

# *THE VOICE*

COALITION OF MOBILEHOME OWNERS

APRIL 2007 VOLUME 3 ISSUE 4

## RENT CONTROL

Rent control is the hot button issue today, hands down. Whether the “California Property Owners Protection Act,” condo conversion, economic eviction, affordable housing, or whatever, it is all about rent control. And this issue DOES AFFECT you, whether or not you live in an area with rent control.

### HISTORY

Today, approximately 25% of Californians live in rent control areas, in slightly over 100 cities and 9 counties. Many mobile home resident groups, in areas without rent control, are working hard to secure rent control for their area (Modesto, Clear Lake, Banning, Loma Linda and others). Remember, if you do not have rent control, your park owner may raise your rents as often as every 90 days and by any amount! This impacts all renters, but mobile home owners are the most vulnerable because we have the most to lose—the homes that we own!

### CALIFORNIA PROPERTY OWNERS PROTECTION ACT

Do you remember Proposition 90, the “Protect Our Homes Initiative?” Although a coalition of hundreds of organizations (the NO ON 90 folks) raised over \$11 million, it was barely defeated. Today, land owners continue their efforts to rid the state of rent control. Now in the form of the California Property Owners Protection Act, it was submitted a third time to the California State Attorney General for a title and summary, which should be done by April 5, 2007. Unlike Proposition 90, this new initiative comes right out and says it will eliminate ALL rent control. We understand the new version would phase out rent control three years after it passes.

If passed by the voters, the affects would be devastating across the state. Here in Los Angeles, rents could increase 100% or more. (Remember our tip—for every \$10 increase, we estimate the value of your home decreases \$1000. For example, if you received a \$500 monthly rent increase, the value of your home would decrease \$50,000, OVERNIGHT). Just think of all the mobile home owners that would LOSE their homes and be forced to walk away. You could easily be one of them, especially if you are low income or a senior on a fixed income! Does this sound scary? Well just ask the hundreds of thousands of mobile home owners that would be affected. Once the CPOPA gets a title and summary, supporters must obtain 695,000 signatures before it gets on the ballot—perhaps November, 2008. Please refer to previous issues of THE VOICE for more information on this initiative.

### CONDO CONVERSIONS

On February 28, 2007, the Senate Select Committee on Mobile/Manufactured Homes held a hearing on condo conversions. If you remember, “condo conversions” is the latest tactic being used by park owners to break rent control in mobile home parks.

**Park owners argue** this is a property rights issue and that “park condo conversion” – as it is known in the vernacular - is one of the few methods by which they can recapture (continued on Page 3, **Rent Control**)

**APRIL NEWSLETTER**

There is so much news this month that we could publish 40 pages and still not cover everything. The issue getting the most attention is RENT CONTROL, so this is primarily what we present this month.

BASTA is a non profit in Los Angeles and the Antelope Valley providing legal assistance to anyone being evicted from their park. We thank Janel Corey for this contact and hope to team up with BASTA to protect mobile homeowners rights. See Page 4 & 5.

The Senate Select Committee on Mobile/Manufactured Housing has released a list of about 25 bills for the 2007 session. The more important of them and our comments are found on Pages 6 and 7.

Interference of sales continues to be a BIG money maker for park owners. We have seen several parks putting out misinformation as found in the letter of Morningstar MHP in Modesto. An attorney group has responded. Please read pages 8-9 carefully because it is probably happening right in your park.

Our president returned from a four day “road trip” to the Modesto, Clear lake and Sacramento areas. See page 9.

The Senate Select Committee has published a list of 20 important questions with corresponding answers. Pages 10-13 should be saved for reference on this issues.

Page 14 presents a practice that remains hidden in most areas, although we feel it happens all around the state. It details how dealers are forced to pay kickbacks to parks to sell homes. You might see a similar practice in your park—a “favorite real estate company or dealer.” Let us know if it is happening. You are our eyes and ears.

Although our President Frank Wodley attended the Senate Select Committee hearing on February 28th, there simply is not room in this newsletter to report. The hearing was very informative and the Committee will be selling a DVD and transcript of the hearing.

We must ask for donations to continue our work. Please, if all members donated \$10.00 our goal of \$10,000 by July 1st would be reached.

Finally on Page 18 we talk about the “Threats to Our Way of Life.”

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CoMO-CAL, Inc. is a non-profit organization committed to protecting the rights of mobilehome owners in the state of California. All persons living in a mobilehome are eligible for membership on an equal basis, except management, owners and employees of owners.

THE VOICE is published monthly by the Coalition of Mobilehome Owners—California for the use of its members.

THE VOICE welcomes articles of interest to mobilehome owners.

(Continued from Page 1, **Rent Control**) the market value of their parks in rent control jurisdictions, as well as bring rents for non-buying non-low income residents, who they say are usually able to pay a greater share of their rental housing costs, up to “market.”

**Residents claim** the state law in question was not originally intended to be used by park owners to convert parks to resident ownership and is now being adapted to allow parks to circumvent local rent control, gentrify affordable housing and economically evict low-moderate income homeowners, many of whom cannot afford the asking prices for their spaces or “condo” interests. Although this is a complicated issue, here are some facts:

**El Dorado Case:** El Dorado Mobile Country Club is a 377-space mobilehome park located in Palm Springs. This was the first known case of a park converted to resident ownership by a park owner. The City of Palm Springs, concerned about allegations that the conversion was a “sham” driven by a park owner whose motive, according to some park residents at the time, was to sell a few lots in the park to circumvent the city’s rent control and other local regulations, imposed several conditions on the subdivision map. These included, among others, that the map would not be effective (meaning the park would not be exempt from city rent control) until 50%-plus-1 of the lots were sold to residents. The El Dorado park owner sued the city, claiming the effective date of conversion was when one lot was sold and that the city had exceeded its authority under the state’s Subdivision Map Act to impose more stringent requirements for a park conversion, as it might do for other kinds of conversions, such as conversion of an apartment to a condominium. Although the city won the first round, the park appealed, and the 4th District Court of Appeal reversed (El Dorado Palm Springs, Ltd., v. City of Palm Springs, 2001). The appellate court ruled that the city was limited by the state’s Subdivision Map Act and opined that the question of whether there should be more protections in the statute to prevent “sham” resident conversions by park owners **was a legislative, not legal, issue**. In other words, condo conversions can break rent control because of this decision in 2001.

