

# MALIBU-ENCINAL HOMEOWNERS ASSOCIATION

November 2, 2009

## VIA HAND DELIVERY AND FIRST-CLASS MAIL

Joseph T. Edmiston  
Executive Officer  
Mountains Recreation & Conservation Authority  
Ramirez Canyon Park  
1510 Ramirez Canyon Road  
Malibu, CA 90265

Re: NOTICE OF DEFAULT - DECLARATION AS TO ESTABLISHMENT OF  
CONDITIONS, RESTRICTIONS, COVENANTS, RESERVATIONS, LIENS  
AND CHARGES AFFECTING THAT CERTAIN REAL PROPERTY KNOWN  
AS MALIBU ENCINAL

Dear Mr. Edmiston:

Please be advised that the Malibu Encinal Homeowners' Association ("MEHOA") is charged with the power to interpret and enforce the Declaration As To Establishment of Conditions, Restrictions, Covenants, Reservations, Liens And Charges Affecting That Certain Real Property Known As Malibu Encinal (the "Declaration"). The Declaration governs and applies to all of the land within Tract No. 10630, as shown on the map recorded on September 23, 1932, Book 181 of Maps, Pages 6 to 11, in the office of the Recorder of Los Angeles County, California, and more particularly described in the attached Exhibit A (the "Tract"). Accordingly, the Declaration applies to any land or property interest owned by the Mountains Recreation and Conservation Authority ("MRCA") within the Tract.

You are hereby notified that the MRCA is in default of the terms, conditions and obligations included in the Declaration. The MRCA's defaults arise, in part, from a violation of Section 10 of the Declaration, whereby the MRCA installed signs on the Tract without the permission or approval of the MEHOA Architectural Committee. The MRCA is also in default of Section 28 of the Declaration, as the MRCA has interfered with easement rights granted to each and every home owner in the Tract by (a) restricting resident access to and from the Tract through Lot I after sundown, (b) failing to remove non-resident members of the public after sunset from the Tract, thereby allowing, abetting and causing unlawful trespass within the Tract (c) failure and refusal to limit access by the non-resident members of the public during daylight hours to pedestrians by permitting such access to

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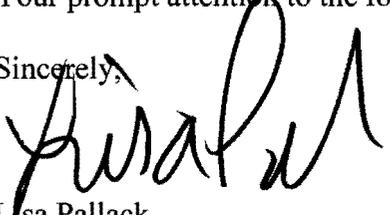
non-resident persons on bicycles and motorcycles, thereby causing, abetting and participating in, during daylight hours, trespass upon the Property and interference with the rights and uses of MEHOA and its members in the Property, and (d) burying trash (e.g., truck tire, dead seal, glass) on Lechuza Beach within the easement area. Such actions by the MRCA harm the environment, increase and encourage criminal and unlawful behavior, expose MEHOA and its members to potential liability, and create health and safety hazards for Tract homeowners and their families.

The MRCA is hereby also notified that pursuant to Section 11 of the Declaration, it may not install any improvements or structures within the Tract, including the improvement included in MRCA's City of Malibu Coastal Development Permit application number 07-087 (the "Application"), without the review and approval of the MEHOA Architectural Committee. In order to avoid any further defaults, MEHOA requests that any repair to, replacement of, or proposals to construct the improvements included in the Application be forwarded to MEHOA for its review, comment, approval and consideration. MEHOA will not approve any improvement, development or management plan inconsistent with the Declaration.

MEHOA requests that you immediately cure any and all MRCA defaults and breaches under the Declaration and prevent such defaults from occurring again in the future. MEHOA reserves the right to commence formal legal action against the MRCA and enforce the Declaration if the MRCA does not commence and complete curative action within thirty (30) days from the date of the notice. Such action can include, pursuant to Section 29 of the Declaration, the termination of the MRCA's property interests within the Tract.

Your prompt attention to the foregoing is anticipated.

