

MH *Life*

A Magazine for Mobilehome Owners

SAN DIEGO

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**THE #1 SOURCE OF INFORMATION FOR
MANUFACTURED/MOBILEHOME OWNERS
IN CALIFORNIA**



Leases – Mobilehome Park Rental Agreements

What I want to impress upon everyone is: the laws that protect your home investments are there, you must joint-together to see that the governmental enforcement agencies administrators do their statutory duty to enforce these laws.

It is not up to the homeowner to enforce the state codes, but the enforcement agencies. If they are not enforcing the codes, go to the Constitution of California, Article 1, Sec. 3. The people have the right to instruct their representatives, petition government for redress of grievances, especially in the case of senior abuse.

In this last article, I want to address leases. Over the years everything we heard and read was about leases, long term leases, twelve-month leases, adhesion leases, etc. I have heard so many homeowners complain about management saying they must sign a new lease, when the Mobilehome Residency Law 798.9 states “Homeowner:” is a person who has a tenancy in a mobilehome park under a rental agreement.



FOR A LEASE

* The foundations of American Contract Law are freedom in bargaining and the equality of bargaining power.

* In a Lease, both contract law and real property law govern the terms of the lease.

* The lease has an expiration date, a new lease has to be negotiated and signed, or the tenant moves.

* Both parties have to bargain and agree on the terms of the lease and the new expiration date.

FOR A RENTAL AGREEMENT

* Under the Mobilehome Residency Law it is the park owner who is required to give a written rental agreement with all the standards and requirements of his Permit to Operate.

* These are the terms and conditions of park tenancy, MRL 798.8.

* A copy of the Mobilehome Residency Law (MRL) is required to be attached and incorporated into the rental agreement by reference.

* Contract Law (10 [4] (b) states “a contract is the total legal obligation from that agreement”.

* MRL 798.18, (a) A homeowner shall be offered a rental agreement for (1), a term of 12 months, or (2) a lesser period as the homeowner may request, or (3) a longer period as mutually

agreed upon by both and management. (I believe a homeowner can go month to month on the same terms.)

* MRL 798.55.(b) The management may not terminate or refuse to renew a tenancy, except for a reason specified in this article.(MRL.Articles 1-8)

* MRL 798.56 A tenancy shall be terminated by the management only for one or more of the following reasons: (and five reasons are listed).

* MRL 798.16. The rental agreement may include such other provisions permitted by law, but need not contain specific language contained in state or local laws not a part of this chapter. (That would be the standards and requirements for the park owner’s Permit to Operate).

* MRL 798.19. “No rental agreement for a mobilehome shall contain a provision by which the homeowner waives his or her rights under of the MRL Articles 1 to 8, inclusive, of this chapter. Any such waiver shall be deemed contrary to public policy and void.

* MRL 798.15 (h) All other provisions governing tenancy.

I believe the differences between leases and rental agreements are very clear. It is the park owner who decided the standards and requirements for his permit to operate, and these terms and conditions are required in his written rental agreement.

If the park owner did not have a provision governing tenancy stating what annual rent increases would be, then I believe any annual rent increase over the Consumer Price Index (CPI) might be considered unconscionable.

If the park owner charged something that was not a provision in the required written rental provision, not agreed to by both parties I believe may be considered a breach of the rental agreement and “absence of meaningful choice.

Both cases, I believe, would mean one investor was taking unfair financial advantage of the weaker investor.

Also consider, in court cases, both parties can require interrogatories from the opposing party, so in the above cases I believe it would be wise to question the park owner as to why these provisions were not in the required written rental agreement? If not a provision in the required written rental agreement, what right did he have to change the terms?

Article by Donna Matthews, long time advocate for mobilehome owners. Donna may be reached via MH Life Magazine.



Happy Holidays and welcome back to MH Life Magazine. As the end of the year nears, we want to thank the many who have volunteered, subscribed to the Magazine, or joined COMO-CAL. Please refer to our article on page 14.

Long time advocate Donna Matthews always has something important to discuss, this month Donna talks about Leases and Rental Agreements. Check out page 2 - opposite this page.

Others have spoken much more eloquently about the subjects of “trying, unity and change. We have included some on page 4. We hope it reinforces the importance of working together, networking, sharing, and being ethical.

One article asked for again and again is “Inheritance - What You Need to Know” by attorney Bruce Stanton (pages 8-9). All MH owners should provide their families a copy so they know their rights as heirs to the estate. Remember, parks often take advantage of families, especially when they are unaware of the ins and outs involved when they inherit a mobilehome. These two pages can be an invaluable reference.

“A Step by Step Process to Protect Yourself” gives any MH owner, any where in California suggestions to protect themselves. The key is Strength in Numbers. And that starts with two or three residents in a park that are tired of the abuses and want to do something about them. Check out page 5. By the way, we are there to help you every step of the way.

This month we present two articles, namely *It's Your Money*, pages 6-7, and *Where Should You Go For Help*, pages 10-11. Our goal is to demonstrate the futility of going it alone and the importance of working with someone who has the knowledge and expertise to help you protect yourself. We at MH Life Magazine and COMO-CAL are experts with years of experience. However, we can only help you if and when you “get on our radar” by subscribing to the Magazine or joining COMO-CAL.