**The Keeley Bill:** As a result, AB 930 (Keeley, 2002) was introduced to permit local governments to impose additional requirements on the conversion of a mobilehome park to a ROP subdivision or condominium. The bill was heavily lobbied and debated, with mobilehome owners, housing advocates and local governments supporting the bill and park owners opposing it. As finally passed and signed by the Governor, the Keeley bill allowed local governments to require park owners as part of the map act process to provide the city with “a survey of support” indicating resident support for a proposed ROP conversion and included un-codified language stating the bill was intended to assure such conversions were “bona fide” in accordance with the El Dorado case. Because the language was not clear, there are differing views on whether a city can deny a “park condo conversion” if the survey showed little or no resident support for the conversion.

To date, park-owner initiated conversions appear to be taking place in Buellton, Carson, Ojai, Vallejo, Sonoma County, Santa Rosa, Healdsburg, Rohnert Park, and San Luis Obispo County. The Select Committee has been able to document 12 such parks to date statewide. Some local governments have placed temporary moratoriums on these conversions, although at least one jurisdiction is reportedly being sued by a park owner over the moratorium.

(The source of much of this article was taken from the Senate Select Committee fact sheet entitled:  
**Conversion of Mobilehome Parks to Subdivisions or Condominiums)**

**February 28, 2007 Hearing**

### NIGHTMARE IN PALMDALE (CONTINUES)

Janel Corey's plight continues in Palmdale. You will remember Bolders I is trying to evict her, probably because she has a terrific lease and low rent (March THE VOICE Page 11). Well, Janel is fighting back. Not only is she helping herself, but other mobile home owners as well. Janel told us about BASTA (described below). BASTA will handle Janel's eviction defense for a total cost to Janel of \$350.00! And BASTA has an 80% win record in these cases.

CoMO-CAL has chatted with BASTA Founder **Daniel Bramzon** (BASTA, 2500 Wilshire Blvd. #837 Los Angeles, CA 90057 (213)736-5050; FAX (213) 736 5055), who serves as BASTA's President/Chairman of the Board of Directors and began his legal career at a large Century City law firm. He currently has his own private law practice where he has represented high-profile individuals and corporations in sexual harassment suits and complex business disputes.

Although BASTA is relatively new to the scene of issues in mobile home parks, we have high hopes that BASTA and CoMO-CAL will form a terrific team, working together to protect the rights of CoMO-CAL members.

### WHAT IS BASTA?

BASTA, Inc. is a registered California public benefit corporation, as well as a federally recognized, 501c non-profit organization (see enclosed confirmation letter from the U.S. Department of Treasury). BASTA was founded from our founder's living room in early 2005 with one assistant. Within two years, BASTA has evolved significantly and achieved some incredible milestones:

- Two offices – 2,500 sq. feet of office space in our McArthur Park Los Angeles headquarters and a separate office in Lancaster.
- Three full-time attorneys and two part time attorneys, all of whom have experience at major law firms, including Christensen Miller Fink Jacobs Glaser Weil & Shapiro, LLP; Kaye Scholer; and McCutchen Doyle (now, Bingham McCutchen).
- Three full-time staff and three part-time staff.
- A Community Affairs Department headed by Rebeca Gomez, who has worked closely with LAHD inspectors for over a year to eradicate slum conditions in our city and county and led an ongoing community outreach and education effort.
- An intern program in partnership with the Public Interest Law Foundation of USC Law School ("PILF"). At present, we have six interns from USC. We have also had interns from Loyola Law School and Southwestern Law School.
- An approximately 80% winning percentage in eviction defense trials.
- Approximately \$1,500,000 in affirmative compensation and rent waivers for our

low-income clients.

- Successfully reviving the tenant's constitutional right to a jury trial for unlawful detainers. We file jury demands and fee waivers in every case, and when jury fee waivers are denied by the Court, BASTA pays for the jury.

Within our Legal Department, BASTA maintains three litigation divisions in order to more comprehensively assist low-income tenants:

1. Eviction Defense: All BASTA attorneys handle eviction defense cases. **We charge only \$350 per eviction defense jury trial** – regardless of discovery that may be propounded by landlord attorneys, the number of appearances in court, or days in which we attend trial on the tenant's behalf.
2. Limited Jurisdiction Cases: BASTA prosecutes tenants' lawsuits in the limited jurisdiction arena where a tenant can win up to \$25,000 in damages for habitability claims or other actions by the landlord that violate the law. We believe in not only defending tenants but also inspiring them to actively fight back.
3. Class/Mass Actions: When some tenants are too scared to fight, but a few brave souls are willing to demand their legal rights, we file class actions/mass actions in order to help every tenant in a particular building. Also, some buildings are so horrifically decrepit in Los Angeles that BASTA is compelled to remedy the untenable conditions in the entire location. We have settled four such matters within the last twelve months (a legal feat in and of itself).

In addition to our Legal Department, BASTA maintains a significant and thriving Community Affairs Department, whereby we inspect properties, notify governmental agencies (such as the LAHD) of deficient property conditions, and educate tenants as to their rights with ongoing community outreach efforts. There are many landlords who take advantage of low-income and uneducated tenants to escape providing them with habitable housing or to extort money from them above and beyond the legally permissible rent amounts. BASTA's outreach efforts seek to stop such exploitation.

Few other organizations in Los Angeles County provide such a varied and comprehensive range of services to assist low-income tenants. Some groups are limited to community outreach and education. Other groups undertake only eviction defense cases. And, most groups are limited in some way – whether by income level, citizenship, or other restriction. This is not the case with BASTA! **We help everybody who walks-thru the door regardless of income, race, ethnicity, immigration status, religion, sexual preference, or national origin.** BASTA does not accept funding from any source that limits our ability to help people.