Sincerely,



Lisa Pallack

President, Malibu Encinal Homeowners' Association

Enclosures

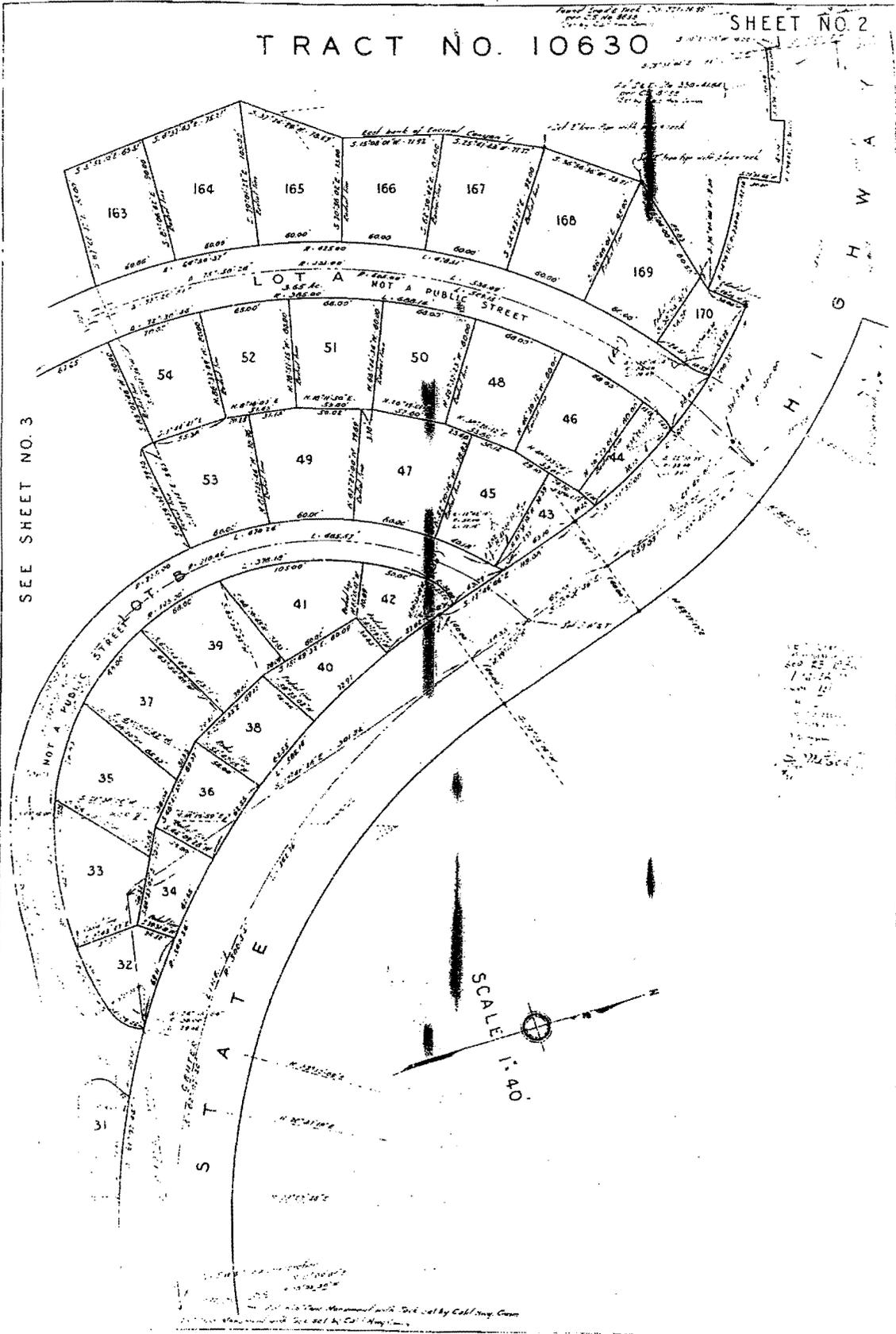
cc: California State Conservancy  
City of Malibu