We often talk about COMO-CAL's Frequently Asked Questions and Answers Handbook. It is a must have reference. Page 12 is a list of the 58 questions detailed in the Handbook. We are sure you will want your own copy - FREE with a membership in COMO-CAL.

Finally, this has been an eventful year. We are confident we are on the right path. Reorganization gives regional leaders the tools they need to best serve you. Let's all commit so that 2016 will be the year to finally begin resolving the many long term issues mobilehome owners have faced for years. Let's start with a viable method of enforcement. Then lets work on eliminating management problems and interference of sales. We can do it if we work together.

Happy Holidays from the Staff of MH Life Magazine

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Quotes on Trying/Change/Unity

QUOTES ON TRYING

If you're trying to achieve, there will be roadblocks. I've had them; everybody has had them. But obstacles don't have to stop you. If you run into a wall, don't turn around and give up. Figure out how to climb it, go through it, or work around it. **Michael Jordan**

Nothing brings me more happiness than trying to help the most vulnerable people in society. It is a goal and an essential part of my life - a kind of destiny. Whoever is in distress can call on me. I will come running wherever they are. **Princess Diana**

I would like people to recognize in looking at my story that the person who has the most to do with what happens to you is you. It's not the environment, it's not the other people who were there trying to help you or trying to stop you. It's what you decide to do and how much effort you put behind it. **Ben Carson**

I have learned that success is to be measured not so much by the position that one has reached in life as by the obstacles which he has had to overcome while trying to succeed. **Booker T. Washington**

QUOTES ON CHANGE

For the past 33 years, I have looked in the mirror every morning and asked myself: 'If today were the last day of my life, would I want to do what I am about to do today?' And whenever the answer has been 'No' for too many days in a row, I know I need to change something. **Steve Jobs**

Change is the law of life. And those who look only to the past or present are certain to miss the future. **John F. Kennedy**

Progress is impossible without change, and those who cannot change their minds cannot change anything. **George Bernard Shaw**

Never believe that a few caring people can't change the world. For, indeed, that's all who ever have. **Margaret Mead**

If you don't like something, change it. If you can't change it, change your attitude. **Maya Angelou**

You must be the change you wish to see in the world. **Mahatma Gandhi**

Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek. **Barack Obama**

The only way to make sense out of change is to plunge into it, move with it, and join the dance. Without a struggle, there

can be no progress. **Frederick Douglass**

Very often a change of self is needed more than a change of scene. **A. C. Benson**

QUOTES ON UNITY

Where there is unity there is always victory. **Publius Syrus**

There is more power in unity than division. **Emanuel Cleaver**

You don't get unity by ignoring the questions that have to be faced. **Jay Weatherill**

For too long, we have focused on our differences - in our politics and backgrounds, in our race and beliefs - rather than cherishing the unity and pride that binds us together. **Bob Riley**

There is always strength in numbers. The more individuals or organizations that you can rally to your cause, the better. **Mark Shields**

Unity is strength... when there is teamwork and collaboration, wonderful things can be achieved. **Mattie Stepanek**

The best teamwork comes from men who are working independently toward one goal in unison. **James Cash Penney**

I invite everyone to chose forgiveness rather than division, teamwork over personal ambition. **Jean-Francois Cope**

My work is all about adventure and teamwork in some of the most inhospitable jungles, mountains and deserts on the planet. If you aren't able to look after yourself and each other, then people die. **Bear Grylls**

Coming together is a beginning; keeping together is progress; working together is success. **Henry Ford**

We cannot accomplish all that we need to do without working together. **Bill Richardson**

No matter how much success you're having, you can't continue working together if you can't communicate. **Matt Cameron**

Dr. King's leadership reaffirmed the promise of our democracy: that everyday people, working together, have the power to change our government and our institutions for the better. **Maria Cantwell**

Communication leads to community, that is, to understanding, intimacy and mutual valuing. **Rollo May**

A Step by Step Process to Protect Yourself

STEP #1 - THE BEGINNING

If you want to protect yourself, find a neighbor or two you can trust. Even if you have no issues in your park, it is best to be prepared. Why? Because parks are often sold and today buyers are often big corporations that are only interested in their bottom line. They are certainly not interested in you.

Two or three residents can be the beginning of a Home Owners Association (HOA). (Actually there is no reason to call it anything or give anyone titles. You can meet in some ones home and chat when issues come up. And no one will know, so you don't have to worry about retaliation.)



STEP #2 - ALIGN WITH COMO-CAL

We have years of experience and are dedicated to helping you protect yourself. By joining COMO-CAL, you are joining a large network of MH owners and advocate leaders. \$20 of your membership dues goes to a Legal Fund and your Regional Group. Both are there to help you.

You also receive a years subscription to MH Life Magazine (a \$15 value) so you are connected and up to date on events around California. Don't forget about our Help Line. Every COMO-CAL member can get answers simply by picking up the phone and calling 818-886-6479.

STEP #3 - FREE FAQ REFERENCE

When you join COMO-CAL, you get a very important reference called Frequently Asked Questions and Answers. We mail it direct to your door. Another source is the Senate Select Committee for Manufactured Home Communities website (<http://mobilehomes.senate.ca.gov/publications>). Click on FAQs (pp. 79-104).