We are here to help low income tenants – often the most destitute and disenfranchised of our city. Indeed, Los Angeles Times reporter Jessica Garrison recently wrote a story about how there are thousands and thousands of unrepresented tenants being evicted every year because of insufficient number of public interest attorneys to represent them. BASTA is filling that need.

### **2007 Preliminary Mobilehome & Related Housing Bill Summary**

This list was prepared by John Tennyson of the Senate Select Committee on Mobile/Manufactured Housing. It contains about 25 bills. We are listing only the more important bills. Note the sponsor of the bills—some are the legislators: Cedillo, Kuehl, Dutton, Harman, Correa, Wyland, Perata, Saldana, and Mullin; others include the Conference of Delegates of the California Bar Association, CMHI, CMRAA, GSMOL, the Senate Select Committee, California Apartment Assoc., WMA, HCD, State Board of Equalization, etc.

#### **SENATE BILLS**

**SB 538 (Battin)** – changes state law to separately define and distinguish mobilehomes from manufactured homes for purposes of the Mobilehome Parks Act and by reference the Mobilehome Residency Law. Sponsor: California Manufactured Housing Institute (CMHI)

**SB 541 (Alquist)** – prohibits park management from requiring that the buyer of a mobilehome in a mobilehome park be denied residency solely on the basis of a 3:1 income-to-rent standard, without taking into consideration the buyer's other financial assets. Sponsor: California Mobilehome Resource and Action Assn. (CMRAA – a mobilehome owner association)

**SB 589 (Correa)** – provides HCD with the authority to require the clean-up of sewage spills from mobilehome park sewage systems and permanent buildings within a mobilehome park, not just sewage spills from mobilehomes in the park as under current law. Sponsor: Senate Select Committee on Mobile/Manufactured Homes

**SB 753 (Correa)** – appropriates an unspecified amount of funding from the Proposition 1C Affordable Housing Innovation Fund to HCD's Mobilehome Park Resident Ownership Program (MPROP) to help preserve affordable housing in mobilehome parks.\*\* Sponsor: Author

**SB 900 (Corbett)** - repeals a provision of the Subdivision Map Act that exempts mobile home parks converted to resident ownership from most state and local subdivision map requirements and local mobilehome rent control. Sponsor: Golden State Manufactured-home Owners League (GSMOL – a mobilehome owner association)

**SB 926 (Perata)** – a “spot bill”\* expressing legislative intent to examine the Mobilehome Residency Law to determine whether it adequately protects the rights, health, safety and welfare of mobilehome park residents. Sponsor: Author

**SB 981 (Padilla)** – prohibits park owners from imposing costs of maintaining park common area improvements on residents as “pass-through” fees in addition to the rent. Sponsor: GSMOL

#### **ASSEMBLY BILLS**

**AB 446 (Soto)** – provides that a park management's notice to a homeowner, to make certain repairs or improvements to the home or otherwise remove it from the park on resale, is void and unenforceable if the repair or improvement required by management does not comply with specified provisions of the Mobilehome Residency Law. Sponsor: GSMOL

**AB 460 (Cook)** – requires that, as a condition of resale in place in the park, 1975 and older (pre-HUD) mobilehomes be inspected inside and outside by a private home inspector and that any violations be brought up to code in accordance with HUD regulations. Sponsor: WMA

**AB 1111 (DeSauliner)** – requires mobilehome park management to obtain the consent of 51% of the park residents

before changing an existing park rule limiting residency in the park to seniors. Sponsor: GSMOL

AB 1309 (Calderon) – a “spot bill”\* for pre-empting local mobilehome vacancy control rent ordinances, stating legislative intent that a local rent control ordinance or initiative shall not be administered to jeopardize the financial viability of mobilehome parks. Sponsor: WMA

AB 1542 (Evans) – repeals a provision of the Subdivision Map Act that exempts mobile home parks converted to resident ownership from most state and local subdivision map requirements and local mobilehome rent control. Sponsor: City of Santa Rosa

### COMMENTARY ON 2007 BILLS

It is interesting to note there are over 20 different authors, about an equal number favoring either mobile home owners or park owners.

**SB 900 and AB 1542** both hope to close a loophole in current law that allows condo conversions to break rent control. CoMO-CAL is absolutely in favor of these bills.

**SB 926** is a very interesting bill. It will examine the MRL to determine if it adequately protects the rights, health, safety and welfare of mobile home park residents. It’s about time that someone does this! CoMO-CAL strongly believes the MRL **DOES NOT** adequately protect us. Any violation of the MRL by a park is a civil matter requiring us to retain an attorney. Who has the money, time or inclination to fight? And believe me, the park owners are well aware of this fact.

**SB 981** would eliminate pass-through fees for maintenance of common areas. (Fees that the residents of Valle Verde Courtyard and Northridge MHP have had to pay). We support this bill.

Three bills deal with “interference of sales.” **SB 541** by Alquist widens the now narrow requirement to qualify for tenancy based solely on income. We’ve always believed if a buyer can afford to pay cash for a home, then he certainly will be able to afford the rent. On the other hand, **AB 460** would now require an inspection **INSIDE** a home by a private home inspector and violations be corrected before you could sell. Current law only requires an exterior inspection. Some park management routinely interfere with sales today and SB981 will only allow this to happen more often. **AB 446** deals with upgrades upon sale.

**AB 1111** gives park residents some say whether they want to change from a senior park to an all age park. We feel residents certainly should have that right. Seniors who purchased in a “senior only” park should not lose that benefit just because the park owner wants to convert to an all age park. Some of us believe the intent of these parks is to pit seniors against families, making it more difficult to organize residents.

### LEGAL FUND

Remember, CoMO-CAL has started a legal fund. Donations of \$25.00 are welcome. We hope to someday provide legal assistance perhaps through BASTA. Presently we have about \$1000. in donations.

### PHOTOS

Send us photos of your gathering, park or other. We may use them in an issue of THE VOICE.

### Removal Of Existing Homes From Parks Brings Huge Profits to Park Owners

Let's be clear, the law does **NOT** require you to remove your mobile home, at time of sale, unless there are uncorrected health and safety violations, **PERIOD**. (Refer to the Senate Select Committee Answer Page 11, #8 of this VOICE) Yet parks continue to mislead residents by informing them they can not sell their home in place and must move it.. This SHAM is a billion dollar a year business. We must all work hard to **STOP** it!

