

**JUNE
2009**

The Rivieran

Bob Plank and Linda Tellarin Elected to Board of Directors

The votes were counted on Monday, June 15, 2009, and your two new members of the Board of Directors are Bob Plank and Linda Tellardin. Plank received 561 votes; Tellardin received 461 votes. The third candidate, Darrell Watkins, received 267 votes. Plank and Tellardin fill vacancies created when Directors Boone Bridges and Tony Gniadek retired after the Annual Meeting on June 20, 2009. Directors are elected for two-year terms.

Before "retiring", Bob Plank wore many hats. He was involved in development of "Stealth Technology" at Lockheed's famous "Skunk Works"; he practiced law in an international law firm and still does *pro bono* work from his home; he is accredited to mediate disputes assigned by the Lake County Dispute Resolution Service and Superior Courts in Lake and Mendocino counties.

Bob served on the Board of Clear Lake Riviera Yacht & Golf Club, 2003-2004. Bob is a Director of the American Iris Society Foundation, a non-profit organization founded in 1920, to promote and improve cultivation of the beautiful flower called Iris

Bob's special interests are achieving voluntary compliance with key CC&R's, the Fire Safe initiative, reconciling our By-Laws and CC&R's with ever-changing state statutes and prompt resolution of members' complaints.

Linda Tellardin has been a member of CLRCA for over 20 years. Before her "retirement" Linda worked in the Banking and Finance Industry, is a licensed realtor, and worked for the Federal Government. Her experience in real estate gives her a practical understanding of those factors which enhance the value of property and the community.

Linda has attended board meetings regularly to gain first hand knowledge of Association workings, problems and progress. She served on the Fire Safe Committee, and reducing fire hazards in and around Clear Lake Riviera is Linda's chief goal.

Thank You, Riviera Hills

Thanks to the generous support of Lee Ann and Bill Gilbert of Riviera Hills Golf and Recreation Center, CLRCA is able to offer our members the Summer Recreation Program with the opportunity to enjoy Riviera Hills pools and tennis courts.

Tennis players will also have the opportunity to join a program offered by Rob and Becky Peterson. See their announcement in this Rivieran.

There has been a perception that "The Riv" is a private club. Not so. It is open to the public and welcomes all, specially Riviera residents. The building has been remodeled, inside and out. There is a new summer menu in the restaurant and of course, the most beautiful view anywhere on the lake. During the summer you can join the already popular Sunday evening BBQ on the patio, enjoy live music and even more of that magnificent view, 4:30 until 8:30 every Sunday through Labor Day.

(go to Thanks, page 3)

The Rivieran

9689 State Hwy 281- Soda Bay Rd.
Kelseyville, CA 95451
(707) 277-7281

The Rivieran is the official publication of the Clear lake Riviera Community Association and is its publication of record. It is published to facilitate communication between the Association's Board and employees and Association members. Letters and comments from members for publication always are welcome.

BOARD OF DIRECTORS

PRESIDENT

Walter Zuercher

FIRST VICE PRESIDENT

Bob Plank

SECOND VICE PRESIDENT

Linda Tellarin

SECRETARY

Donna Moeller

TREASURER

Jim Irwin

OFFICE MANAGER

Julie Berry

Disclaimer

The inclusion of advertising and/or letters or comments from members does not constitute an endorsement or recommendation by the Clear Lake Community Association or its Board of Directors of the products, services or views contained therein.

Please check your mailing label
Send corrections to the Association Office

The Board of Directors meets at 6:00PM on
the 3rd Thursday of each month at the
Association Office community center

The ACP committee meets on 2nd and 4th
Thursdays at the Association office

The President's Message

Dear fellow Rivieran,

As your newly elected president I would like to reflect on the past year and give you some ideas for the activities planned for this year's board.

First and foremost I would like to thank the many volunteers and especially the parting board members, Boone Bridges and Tony Kniadek for their time and effort to serve. Boone as President and Tony as 2nd Vice-President, were active and thoughtful members that helped form the board into a kinder, more democratic direction. Many thanks are due to the office staff, Julie, Dianne and Kami. It was there first full year, after taking over the chores, from an ever-changing staff that worked under the loose directions of management companies. Thanks to the foresight and action of the prior board, the office is since open on a regular basis, communication is greatly improved and issues are followed through in a timely manner. Please try them first, if you have any questions or concerns. We are sure; you will find it a rewarding experience.

After a late start, due to the required reelection, the board made fire-safety a top priority for our community. Our primary goal is, to reduce the fuel load on unimproved lots that are severely overgrown. As a result of our effort and the much-appreciated cooperation of the lot owners, we were able to get more than 200 lots cleaned to date. Approximately 80 lots are in the process of being cleared and more than 80 new estimates were sent to homeowners in the past weeks. We commend all the homeowners that took the chore on themselves, without the prompting of the Association, to bring their lot or lots up to fire-safe standards. The community salutes you and thanks you.

A few potluck dinners, "to get to know your neighbors", were held at the community hall, unfortunately with very limited success. If you see them posted on the bulletin board, but the weekday or the time does not meet your schedule, please let us know. We will give it our best effort to accommodate as many people as possible. Any and all new ideas are welcome.

