

**Minutes of a Meeting of the Board of Timber Cove Homes Association  
In General Session**

Held Saturday, February 13, 2021 at 10:00 a.m.  
Via Zoom Meeting due to COVID 19

**Attendees:**

**Directors Present on Conference Call:**

Ron Case, President  
John Gray, Treasurer  
Cindy Culcasi, Secretary  
Bob Leichtner  
Rosemary Gorz

Margaret Grahame was absent.  
There is currently one open Director seat.

**Call to Order**

Ron Case called the meeting to order at 10:05 a.m.

**Review and Approval of the Agenda**

Upon motion duly made and seconded, the Agenda was approved by the Board 5-0.

**Review and Approval of Previous Minutes**

Upon motion duly made and seconded, the January 9, 2021 General Session Minutes were approved 5-0.

**President's Report – Ron Case**

During the Closed Executive Session this morning, the Board discussed some legal issues.

**Office Manager's Report - Melany Collett/Board**

Melany Collett was not present. John Gray stated there are a number of property sales pending in the community.

**Public Comment (3 minutes allowed) – Ron Case**

Cindy Culcasi made a comment regarding Starlink (satellite internet). Anyone who signed up to be a beta tester can now sign up for service. The equipment costs \$500 and the monthly cost is \$99 a month. No data cap with speeds up to 100 mbs. There are 30 open spots although that may broaden. You install the equipment yourself, but the installation is said to be quite simple.

A member was happy to see the review of the shed performance bond on the agenda. She wanted to add some facts so members will understand her concern about the price of the performance “bond” which is actually a deposit, not a bond. The HOA site review is \$400.00; PRMD is \$600.00; the coastal permit is \$2,400.00 (adds 3 to 4 months on to the job); the HOA refundable “performance bond deposit” is \$3,000.00. The total comes to \$6,400.00 for a shed. A 120 square foot shed can be purchased for about \$2,000.00 to \$6,000.00 and does not require any permits or fees. She stated that these numbers are pretty out of whack. The best way to add a studio or workshop would appear to be to add two 120 square foot sheds and that way you don’t need to get a permit. This probably explains why some members don’t apply for permits. This is the reason this member protested the cost of installing a shed on her lot. She really appreciates the Board looking at the cost of this issue. Ron Case responded that the Architectural Oversight Committee is reviewing the cost and process. He also noted that the \$3,000 HOA fee is not actually a bond, although that is what it is called. It may be better called a performance retainer to ensure that the member carries through the process and no damage is done to the roads or other properties. Mr. Case said they will look at this issue.

A member spoke to members regarding the bathroom situation at the office on Lyons Ct. She realizes it is owned by the Timber Cove Water District but is appealing to the women to put pressure to get a bathroom built. She added, “can you imagine going out in the rain to use the bathroom?” She doesn’t know what the hold up is and now it is 2021 and there is still no bathroom. Can TCHA help the Water Board in some fashion? Ron Case added it isn’t our building, but we do have an employee who works in the office. Our employee also has a space heater under her desk when it is cold. We need to push this along with the Water District. Bob Leichtner suggested if this issue can’t be resolved in a month or less, perhaps we could explore moving the workplace for our employee to someone else’s property. John Gray will follow up with the Water District. He believes there are permits and it is moving forward, but slowly. Mr. Gray doesn’t see a major hurdle since the addition of a bathroom is a capital improvement.

## **Business Items**

### **Treasurer’s Report – John Gray**

Mr. Gray delivered the Treasurer’s Report for February. The PowerPoint presentations of the Report and Budgets are available on the [timbercovehomes.org](http://timbercovehomes.org) website.

#### **January Bills Paid**

- Walls Law - \$60.00
- Intuit Payroll service - \$35.00
- Intuit Payroll - \$26.50
- Frontier Office phones - \$137.08
- Chase Credit Card - \$3,010.16 (Balance from new insurance policy, office equipment)
- Payroll - \$3,562.74

Total - \$6,831.48

**The January bills were ratified in the January meeting.**

**Upon motion duly made and seconded, the Board approved 5-0 payment of the January bills. The Chase Credit Card bill balance due and total bills was corrected in the Treasurer's Report**

TCHA has a \$199.00 refund coming from State Farm Insurance. State Farm recalculated the total due and realized we had overpaid.

Rosemary Gorz congratulated John Gray for the significant savings achieved for our insurance.

John Gray reviewed the current budget year to date as of February 1, 2021.

