



# NEW HORIZONS

WEEKLY NEWSLETTER

*The Official Publication  
for the Board of Directors,  
Residents and Owners*

WEBSITE: [www.nhsb.org](http://www.nhsb.org)

October 17, 2014

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## Next week's activities at New Horizons

Daily, **10:30 am** Water Aerobics

Saturday, Oct. 18 7:30 am. **Trip to Oktoberfest**

Sunday, Oct. 19, 1 pm. **Getting to know you** - Lounge

Monday, Oct. 20, 10:30 am **Bridge Club**

Tuesday, Oct. 21, 9:00 am **Ceramics Workshop**

1:00 pm **Scrabble** - Card Room

Wednesday, Oct. 22 8:00 am **Men's Golf**

Thursday, Oct. 23 8:30 am **Women's Golf**

Friday, Oct. 24 1:00 pm **Sit 'n Knit** - Lounge

## MARTHA THOM HONORED



## THE THREE KEYS TO CONDOMINIUM LIVING

*(Front page, Resident & Guest Rules and Regulations)*

**TOLERANCE** of other people's shortcomings.

**CONTENTMENT** with what we have at New Horizons.

**RESPECT** for the rights of others.

And remember, we have many dedicated individuals, some in clubs and groups, chartered, and informal, who work on making the second "key", **Contentment**, close to reality.

Our maintenance group employees are doing a fine job of buildings and grounds maintenance. You can help them by filling out work order forms if they need to work on something wrong within those areas.

But it is the individual improvements, the personal touches, the plants and decorations in our personal area that best express and satisfy us. The visible spirit of caring.

For improvements and inevitable replacements of common facilities, take a group effort, labor and money. Join them! Make things happen! **Get involved!! It's good for your mind, body, and spirit.**

Newsletter staff.

**Top left:** Mitzi Erath, Martha Thom, Barbara Freeman, Jean Bairden, Martha Berry, Virginia Van Houtte, Marge Frye, Joyce Paine, Care Giver, Ann, and Pauline Raith.

**Seated from left:** JoAnn Megill, Nan Drysdale, Jean Dowling, and Betty Overpeck.

**Martha Thom** has decided to hang up her boots as the Line Dance instructor at New Horizons. During her 25 years of teaching, she instilled a love for Country Western Line Dancing to countless number of residents every Monday evening.

On Monday, October 7<sup>th</sup>, past and current line dancers gathered to thank Martha for her years of dedication and service with a celebratory dinner.

**THANK YOU MARTHA!**

Julie Dojiri, Line Dance Member



# Conservation Club News

Julie Dojiri, Conservation Club  
Chairperson



A few of our regular 1<sup>st</sup> Friday of the month volunteers:

**Top:** Genie Sullivan, Bernie Birchall, & Inga Dorn.

**Bottom:** Don Teunon, Maggie Cramer, & Irene Ryan.

Every first Friday of the month a handful of dedicated members crush, sort, bag, load, and haul all recyclable items picked up by our drivers. Is it a lot of hard work? You bet! **Thank you for caring enough to volunteer.**

### CORRECTION

In my last article Evy's last name was misspelled. It should be **Evy Palson**. My sincere apology for this error.

### Men's Wednesday Golf Results 10/8/2014

Another perfect day for golf, PTL We're going to punch the greens next week.

Only 16 players today. Let's go guys. Last hole in one was 9-10-14

Larr Bear

#### Winners

| A Flight      | Low Gross | Low Net |
|---------------|-----------|---------|
| Rich Stoffer  | 49        |         |
| Larry Neville |           | 46      |
| B Flight      |           |         |
| Bruce Kenney  | 54        |         |
| Jim Kenny     |           | 50      |

**Hole in one:** not today.

=====

### Ladies Thursday Golf Results 10/9/2014

Mathis and Mori

Cool weather must agree with Ricki. She shot a 58 and won free play.

Congratulations!

**No women's tournament on Thursday, Oct. 16, due to the California-wide disaster drill.**

#### Winners

| A Flight        | Low Gross | Low Net |
|-----------------|-----------|---------|
| Renee Chang     | 54        |         |
| Kay Mori        |           | 49      |
| B Flight        |           |         |
| Ricki Decker    | 58        |         |
| Barbara Bowman  |           | 55      |
| C Flight        |           |         |
| Elisabeth McCue | 70        |         |
| Kathy Lindbergh |           | 50      |

**Hole in one:** none.

**Free play:** Ricki

### Life in the Trap by Rick Newell

www.lifeinthetrap.com



**TRAVEL CLUB NEWS** for Oct. 17, 2014 By Ed Reilly,  
Travel Club Chairman, New Horizons Ph. #: 310-326-4710

**At our last Travel Club meeting**, we had a chance to ask the members present what trips they would like us to take next year. We ask this question toward the end of each year so the members can help plot the future course of the club, at least for the next 12 months.