On that subject, we sure could use a volunteer that would like to organize some block parties and be active at other social events. If this call for help appeals to you, please do not hesitate to call Julie at the office. (277-7281)

On a very positive note, board member Donna Moeller worked diligently with the owners of the Riviera Hills Golf and Country Club, to make passes for the pool available, at a very reasonable price.

The community hall has been renovated and presents itself very nicely. Stop by and take a look at it. Or better yet, come to one of the board meetings, held every third Thursday of the month. We would like to see you there.

We have been, and still are working with the insurance company and their attorneys, on a resolution for the litigation that was filed against the Homeowners Association on 10.20.2008 and amended on 03.19.2009.

The difficult economic times were not lost on our community, for we saw many bank foreclosures during these hard times. At the same time we had to take the difficult steps, to send people to collection for nonpayment of dues.

(go to Message page 3)

INDEPENDENT AUDIT, YEAR ENDED June 30, 2008**CLEARLAKE RIVIERA COMMUNITY ASSOCIATION****Statement of Activities
For the year ended June 30, 2008**

	OPERATING FUND 2008	REPLACEMENT FUND 2008	TOTAL MEMORANDUM ONLY
<u>REVENUES</u>			
Member Assessment	\$ 234,325	15,776	\$ 250,101
Bond Deposits Forfeited	16,000	-	16,000
Interest Income	10,181	3,013	13,194
Fines	64,003	-	64,003
Other Income	13,396	-	13,396
TOTAL REVENUES	337,905	18,789	\$ 356,694
<u>EXPENDITURES</u>			
<u>Administrative Expense:</u>			
Salaries & Employee Benefits	26,209	-	26,209
Management Fees	39,000	-	39,000
Insurance	13,923	-	13,923
Professional Fees	32,560	-	32,560
Utilities	3,361	-	3,361
Miscellaneous	4,814	-	4,814
Office Expenses	22,354	-	22,354
Total Administrative Expense	142,221	-	142,221
<u>Common Area Expense:</u>			
Salaries & Employee Benefits	6,014	-	6,014
Community Projects	10,678	-	10,678
Repairs & Maintenance	5,756	-	5,756
Utilities	4,843	-	4,843
Total Common Area Expense	27,291	-	27,291
TOTAL EXPENDITURES	169,512	-	169,512
<u>EXCESS OF REVENUES OVER EXPENDITURES</u>	168,393	18,789	187,182
Allowance for Doubtfull Accounts	(54,848)	-	(54,848)
<u>NET CHANGE IN NET ASSETS</u>	113,545	18,789	132,334
<u>NET ASSETS, BEGINNING OF YEAR</u>	376,255	142,968	\$19,223
<u>NET ASSETS, END OF YEAR</u>	\$ 489,800	\$ 161,757	\$ 651,557

Clear Lake Riviera Community Association
COLLECTION and PENALTIES: Assessments, Charges, Fees, and Fines

The Board of Directors is responsible to enforce Clear Lake Riviera Community Association governing documents in the manner provided in its governing documents. California Civil Code Section 1365, 1366, and 1367 provide further procedural requirements. The Board considers fining and penalties only as an alternative to be exercised after failure of reasonable efforts to work with members to encourage them to correct violations voluntarily.

The Board policies may be changed from time to time, and members will be notified promptly when such changes are made. Members will be advised annually, within 30 days prior to July 1, regarding the provisions of Collections policies.

Yearly Assessment

The yearly assessment is due on the first day of July each year, and on that date becomes a lien upon each lot, and the lien continues until the assessment is fully paid. If not paid by August 30, of the same year, the assessment is considered to be delinquent, and a \$10.00 late charge is assessed. Failure to receive an annual assessment bill does not relieve members of their annual assessment obligations.

A member may dispute an assessment debt by giving the Board a written explanation, and the Board will respond within 15 days. All settlement options available under governing documents and law are available to be used.

A member may choose to pay in full to the Association, under protest, all amounts due. Such protest must be made in writing and sent to the Association by certified mail with full payment within 30 days after the lien is recorded against the member's property. If payment under protest is made in this manner, the Association will advise the member of his right to resolve the dispute using the dispute resolutions procedures the Association has in place. Payment under protest may not be made more than two times in one year or three times in five years. If liens have been recorded against more than one lot owned by the member, the member must pay all such delinquencies in order to be eligible to resolve the dispute in the manner described above.

A member may request the Association to consider a payment plan to satisfy a delinquent assessment. The Association must inform owners of the standards for payment plans, if any exist. (See Section 1367.1, of Civil Code).

Upon becoming delinquent for a twelve month period, the member will be advised by certified mail that a lien will be recorded against the member's property. Within 30 days after a lien is recorded for delinquent assessments, the Association will mail a copy of the lien to the address on the Association's records (see Civil Code Section 2924(b)). Recordation of such lien will incur a \$250.00 fee, charged to the member.

After 30 days following recordation of a lien, the Association may proceed with foreclosure. In lieu of foreclosure, or concurrently, a lawsuit may be filed against the member if the Association concludes such action will enhance the prospect of recovering the delinquency, or otherwise will be in the best interests of the Association.