Mr. Gray reviewed the budget for the coming fiscal year May 2021 to April 2022. There are no items to be depreciated anymore. TCHA is in good shape this coming year and we will have more funds to put towards the roads. We are in the best financial shape we've been in for quite a while.

**Upon motion duly made and seconded, the 2021/2022 TCHA Budget was approved by the Board 5-0.**

### **Continuing Business**

#### **Follow-up – New Board Meeting Schedule – Ron Case**

We will try to meet every other month. Our next meeting is April 10. The Committees will continue working. Cindy Culcasi will add the new meeting schedule to our [timbercovehomes.org](http://timbercovehomes.org) website.

### **Legal Updates - Legal Committee**

Bob Leichtner presented a statement regarding the number of inquiries the office has received from new property owners, prospective buyers, and their realtors indicating that they are under the impression that there are private trails across members' property in Timber Cove. The statement is available as an exhibit at the end of the minutes.

Highlights (see Exhibit A for the full details):

- There are two previous memorandums (2018 and 2019) addressing private trail claims in the subdivision located on the [timbercovehomes.org](http://timbercovehomes.org) website under the Newsletter tab. These memoranda review the Subdivision Map of 1965, other key documents, legal opinions and related material. They conclude that there is no evidence of private trail easement rights belonging to members or the Association within Unit 2. Members are requested not to attempt to use an alleged trail easement across a private lot unless they have first obtained the consent of the property owner. These newsletters are still valid.

- We need to get information out to members regarding this issue because people are coming into the office with a misunderstanding of their rights and this could cause trouble in the community.
- This recent misinformation (stating there are private trails across members properties which can be freely accessed), we were told, came from local realtor, Tim McKusick, who is a plaintiff in a currently pending lawsuit that claims there are private trails rights existing that members can use to cross properties in Timber Cove. This lawsuit makes claims of four plaintiffs against two property owners. Neither TCHA nor any other owners are parties to the lawsuit, and therefore they will not be bound by the result.
- One of the defendant property owners in the lawsuit proposed an alternative access route across her lot in August 2017, but the outgoing board, including Tim McKusick, rejected this attempted compromise on their last day in office. The current Board concluded the prior Board's endorsement of claimed private trail rights was erroneous and is not supported by any document. The Board's current detailed analysis is set forth in the above referenced memoranda, posted on our website.
- The Board has carefully and clearly explained their position to the community in the past, but it is important now to communicate this information to new and perspective Timber Cove property owners, so they are not misled.
- Contrary to the trail's advocates false accusations, the current Board's careful decision did not purport to alter or delete any existing private easement rights. The Board simply stated that the prior evidence shows that private easements never existed and any prior legal advice in the past was either mistaken or false.

Ron Case agreed with Bob Leichtner and thinks the statement he presented would be appropriate to include in a Newsletter sent to the community and available to realtors who have questions.

John Gray added that one of the reasons Mr. Leichtner was prompted to comment on the trails was because TCHA was contacted by new owners in escrow regarding the trails. Mr. Gray responded back via email and explained there were no trails. Our Office Manager, Melany Collett also explained/confirmed what John Gray stated. We then heard from their realtor asking what was going on?

Mr. Gray referred back to the year 2000 when attorney Adrian Moran wrote an opinion letter to then President Tom Giacinto of the TCHA Board who was trying to put an easement for beach access across a lot on Ninive. Mr. Moran stated that in fact there was no easement for beach access across the property. Attorney Moran noted this issue could cause significant litigation if his opinion was not followed and they would likely not prevail. Three weeks later in a Board Meeting, Tom Giacinto announced that the Moran letter

secured the beach access across the property on Ninive which was the opposite of what the letter actually stated. There continues to be misinformation on the trails website and Mr. Gray noted it's ashamed this misinformation continues to be spread.

#### **Roads Update - Roads Committee**

Ron Case said the Committee will be writing a statement for a new proposal so the contracts will be apples to apples. The proposal will be shared with contractors who bid on the project. Currently our contracts don't cover the same items so they can not be compared.

#### **Architectural Guidelines and Proposed Changes – Architectural Oversight Committee**

Ron Case stated the updates are still in the works. The shed fee structure addressed during public comment will be part of the new guidelines.

Discussed under the agenda item: Appropriate Bond Deposit for a Shed. There is an artist's studio on Buffano Court. The details were shared with the Board for review. Ron Case asked if the Board was able to review the email with the details. The answer was yes.

The neighbors have already reviewed and responded to the request to build an artist's studio. Ron Case will get the response via email for documentation purposes.