One might think that October is a little early to start laying out specific trips for the coming year, but there really is a reason. The travel company we use to book these trips handles a fair number of group tours. Many of our desired destinations are time critical, that is they require a certain amount of time to fill their venue. Very often we must compete with other groups for the same venue especially at holidays and other times of the year that are of special interest to a great number of people. That and the fact that people like to have their travel plans laid out ahead of time for planning purposes and often to be able to set aside travel funding.

One other thing the club suggested, because we are having trouble filling the bus every month, could we look at planning for trips perhaps every other month?. That would indeed save on travel budgets which seem to be getting more expensive these days. **All right, with this thinking in mind, how about we start the year off with a trip, skip February and plan another trip for March? These are only proposals, so I would like to hear from the members whether or not they are comfortable with this plan.** After all, this is your club. You have the right to structure it as you like. Please tell me how you feel. Jot down your thoughts and drop them in the Travel Club box in the Clubhouse. I am waiting to hear.

The following trips are already in the planning stage.

**November:** How about getting away for a couple of days before the busy Thanksgiving holiday? We have made plans to take a "Laughlin Getaway" this month. **The dates are Sunday to Tuesday, November 16-18, 2014.** Besides deluxe round trip motorcoach transportation, we will get two nights accommodations at the Riverside Resort Hotel and Casino and one choice buffet coupon (either breakfast or dinner). Of course we will be playing Bingo on the bus. The cost for these two nights of casino getaway fun is \$140.00 per person double or \$165.00 single. The signup sheet is now on the board.

**Continued on the right**

November 19th, 2014 at 2:00pm is the  
CICs fundraiser

**"A Touch of Class" Fashion Show.**  
**Tickets are on sale now.**

**The members selling tickets are:**

- Harriet Apsel (310-534-1005),
- Barbara Carr (310-257-9085),
- Jeannie Rennhack (310-704-7071),
- Joyce Higginbotham (310-325-5362),
- Joyce Paine (310-326-7583),
- Paul Cohen (310-200-2575),
- Judi Wyka (424-263-2271)
- Pat Artman (310-257-1387) and
- Barbara Freeman (424-250-9320).

Checks may be written made payable to **New Horizons Capital Improvement Club**. Please write it out, *no initials please*.

Thank you,

Jeannie Rennhack, Chairman

=====  
**Travel - continued**

**December:** For the past 28 years the Candlelight Pavilion has presented original, family friendly Christmas stories with all the joy and magic you would expect of the holiday season. This year the story is entitled "Every day is Christmas." We have reserved seating on Saturday, December 13 to see this delightful program. The Candlelight is known as one of Southern California's finest dinner theaters, offering superb sit-down served lunches and dinners in an intimate setting and candlelight ambiance. Won't you join us as we celebrate the holidays at this fine restaurant and dinner theater highlighted with a little Santa magic? Yes, jolly St. Nick will be stopping by as he makes his holiday rounds. The cost for this very special candlelight Christmas experience is \$107.00. The signup sheet is available and has now been placed on the board for your signature.

Do you enjoy traveling? If so, how about joining us? The Travel Club meets the first Thursday of every month at 7:00 PM in the Clubhouse. We always conduct a little business, discuss new and upcoming trips, see a travel related film and enjoy a social hour with refreshments. It is a lot of fun. Our next meeting will take place on November 6, 2014. If you would like additional information, please call Ed Reilly at (310) 326-4710, or Sharon Rose at (310) 539-0811.

Prudential CA Realty  
Name Change Oct. 19

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[bonnie.goodpasture@gmail.com](mailto:bonnie.goodpasture@gmail.com) New Horizons Resident

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|   |   |  |
|---|---|--|
|   | <b>SOLD</b>   |  |
|   | KAY MORI REALTY 22664 Nadine Cir #A \$385,000<br>2 BR 1.5 BA 950sqft on the Golf Course |  |
| <b>MOST WANTED: Bungalow~For Rent or For Sale</b>               |   |  |
| Kay Mori, Certified Probate Real Estate Specialist 310-218-3855 |   |  |

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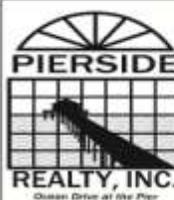
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|---|---|

[nickblaney1@gmail.com](mailto:nickblaney1@gmail.com)

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The Westside Center for Independent Living (WCIL) was founded in 1976 and has since helped tens of thousands of people achieve their independent living goals through a wide range of services. WCIL is a nonprofit organization funded both privately and through government grants. WCIL has provided services at the Bartlett Center for over 15 years and will resume services to South Bay seniors and people with disabilities on the **second Thursday of each month**. All services are free of charge. Some of the areas in which WCIL can assist include:

- Consultation on: assistive technology and home modifications,
- In-Home Supportive Services information,
- Benefits information and advocacy,
- Independent living resources counseling.

