
Home Owner Associations (HOA) Out of Control

Contributed by Janet Ahmad
Tuesday, 28 March 2006
Last Updated Wednesday, 29 March 2006

ENCINITAS RANCH HOMEOWNERS ASSOCIATION INTRODUCES MASSIVE PARKING FINES

Board threatens owners with unlimited lawyers fees, towing and storage charges, and \$250 fines for parking in front of their own homes.

The board members and the vendors they hired (lawyers) have decided to fine and tow our cars and charge us unlimited legal fees to enforce their rules, if we park our cars in front of our houses or on our privately owned driveways. This clearly is a SCAM, and the association is just FORCING this issue down our throats, without any chance for rebuttal or otherwise. Lots of people are up in arms about this - and rightfully so! We can't park on the driveway or street in front of OUR house... Related article: Investigation on Homeowner Association Foreclosure Filings

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March 26, 2006

By Sue Mclean

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We have just settled into our beautiful new custom home built by the developer Toll Brothers in San Diego County.

Homes are still being built. The owners are getting to know one another. We enjoy the walking trails, the open spaces and the wonderful neighborhoods being built in this open farmland property which the developers purchased.

Now we have trouble brewing! We are concerned that incidents like the Madigans and the Scripps Ranch homeowner association will be replicated in our Encinitas Ranch Homeowner Association. In that case, \$140,000 parking tickets the Madigans and Scripps Ranch Homeowners were charged for legal fees to Encinitas lawyers Peters & Freedman when their daughter parked her car in front of their home.

The board members and the vendors they hired (manager N.N. Jaeschke and lawyers) have decided to fine and tow our cars and charge us unlimited legal fees to enforce their rules, if we park our cars in front of our houses or on our privately owned driveways.

This clearly is a SCAM, and the association is just FORCING this issue down our throats, without any chance for rebuttal or otherwise. Lots of people are up in arms about this - and rightfully so! We can't park on the driveway or street in front of OUR house??? This is B.S.!!!

Would you mind reading through our CCRs and notices and letting us know what you think about this situation?

ENCINITAS RANCH HOMEOWNERS ASSOCIATION PARKING ENFORCEMENT POLICY

Notice from Association Manager , Christina Jaeschke of NN Jaeschke, Inc

Effective March 1, 2006, the following parking enforcement policy will be in effect throughout the entire Encinitas Ranch HOA community. Enforcement will consist of towing vehicles at the owner's expense or the imposition of a fine in accordance with the recently adopted fine schedule highlighted in a letter to all homeowners on November 18, 2005.

The HOA management company, with the authorization of the HOA Board of Directors, has contracted with a professional parking control company to patrol and cite vehicles parked on HOA streets in violation of Association CC & Rs. The citation and towing of vehicles will apply only to vehicles parked on HOA streets and not in private driveways. The first citation can be considered a warning but, there will be no further notice thereafter. If any vehicle receives two or more citations within a thirty day period, the vehicle is subject to towing at the time of the second citation and any subsequent citation within said thirty day period.

As an alternative to towing a vehicle parked on HOA streets in violation of the CC & Rs, the HOA Board of Directors may elect to impose the \$250.00 fine discussed below, subject to the same safeguards regarding notice and opportunity to be heard. The notice of violation would be given after the second parking control citation within a 30 day period.

As stated above, the citation and towing of vehicles pertains to vehicles parked on HOA streets. With respect to vehicles parked in private driveways in violation of Association CC & Rs, a separate enforcement policy will be in force. Vehicles

parked in private driveways when available garage space is not being utilized for storage of said vehicle, will be subject to a CC & R notice of violation to the homeowner followed by an opportunity for the homeowner to challenge the validity of said violation at a duly noticed violation hearing. If, following said hearing, the Board determines that there was in fact a violation, the involved homeowner will be fined the sum of \$250.00. There is no limit on the number of times this procedure can occur over any given time period so long as the homeowner allegedly in violation is given proper notice with opportunity to be heard.

Developer provided garage space must be used for the parking of automotive type vehicles before driveway parking can be resorted to with one exception. One restricted type vehicle/device described in CC & R Section 6.1.7 (b) may be parked in one garage space to the exclusion of one automotive type vehicle (described in Section 6.1.7[a]), which would then allow that homeowner to park the excluded automotive type vehicle in the driveway.

FINE POLICY OF THE ENCINITAS RANCH HOMEOWNERS ASSOCIATION

The Board of Directors shall have the authority to impose a fine for each violation found to be true after the homeowner has had an opportunity appear before the Board. An explanation or mitigation offered by the homeowner shall be considered in imposing of the fine. The decision of the Board shall be final.

The fine shall be \$250 per offense.

In addition to the amount of the fine imposed, if the Board finds that the Association was required to incur any expense as the result of the conduct of the homeowner or the conduct of a family member, tenant, guest, contractors, household employee, pet or anyone else on the Association ground by the homeowner's invitation or permission, the homeowner shall be liable for the amount of the expense in addition to any amount imposed as a fine.

In the event the Board is required to take legal action to collect on fines, which have been imposed on a homeowner, the homeowner shall also be liable for all attorney fees and court costs incurred by the Association.

The Board may also have the power to initiate legal action against the homeowner to restrain continued and repeated violation of the Master Governing Documents, to recover the Association's costs caused by the homeowner, the family, tenant guest, contractors, household employee, pet or anyone else on the Association ground by the homeowner's invitation or permission.

Adopted: January 9, 2006 [View Comments \(12\)](#) | [Post a comment](#) For more information, please check out the articles listed below:

- Bills May Curb Associations' Ability to Sue Homeowners - Linda Rapattoni
- Burden of debt - Emmet Pierce
- Homeowner Boards Blur Line of Who Rules Roost - Motoko Rich
- THE \$140,000 PARKING TICKET IN A CALIFORNIA HOMEOWNER ASSOCIATION - Peter Amherst
- A DAY IN COURT - AHRC News Services Staff
- Investigation on Homeowner Association Foreclosure Filings - AHRC News Services
- Brook Hills resident fights association - Julie Reeder
- Foreclosures And Lawsuits In California Homeowner Associations - Arnold A. McMahon
- FORECLOSURES FILINGS BY HOMEOWNER ASSOCIATIONS - Melissa Colburn
- FORECLOSURE INVESTIGATION ON PETERS AND FREEDMAN - Dan Ackroyd
- Peters and Freedman
- James R. McCormick Jr - Peters & Freedman LLP
- Stephen M. Kirkland - Peters & Freedman
- Proposed bill will up residents' say - Susan Gill Varden
- Parking company is towing, booting and fining residents - Mark Walker
- Misery By Associations - A News Survey by NBC6.net - Joni Skibo
- HOW TO STEAL A UNIT FROM A CONDO OWNER - Margret Koch Chalupowski MD PHD
- Torrey View Homeowvers Association board is issuing "parking violations" for parking on our private driveway - Julie B
- Encinitas Ranch Homeowners Association
- N. N. Jaeschke
- Case Number: GIN 026443 Brook Hills HOA v Bass & Bass v Brooks Hills.Peters
- THEY WILL HIT YOU WHERE YOU LIVE - Pete Fuentes - FOX 6 News San Diego
- DEVASTATION IN SOUTHERN CALIFORNIA - David Osterpil
- California Lawmakers At Work Passing Crazy Laws - James Galley
- John J. Carona - Texas Senator - Associa Management Company