Just one example is a letter written by Morningside Mobilehome Park in Modesto to park residents in May 2005: *Dear Resident. In the event that you are planning on selling your mobilehome to a third party, in order to upgrade the quality of the park, the owner of this mobilehome community is requiring that your mobilehome be removed from the park.*

The letter goes on to quote parts of 798.73, stating “the owner of the park, can require a health and safety code inspection to be performed by the appropriate governmental agency (HCD).

Let's be clear. This is what the law actually says:

798.73(d) ...The **management shall use reasonable discretion** in determining the general condition of the mobilehome... **The management shall bear the burden** of demonstrating that the mobilehome is in significantly rundown condition or in disrepair.

798.5(b) ..The management, in the case of sale or transfer of a mobilehome that will remain in the park, **shall provide a homeowner with a written summary of repairs** or improvements that management require to the mobilehome...no later than 10 business days following the receipt of a request for this information. This summary shall **include specific references** to park rules and regulations, local ordinances and state statutes...upon which re request for repair or improvement is based.

798.5(c)...these provisions specifically limit repairs and improvements that can be required ..by park management at the time of sale or transfer to the same repairs and improvements that can be required during any other time of residency.

Several Morningside MHP residents contacted an attorney who represents mobilehome residents. Important points from his letter are as follows:

- The law make it clear that the park owner's ability to require any home to be removed from the park must be determined on a case-by-case basis, and usually only after health and safety inspection has been performed. Yet your letter begins with the statement that all mobile homes must be removed from the park on resale. (I am informed that all residents of the park received this letter).
- Managements letter shows intent to willfully violate the MRL.
- Attorneys' clients intend to resist any attempt by the park owner to steal their equity or make their homes unsaleable. If necessary, we shall consider suing the park and obtaining an injunction to ensure

that the park follows the law.

- Any prospective purchaser who is denied consideration and any “in place” sales transaction which is interfered with shall subject the park to damages in an amount equal to the lost purchase price of the home.
- There is damage occurring even now. Attorneys’ clients are required by law to disclose your letters to any prospective purchase. This amounts to a “chilling effect” upon their ability to sell.

#### **So what does this all mean?**

- The BURDEN is on the park to demonstrate a home is in disrepair or has health and safety violations.
- The homeowner CAN obtain an inspection and a report detailing any health and safety violations.
- The homeowner has 30 days to correct any violations.
- Some parks mislead residents with letters like the one from Morningstar MHP saying they are upgrading the park and you have to remove your mobilehome.
- In such cases, parks are in willful violation of the MRL.
- In such cases, parks are attempting to steal the equity in our homes or make them unsaleable.
- When there is interference, we are damaged.

### **ROADTRIP**

**by Frank Wodley, CoMO-CAL President**

Sounds like a Huell Howser episode on PBS, right? I spent four full days on the road recently, driving 1250 miles! My first stop was a meeting with Sally, Sandy, Lynda and Gloria. These ladies work full time for mobile home owners in the Modesto area. Their goal is to get rent control for all parks in Stanislaus County. We hope residents there will give the Stanislaus Mobilehome Owners—Advocates group their full support.

My next stop was Clear Lake where I met with residents in several parks at the home of Irma Alexander. Thanks Irma and Jim for your hospitality. Everything was wonderful except it was raining cats and dogs. Remember, residents of Westwind (Clearlake) have recently been notified that ROP, Inc. is purchasing their park and they are working hard to stop the “takeover.” Our discussions centered around GSMOL and ROP, and I gave them information about CoMO-CAL. Leaders in Clearlake are also trying to get rent control and a conversion ordinance for their area.

On Wednesday February 28th I attended the Senate Select Committee Hearing in Sacramento on condo conversions. It was a very informational hearing. Representatives from Santa Rosa, Sonoma, Ventura and Carson made presentations and are really supporting us. I agree with Mr. Bennett from Ventura, **please close the loophole that allows these condo conversions to take away rent control.**

A DVD and transcript of the hearing will be released in a month or two. We will report more on the hearing when these two items have been released.

## THE SENATE SELECT COMMITTEE ANSWERS YOUR QUESTIONS

The following information was compiled by the Senate Select Committee on Mobile and Manufactured Homes based on actual inquiries and questions by mobilehome owners in the last five years. The Committee recently published a list of 20 questions and answers, some are presented here. CoMO-CAL suggests you keep these for future reference. We will publish more next issue.

### *20 Selected Questions & Answers on Common Mobilehome Park Issues\**

#### **1. Rent Increases**

***Q. We have just received another large rent increase and soon will not be able to afford to live in the park. Doesn't State Law Regulate Rent Increases in Mobilehome Parks?***

A. Except as noted below, state law does not regulate the amount of a rent increase in a mobilehome park. The state Mobilehome Residency Law does require a park to give residents a 90-day written advance notice of a rent increase. If residents are on a long-term lease, the lease would govern the percentage and frequency of rent increases, although increases could not be made more than the minimum (every 90 days) as required by the state's 90-day notice. At last count, 102 local jurisdictions (mostly cities) have rent control in some form for mobilehome parks. But if residents sign a long-term lease of more than 1 year in length, state law provides the lease is exempt from any local rent control ordinance now in existence or enacted in the future. Under Civil Code Sec. 798.17, homeowners living in the park have a right to review the proposed long-term lease and to reject it within 30 days and opt instead for a 12-month lease agreement or month-to-month rental agreement. If rejected, Sec. 798.17 (c) provides that the park cannot charge the homeowner any more rent for a year after the lease was rejected than the rent terms provided for in the rejected long-term lease. This provision was placed in the law to prevent parks from retaliating by raising the rent even higher if a homeowner will not sign the long-term rent control exempt lease. By law a homeowner living in the park is entitled to a 12-month agreement or month-to-month if they ask for it.