Contact Peter DeMieri at 310/302-7251 or by email at [peter@wcil.org](mailto:peter@wcil.org)

He can also be reached at the WCIL office throughout the week at (310) 390-3611 Ext. 219

A number of months ago few owners and Board Members had not heard of CC4600. Its interpretation caused misunderstanding of its meaning for New Horizons Members. I requested Adams Kessler, our attorney, to comment on this Code. Lets be judicious in the manner we interpret the law and the following is our attorney's letter:

**Bob Lombardi, Chairman of the Board.**

Hi Robert,

Thanks for your call. This email is to follow up on our conversation about the proposed newsletter notices. In short, Civil Code 4600 requires the vote of 67% of the members to approve any grant of a part of the common areas to a single owner for their exclusive use. You've advised me that a few homeowners have constructed fences and gates that tend to enclose parts of the common areas, and that most of these (or perhaps all) have been done with Board approval. It's arguable whether that falls within Section 4600 at all, there are few if any court cases to guide us in this issue but if the enclosure prevents others from accessing the area, it would probably fall within the statute. If the enclosure does not prevent others from accessing the area, it will depend on the extent of the enclosure. There are no particular guidelines in the law about when a fence or gate crosses that line. But Section 4600 concerns itself with Board decisions to formally allow exclusive use, it does not necessarily apply to actions by individual members to use parts of the common area.

You previously advised me that at least some of the approvals were probably given before 2006; I have not seen any written approvals or reviewed any details information about the location or type of these approvals, except the newsletter which mentions that these barriers present a safety hazard. From our conversation, that sounds doubtful. But the Board has the absolute duty to make the common areas safe. So if the barriers are truly a safety hazard, that really ends the conversation. That seems unlikely, but if they have caused legitimate safety problems over the past decade or so the Board must deal with the hazard or the consequences could be serious. (See *Frances T. v. Village Green.*) That said, if it is not a safety issue, the issue is different.

Section 4600 prohibits the Board from granting a member exclusive use of any part of the common area, except with a vote of 67% of the members. Section 4600 took effect in 2006-2007. That law, by itself, does not affect any decisions made before then, and does not require the Board to reverse any older decisions. Even if approvals were made after that time, the decisions could have been exempt depending on the circumstances. There are several exemptions in the law; I won't belabor them here but [this link includes that information](#). I would need much more information to know if any given barrier should have been subject to Section 4600. Even if Section 4600 does apply, and even if a prior Board's decision to allow this was "illegal," it may be too late to challenge that decision. The statutes of limitation depend on the claims as they are raised but at most, the law allows 5 years to challenge a breach of CC&Rs (such as a claimed breach of the CC&Rs that were in effect at that time). But the law only allows 1 year to challenge a Board decision in violation of 4600. (See Civil Code 4605.)

In the meantime, if there are good reasons (particularly safety reasons) for removing these barriers, and if there were no clear grants of exclusive use, the Board has discretion to address it in the manner it deems to be in the best interests of the community. If there were actually written approvals, or substantial investment in the changes by the homeowners, it could be more complicated. Any owner's exclusive use of the common area should be regulated by a recorded covenant, so that the rights and limitations are clear to all parties. But in my opinion, Section 4600 by itself does not compel the reversal of any decision made before 2006.

You also suggested that one of the owners involved may have a potential disability issue that justifies the "enclosure" of her yard, specifically that you believe this owner has cancer that may cause her to be unable to walk her dog routinely. Owners have the legal right to keep pets, and to use and enjoy the property. If an owner has a qualifying disability that impairs his or her use of the property, and if a physician verifies that some change in rules or policies (or physical alteration of the property) is necessary to allow them to use and enjoy the property, the Board must – absolutely must – [grant any accommodation that is reasonable](#). I have attached a few sample forms that I obtained from the California Department of Fair Employment and Housing, showing the types of information the Board may request from a member making such a request.

So in this situation, if the member's enclosure is necessary to allow her to keep her pet due to her disability, it does not matter what Section 4600 requires. The Board has no discretion to refuse the request; doing so would expose the Association (and individual Board members and any other involved Association personnel) to liability for discrimination. That is not covered by insurance, often held to be outside the available indemnity, and can become an enormous exposure to liability. I have just been retained to advise a board that is being sued for nearly \$2 million for disability discrimination for failing to keep an elevator in good repair – and in that case, the plaintiffs are also seeking punitive damages and attorney's fees. There is simply no question that if requested, a fence enclosure is the type of accommodation that should be granted by the Board.

Please let me know if you need any further information on the above, and thanks.

Best regards, Russell W. Higgins, Esq. Senior Associate

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