The Board voted on the approval of the artist's studio based upon Mr. Case's agreement to obtain the approval by neighbors in writing.

**Upon motion duly made and seconded, the Artist's Shed was approved 5-0 with the agreement that the neighbors will document their approval of the project in writing. The neighbors have already verbally approved the project. Ron Case will follow up with the neighbors for their written approval.**

#### **Tree Cutting Policy Updates - Ron Case**

Ron Case reviewed 3 different properties this past weekend for tree cutting projects they plan to do. In each situation, there were trees that were going to fall or are dead. None of the trees were native.

#### **New Business**

##### **Updates from Sonoma County Coast MAC Meetings/Local Coastal Plan (LCP) – Cindy Culcasi/Margaret Grahame**

Cindy Culcasi thought it would be helpful if she and Margaret Graham speak to the issues that are discussed at the Coastal MAC. Ms. Culcasi is the current Secretary for the MAC and stated she has learned more in the 6 months she has been part of the MAC than she was ever aware of and she grew up in Santa Rosa. Members can Google Sonoma County

Coastal MAC and their website will pop up. Also included in their website is the LCP Meetings and other information that is available. Ms. Graham is currently attending the LCP Meetings. Ms. Culcasi suggested that members attend the MAC Meetings when possible. The meetings are in Zoom so they can attend from their home. Ms. Culcasi touched on a few of the issues she thought would be interesting

1. There is a new CHP Captain for Sonoma County. He is Captain Randy England. Captain Wolfe was the previous Captain, and he was very well regarded. Captain England is already driving about the coast community meeting all his officers. He seems very open to feedback and appears to be very hands on.
2. Mike Lair, the Sector Superintendent for State Parks spoke at the MAC. There are a lot of issues with restrooms, parking, and trash. Since COVID hit, every day is like a summer day and the Parks have been overwhelmed by the issues discussed. Trash pick up used to be once a week, but now it is sometimes 2 or 3 times a week and they still have problems keeping up. Because of COVID cleaning requirements, sometimes they have to close one of the bathroom stalls due to being short staffed.
3. Parking is an issue since many visitors are parking anywhere along the road. Some cars stick out into the road and there have been issues when emergency vehicles could not get through some roads to get to an emergency due to the number of cars parked poorly along the sides of the road. The State Parks, Caltrans, and Regional Parks are working with the CHP to possibly implement a new no parking ordinance so cars can be cited or towed when appropriate. This will apply to very busy areas, e.g., Bodega Bay, Jenner, etc. They are also looking at car counters so an accurate count of the cars driving on the coast can be determined.
4. They also talked about Sonoma County Measure D. If approved, the measure will increase the TOT (transient occupancy tax). There is a lot of information available on the web if people are interested.
5. A regional parking permit is being researched. The permits would be implemented by neighborhood. Timber Cove does not have a parking problem, but Bodega Bay, for example, does. Many times, local residents can't park near their homes or driveways are blocked.

Ms. Culcasi added a link on the [timbercovehomes.org](http://timbercovehomes.org) website in the Board of Directors/Board Meetings tab to the Sonoma County Coast MAC. If you can attend the MAC Meetings, Ms. Culcasi suggests that you do attend since it is very enlightening. They are on Zoom, so they are easy to attend. The MAC Representatives are terrific and very engaged. She will give a regular update on the MAC Meetings during the General Session Board Meetings.

Ron Case asked about a coastal trail from Fort Ross to Salt Point noted on the LCP. Ms. Culcasi will follow up.

### **Contractor List of Businesses that come to Timber Cove – Cindy Culcasi**

Cindy Culcasi first wanted to thank Sal Culcasi who contacted a number of businesses and asked if they came to Timber Cove. The list also includes names that were given to Ms. Culcasi by community members and Board Members. Sal Culcasi created a excel spreadsheet with the names of contractors and Ms. Culcasi will continue to update it. The current list was included in the Board Package. The list will not be posted on timbercovehomes.org website, but it will be sent out by our Office Manager at some point to the community. Peter Walls (TCHA HOA Attorney) reviewed the list and did add a disclaimer.

Melany Collett, our Office Manager and our Welcome to Timber Cove Committee, Carolynn Abst and Diane Feddersohn, will also have copies on hand to share. Please send Cindy Culcasi or Melany Collett names of any contractors you think should be added to the list.

Ron Case also asked members to share any names of contractors we should add to the list.

### **Appropriate Bond Deposit for a Shed – John Gray**

Before turning the floor over to John Gray, Ron Case wanted to let members know TCHA doesn't get a bond. They receive a deposit which is to cover any damages to roads, property, etc. so, the term bond is incorrect.