#### **2. Pass-Through Fees**

***Q. The park has notified us they will be surcharging us for repaving the park streets, above and beyond what we pay for rent. Can the park charge separate "Maintenance" or "Pass-through" fees on top of the rent?***

A. Yes, if the resident's lease or rental agreement – that they have signed – provides for assessments or fees for maintenance or other things. But if not mentioned in the lease, a new fee would have to be for a service actually rendered, such as trash pick-up, and would require a 60-day advance written notice. If the rental agreement does not include fees for certain maintenance or repairs in the park, the park could not legally charge them without the 60-day notice, as it would be a breach of the existing rental agreement. However, if they sign a new lease or rental agreement that includes these fees, residents are agreeing to pay them and will be subject to them. State law does not require a notice requirement for an increase in an already existing fee, although legislation attempting such regulation was passed by the Legislature and vetoed by the Governor (AB 2374, Umberg). Those local jurisdictions with mobilehome park rent control may regulate fees or pass-through costs which parks charge their residents. Some ordi-

***Q. The park manager says that if we won't do what he says, we will be evicted. He yells and swears at some of the residents, including elderly widows who are afraid to come out of their homes. He makes up rules for his convenience as he goes along, follows our visitors and tells them they are not allowed in the park, and refuses to give us the name, and phone number of the park owner as required by the MRL. What can we do about such manager intimidation and harassment?***

A. This is one of the most difficult issues to resolve and there are no easy answers. Recent legislation to initiate a mandatory educational training program for park managers (AB 1469, Negrete-McLeod) was vetoed by the Governor. There are no qualifications to be a mobilehome park manager. Many are good managers, but some are unprofessional and arbitrary in dealing with residents. The Mobilehome Residency Law gives residents certain rights, but when difficult issues have to be resolved, residents need to form homeowners' organizations or affiliate with mobilehome groups that advocate for mobilehome owners interests and work as a group in dealing with the park management. The best defense is a good offense, but don't confront the manager in a belligerent or overly argumentative fashion to make matters worse. If the manager won't let you use the clubhouse for your meetings, to get organized use one of the residents' homes or meet at a nearby restaurant, community center or meeting place outside the park. Keep a diary or document as evidence all manager violations. Consult an attorney, victims' rights groups, local fair housing organization or the state Department of Fair Employment and Housing (DFEH) about your rights as well and those of others in the park relating to possible violations of protected classes (discrimination), elder abuse laws, unfair business practices, or the Mobilehome Residency Law. If you prevail against the management in court, you can ask the court for attorney's fees. If you can prove willful management violations of the MRL you can obtain up to a \$2,000 penalty for each violation. Talk to the local newspaper or TV news about doing a story about conditions in the park. Have an attorney send a letter to the park owner about the manager's behavior and request a meeting with the owner or another representative of the owner, other than the manager. At such a meeting appeal to the park owner's practical side. Be firm but polite and stick together. Ask the owner to consider that the manager be replaced before he becomes a liability to the park owner.

### **5. Long-term Leases Required**

***Q. Park management is telling residents they have to sign a new rental agreement for 10 years (which will exempt residents from any local rent control protection). Can the management force homeowners or residents in the park to sign the long-term lease?***

A. No, not if you are currently a homeowner residing in the park. If however, you are a buyer of a home in the park and not yet a resident, your right not to sign such a long lease is less clear. State law (MRL Sec. 798.17) provides that a rental agreement or lease with a term of more than 12 months (1 year) is exempt from any rent control ordinance, and as a result some park owners try to encourage their residents to sign the longer term leases. However, you have the right to reject the 5-year lease after reviewing it and opt for your rights, under Section 798.18, to a 12-month rental agreement or agreement for a lesser term, such as month-to-month. If you elect to have a rental agreement for 12 months or less, the rent charges and conditions shall be the same as those offered in the longer-term lease during the first 12 months (Sec. 798.18). Not all long-term leases are bad for homeowners, and some may provide rent stability for five or 10 years that month-to-month or year-to-year tenancy does not, particularly in localities where rent control will probably never be enacted. Homeowners need to exercise their right to review the pros and cons of the lease, and obtain advice from friends or attorneys, before signing any lease. The code allows residents 30 days for such review, and retaliatory threats from park managers that rents will be raised even higher if the

residents don't sign the long-term lease should be documented.

### **6. Parking Problems**

*Q. When it was a senior mobilehome park, we never had any problems, but today every family has about three cars and management has not made provisions for additional parking. Management also has an aggressive towing policy and has even towed residents' cars out of their own driveways and carports.*

A. Residents or guests who park in fire lanes along the park's streets, or in front of park entrances or fire plugs can be towed without notice. Park management cannot have residents' cars towed from their own parking space or driveway unless the vehicle does not conform to the park rules, in which case a 7-day notice is required pursuant to MRL Section 798.28.5. But if the vehicle presents a significant danger to the health and safety of residents, or is parked in another resident's space and requested to be removed by that resident, the vehicle could be towed without the 7-day notice, in which case the extensive provisions of Vehicle Code Section 22658 would apply to both the management's and tow company's procedures in removal of the vehicle.

### **7. Trees and Driveways**

*Q. When I moved into the park three years ago, there was a 40-foot eucalyptus tree on my space, which is now "uprooting" our driveway. Neighbors have complained about branches falling on their roofs, and the park manager notified me three weeks ago that I would have to remove the tree and repair the driveway at my expense. Two weeks ago the park hired a tree service to remove the tree, and sent me a bill for \$742 for tree removal and no separate notice. Do I have to pay it?*

A. It depends on the facts of the case. The "tree and driveway" issue has been subject to major debate for years. A 1992 Department of Housing and Community Development (HCD) legal opinion characterized trees in mobilehome parks as fixtures belonging to the park owner, who is responsible for their maintenance. However, HCD legal counsel also opined that this responsibility could be delegated to the homeowner through the rental agreement. If your rental agreement requires the homeowner to be responsible for maintenance of the trees, then the issue is similar to # 2 above (pass-through fees), but a 60-day notice probably does not have to be given, since it's already in the rental agreement. If your rental agreement does not make the homeowner responsible for maintenance of the trees, then you should look at the provisions of MRL Sec. 798.37.5. This law basically says that with regard to driveways, the park owner is responsible for maintenance unless the homeowner has damaged the driveway or the driveway was installed by the homeowner. With regard to trees, Sec. 798.37.5 provides that the park owner is responsible for maintenance or removal of a tree on your space only if it is a hazard or constitutes a health and safety violation, as determined by the enforcement/inspection agency (usually HCD). Homeowners may have to pay a fee for an inspection, where there is a dispute between the park and the homeowner over the tree and the homeowner requests an inspection by HCD or the local enforcement agency. Inspectors have wide discretion in this regard, and if the inspector does not find a violation, the homeowner may end up having to pay to remove the tree anyway. The issue could also be litigated by paying the charges under protest to avoid a termination of tenancy and then filing a claim against the park for the amount in Small Claims Court, where a judge would decide.

