The ordinance indicates Registration Certificates are issued in April each year and are good April 30 through April 30 of the following year. This means managers know the allowable increase more than 90 days prior to July 1st when the new increase applies.

So what lessons did we learn?

- Managers (under an RSO) sometimes do not take simple steps to follow the law, even about important issues like rent increases.
- Managers HAVE the necessary information, i.e. they are given Registration Certificates which state the allowable increase.
- There are NO checks and balances, i.e. no one is watching managers. No one knows which ones are following the law, which ones are not.
- **Managers are REQUIRED to serve residents a copy of the Rent Registration Certificate - this is simply NOT HAPPENING.**

- Education is IMPERATIVE. Tenants must know their rights, landlords must know their responsibilities.
- Tenants SHOULD NOT rely on managers to always follow the law.
- Often managers will tell us, *“This is private property, we don't have to follow the MRL or other laws.”*

Ultimately, homeowners need an organization like CoMO-CAL to assist them. There are too many issues, too many problems, and not enough time to be an expert on everything.

The situation in Los Angeles is a prime example. Some managers are not doing their job responsibly—this is a fact. And some managers go beyond that and break the law intentionally. So residents **MUST BE PREPARED.**

Even with all our work, there could still be many homeowners in Los Angeles that are not getting the allowable rent increase. Why? Because homeowners in many parks have not joined CoMO-CAL. They have perhaps decided they can go it alone or CoMO-CAL can't help them. Well, **THEY ARE WRONG.**

Of course parks WANT you to think all is well, that you can TRUST THEM. They often cite the law in their newsletters to give the impression they follow the law.

Finally, if you DO NOT live in Los Angeles, you need to determine if you live under rent control and if you do, what is the allowable increase for your area. If you don't know how to find this information, **CALL US! WE ARE HERE TO HELP YOU PROTECT YOURSELF.** 800-929-6061.

Delaware Passes First Right of Refusal By Leah Hoenen and Kevin Spence - Jul 7, 2008

For the 40,000 people living in the state's manufactured home communities, compromise legislation that was unanimously passed in the Senate, Monday, June 30, assures that they will be allowed first offer to buy their parks, should they go up for sale.

The measure also gives the homeowners a second chance to buy their parks sold at auction-if they match winning bids. Passing the bill, which was introduced as the right-of-first-refusal bill last year, took much wrangling, rewriting and debating among lawmakers, park owners and homeowners.

In its most recent form, House Bill 504, called a truly compromise piece of legislation by Sen. George Bunting, D-Bethany Beach, is also being used as a legislative model nationally, says Ed Speraw, president of the Delaware Manufactured Home Owners Association (DMHOA).

"It is a law that will be sent everywhere. I've already sent it to Utah, Florida and California. All these folks are interested in it. It is a good law," said Speraw.

After manufactured homeowners began complaining to legislators about escalating lot rents-including yearly increases as high as 50 percent-on land not owned by them, Sen. George Bunting, D-Bethany Beach, introduced Senate Bill 122, or the right-of-first-refusal bill, last year. That measure passed the Senate 17-2, but stalled in a House subcommittee until recently.

With 40 representatives voting in favor and one abstaining, H.B. 504-assigned a new number and title-coasted through the House of Representatives on Tuesday, June 24. The governor has yet to sign the bill, but there is no opposition, said Rep. Pete Schwartzkopf, D-Rehoboth Beach. He said plans are under way to hold a ceremonial signing of the bill.

New name, same protection

H.B. 504 says manufactured home park owners may not sell their parks to another party at the same price offered by, or less than the sum offered by those living within the parks.

Fred Neil, DMHOA public affairs officer, said the bill gives those manufactured homeowners, who are ready to buy their communities, a real opportunity to do so and to preserve their homes.

"DMHOA is delighted that homeowners will now have the opportunity to buy their communities and preserve their way of life without the fear their communities will be sold out from under them," said Neil. He said the measure helps to preserve non-government-subsidized, taxpayer-owned, affordable housing.

Park owners wanted the right to auction their land, something to which residents were initially opposed, he said. Park owners also wanted to recognize any homeowners' association, while homeowners wanted the organization representing them to only be recognized, he said.

Schwartzkopf said it took a lot of discussion and compromise to get to this point. He called the compromise a win for each side. "We were all concerned with having some protection in place for the tenants before we get done in June," Schwartzkopf said.

Speraw said the bill is a national legislative model because it is comprehensive and covers all types of potential park sales.

"We didn't go for just right-of-first-refusal bill, we went into different types of sales such as those taking place at auction," said Speraw. "I think it's worked out very well. Certainly we're already hearing now from other manufactured home communities about what they can do to get their communities in line too. It's going to be a jump-start for DMHOA particularly."