John Gray was taken aback when he found out that TCHA was charging \$3,000 for a member to install a shed on their property. We have a \$5,000 deposit to build a house. The shed is not a living structure and doesn't have plumbing so it is not likely the road or property would be damaged. Additionally, if the shed is less than 120 square feet, a permit is not required. Maybe \$1,000 is more appropriate and we can still make sure a member is not out of line when installing a shed. Mr. Gray believes the Board should vote on a more appropriate deposit for a shed.

Bob Leichter agreed with John Gray and stated that maybe \$1,000 is still too much to charge. He suggested maybe \$500 was better. He noted that if a 120 square foot shed goes through with no supervision at all, the obvious solution is to install two 120 square foot sheds with a cover connecting the top of both. The only impediment is the location of the shed and avoiding the result of a visible nuisance remains a concern.

Rosemary Gorz asked about the refund process for the shed deposit. She also asked about road damage and how does it work if someone doesn't get their entire deposit back. Ron Case responded to the question. The deposits are for the community protection. Mr. Case's discussion with Anne Vernon was that the construction would be completed in 10 days. TCHA has the deposit for about 2 weeks before the member will get the deposit back. Mr. Case is reluctant to cut the deposit way back in case there are problems. The \$3,000 may be too

much, but TCHA has the money for about 2 weeks and then it is returned. There is quite a bit of disagreement between the Architectural Oversight Committee Members about reducing the fee.

Anne Vernon asked to make a comment. The entire 4 years she was on the Board, nobody told the Board they were building a shed, they just built it. On Frost Court, there were 2 sheds that were turned into sleeping sheds. The sheds did not have toilets and people were staying overnight in the sheds. People were building sheds less than 120 square feet and the Board wasn't saying anything. Anne Vernon was shocked with the cost in her case since there wasn't even a foundation. She suggested the charge be based on square footage. \$3,000 for a shed vs. \$5,000 for a house doesn't make sense based on the ratio. Ron Case stated that we inherited this issue, and we are looking at it. Mr. Case said this was a good point since if someone is building at 10x12 shed, you don't need a building permit, but as a community we can request drawings and a review. TCHA has the ability to monitor the sheds.

Ms. Vernon noted that TCHA has been inconsistent and there is a history of members building tool sheds (some sheds were used for sleeping) without approval. She believes it's wrong to penalize members who follow the process. There is a poor history regarding how sheds were handled by previous Boards. Maybe looking at the cost of a shed by square footage would be appropriate. Ron Case said we inherited this process and maybe TCHA should put more requirements on the basic shed to stop people from building illegally.

Bob Leichtner believes that the idea of having guidelines makes good sense and protects the community. There are some guidelines that are not fair or reasonable. It is good to review the guidelines and improve them. Having the cost of a shed virtually the same as a home doesn't make sense and doesn't serve the purpose intended. The fee for the shed should not be called a bond since it is not a bond.

John Gray proposed that the cost of the deposit for a shed be \$1,000 or less based upon the fact that the shed is built with no plumbing or foundations. Ron Case seconded noting that this was based upon the one project (Anne Vernon) and future costs/details will be worked out in the Architectural Guidelines.

**Upon motion duly made and seconded, the Board voted 5-0 to approve the fee for the Vernon shed to be \$1,000. When the Architectural Guidelines are updated/completed, they will most likely also reflect the lower fee to install a shed.**

It was discussed that the fee will be required when the installation is scheduled, and the payment will occur prior to installation with a refund to the member (if no damages) after review of the shed and property.



**Roads Update – John Gray**

**Continuing Business**

**Architectural Guidelines and Proposed Changes – Architectural Oversight Committee**

The Oversight Committee continues to work on the Guidelines. The Committee hopes to have the proposed changes completed within the next month or two.

**Tree Cutting Policy Update – Architectural Oversight Committee**

The Tree Cutting Policy is also in the process of being updated. There are no issues with cutting dead trees, but redwoods are a different issue and require advance notice and formal approval. Right now, Ron Case asks that members photograph and mark dead trees prior to cutting.

**Adjournment**

A motion was made to adjourn the meeting. President Ron Case adjourned the meeting at 11:41 a.m.

The next meeting is April 10, 2021. Going forward TCHA will generally meet every other month. There will be meetings in August and September since the September meeting is the Annual Meeting. If needed, a Special Meeting will be scheduled.