Why are FAQs so important? Simply because this reference provides answers that are much more understandable than by reading the MRL and we feel every MH owner needs basic understanding of the law.

For example, question #1: **Does state law regulate rent increases in mobilehome parks?**

No, state law does not regulate the amount of a rent increase in a mobilehome park. However, the MRL requires a park to give residents a 90-day advance written notice of a rent increase (Civil Code §798.39). If residents are on a long-term lease,

the lease would govern the percentage and frequency of rent increases, with increases not less than every 90 days as required by law. If residents sign a long-term lease of more than one year in length, state law provides that the lease is exempt from any local rent control ordinance now in existence or enacted in the future.

(Civil Code §798.17(a)(1)) (Approximately 102 local jurisdictions have some form of rent control for mobilehome parks.)

Recap:

State law does not regulate the amount of a rent increase.

A 90-day advance written notice of rent increase is required.

If resident is on a long-term lease, check the language in lease for frequency (not less than every 90 days) and percentage of increases.

STEP #4 - LIAISON WITH COMO-CAL

Next, choose one person in your small group to liaison with COMO-CAL. That person must have the internet and a computer. This step is important. Your liaison allows us to know what's happening in your park. And you are part of our network of parks when you communicate with us, i.e. your liaison keeps us informed.

STEP #5 - ORGANIZE PARK-WIDE

Now you are ready to build a park-wide group. It is simple. Call a meeting of all park residents by printing fliers and distributing one flier to every resident. Reserve the clubhouse for your meeting (by law, the park can't charge you a security or cleaning deposit).

COMO-CAL can help with fliers and the agenda of your first meeting. Remember it is your right to organize. Don't let anyone deny you that right.

STEP #6 - ALIGN WITH YOUR REGIONAL GROUP

Every Regional Group (Los Angeles County, Orange County, San Diego County, etc) will have its own set of leaders. Get to know them. Send them an email, call or write them. Get on their radar. Let them know what's happening in your park.

We are still developing the Regional Groups. Soon we will publish leaders names and contact information for San Diego, Orange County, and Los Angeles.

It's Your Money!

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

- a. You received a seven (7) day notice,
- b. You received a sixty (60) day notice
- c. You were given an illegal rent increased.
- d. The park wanted you to sign a new Lease in lieu of rent control.
- e. The park wanted new Rules and Regulations
- f. Your manager was abusive, harassed and intimidated.
- g. The list goes on and on.....

The answers often are NOT OBVIOUS. MH Life Magazine will offer you suggestions to deal with various issues that you might face as a resident in your mobile/manufactured home park.

WE ARE ALL VULNERABLE

We have often observed that a manager, if so inclined, could “write up” any resident for a rule or regulation violation. If one looks hard enough, they could conclude that every park resident is violating one or more park rules. Bottom line: **we are all VULNERABLE to the whims of our park owner or manager.**

SEVEN DAY NOTICES

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

A REAL EXAMPLE

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

“If you do not (immediately) cure the violations, your tenancy shall be terminated by service of a Sixty (60) Day Notice of Termination of Tenancy. Your tenancy ...is terminated on the day the Notice is served upon you, not 60 days later. You will be required to quit and remove or sell your mobilehome. In other words, you will be required to vacate the Park and move or sell your mobilehome after the 60 Day Notice is served.”

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

ATTORNEY'S THREATENING LANGUAGE

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

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

Getting a threatening letter from your park is no picnic. Just considering the dire possibilities, it can have your stress level shooting off the charts. Of course, we've heard some residents in such a position feel they have no choice but to hire an attorney. A letter might cost **\$1000** or more!

BACK TO LOIS

Obviously Lois was very upset at the prospect of being evicted, possibly not being able to sell her home (she could in fact lose it), and owing her park owner thousands of dollars. So what did Lois do. She correctly realized the seriousness of the situation, with little time to act. Unfortunately, Lois was NOT prepared. Her first act was to ask friends and neighbors for the name of an attorney that might help, then she hired an attorney (**it cost her \$750**) write a letter “denying most allegations and explaining that the park manager was retaliating.

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

1. Answer all notices in writing.
2. Keep a paper trail, as you may wind up going to court on a Unlawful Detainer Suit.
3. If it is a true violation to a reasonable rule correct it in the 7 days and answer in writing that you have corrected it
4. If you do not feel it is a true and valid violation, as per the

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

IMPORTANT POINT

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

Letter to the Editor

Recently a friend emailed us a note he received. He wanted to keep the author's name anonymous. Here are some excerpts:

Good day. I thought I would do some "news" updates on the (comocal.org) site and decided to see what the latest edition of MH Life was about. Sheesh, it pains me to read. Pages 3-8 are all about GSMOL and its shortfalls. Is it really as bad as MH Life portrays it to be? And if so, how the heck do they continue to be the voice of mobile home owners?

Editor's Note: The facts show the MH Community gave a huge amount of money (over \$17,000,000) and thousands of volunteer hours to GSMOL since 1990. Why? Because GSMOL leaders said GSMOL would help. However, the facts also show GSMOL has done little or nothing, especially when it comes to a viable means of enforcement of the Mobilehome Residency Law (MRL) and the many other issues that plague the MH Community, like management problems and interference of sales. (Just read the Senate Select Committee Hearing on Enforcement Problems 1987 in August 2015 MH life Magazine). And a small group of "bad apples" have gone to great lengths to keep the truth about GSMOL from the MH Community.