SB 1234 Signed by Governor Schwarzeneger by David Grabill, Attorney

Section 798.26 of the MRL requires park owners to get written permission to enter a mobilehome, but allows them to enter the lot space for legitimate maintenance purposes and for "protection of the mobilehome park.". SB 1234, as signed by the Governor on July 10th, requires park owners to also get written permission to enter an "enclosed accessory structure" on the lot space such as a storage shed or cabana. An enclosed attached porch is likely protected from entry under current law because it's part of the "home." So the main effect of the bill is to require park owners to get written consent before entering a storage shed or cabana, whereas current law allows them to require that residents let them enter these for legitimate maintenance purposes and to protect the park.

The bill takes effect January 1, 2009. As initially drafted, it would have required park owners to give 7 days notice before entering onto a resident's lot space except in emergencies, and was voted down by the Senate. After that ill-

conceived language was dropped, the bill passed the Senate and Assembly with only token opposition.

The bill gives residents who have accessory sheds or cabanas some privacy protection. But it may also have some unintended consequences. If a park owner can't enter a storage shed without written consent, he/she may not be able to enforce legitimate park rules relating to residents' health and safety. Local building inspectors normally can't enforce health and safety codes in mobilehome parks. State HCD inspectors can't legally enter homes or accessory buildings without consent, and the MRL does not authorize them to go to court to get warrants to enter. So while the bill gives mobilehome residents some additional privacy protections against *bad managers*, it may also make it a little harder to enforce health and safety rules against a *bad resident*.

David Grabill, Attorney at Law, Santa Rosa

CoMO-CAL THIS AND THAT

New Website: We are working on a new website for CoMO-CAL. It will include much more information than the present site.

We would like to include photos from parks around the State of California. If you have photos of your park, any kind of photo, that gives us an idea what your park looks like, please email it to comocal@yahoo.com.

If there is content you'd like to see, we are open to your suggestions. Remember, CoMO-CAL is yours to use - you ARE CoMO-CAL.

HOA's Team with Us: Many of you have a park newsletter. Please think about using information from THE VOICE - like articles written by our attorneys, David Loop, etc. All residents in your park would benefit reading these articles. Just give CoMO-CAL credit and include our contact information, perhaps telling residents we are a state wide advocate for mobilehome owners and asking them to join.

Also, if you have news from your park, your city, or county, email it to us (please don't clip articles from the paper). We will try to include them.

Some Thoughts on Estate Planning by David Loop

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

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

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

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

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

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

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

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

If you die without creating a will or trust, the State will decide what happens to your property according to “intestate succession” laws. These are set formulas that divide your property among your closest living relatives. Other possible heirs,

such as friends or charities are completely excluded. The State's formulas may not match your wishes about how your property is distributed upon your death.

Wills and Living Trusts – What's The Difference?

Wills and living trusts both have the same purpose. They let you leave your property to specific individuals. However, there is one big difference between a will and a living trust. **Assets put in a living trust don't have to go through probate court after your death.** This is because when you create your living trust, you transfer ownership of the designated property to yourself as a “trustee.” During your life, you still control all the property in your living trust. You can do with it whatever you like. After your death, the person you name to be your “successor trustee” distributes the property according to your wishes. Your specific wishes are written in the living trust document.

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

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

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

Intimidation. continued from front page

That’s exactly the strategy of management. As long as its one vs one with management, management always wins.

2. Knowledge is Power. Understand your rights. Understand the seven reasons for management to evict you. And know when you are being intimidated.

3. You are first a human being. We are all Americans, living in America, the land of the free.

4. Managers can’t take your power, you have to give it to them. So DON’T GIVE THEM YOUR POWER.

5. We will support you in your park. But the first thing to do is start talking with your neighbors and friends. Form a small group, meet in someone’s home. Get a HOA started. Take back your park!

**ANSWER TO LAST MONTHS QUIZ -
WHAT IS THE NAME OF THIS BRIDGE?**

Located 13.3 miles South of Carmel, Bixby Creek Bridge was one of the largest single-arch concrete bridge in the world when it was completed in 1932. It took five more years for Route 1 along Big Sur to be completed in 1937 and shortly thereafter, California Sea Otters were discovered from this location in 1938. It is 714 feet long and has a main span of 320 feet. 300,000 feet of timber, ex-

cavation of 4,700 cubic yards of earth and rock and 45,000 sacks of cement transported from San Andreas and Davenport (near Santa Cruz) were part of the equation for solid and long-lasting construction. Registered as an Historic Landmark, the bridge recently underwent a retrofit for more stringent earthquake standards which have come into effect in the 70 years since it was constructed. The two-lane arch bridge over Bixby Creek – in Big Sur, California -- reflects the Art Deco style popular in the early 1930s, when the crossing was built.

(e.g., your car).

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

required to go through probate court.

