



Timber Cove Homes Association

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To the membership of TCHA:

Are there private trail easement rights within Timber Cove Unit Two?

The TCHA Board has reviewed available evidence regarding this contentious issue, including the recorded Subdivision Map of Unit Two dated March 1965, other legal documents, written advisory statements from the Sonoma County Counsel, and relevant attorney opinion letters provided to TCHA. We have prepared a detailed memorandum of our findings, which is attached along with the supporting documents we believe are conclusive.

To summarize our conclusions: we have found no evidence that any private trail easement rights were ever created and granted to the members of TCHA. The pedestrian easements shown on the 1965 subdivision map were **NOT** granted to the Association. **Those easements were dedicated only to the County for public use.** On the same Map, the Sonoma County Board expressly rejected the grant of those public trail easements, **and they were never actually created. There is no grant of pedestrian easements to the Association on the subdivision Map, no mention of private trail easement rights at all.** No other document has been found which states that the Owners/Developers of the Timber Cove Subdivision have granted pedestrian/equestrian easements for use as trails by members of the Association.

The bottom line is that members of the Association have no rights to walk the pedestrian easements shown on the maps and title reports which were offered to, but rejected, by the County (and never granted to the Association). Those areas remain private property. Members have no right to use so-called "trails" without the express permission of the property owners. Attempting to use those private property areas for trails without obtaining property owner consent could result in charges of trespassing and **DAMAGES**

So, where can we walk?

Regarding pedestrian access at Timber Cove, easements for interior roadways shown on the subdivision maps are available for pedestrian use by Association members. Also, private property owners are free to make any arrangements they choose to allow Association members to use pathways they may wish to designate across their own properties. That is up to each property owner, and outside the Association's authority. We are also very fortunate to have beautiful state parks very near by, including Stillwater Cove, Fort Ross and Salt Point.

The attached documents offer a more complete explanation of the issues and our analysis. They include:

1. A memo prepared for the Board by Bob Leichtner and John Gray discussing the issues and outlining their findings.
2. Letter from Sonoma County officials explaining that the "pedestrian easements" were never in fact created but could be accepted at a later date by the County and that no evidence was provided that any private pedestrian or equestrian easements exist.
3. An opinion letter from Barbara Zimmerman, who served as TCHA legal counsel for many years, explaining that the HOA did not have any private easements granted to them for trails.
4. A profile from Barbara Zimmerman's web page. The trails group and some of their supporters questioned attorney Zimmerman's qualifications to render this decision about land use. You will note that she is a member of the Real Estate section of California Bar association. She is **EXACTLY** the kind of legal counsel that is qualified to render this opinion and is a well-qualified local attorney whose work was respected and relied on by various TCHA Boards over many years.
5. Lastly, **THE FINAL SUBDIVISION PUBLIC REPORT** for Timber Cove Properties Unit 2. The 1st 3 pages are attached with this communication and the entire report will be posted on our web page. This report not only does not grant private trail easements for the use of our property owners but expressly states the Developer did not intend to create any common property or recreational amenities for the Association. Please look at page 2 of 8 item #4 for the express language.

While this news may be disappointing to some, please keep in mind that many property owners value their privacy and their property rights. We should all strive to be good neighbors and respect their rights.

Thank you,
Your Board of Directors
Timber Cove Homes Association