

Official Pest Control Procedures at Park River Oak Estates

Park River Oak Estates is a registered corporation whose business authority over our community is legally established. As planned unit developments (PUD) homes, PUD homeowners must remedy their internal homes **as quickly as possible** to exterminate rats/mice, otherwise immediate neighbors will be endangered, which cannot be allowed. **Article VI, [6.16] Section 16 of the Association's CC&Rs, and Article VII, [7.4] Section 4 of the CC&Rs dictate this.** However, **squirrels are protected from extermination** and they are easily removed. Birds have the most protections, and their nests generally can only be disturbed from October through February. Traps or poisons for rats / mice **inside** your house, is your private choice.

The Board of Directors completed \$40,000 of repairs on stucco voids that we did not create, from 2008 to the present. Residents living here longer than four years remember many **weeks** of professional crews filling voids on every single home, during the time when we had bat sightings. But because we live by the river, rodents will **remain** with us, and rodents can enter homes even through tiny voids.

We permanently lined the entire fence area along the park with loaded rat bait stations, and they have been in place continuously since 2005. Several homeowners also pay for **ongoing** pest control service contracts for their private homes, which you are encouraged to do.

We paid thousands of dollars annually for Terminix Commercial to treat external areas, as a commercial service not available to private homeowners. In recent years, they changed their communications to an answering service in southern USA, no longer responded to calls, and their services deteriorated. During the 2014 Superior Court trial of Park River Oak Estates vs Yeager, which Park River won, **internal** pest control was judicially confirmed to be more of a **private** obligation than a HOA obligation because **we are PUDs, not condos.** However, filling stucco voids is a Homeowners Association obligation, only **AFTER** the rats are removed according to the top stucco specialists, Terminix-Commercial and EcoLab Commercial. **The HOA has removed squirrels FREE OF CHARGE many times at the same time of filling stucco voids, as squirrels are not destructive and are easily chased outside.** Squirrels are unable to return to the attic, upon the completion of our work. Not one squirrel has ever returned to a home that we repaired and protected.

Pest Control technicians are not skilled STUCCO experts in any definition, and they never determine how stucco experts do their repairs, just like plumbers do not direct electricians on how to do their jobs, either.

The Homeowners Association replaced Terminix Commercial with EcoLab Pest Control, because they are exclusively a **commercial** (meaning: higher standards) service, with **upgraded** techniques for external rodent controls, and requiring more hours of extensive training for all their employees on chemicals, products, and techniques. The Homeowners Association treats all the external areas of our community. You **ARE obligated** to pay to treat the internal as soon as rodents are suspected. Months of delays by homeowners in eliminating an infestation inside your attics or walls, and/or denying our access to your attics for sealing after extermination when our experts deem it prudent --- is **negligence** that endangers neighbors and may be grounds for court action. Also, **never before this year has anyone ever attempted to bypass the HOA, to try to arrange OUR stucco expert at the HOA's expense, without the HOA.**

Park River Oak is not responsible for the close proximity of the river, nor the fact that rats might come in from surrounding neighborhoods. Even with every single building at Park River fully encircled by rat bait stations, rats sometimes invade homes. As the homes **age**, we also fill **new** stucco openings every year bar

none, when we do the gutter cleaning, including this year. Pest control still is the **homeowner's** responsibility to maintain internally, because we are PUDs which carry financial burdens similar to single family dwellings. Some external conditions have different duties: for example if the river floods, **homeowners** currently carry the burden to own adequate flood insurance, not the HOA, according to FEMA.

[6.16] Section 16. Diseases and Pests. No Owner shall permit anything or condition to exist in his or her Townhouse, which shall induce, breed, or harbor infectious plant diseases, rodents or noxious insects.

As soon as the rodents are confirmed killed, it is the prerogative of the Homeowners Association to enter the attic which we are allowed to do by **Article III, [3.6] Section 6 of the Association's CC&Rs** to find every tiny ray of light indicating voids and to fill those internal voids and the exterior voids, at the same time. **No** reputable professional vendor who does stucco sealing, fills the voids until **after** the rats and mice are exterminated, because rats who want out, will gnaw new holes to escape. Contact the HOA at 916-395-1010, or parkriveroak@gmail.com immediately after your extermination is successful.

Again, our stucco vendor will **remove squirrels without charge to the homeowner**, as he has done many times on the day of stucco repairs because it takes almost no effort to scare squirrels away. **We ask that you allow our man to handle the squirrels, free of charge.** Rats and mice are entirely different, and they **must** be removed by extermination experts before stucco repairs.

Our stucco-repair vendor was **recommended by our attorneys**, he has worked for us for over 12 years. He is confirmed to be one of the best in the business with over 20 years expertise and full professional requirements and credentials. He is widely used by the most reputable HOAs in this region.

The Association's right, acting through its board of directors, to **decide how, when, and in what manner to perform maintenance was specifically established in *Lamden v. La Jolla Shores Clubdominium Homeowner's Assn.* (1999) 21 Cal.4th 249, which held:**

[the Board's] authority under relevant statutes, covenants and restrictions to select means **for discharging an obligation to maintain and repair** a development's common areas, **courts should defer to the board's authority and presumed expertise.** (Emphasis added).

If rodents stay inside your homes, they can gnaw through drywall and wires and destroy your neighbors' homes, too. Rodent control must be done with **immediate and full consultations and cooperation with the Board at the soonest possible time.** We never had a problem with homeowner cooperation prior to this year, or refusal to follow our **specific procedures** explained as in this document, but if the Association must seek **judicial relief for failure to expediently resolve rodent infestations inside private homes in full compliance with the rules and procedures of the Board of Directors, owners will be liable for attorneys' fees and costs pursuant to the CC&Rs and California Civil Code Section 5975.**

We appreciate your understanding. These procedures clear up false information and misunderstandings that is not consistent with how we actually operate, what we actually advise, our governing documents, or court decrees. ALL this info has been given by email and phone calls, scores of times with complete success, for a **decade.** Thank you to the vast majority who always cooperate. We have an incredibly beautiful community that was transformed into this beauty and comfort by respect and cooperation for proven procedures that protected and advanced this property, for 21 years.