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

However, if your combined “non-exempt” assets exceed \$100,000, and you have only a will, simplified property transfer procedures won’t be available. After your death, your estate would be

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

PARK HOME RESIDENTS ACTION ALLIANCE (UNITED KINGDOM)

While researching the article about intimidation in mobilehome parks, I came across an organization in the United Kingdom (U.K.) called Park Home Residents Action Alliance or PHRAA founded in 2002. You will find their website at: <http://www.phraa.co.uk/>. To quote them:

PHRAA works exclusively for Park Home Owners. PHRAA DOES NOT advise or help Park (Site) Owners, never has and never will. We are a residents association for our members and not following the trend of other associations who are sitting on the fence advising both home owners and site owners. We are here to help and advise members living in Park (Mobile) Homes. Do not feel alone, contact us and we will try to do our best even if it only just to listen, never ever feel that you have no one to talk to, one of us is always here at the end of a phone or we will get back to you as soon as possible.

They publish a quarterly newsletter; however most of their information is on their website. They publish "Warning Bulletins," much like our "Alerts."

CoMO-CAL and PHRAA are surprisingly similar. Just take one statement:

The PHRAA website is the only national residents association or Park Home Trade Organization completely open to view. This website is not restricted to members only, all information supplied here is the plain unvarnished truth, no exaggeration, no excuses, no waffle; we adhere to the facts only.

In fact the same can be said of CoMO-CAL. We strive for truth, and nothing is sacred or off limits. Our focus is mobilehome owners, simple as that.

One look at the PHRAA website will convince you that the issues we face in California are faced in the U.K. also. Almost every statement made by PHRAA could also be made by CoMO-CAL. It really boggles the mind! So don't just take our word - here is another organization, devoted to the homeowner, that is saying the same things we are.

There are a few differences between us:

There are about 1,200 parks in the U.K. with about 250,000 spaces (vs 4,822 parks and about 650,000 spaces here in California alone).

In the U.K., space rent is called a "pitch fee." The cost to go to court is much higher in the U.K. - they are quoting around \$40,000. And the time it takes to hear a case is quite long, perhaps over 2 years. Rents in the U.K. seem to be quite low, usually less than \$300/month. The initial cost of homes is very high - as much as \$500k - \$600k.

It appears as if park owners are much more bold - some come right out and say you can't sell your home. There have been instances where park owners "torched" a home when the homeowner went against him.

Homeowner groups must be recognized by the park owner if they have 51% of the residents; however all residents MUST be listed for the park owner to see. (Of course this invites retaliation by the park owner.)

The main body of laws are from 1983. Some amendments were made in 2006, but mostly in favor of park owners. Park owners DO NOT have to give residents a copy of the laws, contrary to California (we are given the MRL by February 1st each year).

CoMO-CAL and PHRAA will team up and work

What price "Justice" for Park Home owners (United Kingdom)

Written by Ron Joyce, PHRAA, Wednesday, 23 October 2007 (UNITED KINGDOM)

There is one vitally important piece of information, crucial to the future health, wealth and happiness of anyone considering the purchase of a Park Home, carefully omitted from all the glossy adverts, glowing write ups in specialist magazines and the press, all seeking to glorify park home life as the perfect lifestyle for those approaching, or have reached, retirement age. Sell up your bricks and mortar homes, release the capital and buy a park home leaving you worry free with a nice little nest egg left over to spend on treating yourself to all the things you've always wished for, but could never afford. Sounds too good to be true doesn't it? Yes it can be. But get it wrong and the idyllic life you have been led to expect could turn into an horrific nightmare if the park you have chosen is owned, or is purchased later, by an unscrupulous park owner. **It is only then, when its too late, that you find out the hard way that the missing vital piece of information, carefully not mentioned before you parted with your hard earned cash was, that all the laws you took for granted whilst living in bricks and mortar in the outside world, are of no use to you now. The only law that applies in practice on a park home site is the law as decreed by the park owner, who will be obeyed at all times. Step out of line, dare to ask questions, or fail to accede to his constant demands for even more of your hard earned cash imposed by means of high pitch fee increases and other charges and you will be branded a trouble maker. Woe betide you then!!!**

You will of course be showered with comforting assurances by the charming park owner or sales person whilst engaged in the very simple buying process. (a park home is not housing, its classed as a caravan, therefore a chattel, and is purchased in exactly the same way as a car or TV etc.,) more than likely the park owner or his agent will have persuaded you that it is not necessary to employ the services of a solicitor for the buying

process. But in view of the many thousands of pounds of your savings being invested in the home, PHRAA would strongly recommend that a solicitor is used, if only to oversee the transaction. Remember a park home is chattel, but unlike buying a car or a TV, **if things go wrong you cant take it back.**

Many new park homeowners will find that every thing is fine and park home life is every bit as good as it has been portrayed, especially if the park has a good and caring owner. Even if the park proves to be owned by an Unscrupulous Park Owner, (UPO) everything may appear to be fine at first, especially if the park is undergoing development, ***(older homes being removed, being replaced with new ones)*** and the park owner has several empty new park homes standing unsold on the park. He will go to any lengths to keep his existing new residents happy, for obvious reasons. This PHRAA refers to as 'The HONEYMOON PERIOD' and may last for weeks or months depending on the whim of the UPO. One thing is certain that it will end very abruptly the first time you ask questions or have reason to complain.