Someone should sit down with the publisher and explain to them that their constant rants about GSMOL are doing them

WHAT HAPPENED TO LOIS

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

IT'S YOUR MONEY

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

The best way to handle notices is to be prepared. Have a recent copy of the Mobilehome Residency Law, and a copy of COMO-CAL's Frequently Asked Questions (FREE when you join COMO-CAL). Keep our phone number handy and either subscribe to MH Life Magazine or join COMO-CAL. It takes less than an hour of your time a month. A little preparation goes a long way!

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

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

Article by Frank Wodley & Donna Matthews

more harm than good. Number one rule of business is that you don't knock the competition like that. I'm surprised he's not been sued which leads me to believe that what he is publishing is fact and not fiction?

Editor's Note: We realize the casual observer might view our motive is simply to cut down GSMOL and pump up MH Life Magazine and COMO-CAL. However, nothing could be further from the truth.

We are advocates and as such, we have a responsibility to protect the MH Community from all sorts of threats. Unfortunately, some threats actually come from those who are supposed to be helping MH owners. And yes, everything we publish is fact and can be documented.

Neither COMO-CAL nor MH Life Magazine are interested in gaining power, especially by denigrating another advocate. But we absolutely take our job very seriously. Our only goal is to help and protect MH owners. And much can be learned from the past, although the past 25 years is very bleak!

We encourage all MH owners to be open and look at the facts. Let's all learn from this. Tomorrow can and must be a new day, but only you can make it happen. Support reorganization and lets really start resolving decades long issues.

Inheritance - What You Need To Know

I am often contacted by families following the death of a mobilehome resident about what they should do to get the home secured and sold, or just to obtain an understanding of their rights as heirs to the estate. The Mobilehome Residency Law (MRL) portion of the California Civil Code contains a specific section which sets forth the rights of heirs or joint tenants when the homeowner has died. It is important that certain steps be followed by the heirs to ensure that they protect their rights to the home. It is equally important that heirs know their rights ahead of time, so they will not fail to do what is necessary to maintain the mobilehome tenancy after the death of a family member. Otherwise, the park owner can use what is typically a time of confusion and emotions to deprive the estate of what is often its most significant asset value. Where rent is not paid, or some other violation of park rules occurs due to the actions of unsuspecting relatives, the park owner can use it as justification for requiring that the home be evicted from the park, or to decontrol and raise space rent where there is local rent control in place. Absolute vigilance by the decedent's family is required to ensure that this does not occur.

Preliminarily, a homeowner can take certain steps in advance to ensure that his or her family understands what needs to be done to protect the mobilehome inheritance.

1. **KNOW YOUR RIGHTS.** This is essential. A homeowner needs to know his or her rights so that he or she can communicate them to family members. Every mobilehome resident should have a copy of the MRL, which is distributed by most park owners annually. Anyone can go online to download a copy of the complete MRL for free at: www.sen.ca.gov/mobilehome. Any resident can write to the Senate Publications Office in Sacramento to purchase a copy for \$7.00. Or any resident should be able to go to the park office and request a copy. The MRL requires a park owner to distribute a copy to all residents each year where a "significant change" of the MRL provisions is made by the legislature, so there will often be a copy kept in the home. But heirs who do not know anything about the MRL will need to know where to look for a copy of the law. This leads us to step 2 below.

2. **INFORM YOUR HEIRS OF WHERE TO FIND INFORMATION AHEAD OF TIME.** Just as you would tell your family members where to find important papers, or the details of disposition of property and funeral instructions, you also need to tell your heirs how to secure and sell your home after your passing. Be sure that they know where to find a copy of Civil Code section 798.78, which is the MRL section that sets forth the rights and responsibilities of heirs. Make a copy of that section and leave it in a place where they can locate it, or give it to them in advance with

a copy of this article.

3. **WHAT SHOULD THE HEIRS DO AFTER THE HOMEOWNER HAS DIED?** It is important that heirs act immediately to prevent the loss of their inheritance rights in the home. There are two options set forth in section 798.78. First, any heir, joint tenant or personal representative may seek to sell the home "in place" in the park. Or, in the alternative, any heir or joint tenant may seek to establish a tenancy with the park and move into the home. But for either of these steps to be available, it is required that the decedent's estate satisfy all of the decedent's responsibilities, such as payment of rent and utilities or maintenance of the homesite. Thus, if the rent is allowed to go into default or other maintenance issues arise which are not performed after a notice is served (this might only be taped to the door), then the right to establish a tenancy or sell the home is lost. 798.78(b) specifically provides that in such a case the park owner can require the home to be removed from the park. **IT IS THUS CRITICAL THAT THE HEIRS ASCERTAIN WHAT THE SPACE RENT AND UTILITIES PAYMENTS ARE AND PAY THEM IMMEDIATELY AS THEY COME DUE.** The death of the homeowner does not deter many park owners from claiming a breach of the rental agreement if the rent or utilities payment is even one day late. And since the heirs may not visit the home immediately, they might be unaware that the first of the month has rolled around and a rent payment is due. No payments can be missed if the family wants to be certain that its rights are protected. And if a three-day notice to pay rent or utilities is served, it must be satisfied within the three day period. The three days are calculated from the day after the notice is served. Since service of any 3-day or 7-day notice by the park does not have to be personal, and the notice can thus be posted on the home and mailed to that address, it is important that the heirs visit the home regularly to check for posted notices, and that the mail be immediately forwarded to an address where it will be read. There is nothing worse than opening an envelope after the fact to find that an important deadline has been missed. If a rent payment is not made within the three-day period, and there is a loan on the home, the heirs should immediately contact the lender and request that it "cure" the rent default by paying the rent to the park. Under 798.56(e) (4), a bank may cure a rent default twice every twelve months, and the park owner is obligated to accept the payment. This section presumably also applies where the homeowner has died, but the estate desires to maintain the right to sell the home "in place".

