

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 15 2021

BY *Felix Garza*
FELIX GARZA, DEPUTY

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9 Attorney for Defendant,
10 ARROWHEAD WOODS ARCHITECTURAL
11 COMMITTEE, INC.

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF SAN BERNARDINO, SAN BERNARDINO DIVISION**

14 KEVIN HOANG, an individual; and NHUNG
15 TRAN, an individual,

16 Plaintiffs,

17 v.

18 ARROWHEAD WOODS ARCHITECTURAL
19 COMMITTEE, INC., a Non-Profit Public
20 Benefit Corporation; and DOES 1 through 50,
21 inclusive,

22 Defendants.

Case No. CIVDS-1821729

Assigned to Hon. Thomas S. Garza
Department S27

**DECLARATION OF STACEY LIPPERT
IN SUPPORT OF MOTION FOR
ATTORNEY'S FEES**

HEARING

Date: March 10, 2021
Time: 9:00 a.m.
Dept: S27

ORIGINAL

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1 I, STACEY LIPPERT, declare as follows:

2 1. I am the Executive Director of Defendant herein. I have been Executive
3 Director for over 15 years. The matters declared to herein are with my own personal
4 knowledge, and if called to, I could competently testify thereto.

5 2. Defendant is a community organization, dedicated to preserving the forest in
6 Arrowhead Woods, protecting neighborhoods and property values in Arrowhead Woods. This
7 was the first litigation directly challenging the validity of the recorded property restrictions in
8 the older tracts in Arrowhead Woods. Because Plaintiffs challenged the authority of Defendant
9 to enforce the recorded property restrictions, there was no choice but to defend this action to
10 confirm Defendant's authority. From my records, this is only the third matter in Defendant's
11 history that has gone to trial. There was the *Hatt* matter and one other matter in the 1990's that
12 went to trial and was appealed, which was resolved in Defendant's favor. There has been at
13 about 10-15 other litigation cases involving values of trees and unauthorized and unapproved
14 tree trimming and tree cutting. Those cases were all resolved. The *Hatt* went to trial with
15 Defendant prevailing on the issue of preserving its authority, but with no attorney's fees.
16 Defendant, as a community organization, has always tried to compromise claims when
17 possible. Plaintiffs' insisted on a direct challenge that left Defendant no choice. A loss would
18 have destroyed Defendant's ability to enforce the recorded restrictions. Failure to prevail at
19 trial would have meant the community standards for the Arrowhead Woods, over 8,000 homes
20 and hundreds of millions of dollars of property values would be destroyed. That would have
21 been disastrous to the Arrowhead Woods community.

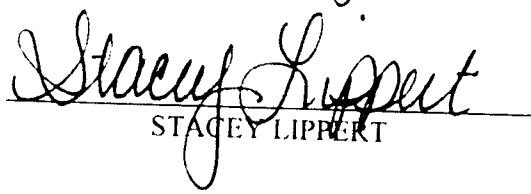
22 3. I am the only employee of the Defendant. My salary is public record and
23 available through the Attorney General office. Inspectors are paid \$35 to \$70 per inspection
24 which is modest considering their experience and that they pay their own transportation costs. I
25 respond to hundreds of reports a month involving noise, tree cutting, illegal construction,
26 unapproved colors of painting houses, messy properties, fences and animals.

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4. There is a major noticeable difference between Arrowhead Woods and other mountain communities in the quality of residential construction, yard maintenance, and appearance of homes. Having lived in the mountains for decades and been President of the Chamber of Commerce, I can state unequivocally that this is due to a large part to Defendant's efforts. To defend Defendant's authority, to administer the recorded restrictions in Court is expensive. Payment of attorney's fees impairs Defendant's ability for other efforts, such as preserving the forest, maintaining high quality neighbors, and maintaining high building standards.

I declare under penalty of perjury under the laws of the State of California the foregoing to be true and correct, executed on January 6, 2021 at Lake Arrowhead, California.


STACEY LIPPERT

(FAXED SIGNATURE)

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PROOF OF SERVICE

San Bernardino Superior Court Case CIVDS1821729
Hoang, et al. v. Arrowhead Woods Architectural Committee

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is Post Office Box 1875, Lake Arrowhead, California, 92352.

On January 7, 2021, I caused the document(s) described below to be served as specified below on the interested party(ies) listed in the Service List.

1. **DEFENDANT'S NOTICE OF MOTION AND MOTION FOR ATTORNEY'S FEES,**
2. **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ATTORNEY'S FEES**
3. **DECLARATION OF JOHN G. WURM IN SUPPORT OF MOTION FOR ATTORNEY'S FEES**
4. **DECLARATION OF STACEY LIPPERT IN SUPPORT OF MOTION FOR ATTORNEY'S FEES**
5. **[PROPOSED] ORDER**

SERVICE LIST

Attorney for Plaintiffs

William M. Crosby, Esq.
13522 Newport Avenue, Suite 201
Tustin, CA 92780
E-Mail: wcrosby@wcrosbylaw.com

BY U.S. MAIL: I placed a true copy(ies) thereof enclosed in a sealed envelope, addressed above; and I caused such envelope(s) to be deposited in the mail at Lake Arrowhead, California, with the postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party(ies) served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

BY ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this document was executed on January 7, 2021, at Lake Arrowhead, California.



BONNIE BLYTHE