The other increasingly common event, which shatters the lives of the previously happy and contented park homeowners is when they wake up one morning to the news that the park has been sold. This comes as a tremendous shock as residents usually have no idea that the park was even up for sale. Unfortunately for the helpless residents, in 9 out of 10 cases these days the park will have been sold to a UPO., who usually appears on the park accompanied by 'jack booted' henchmen, and residents are soon left in no doubt that their previous happy and trouble free park home lifestyle has gone forever. **IT IS NOW THAT DESPERATE RESIDENTS TURN TO THE LAW FOR HELP.**

The law governing park homes is the MOBILE HOMES ACT 1983/2006 which innocent prospective park homeowners will have been assured affords them compete protection and peace of mind. In practice however, especially where the park is

owned by a UPO., the Act is not worth the paper it is printed on, partly because it is riddled with more loopholes than a sieve, every one of which, when manipulated by his 'clever' solicitors, favour the park owner. **But worst of all is the fact that the Government have placed the homeowners in an impossible position, made far worse by the recent October 2006 amendments to the Act, by placing the entire burden of responsibility for enforcing the Act (law) firmly on the shoulders of the aggrieved park homeowner.** In other words should the park owner.....

- (1)..... persistently prevent the homeowner for exercising his legal right to sell their home.
- (2).... enter on to the homeowners pitch (plot) and remove their property and destroy their garden area.
- (3).... commit acts of harassment, intimidation, abuse, bullying, threats of, or actual acts of violence against the homeowner.
- (4).... fail to honour agreements, written or otherwise entered into with the homeowner at the time of purchase.
- (5)..... fail to provide homeowner with a Mobile Home Act Agreement (contract)
- (6).... fail to maintain services, which being part of the agreement, the homeowner has a right to expect.
- (7).... fail to recognise, or deliberately obstruct the formation of, a properly constituted residents association.
- (8)..... fail to provide documentary evidence to support claims for increased pitch fee increases or other charges as required by the Act, when requested to do so by homeowners.

If any of the above listed or any other of the numerous breaches of the Act are committed against homeowners by a UPO the only course of action open to homeowners under park home law, is to undertake Court Action against the park owner. This means that the only method of ENFORCING PARK HOME LAW due entirely to the fact that Government have refused to provide any

official means of enforcement, falls on those least able to defend or protect themselves. The mainly elderly, therefore vulnerable, mostly 70, 80 90 year old pensioner members of our society who are the majority of the estimated 250,000 plus park home population. By failing to include provision, within the Act, for the necessary powers of enforcement, the Government have forced the oppressed victims to prosecute their oppressors, irrespective of whether they have the will, the health, or the means to undertake such a traumatic and potentially financially ruinous experience, as many who have tried, even when believing they have a cast iron case, have found out to their cost.

The first step is to try and find one of the very few Solicitors who have even a scant knowledge of park home law. This will cost around £175 plus VAT per hour. On top of this will be Barrister and Court costs, plus the costs of the Hearing totaling several thousand pounds. It will certainly take many months for the case to get to court. Two years is quite common before a date for the hearing is arranged. Once a date for the hearing is set it is quite common for the park owner or his Solicitor to contact the Court a few days before the case is due to be heard, requesting that the case be put back because he is ill, is out of the country or any other ploy he can use to delay the case. This can and does happen time and time again, delaying the hearing for many more months during which time the costs and the intolerable stress levels for the helpless homeowner are rising astronomically. **Make no mistake about it Government has handed the unscrupulous park owners the absolute power, through the Mobile Homes Act, now made even worse by the 2006 amendments to that Act, to totally dominate the lives of park homeowners nationwide and while this present Mobile Homes Act remains as it is, there is nothing any park homeowner can do about it. As all too many distraught park homeowners who contact PHRAA openly describe their situation as "SECOND CLASS CITIZENS LIVING IN PRISON CAMPS FOR PENSIONERS". Is this what you have paid, or are about to pay, £100,000 - £300,000 price of a park home for?**

For the park homeowner taking Legal Action against a park owner in an attempt to obtain his rights is not for the faint hearted especially bearing in mind the advanced age of the average park homeowner and his limited financial resources. Many have been forced to abandon cast iron cases through lack of funds or the physical and mental stress involved having a detrimental effect on their health. There is also the fact that the park owner has the funds to employ the services of top legal firms who are specialists in park home law meaning that the odds of obtaining justice, especially against a UPO, are stacked heavily against the homeowner. Just to illustrate the point of how long it takes and how expensive taking Court Action against the park owner is in practice, here are four examples from our own park owners parks.