Respectfully submitted,



Cindy Culcasi,  
Secretary

## Sign-in/Participant List

### Members who identified themselves on Zoom/Conference Call:

1. Stu Drake
2. Anne Vernon
3. John Rea
4. Dennis Gilardi
5. Carolyn Abst
6. Keith Thompson
7. Caller identified as Wade iPhone)

### Exhibit A - Correcting False Statements About Claimed Trail Easements

Over recent weeks, the Association has received inquiries and reports from new owners and their realtors informing us that they had been told there are private trail easements across Timber Cove lots which they can access at will. That information reportedly came from local realtor Tim McKusick who is a plaintiff in a lawsuit seeking a judicial declaration that such private trail rights exist. **The information the other realtor and their client apparently received from Mr. McKusick was false, as the Board has repeatedly explained to our community.** We feel it important to make that position very clear, especially to new or prospective Timber Cove property owners, so that they are not misled.

The Directors of the Association have previously reported to the entire membership our thorough investigation of the trails claims and our findings that there is absolutely NO evidence of any PRIVATE trail easement rights across member properties in Timber Cove Subdivision Unit 2. That conclusion, and the documentation and analysis that support it, were set out in great detail in two lengthy memos sent to all members, first in 2018, and again, updated to address the trails lawsuit, in 2019. The memos are posted on the TCHA website, so I will not review the arguments in detail. But the recent evidence that buyers and realtors are being misinformed now requires that some key points be reviewed.

The controversy about claimed trail rights first flared up late in 2014 when property owner Anne Vernon petitioned Sonoma County to vacate potential **PUBLIC** pedestrian and equestrian easement rights the County was irrevocably offered by the subdividers in 1965 when the subdivision was legally created, but which the County immediately rejected, all as clearly shown on the face of the Unit 2 Subdivision Map when it was filed for County approval in March 1965. The **public** pedestrian easement route shown on that map crossed a proposed homesite on Vernon's lot. She did not seek to abrogate any other easement rights anywhere in Unit 2, she just wanted to build a home on her own lot.

A small but vocal and aggressive group of trails advocates opposed Vernon's request, before the County, and began attacking her personally in meetings and social media. At a public hearing in 2016 the Sonoma County Supervisors considered all input it received, and unanimously took formal legal action granting Vernon's request to vacate the County's pedestrian easement rights across her lot.

Nonetheless, the trails advocates ramped up their opposition claiming they had PRIVATE easement rights which the County's decision did not alter. But they provided no evidence of any grant of such private easement rights.

The nasty aggressiveness of the trail's proponents upset many in the community. In his 2017 campaign for a seat on the TCHA Board, current director Bob Leichtner, in campaign materials distributed at a candidates' forum, specifically criticized the refusal of his incumbent board opponents to seek a compromise resolution of the easement dispute through mediation, as the County had proposed. At the final meeting of the prior Board, the last action the prior Board voted on immediately before the new directors, Case, Gray and Leichtner, were elected at the Annual election meeting in September 2017 was to reject an alternate trail route proposal Vernon had offered as a compromise during a community site walk conducted to promote an amicable solution.

When the new directors were seated in fall 2017, they were given binders of reference documents by incumbent directors who supported trails and asked to review them. We did so. Our review covered the Subdivision Map for Unit 2, the CC&Rs, the Articles of Incorporation of TCHA, all available attorney opinion letters representing the contending positions, correspondence from the Sonoma County Counsel and planning department officials, and filings by the Timber Cove subdividers with the California State Real Estate Department.

The key finding we made, which was uncontroverted by any document or correspondence we reviewed, is that the only source of any possible trail easement rights in Unit 2 was the March 1965 Subdivision Map approved by the County. That map shows the words "pedestrian and equestrian easements" superimposed over the routes of **public** utility easement provisions for power poles and buried pipelines. There is no evidence of any intent to design or create a recreational trail loop for the members of the Association on the Map, or in any other document.

The first page of the Map filing contains a statement by the subdividers irrevocably dedicating (granting) various easements to the County for **public** access, including roads, public utility easements and pedestrian easements shown on the Map. On the same page is an official certificate by the County clerk, recording the County's acceptance of the grant of the road and public utility easements, but which also clearly states that the County rejected the pedestrian and equestrian easements.

That's it. There is no other language anywhere on the subdivision map referring to any PRIVATE pedestrian easement rights in addition to, or in lieu of, the attempted easement grant to the public. No mention whatsoever of the existence or creation of PRIVATE pedestrian easement rights to individuals, nor to the Homeowners' Association as a governing entity. Nothing, nada, zip. And no other document has since been identified by any party that alters that clear and controlling fact.