**8. Can't Resell Home in Place in the Park**

*Q. We want to sell our mobilehome and move out of the park, but the management says that, because it is too old, we will have to remove the home and cannot sell it in place. Can they do this?*

A. If your home is NOT a mobilehome (less than 8 feet wide x 40 feet long) and is therefore classified as a recreational vehicle (trailer), you have no right to sell it in place and will have to move it. With regard to mobilehomes, the old law required you to move upon sale if it was 17 years of age or older. That has not been the law since 1984. Current law (MRL Sec. 798.73) establishes two standards. Basically, the home cannot be required to be removed upon a resale if it: 1) is more than 17 to 20 years old or older but meets health, safety and construction standards of state law; and 2) is not in substantially rundown condition or disrepair as determined in the reasonable discretion of management. Generally, if the home meets the first test it is hard to fail the second. If the management is rigid on this issue, you may have to hire a private home inspector to look at your home and repair any code violations or defects the inspector finds in his report. You should keep a copy of the inspector's final report as proof that your home meets state code standards. State HCD inspectors no longer perform this function, although some local governments that do mobilehome park inspections for the state may be willing to inspect your home. Be prepared to pay an hourly fee in any case, whether it's a public or private inspector. Several attempted legislative reforms, including SB 339 (Dunn, 2001) requiring HCD to perform home resale inspections have failed to pass the Legislature.

**8. Home Buyers Disqualified for Insufficient Income**

*Q. We want to sell our home in the park and have had several buyers, but the management has disqualified every one for insufficient income. The park has a 3.5:1 income to rent standard, so the buyer's monthly income has to be 3 1/2 times the sum total of the monthly rent, utility charges, fees and any mortgage on the home. Most existing residents who live in this park don't make \$65,000 a year, even though they can manage to pay the rent. By imposing unreasonable income requirements on buyers, can the park keep me from selling my home?*

A. Yes. The sale of a mobilehome located in a mobilehome park is a three-party, not two-party transaction. The buyer and seller must not only agree to terms on the sale of the home, the buyer must be approved for residency in the park by the park owner/management. By denying a buyer residency, the park management can effectively veto sale of the home in the park. There have been a number of legislative battles on this issue over the years, and the unfettered discretion of park management has been somewhat restricted, but management can still withhold approval on the basis of: 1) the buyer's inability to pay the rent and charges of the park and 2) the buyer's inability to comply with park rules and regulations as indicated by prior tenancies (see MRL Sec. 798.74). Although guidelines used by other landlords or public agencies for rental housing may be more lenient, many park owners impose higher income requirements to assure buyers will be able to afford future rent increases without causing the park problems, such as evictions. Legislative attempts to impose financial qualification standards for parks have not been successful to date.

**9. Eviction for Rule Violations**

*Q. Last month my neighbor received an eviction notice which indicated that she was in violation of park rules, without any other explanation, and that she has 60 days to move herself and her home out of the park. The management refuses to discuss the eviction with her and returned her rent check for this*

**MOBILE HOME SUIT ALLOWED TO GO AHEAD**

March 5, 2007 ( Los Angeles Daily News )

A lawsuit alleging mobile home dealers paid kickbacks to park owners for the exclusive right to sell homes there may proceed, a state appellate court ruled. The 2nd District Court of Appeal last week reversed a lower-court decision that threw out the \$10.8 million lawsuit brought by Santa Clarita mobile home dealer Charles Redick Jr. against defendant Jonathan T. Trevillyan - an alleged go-between for the dealers and park owners - and 69 others. Attorney Greg Halliday, who represents Trevillyan, said Monday the appellate court reversal was disappointing, and he was considering other legal options.

"We're deciding whether to take it to the (state) Supreme Court," he said. When Redick filed a lawsuit alleging an anti-competitive conspiracy, Trevillyan said he could not be sued for doing his job as an attorney for mobile home parks and filed an anti-SLAPP (Strategic Lawsuit Against Public Participation) motion, which a Los Angeles Superior Court judged granted.

The three-judge appellate panel, however, found some of the allegations against Trevillyan may be struck by the law, but it doesn't affect the cause for the case. "The principal thrust of the complaint against Trevillyan is he is a part of a conspiracy that in part uses eviction proceedings and inflated or invalid attorney fees to further a scheme to close mobile home parks to only those dealers willing and able to pay for the exclusive right to sell their mobile homes," the justices wrote.

Attorney William Ramsey, who represents Redick, said he was pleased with the decision, and looked forward to a ruling from another Superior Court judge on the conspiracy case. Redick, owner of SC Manufactured Homes Inc., sued in 2004 in Los Angeles Superior Court, alleging he was kept out of the market by a scheme of payoffs and evictions between dozens of dealers and mobile home parks from Santa Clarita to Palmdale.

Among the allegations, Redick said he was prevented in 2000 from Placing new homes on five vacant spaces in Parklane Mobile Estates in Canyon Country, though he later found out competitor LC Homes was allowed to sell new homes there. "He didn't want to do that game," Ramsey said. "It spreads like a cancer. It's a terrible problem."

Trevillyan, described in Redick's 2004 suit as an Acton lawyer specializing in mobile home park representation, is a part of the scam by helping to evict mobile-home owners, according to Redick's complaint. The suit claims he also acted as a go-between for select dealers to sell mobile homes at the vacant spaces.

Ramsey said the practice artificially inflated the price of a mobile home. "You're taking advantage of low- and moderate-income people," he said. "They can't afford to spend that extra money."