(1)..... Resident aged 79 took our site owner to court for removing and destroying a large section of his plot together with stealing and destroying the residents storage shed complete with its contents. The case took over 3 years to get to court at a cost to the resident of over £11,000 which as he won he was awarded his costs plus a small amount of compensation. However, 4 years on, the site owner has still not complied with the court Order to restore the damage. Resident was 79 when the case started, 81 when it finally reached Court.

(2)..... Resident, elderly lady 81 years of age, suffering ill health had to move into sheltered accommodation. Home placed on market at £97,000 as valued. Buyer found within a week at asking price. Site owner illegally put off this buyer and every other buyer by making untrue statements. Resident instigated court action over two years ago. Each time a date is set for hearing site owner makes excuses to the court stating he cannot appear on set date. Case put back several times now due either December 2007 or early in 2008. Resident besides being distraught is having to continue paying pitch fees, council tax and other charges on a home she cannot occupy or sell.

(3).... Elderly lady resident, same park, same site owner, similar case. 2 years waiting to get to Court. No date set as yet.

(4)..... Elderly widower living alone, suffered from serious illness. Had to go into care Hospital. Placed home on market. Site owner illegally blocked sale for 2 years. Father died. Son inherited his fathers Park Home and site owner has been blocking sales for over 4 years. Son lost over £10,000 to date attempting to obtain justice. Still has not sold. Son faced with yet further Court Action against site owner for illegally blocking sales.

For the Government to bring out laws ostensibly to protect the welfare of park homeowners, but place the entire responsibility for the enforcement of those laws solely on the shoulders of 60, 70, 80, and 90 year old pensioner park homeowners is nothing short of outrageous.

PHRAA is fighting for the rights of park homeowners to a fair deal on many fronts and will never rest until the Government recognises that this archaic Mobile Homes Act is responsible for the continued untenable plight of park homeowners and that there is an urgent need to take action NOW to bring in and watertight legislation to protect park homeowners backed up by real, Government backed, powers of enforcement. At present Park Homeowners are subject to laws akin to laws in force in 1607 that kept the peasants oppressed. Until new effective legislation is put in place park homeowners will remain the peasants of 2007 left to the mercy of the unscrupulous local Baron. (UNSCRUPULOUS PARK OWNER)

If you or any of your fellow residents have had similar experiences please let PHRAA know. We need your evidence to put pressure on government. Names will not be divulged without permission. **Help PHRAA to help you.**

Compiled for PHRAA

PARK HOME RESIDENTS ACTION
ALLIANCE (UNITED KINGDOM)

by Ron Joyce. General Secretary.

August 2007.

STARLIGHT MOBILEHOME PARK—SAN DIEGO

The distribution of information to homeowners in mobilehome parks is critical. We have often written that the distribution of information is our right, protected by the U.S. Constitution and the Mobilehome Residency Law. Residents should know they are not alone, and others fighting to protect their rights. This is the very basis of CoMO-CAL—communication, education, and unity.

Starlight Mobilehome Park is a perfect example of what can happen in a mobilehome park if just one or two residents are motivated to have change. A resident learned about CoMO-CAL through the internet and contacted us. They have many issues in the park and wanted to organize residents. We sent off a box of material, including newsletters, informational bulletins, applications, etc.

Stewart Neill, Marvin Schwinn, Eve Mossholder, Vivienne Lautz, and others are doing a really terrific job organizing residents. They have distributed literature informing residents of meetings and they have been getting a very good turn out. CoMO-CAL applauds their hard work. And they will be the first to tell you that it IS hard work. They have been going door to door, knocking, and talking, letting their friends and neighbors know what's happening. They are holding meetings in a rented hall outside the park. They have had trouble before with the manager and want to avoid that in the future.

So where is the problem? Unfortunately, as happens in many parks, their owner either doesn't know the law or has decided he is above the law. He has been seen taking literature out of the resident tubes and told residents that they could not use the tubes any longer and that they belonged to him. (These tubes are even used by solicitors

without interference.)

It is time to draw a line in the sand! We are going to fight anyone who breaks the law. We are Americans, and we have rights. We have many eyes and ears watching and listening for law breakers.

With the help of Stewart Neill, CoMO-CAL has written the following letter:

Owner, Starlight Mobilehome Park
Re: Distribution of Literature in Starlight MHP

Recently some of our members have been distributing literature in Starlight Mobilehome Park regarding meetings for park residents. We understand you will not allow them to use the tubes on each residents' space. And some believe you have been taking literature from some of the tubes also.