Equally important is the duty of the estate to maintain the physical appearance of the home and the homesite.



This means that landscaping must be maintained, and debris cannot be allowed. Any seven-day notices for Rules violations need to be corrected at once. Newspapers should be stopped, the home should be secured, and vehicles should be either removed or otherwise stored only in the carport at the homesite. A gardener should be hired to mow and weed the homesite if the heirs live out-of-town or otherwise are not likely to visit the home often. But it is also important to check for notices at the home regularly, in case something is posted that is never received via mail.

To ensure the best possible communication, the heirs should meet with management as soon as possible following the death and identify a new person and address for communication purposes. Rent bills and all notices from the park should be directed to that new address, so that communications do not fall into a "black hole".

4. WHAT THE HEIRS SHOULD NOT DO. It is equally important to understand one of the most frequent problems encountered by estates. Often, the heirs allow someone to move into the home if it is otherwise vacant in order to be a caretaker and watch over the home. This certainly sounds reasonable enough. After all, the estate desires that the home be protected from crime or vandalism. And if it is perceived that cousin Bob will most certainly qualify to purchase or occupy the home, it might be tempting to allow him to just move into the home early without qualifying for tenancy first. This should not be done. Most all parks throughout California do not allow a non-tenant to occupy the home if a tenant is not present. Thus, either scenario could trigger an immediate seven-day notice of a rules violation. If the estate desires to allow someone to occupy the home, written permission should be obtained from the park first. Otherwise, it should never be allowed to occur, since the result could be a termination of the estate's right to sell the home "in place". Note that we are only speaking of occupancy

here; any authorized person, including heirs or third party contractors or realtors can enter the home to clean, repair or secure it. But no one can occupy it by spending the night or establishing it as their residence. If a seven-day notice is received for this sort of violation, the occupant needs to be removed at once. Note that this scenario also does not help the potential tenant, whom the park might categorize as a "rules violator" when an application for tenancy is later presented for consideration.

5. WHAT ABOUT SATISFYING AGE RESTRICTIONS? In senior parks, or parks which seek to meet the Federal guidelines for "housing for older persons", homeowners who are 55 or older often leave the home to much younger heirs who are under age 55. The immediate reaction of these younger heirs is that they are not old enough to live in the park, and thus cannot qualify for tenancy. But special exemption language in the Federal law allows heirs who are under age 55 to still inherit the home and live in it without compromising the park's senior status under Federal law. Otherwise, the inheritance might prove to be without value for the family, and this was never the intent of the Congress when the 1988 laws regarding age limitations were passed. This means that a park can never reject an heir based upon age status by arguing that it will lose its senior status under Federal law if a 40-year old heir is allowed to occupy the home. The key is that only the heirs or blood relatives of the deceased homeowner would probably qualify for this exemption. Note that if the park otherwise has an age limit for all residents in its own rules, those limitations may still need to be complied with.

6. CAN THE PARK RAISE THE SPACE RENT? The answer depends upon the local laws. If there is a local mobilehome rent control ordinance, it should be consulted. Many ordinances do not allow a park to raise rents to the family following the death of the homeowner. But if the family sells the home to a dealer, the rent can probably be raised at that time, since local rent control typically does not protect commercial dealers or agents.

The ability to protect a home during the inheritance process can be tricky. But if these steps are followed, the family of a deceased homeowner should be able to inherit and realize the value of the mobilehome which has been left to them in a Will or Trust. Just as importantly, the intent and last wishes of the deceased homeowner can be honored and carried out.

About The Author: Mr. Stanton has been a practicing attorney since 1982, and has been representing mobilehome residents and homeowners associations as a specialty for over 20 years. His practice is located in San Jose, and he is currently the corporate counsel for the Golden State Manufactured-Homeowners League (GSMOL). We thank Mr. Stanton for his contributions.

Where Should You Go For Help?

NEEDING HELP - OFTEN IT'S SECOND NATURE

None of us can know everything. We need some sort of help almost daily. We might ask the produce manager to help us find the best watermelon to buy. We don't cut our own hair, we go to a barber. We have our favorite mechanic when our car needs repair work. Certainly getting help for most of our needs is second nature. We don't give it a second thought, we just do it. There is no shame in asking for help, right? Of course not!

MOBILEHOME DOCUMENTS & TERMS

While living in a rental park, residents often find themselves confronted with a myriad of documents and terms: WMA, CPI, COMO-CAL, MRL, Vacancy Control, Rent Stabilization, Long Term Lease, Cola, Title 25, 7 day notice, 3 day notice, 14 day notice, 60 day notice, etc. The list goes on and on.