Asked about the allegations against Trevillyan, Halliday said: "We deny the allegations of the plaintiff." Also named in the 2004 lawsuit are the three Boulders mobile home parks owned by the city of Palmdale, though only the parks' managers are being sued.

"The parks are owned by the city, but they're run by private companies," Ramsey said. "The private companies do all these manipulations. "Many of the same people who were doing these things in Santa Clarita are now doing it in the Antelope Valley. ... It's spreading like a cancer."

### The Passing of Marjorie Fjelstad

Most of you reading this did not know Marjorie. Marjorie was a special lady, a one of a kind. She lived in Riviera in Canoga Park and was determined to make the lives of mobile home owners better when she became GSMOL Associate Manager for the San Fernando Valley. She was my predecessor and often times my mentor. When I organized CoMO-CAL, she suggested that we hold a joint GSMOL/CoMO-CAL meeting. She sat at the front table as the GSMOL representative and both CoMO-CAL and GSMOL obtained members that day.

Although having trouble walking, Marjorie accompanied me to a GSMOL Board of Directors Meeting in Garden Grove in 2004. She spoke “for the good of the order” and wanted to see younger mobile home owners get involved. Unfortunately her efforts were not successful.

Marjorie attended our local Catholic Church on a regular basis. I know because my wife goes to the same service. Now Marjorie’s seat is empty and it is a sad day. We all have lost a real friend and advocate in her. I respected her and loved her. God Bless you Marjorie. May you rest in peace.

Frank Wodley

### VALLE VERDE COURTYARD

Ventura Investment Co. continues its shenanigans in Valle Verde Courtyard, Chatsworth. You will remember they sent out 172 seven day notices late Friday afternoon before Memorial Day 2006. CoMO-CAL organized residents and conducted several meetings in their clubhouse. The latest salvo by the park: they removed ALL tables and chairs from the clubhouse and fired the manger. And the clubhouse is now closed on weekends and after 5pm. The park probably feels this action effectively shuts down any future meetings. They are wrong however. We will meet in the street if necessary to see residents rights are protected.

The Los Angeles Housing Department (LAHD) has just sent a letter to Valle Verde residents about the final decision on a passthrough requested by the park owner. The initial request of \$19. has been reduced to \$13.56. One resident will request a hearing by filling out a form and returning it with \$35.00.

### BULLETIN BOARDS FOR RESIDENT USE

Why not work on something in your park that will benefit all residents? Many, many parks DO NOT have bulletin boards, displayed in a prominent place, for resident use. Residents could use them to advertise their home for sale, neighbors could share favorite contractors with others, meetings could be announced, etc. Above all, advocacy organizations could use these bulletin boards to help park residents know they where they can get help.

Let CoMO-CAL know whether or not residents have a bulletin board in your park? And if you do, can you display information about CoMO-CAL? If not, why not? We need to take action against parks and managers who do not allow freedom of speech!

### MEMBER DONATIONS

Just do the math, a full CoMO-CAL member pays \$15 per year. The cost of THE VOICE is about \$10 per year. Without additional funds, we are very limited as to what we can do. We will NOT increase yearly membership fee because we want to continue making our membership very affordable to all mobile home owners. In fact we send THE VOICE to anyone that requests it, free of charge, on a three month "trial membership" basis.

Last year we sent over 5,000 fliers to mobile home parks across California to alert residents about Proposition 90 and inform them that CoMO-CAL was working hard for mobile home owners. We MUST continue this work in 2007 and 2008. We also sent a couple thousand newsletters to various members in parks to promote CoMO-CAL and inform residents.

Some of you have been loyal members now for almost 2 1/2 years. You have seen how we have grown. We now publish the most informative, comprehensive newsletter of any advocacy group in the state of California, perhaps in the country. In addition, we counsel those who call us for advice, almost on a daily basis.

It is imperative we continue reaching out to mobile home owners across the state. We want to share THE VOICE with as many mobile home owners as possible and we want to build CoMO-CAL into a strong advocacy group. Today we are the fastest growing advocacy group in the state and we continue to work hard to continue that trend. And we must spread the word about the California Property Owners Protection Act!

**Today we need your financial support.** Without it we can not do the important work that must be done. Everyone must do their share. In the past two years, we have received donations of approximately \$5,000. All but \$1,500 came from one member who wants to remain anonymous. We are very grateful to this member!

### **OUR PROPOSAL**

- Our goal is to raise \$10,000 over the next three months (April, May & June 2007).
- We will publish total contributions as they are received each month.
- All members contributing will be acknowledged in THE VOICE (name, park name & city), unless they want to remain anonymous. There shall be three tiers of donations: \$10 or less; \$50 or less; over \$50. Make checks out to CoMO-CAL. Write "donation" in the memo line.
- We suggest any member still working: pledge equivalent to one hour of wages each month, for 3 months. If you have a HOA in your park, pass the hat around at your next meeting and make a donation to CoMO-CAL.
- If every CoMO-CAL member gave just \$10, we would exceed our goal!
- **BECOME A PATRON OF CoMO-CAL:** Those members who do have the money and feel strongly about CoMO-CAL, please consider pledging 10% of the total contributions received by CoMO-CAL in the 3 months. For example, if all members sent in \$4,000, you as a patron would pledge an additional 10% or \$400. **Simply send us a letter of intent and we will add you to the patrons list.** And thank you (we hope to generate an additional 100% and can if just 10 members step up)! Maximum donation by any Patron will be \$500.00. (Continued on Page 17—How will your Donations be used)

### HOW WILL YOUR DONATIONS BE USED

- Printing and mailing promotional info about CoMO-CAL, info about the threats to existing and future rent control, and other informational flyers.
- Costs associated with “trial memberships, i.e. 3 month “free” CoMO-CAL memberships and other “no charge” work.
- Costs associated with efforts to get media involved.
- We are considering a DVD to promote CoMO-CAL and inform about threats to our lifestyle
- A limited amount will be used for part time help in the office.
- Remember each 4 page flyer we send costs a total of about \$.45. We can send 100 for \$45. or 1000 for \$450. We want to send out 5000 flyers this year, at a cost of \$2250. The other monies will be held in reserve for other mailings.