It is our understanding that residents have the right to distribute literature, as provided by Section 798.51(a)3: No provision in any mobilehome park rental agreement, rule, or regulation shall deny or prohibit the right of any homeowner or resident in the park to do any of the following: Canvass and petition homeowners and residents for noncommercial purposes relating to mobilehome living, election to public office, or the initiative, referendum, or recall processes, at reasonable hours and in a reasonable manner, including the distribution or circulation of information.

CoMO-CAL has asked our attorney about this issue and the following is his response:

"Since their literature deals with issues relating to mobilehome 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 it as you see fit, and

take note of any attempts to stop it.” Bruce Stanton, Attorney at Law, San Jose.

It is my hope that you, your manger, and other park employees will not interfere with future deliveries of information to park residents, which they have every right to receive.

I would appreciate a reply to my letter within seven days – on or before August 4, 2008.

I thank you for your assistance. Feel free to call me if you have any questions or concerns.

Sincerely,

Frank A. Wodley

President, CoMO-CAL

If you know of violations of the Mobilehome Residency Law in your park, please let us know. We must take back our parks, step by step. The distribution of literature without park interference is a critical first step.

One note: the law protects the distribution of literature in parks by park residents. If and when you want to go into another park (which we recommend and appreciate), you need to find a resident in that park who will help. If there is any interference or retaliation, let us know and we will get involved. This is our basic right and we will not let parks interfere any longer!

And please know, this is not a problem just in California. Remember Tammy Hoth of Montana. We wrote about her in an earlier THE VOICE

Early January of 2008, Montana community leader Tammy Hoth turned herself in in response to a warrant for her arrest issued by the Billings, MT police department. Ms. Hoth was handcuffed, searched, had her fingerprints and mug shot taken, and was released on a bond posted at nearly \$600. If convicted, she faced a maximum penalty of \$500, and six months in jail.

Her imprisonable crime? Passing out leaflets in Casa Village Manufactured Home Community. The leaflets advertised a meeting where residents could learn about their legal rights and strategize how to improve their community. Officially, Ms. Hoth’s “crime,” pressed by Casa Village manager Susie Cole, was Criminal Trespass to Property (Section 45-6-203(1)(b), Montana Code Annotated).

Ms. Hoth was targeted by park owners and the City for simply passing out information – an act clearly protected by her First Amendment rights. The unfortunate message from the City of Billings is clear – if you live in a manufactured home park, it is a crime for anyone to inform you of your rights, or contact you in person for any reason.

"The fundamental underlying principle is simply that...real property ownership does not vest the owner with dominion over the lives of those people living on his property. They are...citizens of the United States and tenants. As such they are entitled to the kinds of communications, associations, and friendships guaranteed to all citizens, and secured by the Constitution. The owner's property rights do not divest the migrants of these rights."

On Friday, May 2nd, Ms. Hoth called the APAC office with the good news that Susie Cole had agreed to drop the charges against her, if Ms. Hoth signed paperwork agreeing not to enter Casa Village for a period of one year. Ms. Hoth agreed to this condition, knowing that as she was still able to meet with Casa Village residents outside of the park it would not impede her continued commitment to inform and organize interested Casa Village residents.

Our hats off to Tammy. Let’s take a lesson from her and continue reaching those homeowners that do not know we care and want to help.

WE ARE AMERICANS!

PREAMBLE TO OUR U.S. CONSTITUTION

We the PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That's right, we are the PEOPLE and as such we have rights and we have wrongs. Mr. Wodley I respectfully ask that you find a place in our monthly newsletter to remind our members and non-members that they are the PEOPLE. I will be handing out this document at all my road trip meetings. PEOPLE are going to know that we are AMERICANS and we shall be treated as such, I realize that congress does not use this constitution so I figured I would. If any of you have a complaint please submit in triplicate for further disapproval. I for one am sick and tired of these low life, insignificant "piss ants" trying to tell me what and where I can take my CoMO-CAL organization. I received a call tonight from a park owner in the bay area. That is all I could get out of him as his telephone number was blocked but his take

on our organization is rude, crude and unpleasant to my virgin ears. We had some strong words for one another when he called me and my beloved Marine Corps a bunch of baby killers. I do not like, have no respect for COWARDS. I have always lived by this motto" I may not like what you say but I will defend your right to say it." This person and for the time being a person shall find my wrath upon park owners to be quite harsh, henceforth and forever. He spoke with an accent. I believe him to be East Indian. Our paths will cross again. He stated he has been reading the VOICE and finds us amusing and stupid. I find him amusing in the fact that he can at least read. He will surface again, and I will be on the wait for him to do so. Please print this.

