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FILED
NOV 10 2004
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

TO:)
) NO. H-31042 LA
WOOLSEY CANYON VIEW)
ESTATES, INC., a)
California corporation.)
)
)

ORDER VACATING ORDER TO DESIST AND REFRAIN

RE: FILE NO. 063987 LA-FOO, TRACT NO. 34841
WOOLSEY CANYON VIEW ESTATES, INC., a California corporation
County of Los Angeles, State of California

On July 2, 2004, the Real Estate Commissioner issued an Order prohibiting the further selling or leasing or the offering for sale or lease of lots, units or parcels within the above-entitled subdivision until such time as WOOLSEY CANYON VIEW ESTATES, INC., a California corporation, obtained an Amended Subdivision Public Report from the Commissioner and complied with H-31042 LA.

On July 23, 2004, the aforesaid subdivider petitioned the Real Estate Commissioner to vacate said Desist and Refrain Order upon the grounds that it has complied with all the items

1 listed in H-31042 LA.

2 Good cause has been shown why the said Desist and
3 Refrain Order should be vacated.

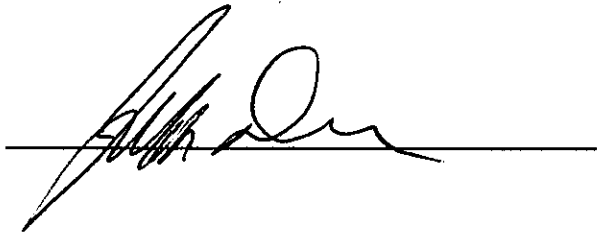
4 Lots, units and parcels in the above-mentioned
5 subdivision are now released from the Desist and Refrain Order of
6 July 2, 2004, and may be sold under authority of the Final
7 Subdivision Public Report issued October 13, 2004.

8 This Order shall be effective immediately.

9 DATED: November 04, 2004.

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JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982

FILED
JUL -8 2004
DEPARTMENT OF REAL ESTATE

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) No. H-31042 LA
12 WOOLSEY CANYON VIEW)
ESTATES, INC., a) ORDER TO DESIST AND REFRAIN
13 California corporation.) (B&P Code Section 11012)
14)
15)

16 RE: WOOLSEY CANYON VIEW ESTATES, INC., a California corporation
TRACT NO. 34841
17 FINAL SUBDIVISION PUBLIC REPORT LOS ANGELES COUNTY
FILE NUMBER 063987LA-F00

18 The Real Estate Commissioner of the State of California
19 (hereafter "Commissioner") has determined from evidence available
20 to him that:

21 I

22 You WOOLSEY CANYON VIEW ESTATES, INC., a California
23 corporation, have failed to fulfill representations and
24 assurances given by you upon which the Department of Real Estate
25 of the State of California (hereafter "the Department") relied in
26 issuing the subdivision public report referred to herein.
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II

You have failed to inform the Department of material changes that have occurred in the subdivision which have caused the subdivision public report to be misleading and inaccurate and which would have caused the Department to deny issuance of the subdivision public report if the conditions had existed at the time of issuance of the subdivision public report.

III

You are the owner or an agent or employee of the owner of a subdivision, as defined in Sections 11000 and 11004.5 of the Business and Professions Code of the State of California (hereafter "the Code"), known as Woolsey Canyon View Estates, Inc. (hereafter "Subdivision") and is located in the City of Los Angeles, County of Los Angeles, State of California, and identified in the records of the Department in Subdivision File No. 063987LA-F00 (hereafter "the subdivision"). A Final Subdivision Public Report in this file was issued on December 8, 1989. The Public Report expired on December 7, 1994. Since this date, there has been no Public Report in effect for the subdivision.

IV

In connection with your application for the Final Subdivision Public Report, you represented to the Department that you would pay monthly assessments in the amount of \$173.90, on each lot owned by you commencing on the first day of the month following the first sale of a unit, lot or parcel, for

1 maintenance and operation of the common area and facilities
2 including reserves for replacements.

3 V

4 In or about July 1989, you sold the first unit, lot or
5 parcel within the subdivision. The obligation to pay monthly
6 assessments described in Paragraph II commenced on July 1, 1989.

7 VI

8 The representations and assurances given as described
9 in Paragraph IV above have not been fulfilled by you in that you
10 have failed to pay or caused to be paid assessments as described
11 in Paragraph V, and as of August 31, 2003, you were in arrears
12 \$33,426.81.

13 VII

14 In addition, the Commissioner caused an investigation
15 to be made, and based upon the findings of that investigation as
16 set forth below, has determined that you have violated or failed
17 to comply with Code Section 11012 and Title 10, Chapter 6,
18 California Code of Regulations (hereafter "Regulations") Sections
19 2792.16, 2792.17, 2792.19, 2792.20(c), and 2800(i) and (j).

20 VIII

21 On November 26, 2003, the Department concluded an
22 audit examination of your books and records. Audit No.
23 LA 030108 covered a period from approximately July 1, 1990 to
24 August 31, 2003. The examination revealed violations of the
25 Regulations, as set forth below.