# EXHIBIT A



# TRACT NO. 10630

SHEET NO. 2



Surveyed and Platted by C. H. ...  
 1912

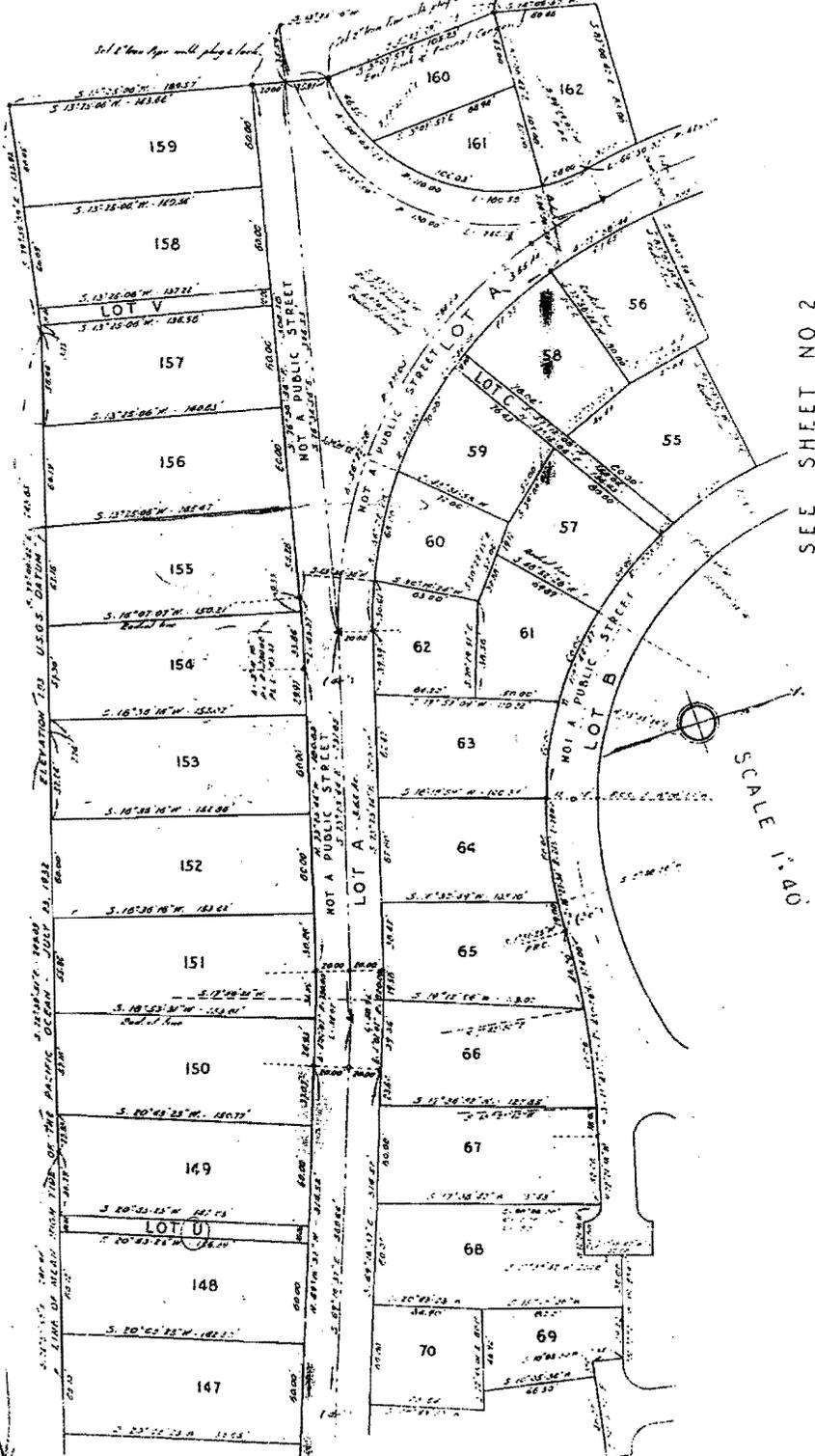
# TRACT NO. 10630

NOTE

Measurements shown here to be based upon completion of improvements

159  
 158  
 LOT V  
 157  
 156  
 155  
 154  
 153  
 152  
 151  
 150  
 149  
 LOT U  
 148  
 147

P A C I F I C O C E A N



SEE SHEET NO 2

SCALE 1"=40'

SEE SHEET NO. 4

RECORDED  
AT COUNTY OF LOS ANGELES  
SEP 23 1934  
1 12 12 M

# TRACT NO. 10630

SHEET NO. 4

SEE SHEET NO. 3

SCALE  
1"=40'

OLD AN



SEE SHEET NO. 5

S T A T E H I G H W A Y

# TRACT NO. 10630

SHEET NO 5

RECORDED  
 AT COUNTY CLERK'S OFFICE  
 SEP 13 1932  
 7 1/2 PM 12 M  
 BOOK 181  
 PAGE 10  
 BY MARY J. ...  
 AND ...  
 C. ...  
 J. ...



STATE HIGHWAY  
 CENTER LINE 7 S. 71° 24' 30" E.