Respectfully,

Robert C. Hites

Retired Gunnery Sergeant USMC = 23 years of military service and a PROUD AMERICAN.

Vice President of CoMO-CAL. PROUD TO BE

Life Member of Veterans of Foreign Wars VFW

I wear Red,. White and Blue and those colors don't run and never will.

WE'RE DOING SOMETHING RIGHT

We must be doing something right. Both Bob Hites and I have been under direct fire from park owners. It seems as if many park owners are interested to see what we write and they are not too happy with CoMO-CAL and THE VOICE.

We only seek justice for mobilehome owners. We don't ask for favored treatment, but so often park owners break the law and we are in the right. Usually they will back down.

We are very concerned with park owners whose strategy includes the removal of older homes, usually costing the homeowner most or all of his equity. This practice must stop and park owners must obey the law.

They can get away with this only if YOU allow them to do it. So please keep reading THE VOICE to know what's happening across California. Be our eyes and ears. Let us know what you see and hear.

LISTEN UP & FIGHT BACK

Frank, you have given me an idea and I want to share this idea with as many people that are interested in reading and learning a viable way to fight back. To take back your parks. To live in a place where you can be treated as an equal and not some TENANT, but a resident of a mobilehome park.

I see where most of us live under the intimidation rule. That is to say do exactly I tell you to do or us as MANAGERS will retaliate and bring forth undue hardships upon you pheasants.

Well, my idea is quite simple. YOU can intimidate as well just by letting the park managers know that there are attorneys such as Lincoln Heater in San Diego (1-800-895-5053) that have never lost a failure to maintain law suit. These folks are not talking about nickel- dime but major dollars in the millions in fines and correcting infrastructure. This law firm specializes in taking on these parks that don't want to maintain their common areas, such as roads, drains, pools, septic tanks, water systems, lighting and this list goes on.

YOU as a park residents are entitled to service YOU are paying for it, so why not get it. All it takes is organizing the troops. Sending a letter to the attorney firm. It will take more than one or two of you. I have been informed that sometimes as many as fifty people need to complain or sign a petition to bring the investigators and law dogs into the park.

They want to see intimidation, deal with these folks and watch what happens. The drains, water problems and assorted other problems will get repaired and fast. YOU can intimidate right back and there is very little these so called managers can do about it. Start calling or sending letters or e-mails to HCD. Complain and keep complaining until your voice is heard. To sit idly by and allow these folks to take your money and not provide the common courtesy of maintaining their land and parks is a civil offense and YOU as a resident do not have to take their form of ignorance. YOU can intimidate just as well and bring forth the big guns.

There are attorneys that are just waiting to help YOU. YOU will be surprised how fast things get done. Sure the park owners have attorneys, sure they have rights, but so do YOU. Please don't allow these folks to get off with your money and treat YOU as a TENANT and not as a RESIDENT. This is YOUR home. They have a responsibility to maintain the grounds under and around the park YOU reside in. That is the law.

Failure to maintain the land is a violation of the law. Try it YOU will find that they won't like it. INTIMIDATION WORKS BOTH WAYS. Until next time, and as always I can be reached at 530-743-2965 or e-mail, at anvil95993@yahoo.com, and I am ROBERT C. HITES, Vice President of COMOCAL. I shall return. Thanks for reading...

CONGRATULATIONS STARLIGHT MHP

In a short period of time, a small group of dedicated residents have formed a viable Home Owners Association. They have gone door to door in their park, promoting CoMO-CAL and now have over 50 CoMO-CAL members.

We are a team. CoMO-CAL will work hard to

support their efforts, that's the least we can do. We have sent a letter to their park owner regarding interference of distribution of literature.

Just think - CoMO-CAL would reach over 25,000 mobilehome owners if your park were organized too. It can be done, and in a short time. Let's all work together and grow CoMO-CAL so we might help more and more residents. **Let's Do It!**