HOW MANY DO YOU UNDERSTAND?

Over the years we've done many surveys, both online, in the Magazine, and at meetings. We've concluded that few mobilehome owners have even a cursory knowledge of the many important concepts and laws involved with living in a mobilehome park. It is difficult to understand all the ins and outs connected with living in a rental park. We understand.

MANY HAVE SERIOUS CONSEQUENCES

Residents often are faced with documents and notices they don't understand. And often times what you don't know can come back and bite you in the rear. The consequences of not fully understanding something can be very serious.

As an example, a few years ago a resident in Carson had fallen on hard times and couldn't pay his rent for January. Consequently the park gave him a 3 day notice to pay or quit. He didn't pay within the 3 days thinking he could pay January, a January late fee and February all at the same time next month. When he went to pay, the park wouldn't accept payment. He lost his home worth over \$100,000.

VACANCY CONTROL & CONSEQUENCES

Let's look at one more issue, namely vacancy control. What is vacancy control? About 165,000 spaces in California have some form of rent control and of that figure about 70,000 have some form of vacancy control. When you sell your home, vacancy control places a cap on the rent your buyer pays. For example, say you live under a Rent Stabilization Ordinance that has a 10% vacancy control cap. This means, if you're paying \$500/month rent, the park can only increase your buyer's rent by 10% or \$50.

But you might say: "How does this effect me? We're talking

about my buyer, not me." And yes, you'd be right; however the rent your buyer pays directly effects the value of your home. For every \$10/month increase your buyer gets, the value of your home decreases \$1000. So with a 10% cap, your equity loss is \$5,000. If there were no vacancy control, your buyer's rent might increase \$300/month. That's equivalent to a \$30,000 loss in equity, i.e. with a 10% cap you might sell your home for \$50,000; without the cap, you might only be able to get \$20,000. That's HUGE!

WHY SHOULD YOU BE CONCERNED?

If you're one of the approximately 70,000 homeowners that have vacancy control today, you need to be concerned because park owners and their representatives are constantly trying to eliminate both vacancy control and rent control.

For example, in 2011 park owners were able to pressure the City of Chula Vista to overturn vacancy control. 3,500 families lost vacancy control in a blink of the eye! That's HUGE! Today, when a home is sold, the park can raise a buyers rent as much as they want. Let's say they raise it \$200. That's an equity loss of \$20,000! Times 3,500 homes, that amounts to an equity loss of \$70,000,000! Now are you convinced you need to organize? \$25 vs \$20,000. To us it's a no brainer!

BOTTOM LINE

Ok, let's summarize. We all need help in our every day lives and usually we don't give it a second thought. That's part of life.

Most MH owners don't study the Mobilehome Residency Law (MRL) and Title 25 (Health and Safety) enough to really understand their rights. And, as demonstrated above, what you don't know can have serious consequences. You might even lose your home. So it is obvious to us, you need a honest, trustworthy, professional source of information and help while residing in a mobilehome park.

OPTIONS TO RECEIVE HELP

We continually survey MH owners and often ask what they do when they need help. Some search the internet. They call the Ombudsman, HCD, the Senate Select Committee and other governmental organizations only to learn these do not get involved with civil code issues like management problem, rent issue, failure to maintain issue, selling issue, etc. Others rely on their HOA leaders, local groups, their neighbors or other unqualified sources.

THE BETTER OPTION FOR INFORMATION & HELP

Why do we believe MH Life Magazine and COMO-CAL are your best options for help? Here are a few reasons:

- We have the experience: Three of our leaders have a

combined 57 years of experience. Donna Matthews is a 25 year, ex-GSMOL advocate. Frankie Bruce is a 19 year advocate and loves to help seniors. Frank Wodley has 13 years running COMO-CAL and publishing MH Life Magazine.



- COMO-CAL is unique because we are open, honest, transparent. We believe in UNITY.
- We have provided the MH Community more information the last 10 years than any other group. Much of it FREE.
- Over 100 issues of Mobilehome Magazine / MH Life Magazine are displayed online (comocal.org & mobilehomemagazine.org). Last year we distributed 230,000 Magazines, essentially FREE. No other group does this!
- We have a large archive of articles that provide knowledge and advice to the Community. Refer to July 2013 and July 2014 MH Life Magazine. All articles are available online. We also offer reprints at a nominal \$1 charge for each article.
- We published COMO-CAL's The Voice for 7 years between 2004 and 2012. Clay Butler, advocate leader and host of sham conversions (<http://shamconversions.com/>) wrote in 2007: *COMO-CAL: Hands down the absolute best mobile home newsletter out there. Worth the price of membership just for that alone. Started by Frank Wodley and run people who actually live in a mobile home park like yourselves. I urge you to become a COMOCAL member.*
- We have a long history of serving the MH Community and many accomplishments. We saved the Community over \$500,000 by stopping an illegal rent increase in 2008. We worked hard to help keep rent control. We were instrumental in exposing the park owner who ran our state-wide advocacy group. There are too many to detail in this short article. Refer to page 10, March/April 2015 MH Life Magazine for a list of accomplishments.
- We have proposed a viable plan for reorganization (Regional Group Plan) that provides funding and tools where they do the most good. It saves the MH Community hundreds of thousands of dollars. It gets advocates working together, for the greater good. And it eliminates all the negative aspects of advocacy today.
- Only COMO-CAL has an active Help Line whose purpose

is to help members find answers to their questions. We answer the phone ourselves and are responsive.

