

MUTUAL OPERATIONS

Common Interest Development - Mutual Five

Seal Beach Mutual Number Five, a California corporation, and a stock cooperative common interest development, is subject to, and will abide by, California Civil Code Sections 1350 – 1378, “The Davis-Stirling Common Interest Development Act.” Furthermore, the Mutual Five Board of Directors will abide by and be governed by ALL the laws governing a “common interest development” as specified in the Civil Code as well as Corporations Code.

Note: LexisNexis, Case G038758, Court of Appeal of CA, Fourth Appellate District, Division Three, Filed June 10, 2008, Modified July 8, 2008. 163 Cal App, 4th 1141: 78 Cal. Rptr, 3d 226: 2008 Cal App. Lexus 860

From page 1: “The trial court found that the trustee (GRF) was an association as defined in 1351, subdivision (a) and that the apartments were a common interest development as defined in 1351, subdivision (c). The court held that substantial evidence supported the trial courts finding that the trustee was an association created to manage the apartments (Mutuals). The trustee was not a managing agent as defined in Civil Code 1363.1 subdivision (b) because it held title to the common facilities and was not compensated for its services. The apartments were a common interest development because the residents owned separate interests as defined in Civil Code 1351 and were members of the association as contemplated by Civil Code 1352. The recorded declaration for the apartments was adequate under Civil Code 1353, subdivisions (a) (1) and (b) despite its lack of covenants, conditions and restrictions.”

OUTCOME: “The court affirmed the trial court’s judgment.”

Robert’s Rules of Order shall govern all Mutual Five meetings and business.

MUTUAL ADOPTION

FIVE: 21 Dec 11

(Dec 11)