10 GOOD REASONS TO JOIN COMO-CAL

1. **NUMBERS COUNT** The power in numbers of homeowners cannot be overemphasized. There are enough mobilehome owners in California (approximately 1,500,000), Who—Once Organized—Can and will make a difference.
2. **UNITY COUNTS** As a team we can AND will make a difference in the laws, rules and regulations that affect your everyday life. Why feel powerless and alone.
3. **NETWORKING THE STATE** Why reinvent the wheel. Networking with home owners in parks across California is a terrific way to gain insight into problems - for every issue, there are many who have already invented that wheel. Let's take advantage of them.
4. **NETWORKING THE COUNTRY** We just joined the national advocacy group MHOAA and will network with other state organizations.
5. **NETWORKING THE WORLD** We network the world. We have discovered groups in the U.K. and Canada and we intend to team with them to reach common goals
6. **MONEY COUNTS** Groups can afford to do what individuals cannot afford to do. When you join CoMO-CAL, your dues are nominal. Any financial burden is spread out among thousands of homeowners. We also give you periodic accountings about how your money is being spent.
7. **KNOWLEDGE** When you are our eyes and ears, we know what's happening across the state. We are a terrific resource for information. If we don't know something, we have the resources to find out about it.
8. **RESPECT & TRUST** CoMO-CAL has now almost a four year history providing members information and advice. We answer our phones and reply to our emails quickly, and in a professional manner.
9. **COMMUNICATION** We communicate with you more than any other advocacy group in California. GSMOL and CMRAA publish quarterly. We also have THE WHISPER, a message board and an e-mail ALERTS program. This is critical, especially in times like just before the June 3rd election - we want all mobilehome owners to know what's happening and we can communicate day by day if necessary.
10. **WE LISTEN TO YOU** In fact we want you to call, write or email us. We listen to your suggestions and comments. We try to address your issues and we often ask you questions in our "surveys." You count!
11. **VOICE IN SACRAMENTO** We now have retained Attorney David Grabill who gives us a voice in Sacramento.
12. **WE DO NOT CENSOR** We do not censor the information we publish to make us look good or to benefit our leaders or friends.
13. **NO SUBJECT IS TABOO** We write about anything that affects mobilehome owners. And we write the truth - we can back up anything we write.
14. **WE ARE HONEST. YOU CAN TRUST US. AND WE ARE ALL VOLUNTEERS.**

CoMO-CAL THIS AND THAT

1. **Membership Dues in 2009.** We are strongly considering increasing annual dues to \$20 as of January 1, 2009. This will almost double the monies we have available to use. Many other groups charge \$20 including GSMOL. Yet most publish quarterly versus monthly for CoMO-CAL.
2. **Invite us to speak at your park.** Just give us a call or send us an email— we will try to arrange a time to come to your park. We want to make more aware of the benefits to join CoMO-CAL. This is part of our effort to communicate, educate and unite.
3. **Renewals and New Members.** Thank all of you for renewing - the percentage renewing is steadily growing. Also we are getting many new members. This is a result of more of you supporting our efforts. We thank you!
4. **Win \$200.** Remember, our contest has been extended to the end of 2008. The member or HOA sponsoring the most new members will win \$200 cash. Please, everyone, help CoMO-CAL grow. We do it not for ourselves. Our goal is to share important information with as many homeowners around the state of California as possible.

CoMO-CAL

(COALITION OF MOBILEHOME OWNERS-CALIFORNIA)

P.O. Box 4821, Chatsworth, Ca 91313-4821.

NEW MEMBERSHIP APPLICATION (Print Please)

NAME: _____ Date: _____

PARK NAME: _____ SPACE #: _____

MAILING ADDRESS: _____ CITY _____

E-MAIL ADDRESS: _____ ZIP _____

APPLICANTS PHONE NUMBER (_____) - _____ - _____

SIGNATURE OF APPLICANT _____ SPONSORED BY _____

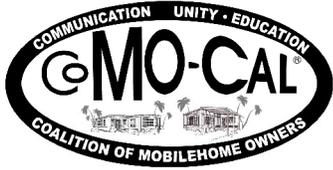
Check # _____ Amount: \$ _____ Money Order () Amount: \$ _____

MEMBERSHIP (\$15.00/12 Months, \$40.00/36 Months) 90 day full refund guarantee if not satisfied

PLEASE INCLUDE CHECK OR MONEY ORDER PAYABLE TO “CoMO-CAL” & THANK YOU FOR

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CoMO-CAL is a non-profit California Corporation dedicated to serving mobilehome owners in California. Our purpose is to educate, communicate and unite. We are MAKING A DIFFERENCE!

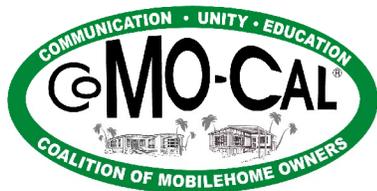


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**Our purpose is education,
communication and to unite
mobilehome owners.**

SERVICES WE PROVIDE OUR MEMBERS

1. 12 issues of THE VOICE. Usually 20 pages long, filled with important information no mobilehome owner should be without. Articles from around the state of California. Tips and Suggestions. Important laws explained so you can understand how you are protected.
2. Website: **comocal.org**. Members have access to all issues of THE VOICE, attorneys who know the MRL, important links to government, advocacy groups, etc.
3. Small Claims Court Assistance: We will pay your fees up to \$30.00 and help with your paperwork. (Some restrictions apply.)
4. Questions / Problems: Our staff is ready to take your call to advise you regarding questions and problems you might have.
5. We have several attorneys to help with litigation or give advice.
6. Above all, a way to UNITE and have a VOICE.

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