

Dear Homeowners:

Classic Property Management's office sent a letter dated April 24, 2006 to the Homeowners announcing a change in the Beverlywood West Homeowner's Association's Rules and Regulations regarding new pool hours. That letter was incorrect as follows:

- (1) The Board has adopted a proposal to amend the Rules and Regulations regarding new pool hours. The Board has not adopted an amendment to the Rules and Regulations regarding new pool hours. The amendment will take effect only after this letter is sent and the appropriate period has passed and the Board properly revisits the proposal before it becomes an amendment.
- (2) The proposal that was attached to the April 24, 2006 letter was in error.

This letter intends to correct the error. Accompanying this letter is the proposal regarding new pool hours that the Board intends to adopt at the next properly held Board meeting (that can be no earlier than 30 days after this notice), taking into account any comments from the membership where the proposal will be addressed before it (or any amendment thereof) is adopted.

Purpose of Rule Change: The purpose of the rule change is to address the complaints of several homeowners who live in the vicinity of the pool and who state that the recently adopted early pool hours--that allow "quiet lap swimming" from 6:00 a.m. to 9:00 a.m.--have created a private nuisance for the homeowners in the vicinity of the pool. Residents living by the pool state that early hour users slam the front gate to the pool, use the Jacuzzi (in violation of the rules) and speak in loud voices. All of these activities are very noisy and interfere with the peace and quiet of the homeowners in the vicinity. Further, the Association has no person to monitor the pool that early in the morning to make sure the quiet lap swimmers follow the rules. The Board feels that it is inappropriate for the homeowners near the pool to have the onus of enforcing the rules.

In order to resolve the issue of the new early pool hours, one homeowner had requested that the Association participate in mediation. The point of mediation is to resolve the issue regarding the new early pool hours and avoid litigation (alleging that the Board has created a private nuisance with the new early pool hours). The proposal is a compromise among the various factions and has eliminated the need for mediation and litigation. The request for mediation was withdrawn after the Board adopted its proposal at its meeting on April 18, 2006.

Effect of Rule Change: Consequently, the effect of the proposal is that the Association will have pool hours that allow the homeowners in the vicinity of the pool to have peace and quiet during early morning hours. The proposal eliminates the need for the Association to monitor the pool during early morning hours and finally, it eliminates the prospect of litigation as a means of resolving the issue.

This notice of the proposal is being sent to the Homeowner in compliance with Civil Code Section 1357.130 (the Davis-Sterling Act).

Thank you,
Beverlywood West Homeowners Association Board of Directors

Paragraph 2 entitled "Hours" of Section X. Swimming Pools, Jacuzzi & Pool Areas would be amended as follows (the ~~strikeout~~ words are eliminated and the underlined words are the proposed changes):

2. Hours:

Weekdays: General use 9:00 a.m. to 10:00 p.m.

Quiet Lap Swimming Period: Residents may use the pools for quiet lap swimming and exercising between the hours of ~~6:00 a.m.~~ 8:00 a.m. and 9:00 a.m. Residents may not use flippers during the quiet lap swimming period.

Weekends and Holidays: General use 10:00 a.m. to 10:00 p.m.

Quiet Lap Swimming Period: Residents may use the pools for quiet lap swimming and exercising between the hours of 9:00 a.m. and 10:00 a.m. Residents may not use flippers during the quiet lap swimming period.

During all hours other than quiet lap-swimming periods where flippers are prohibited, the use of devices such as noodles and flotation devices are permitted so long as they do not interfere with the use of the pools by others using the pools.

Hours for the Jacuzzi are from 9:00 a.m. to 10:00 p.m. on Weekdays and from 10:00 a.m. to 10:00 p.m. on Weekends and Holidays.