IX

1
2 At all times herein, in connection with the real
3 estate sales, loan and loan servicing activity, you accepted or
4 received funds, including funds in trust (hereafter "trust
5 funds") from or on behalf of actual and prospective parties to
6 transactions you handled. Trust funds were maintained or
7 deposited in two accounts in the name of Woolsey Canyon View
8 Estates Homeowners Association, Bank Account No. 1110003222,
9 Union Bank of California, 16014 Chatsworth St., Granada Hills,
10 California (hereafter "A#1"). The second was Bank Account No.
11 1110003222, Union Bank of California, 16014 Chatsworth St.,
12 Granada Hills, California. The first account (A#1) is the
13 Homeowners Association operating account that was opened on
14 May 17, 1994. The second account (A#2) is the Homeowners
15 Association reserve account that was opened on May 19, 1998.

16 X

17 You acted in violation of the Code and the
18 Regulations as set forth below, and as more specifically set
19 forth in Audit Report No. LA 030108, dated November 26, 2003,
20 and the exhibits attached to said Audit Report, in that:

21 (a) A#1 had a balance of \$35,804.80 as of August 31,
22 2003. You withdrew \$78,835.52 for the reimbursement of
23 expenses plus interest without the approval of the Homeowners
24 Association. A#2 had a difference of \$33,426.81 due to
25 delinquent owners' assessments totaling \$20,749.72 and amounts
26 returned to other owners totaling \$12,192.70, in violation of
27 Code Section 11012 and Regulation 2800.

1 (b) You failed to begin paying assessments for all
2 unsold lots and collected assessments for sold lots as of
3 July 1, 1990, in violation of Regulation 2792.16. You
4 subsequently paid assessments for all unsold lots during the
5 audit period beginning on May 16, 1994.

6 (c) You increased assessments more than twenty
7 percent (20%), from \$42.73 to \$216.63, without notifying the
8 Department and without a proper voting quorum of owners, in
9 violation of Regulation 2800(i) and (j)..

10 (d) You failed to hold the first meeting of the
11 Homeowners Association prior to December 1, 1990, which was six
12 months after the first lot was sold (approximately July 1989),
13 in violation of Regulation 2792.17.

14 (e) You failed to have a proper quorum when electing
15 Homeowners Association board members at the first Homeowners
16 Association meeting, in violation of Regulation 2792.19.

17 XI

18 The said delinquencies in your payment of regular
19 assessments have resulted in the receipt by the Homeowners
20 Association of income which was more than 10% less than scheduled
21 income from said assessments.

22 XII

23 Your failure to fulfill the representations and
24 assurances given by you in the Public Report, that you would pay
25 regular assessments, as and when due, and fund long-term
26 reserves; notify the Department and obtain a voting quorum of
27

1 owners before increasing assessments more than twenty percent;
2 hold the first meeting soon after the first lot was sold; obtain
3 a proper quorum when electing Homeowner Association board
4 members, as described in Paragraph V, above; your failure or
5 refusal to pay assessments and other violations as found in
6 Paragraph V, above; and the reduction in assessments received by
7 the Homeowners Association, as alleged in Paragraph V, above,
8 caused the Public Report to be inaccurate or misleading and
9 constitutes material changes in the setup of the subdivision or
10 subdivision offering. Prior to and after having created this
11 material change, you failed or omitted to notify the Department,
12 in writing, of the material change, in violation of Code Section
13 11012 and Section 2800(j) of the Regulations.

14 XIII

15 You permitted a condition to exist which would have
16 caused the Department to deny a public report if the condition
17 had been disclosed and/or existed at the time of the issuance of
18 the Public Report or any amendment thereto under Sections
19 2792.16, 2792.17, 2792.19, 2792.20 and 2800 of the Regulations.

20 NOW, THEREFORE, YOU, YOUR OFFICERS, DIRECTORS,
21 PARTNERS, AGENTS, EMPLOYEES, SUCCESSORS AND ASSIGNS ARE HEREBY
22 ORDERED TO DESIST AND REFRAIN from selling, exchanging or
23 leasing, or offering for sale, exchange or lease, or soliciting
24 purchasers or negotiating for sale, exchange or lease, any and
25 all interests, units, lots or parcels owned by you in the
26
27

1 Subdivision, unless and until such time as you:

2 (1) Comply with Code Section 11012 and Sections
3 2792.16, 2792.17, 2792.19, 2792.20(c), and 2800(i) and (j) of the
4 Regulations;


5 (2) Notify the Department, in writing, of any material
6 change in the setup of the subdivision or subdivision offering
7 described herein above;

8 (3) Prove to the satisfaction of the Department that
9 you have paid, in full, the assessments referred to in Paragraph
10 V, above, and any and all other amounts which have come due from
11 you after July 1, 1990, to date, including any late charges and
12 interest thereon, or made financial arrangements satisfactory to
13 the Commissioner; and

14 (4) Hereafter pay the Homeowners Association, as and
15 when due, all assessments for unsold interests at the rate stated
16 in the Public Report, or until such time as you have applied for
17 and obtained an amended public report for the subdivision.

18 DATED: July 2, 2004.

19
20 JOHN R. LIBERATOR
21 Acting Real Estate Commissioner

22 
23 _____

24 cc: Woolsey Canyon View Estates, Inc.
25 16014 Chatsworth Street
26 Granada Hills, CA 91344-7042
27