### LETTER OF INTEREST SUBMITTED BY CoMO-CAL

CoMO-CAL submitted a “letter of interest” to the Common Counsel Foundation in January 2007. We should hear by mid-May if we will be asked to submit a grant proposal for a grant of \$10,000. We will continue looking for grants in 2007.

### Hemet City Ordinance Affirms Support of Senior Parks

Now it’s official: the City of Hemet supports senior mobile home parks in the community. In 2006 the Hemet City Council enacted what’s known as an urgency ordinance – an emergency law with a two-year expiration date. It’s titled “The Senior Housing Preservation Ordinance” and it underlines City support of senior parks. Work is underway to craft a permanent version of the ordinance.

The enacting of the ordinance is seen as a strong affirmation of the role senior mobile home parks play in Hemet. In practical terms, it’s a powerful tool to prevent park conversions that will adversely impact City Residents.

The ordinance arose as owners of several longtime “senior parks” moved to convert the facilities to “family parks.” By state and federal law, the City may not impose housing restrictions based on age – young or old. But it can require impact assessments. Before such park conversions can take place, the ordinance requires owners to fully assess all potential impacts.

The required assessments must consider numerous potential impacts, among them impacts on schools, parks, roads, and traffic, policing, and crime rates. In some cases, developments would be required to redo the traffic and circulation elements of previously adopted Environmental Impact Reports and pay school fees that they may have not been initially required. Prior to the new ordinance, such a conversion required only a change of park bylaws.

Sent to CoMO-CAL by Joseph and Christine McCleary, Villa del Sol, Hemet.

**THREATS TO YOUR WAY OF LIVING**

By Frank Wodley, CoMO-CAL President

- Remember, mobilehome owners continue being unjustly evicted, they are losing equity in their homes with every rent increase or even having to just walk away from their homes.
- For example, a friend of mine tried to sell his home and the park interfered in several ways. Rather than fight back, my friend sold to the real estate company friendly with the park for \$20,000 less than what a private party had offered. This is just one incident and a \$20,000 loss to a mobilehome owner!
- The other day a member in a Sylmar park called saying management wouldn't let a Spanish speaking resident sell their home in place, telling them they had to move it. The resident didn't want to fight and will probably just hand over his home to the park. Cost: Perhaps \$50,000.
- I recently sat with six homeowners in another local park, not under rent control. Their park owner is now charging \$1000/month rent and wants to increase to \$1400 & \$1500/month. What options do residents there have? Not many. Some already have just walked away, giving the home to the park. In this case, the park may renovate the home and sell or rent it. You may ask if residents can't sell their home because of the high rents, how can the owner? The answer is simple, the owner lowers the rents for the first several years to make a purchase attractive. As soon as the initial lease expires, the owner then jacks up the rents to \$1400 or \$1500/month. The outcome—the unsuspecting buyer has just lost all equity in his home. And the park owner has stolen the same mobilehome twice! Cost: in the hundreds of thousands of dollars.
- There are other schemes to steal your equity. One is detailed in the article on page 14 "The principal thrust of the complaint against Trevillyan is he is a part of a conspiracy that in part uses eviction proceedings and inflated or invalid attorney fees to further a scheme to close mobile home parks to only those dealers willing and able to pay for the exclusive right to sell their mobile homes.
- Attacks against rent control continue. The California Property Owners Protection Act and condo conversions represent just two. Remember, Prop 90 would have made it illegal to write any new rent control ordinances. If passed, the new initiative would cost mobilehome owners BILLIONS!
- We continue to get calls about abusive managers and evictions. Our hope is BASTA will help residents here in Los Angeles and the Antelope Valley. We are always looking for attorneys who will help our members. Let us know about any in your area.
- Our plight is not improving! All mobilehome owners need to take action now, before it is too late. This is not a doomsday scenario, but facts. Just talk with those walking away from their homes, or those in parks where condo conversions are taking place. This is real and it can happen to you. It is just a matter of time.

**PLEASE TELL YOUR FRIENDS AND NEIGHBORS. JOIN CoMO-CAL.**

**IT TIME TO REALLY ORGANIZE**

Moblehome owners don't realize they have power. There are 4822 mobilehome parks in California with about 700,000 spaces, about 1.5 million residents, or 5% of the total population in California. Park owners know the threat when residents organize, that's why they close clubhouses, spread misinformation about those of us who work as advocates, etc.

The threats mobilehome owners face in our state are real. Millions of dollars are lost. Our plight is not improving, but only getting more serious. The time to organize is NOW. What choice do we have. What other options do we have? We can't wait until tomorrow.

CoMO-CAL will continue its growth and will continue spreading the word about our situation. Please support us anyway you can. Your donations are critical.

Don't tell yourself things will get better on their own because they won't. Believe me. Our only salvation is UNITY, COMMUNICATION, and EDUCATION. Go out and spread the word. Be our eyes and ears. Your support is appreciated. And thank each of you who recently renewed your membership. We simply would not function without you!

**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 \_\_\_\_\_

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

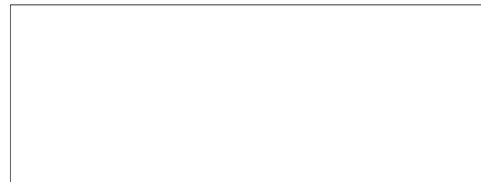
MEMBERSHIP (\$15.00/12 Months, \$40.00/36 Months) Membership Dues Not Refundable.

PLEASE INCLUDE CHECK OR MONEY ORDER PAYABLE TO "CoMO-CAL" & THANK YOU FOR JOINING

**MAIL TO: CoMO-CAL, P.O. BOX 4821, CHATSWORTH, CA. 91313-4821**

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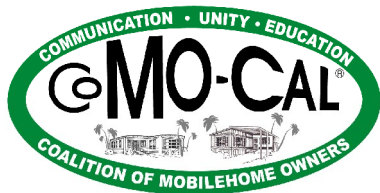


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CoMO-CAL is a non-profit California corporation dedicated to serve mobilehome owners in California.

**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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