COMO-CAL & MH LIFE MAGAZINE GOALS

- Our #1 goal is helping you.
- We want to find solutions to problems you have been experiencing for many decades. Two problems we want to tackle immediately are abusive managers, and interference of sales.
- We want to work toward getting vacancy control back for residents of Chula Vista.
- And we want to continue to reach as many MH owners across California as possible, building a large network of MH owners and advocates.

ADVOCACY & MONEY

Ok, everyone needs help and paying for it is second nature. We all expect to pay barbers, auto mechanics, gardeners, contractors, attorneys, etc.

So why would you hesitate to pay an advocate for their help? Especially when you have so much to lose. Don't kid yourself, going it alone simply is not a viable option.

WE GUARANTEE YOUR SATISFACTION

Our annual membership is \$25. That is somewhat typical; however some organizations charge \$50 or more (Tenants Together - a statewide tenant advocacy organization out of San Francisco). We understand many live on a fixed income, we do also. And we understand you may not have \$25; however you need us and we need you. So what's the answer? Simply send what you can and try to send the balance within six months. You will at least get MH Life magazine so you'll be connected. That's extremely important!

GETTING YOUR MONEYS WORTH

We are unique among advocates. We tell you how your money will be used BEFORE you join. So what do you get for your \$25/year? Here is a breakdown:

Actually you get \$41 of benefits plus additional services. You get an annual subscription to MH Life Magazine (a \$15 value), COMO-CAL's 36 page Frequently Asked Questions and Answers Handbook (a \$6 value), \$10 goes to a Legal Fund, and \$10 goes to the Regional Group. These four total \$41.

And there are the "unseen" benefits. Your support allows MH Life Magazine and COMO-CAL to continue their work. It keeps our network of over 100 parks working for you. And we are able to continue our efforts to Unify MH owners by reaching out to others in the MH Community that do not know about us - of course this means a FREE magazine and information. This is huge! It's all about Strength in Numbers.

Don't Hesitate. Join Us Today! You won't be sorry.

COMO-CAL's Handbook - FREE When You Join COMO-CAL

COMO-CAL's 36-page Frequently Asked Questions and Answers HANDBOOK answers 58 of the most pressing questions mobile and manufactured homeowners have about the Mobilehome Residency Law (MRL) and issues that might arise in rental parks. It was compiled by the Senate Select Committee on Manufactured Housing and we feel all mobilehome owners should have a copy of the Handbook to use when questions arise.

We have sold over 3,000 Handbooks to date to both residents and managers. It is an invaluable reference guide you will use over and over.

Now the FAQ Handbook is provided to you FREE when you join COMO-CAL. We send it, along with a welcome letter, your COMO-CAL membership number and join date, an addendum, and MH owners Bill of Rights.

Also included in the Handbook are three articles by attorney Jon Heim: When Can Park Management Enter My Space?, Nothing to Fear, and A Word on Your Privacy. Sally Studer, ex COMO-CAL V.P. writes two articles: Land Lease Law vs Mobilehome Residency Law and How to Use Mobilehome Residency Laws. Plus there is contact information for several attorneys who practice mobilehome law. All together, the Handbook is an invaluable aid to all California MH owners.

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Benefits of Joining COMO-CAL

- COMO-CAL is the only advocacy organization that guarantees results. If after 90 days you are not happy with our service, we will refund 100% of your dues. You may keep the \$5 Handbook as our way of saying Thank You for joining.
- With our money back guarantee, you have NOTHING to lose by joining and everything to gain.
- You receive a 12 month subscription to MH Life Magazine
- \$10 of your \$25 goes into a Legal Fund (for your region)
- \$8 of your \$25 goes to your Regional Group
- \$5 of your \$25 goes to MH Life Magazine
- \$2 of your \$25 goes for postage of the Handbook
- You receive COMO-CAL's 36 page Frequently Asked Questions and Answers compiled by the Senate Select Committee on Manufactured Housing Communities.

This is a "got to have" reference book for any mobilehome owner living in California. Refer to Page 12.

- COMO-CAL now has a Help Line (M-F 8am-9pm). The Help Line does not answer individual resident issues, but can help guide you.
- Your dues are only used by your Regional Group to provide services to you.
- Your membership allows MH Life and COMO-CAL to continue providing services to the MH Community.
- COMO-CAL is a 100+ network of parks in California.
- COMO-CAL advisors have years of experience and are ready and willing to take on issues that have existed for decades.
- Please don't forget to donate. MH Life alone costs over \$60,000 per year. And a strong COMO-CAL means we are better able to serve you, to protect your investment and your lifestyle.