We explained all that meticulously in our lengthy memos because we knew this was a sensitive subject of contention and we wanted to be very clear about the evidence we reviewed and our reasoning. We specifically invited trails advocates to offer any other documents they might find that they believe would show an intent to create PRIVATE easement rights; we offered to review our conclusions to take any new evidence into account. No such evidence has ever been provided us.

It should be understood that, contrary to trail advocates' accusations, our careful decision did not purport to alter or delete any existing private easement rights, we simply stated the evidence showed **such private rights never existed in the first place, and any prior advice to the contrary was erroneous.**

We didn't issue a "bar", we simply advised members that since we found no evidence of private trail rights, we urged them not to attempt to use the indicated routes unless they first obtained the consent of the property owners, or they might be accused of trespass. Conversely, if property owners chose to agree to allow members of the community permission to walk cross their property to enjoy a view, that was their private prerogative (and also their private risk if any adverse consequences resulted from such use).

We followed up with an updated second informational newsletter about a year later, after the trail's advocates filed a lawsuit against Anne Vernon and two other property owners, asserting their alleged private trail rights to cross those lots at will. They didn't merely claim access rights, the plaintiffs went much further, demanding **a million dollars in damages, plus punitive damages**, against the owners who had refused their claimed right to walk across their lots, thereby revealing motives that exceeded benign aspirations for personal recreation, acting instead to cause emotional distress and extraordinary financial loss upon neighbors who were merely trying to protect their property in line with the published advice of TCHA.

In the Board's updated memo, we also pointed out the undiscussed negative consequences of the trails advocates' claimed unsupervised trail access: no identification or regulation of authorized trail users, increased risks of harassment, nuisance, invasion of privacy, burglary, vandalism and threats to personal security, increased fire risk and potential homeowner liability for harms suffered while using these trails across dangerous wild terrain, especially during winter storms. A total of 63 Timber Cove properties would be burdened with these claimed easements, and as private owners, the risks would likely be theirs.

The foregoing concerns underline how important the difference is between the actual dedication of PUBLIC pedestrian/equestrian routes to the County, as opposed to some "implied" creation of undefined PRIVATE easement rights. **IF** the County had accepted the dedication of trail easements for **public** access, the County would then have assumed the authority, and the responsibility to assure safe pathway construction and maintenance, risk prevention and liability insurance, fire abatement, regulation of hours and rules for users, and policing to prevent crime and nuisance, as needed. If the County accepted the dedication, they would assume and address those responsibilities without any need to spell out any rules and protections on the subdivision map itself. But, if the County is not responsible, the total absence of any statement of rules for easement use on the Map or anywhere else then becomes a dangerous omission if the rights of way are instead claimed to belong to undefined private parties, with no limits and no authority stated. The absence of any rules or conditions for safe use that protects property owners reinforces our conclusion that the pedestrian easements shown on the Map were never intended for private use, only for public access fully supervised by the County. The HOA has no resources available to perform any of those necessary functions and community protections. The potential harmful consequences to the affected property owners and the entire community arising from undefined private access rights with no regulations or conditions should be obvious.

Developments in the trails lawsuit to date do not change any of the Board's conclusions or concerns. For one thing, the judge has ruled that the easement claims in the lawsuit only affect the named plaintiffs and defendants. Neither TCHA nor the 60 other property owners whose lots are affected with easement routes will be bound by the results in this lawsuit.

Interestingly, one key piece of documentary evidence Plaintiffs rely on actually reinforces the Board's findings that no private trail easements exist. The plaintiffs cite a letter dated September 3, 2015 to John Howland from Bruce Goldstein, Sonoma County Counsel, quoting Goldstein's statement that the County's action on Vernon's request "to vacate the public interest in the irrevocable offer to dedicate public trail easements across her property WOULD HAVE NO EFFECT ON ANY PRIVATE TRAIL EASEMENTS THAT EXIST". But the plaintiffs deceptively omit the following statement from the same letter which, contrary to their claims, goes on to clarify that "The PRMD memo further indicates that the surveyor's review of the subdivision map in question disclosed no offer to dedicate private trail easements on the face of the map itself. It goes on to state that 'private rights MAY exist through other documents not provided to the County...', a statement which mirrors the TCHA Board analysis. No "other documents" showing a grant of private trail easement rights in Unit 2 have ever been provided.

We believe trial in this matter, later this year, may help the community put this ugly episode behind us.