Membership Application COMO-CAL Subscription - MH Life Magazine

NAME: _____ Date: _____

MAILING ADDRESS: _____

SPACE # _____ CITY: _____ ZIP: _____

PHONE #: _____ PARK NAME: _____

E-MAIL: _____

Annual Membership in COMO-CAL (MH Life sub included) (\$25). \$ _____

MH Life Magazine annual subscription only (\$15). \$ _____

MH Life 6 month subscription for low income (\$5) \$ _____

I believe in the cause and your good work. I want to donate. \$ _____

I will deliver magazines door to door in my park

I will help a group in my park. I will help my Regional Group

Make Checks Payable COMO-CAL

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11/2015

THANK YOU FOR YOUR SUPPORT!

Thank You

November has traditionally been the time when we give thanks and this year is no different. We at MH Life Magazine and COMO-CAL are thankful for all those who have supported us, especially the 100 volunteer MH owners who have distributed the magazine door to door in their park. Without you, there would be no Magazine or COMO-CAL.

Next we'd like to thank those who subscribed to the Magazine or joined COMO-CAL. You are the reason we work so hard and we hope you are benefiting from our service. Please know your comments, suggestions and criticisms are always welcome. We strive to serve you better.

A few folks have stepped up to help out with their Regional Group. In fact, Frank Wodley and his wife Rose traveled to Orange County for a 2 night, 3 day stay in Costa Mesa. Frank met with leaders from San Diego, Huntington Beach, Long

Beach, and Los Angeles. We thank you all and look forward to a long, productive relationship. We are on the right path and will be able to serve MH owners more effectively and efficiently with Regional Groups in place.

A few HOA's are supporting the Magazine, especially our friends at Indian Springs MHP in Palm Desert. Thank you! Your financial help does make a difference and allows us to continue our important work.

Finally, one anonymous donor this last year, gave us a very large donation. Although he is in his 80's, he also delivers Magazines in his park of over 400 spaces. He knows who he is and we can't thank him enough. His kindness and generosity have allowed us to publish the Magazine continuously this last year, something we couldn't have done otherwise. So thank you, thank you.

Managers & Families

We highly recommend both families and park managers subscribe to the Magazine. Managers need good information, just like residents. And a big part of good relations between managers and residents is each knowing their specific responsibilities and protections. Families should be informed, especially when it comes to inheritance rights. Knowledge is Power!

Our Archive of Articles

Over the years we have amassed a large archive of articles. We want to remind you that all magazines are displayed online at www.comocal.org and www.mobilehomemagazine.org. In fact each can be easily downloaded, either a whole magazine or specific pages. This is a terrific reference. Soon we will have an index so you can easily find articles by subject. Those without computers or the internet can request articles by writing to MH Life Magazine, P.O. Box 3774, Chatsworth, CA 91313. Please include the name of the article, the publishing date if known and \$1 postage / handling fee for each article.

Communication

Nothing is more important than communication. It is the glue that unites us. We communicate with you via MH Life Magazine and sometimes email.

We are good listeners. Please let us know what's happening in your park. We answer our phone (818-886-6479), and respond to emails (fawodley@yahoo.com). Letters are another thing however. We would rather not receive long letters, especially handwritten. They are too difficult to read and we just don't have the time.

MH Life Magazine in Spanish

We now have a volunteer who will help us translating English to Spanish. The current size of the magazine is not conducive to print both English and Spanish. We hope after the first of the year to increase to 20 pages. This will allow us the room to provide several pages in Spanish.

Your donations would also be helpful and would allow us to reach our goals much faster.



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ADVERTISERS

Contact Frank at 818-886-6479 or fawodley@yahoo.com for more information about advertising in MH Life Magazine. You'll find our rates are very competitive. We thank you for your interest

The Philosophy of a Park Manager

As the Manager of a mobile home park, clearly my guide to a good manager is based upon following the rules and regulations.

I enforce the rules equally to everyone in the park. To be a good manager I find talking with the resident first before I give a notice of violation, 7 or 14 day notice or a 3/60 can often solve the problem. If after I have spoken to them and they do not comply, then they are written up.

Having compassion and listening to the resident when they need a shoulder to lean on is the key. As manager having a loving peaceful attitude towards the resident when speaking to them, I find it goes a long way.

Positive speaking and being kind towards a resident is how I approach situations even if it is an aggressive resident. That is not the situation with everyone, but I would say to someone being aggressive lets step back and come together when we both

can speak with calmness and not yelling or screaming.

That does not work Take yourself out of that situation and compose yourself and try to speak with the resident when both parties are calm and had a chance to think about it.

As a manager you must learn how to work around people, know how to handle different situations and know how to keep everyone happy. You must be friendly, kind and understanding and manage with a positive attitude. Most of all show respect to others. You get respect from the residents when you show respect to them.

Being a positive Manger you still have to equally enforce the rules. There is no room for favoritism in my book.

Above all, a Manager must keep the park safe, looking beautiful and a great community to live in.

Proof of Service

Donna Matthew's has been good enough to supply us with a Proof of Service form. This can be used when you want to serve a party with papers, but don't want to sent it Certified Mail.

The person mailing the "document" must be a third party, not a part of the action. That person is the one that fill out the Proof of Service form.

Mobilehome Magazine has a long form Proof of Service form

in PDF and we suggest if you are interested that you order the form from us. It gives detailed instructions. Just send \$1.50 to MH Life Magazine and request the Proof of Service form.

Remember too, we will soon release an Index of our many years of articles by subject. This will facilitate finding an article of interest. We will offer reprints at \$1 per article.

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