All attorney's fees, costs, late charges, interest, penalties, fines, charges and expenses billed to the Association for any of the above activities will be added to the member's account and will become the member's liability. A \$35.00 fee will be charged for any check returned for insufficient funds.

The Association may retain legal counsel and/or the services of a collection agency for matters concerning collection of delinquent accounts. The Association also may retain a foreclosure service as its trustee for the purposes of foreclosing and selling any property which is subject to a delinquent assessment lien. Collection actions will comply with applicable provisions of the Davis-Stirling Common Interest Development Act, Civil Code Section 1350.

Failure to pay Association assessments may result in the loss of a member's property through nonjudicial foreclosure. When using nonjudicial foreclosure, the Association records a lien on the member's property. The member's property may be sold to satisfy the lien if the lien is not paid.

Fines

By-laws and/or CC&R's authorize fines for violation of governing documents or policies made in furtherance of those documents.

The member will be provided with a written notice that a violation exists on their property. The member will have 30 days from the date of the written notice to correct the problem, advise the Association of their intent to dispute the existence of a violation, or correspond with the Association regarding arrangements to be made to correct the problem. The notice will be given by first class mail.

(continued on next page)

NEW Tennis pros at Riviera Hills CC

Lessons available for kids and adults!

A year-round tennis program is now available for all *Clear Lake Riviera Community Association* members and their guests. Lessons are provided by tennis pro Rob Peterson, former pro tour player and world record holder. Rob will be assisted by his wife Becky, former No. 1 ranked player in Texas.

Ask Rob about the "Tennis Special" which includes a New Tennis Racket and a ½ hour private lesson for only \$49.!

A Tennis Camp for kids will kick off July 13-16 for kids ages 7-16. Adult classes forming soon including a beginners' am class.

Come join the FUN, learn tennis the FUN & EASY way.
Call: 277-0720

imagine your wedding with this view!

Riviera Hills is committed to making your wedding day perfect

- Indoor/Outdoor Accommodations
- Customized Menus - Buffet Selections
- Hilltop, Pool Side or Banquet Room Settings
- Rehearsal Dinners, Bridal Showers

Riviera Hills

Restaurant & Lounge
Golf & Recreation Club
10200 Fairway Drive • Kelseyville

Let us host your wedding event for an unforgettable celebration every guest will enjoy

(707) 277-7575

\$99/Month Unlimited Golf w/Cart

(This letter received April 4, 2009)

Wouldn't it be nice to have a Community Club House with Lake Front access and a Park all owned by the homeowners? We believe that this is feasible.

Several months ago I presented, along with Katherine Alger, a conceptual plan for the HOA to purchase some lake front land on behalf of ALL of the property owners in the Clear Lake Riviera to use for park land, lake access and a club house. Our HOA is a NON PROFIT organization and yet it has approx. \$680,000 in the bank.

Our idea is for the HOA to purchase the land on behalf of ALL property owners in the Clear Lake Riviera and initially to build a club house and boat launch. Added features can come later such as:

- Hiking Trails
- Dog Park
- Docks and Piers
- Children's Playground and Pool
- BBQ's etc.

But first, we need the land. Currently, there is a 56 acre parcel with 3000 ft. of lake front available.

Many property owners who do not live in the area may not be aware that the HOA is facing a lawsuit by dissatisfied homeowners. Many are dissatisfied with the way the Association has been run and for various reasons, would like to disband the HOA. Rather than alienate groups of property owners, we would like to bring us together as a community and at the same time, increase our property values.

It is our belief that if we have a more positive, community minded outlook, and do things as a community we will all ultimately benefit. Right now, we may pay the lowest in HOA Fees but what do we have for the approx. 1/4 million dollars annually paid into the HOA by approx. 2800 property owners? In Buckingham Park for example, while they do pay slightly more, they have a beautiful club house with a park and a beach, dock, pier, BBQs and many community activities. Riviera Heights and Riviera West each also have a really nice club house with pool and park, plus lake front access. Therefore, to quote a response I received from one homeowner "I see the boast of low Association fees as humorous. You get what you pay for."

The HOA own a dilapidated club house currently being renovated, and some commercial land which could all be sold for the project. However, the current HOA Board is not interested in pursuing lake access for its homeowners. We have therefore decided, that if enough people express an interest we will pursue the project.

Currently, there is very little reason for us to have an HOA but, a Community Beach and Park would justify us having an Association.

We would like to thank those people who have called with such a positive response to our previous suggestion despite the incorrect telephone number being printed. If you are interested in furthering this project, please e-mail me at:

[Redacted]

If there are enough people interested, we will hold a meeting and form a committee to determine how to proceed. We will notify everyone by e-mail wherever possible.

Thank you.

Anita McKee

Katherine Alger

On this and following pages, you will find information which is required by law to be sent to you.

* * * * *

ASSESSMENT AND RESERVE FUNDING DISCLOSURE SUMMARY

(per Civil Code Section 1365.25)

1. The current annual assessment per lot is **\$86.00 per year**.
2. No additional Special or Emergency Assessments have been scheduled to be imposed or charged.
3. Based upon the most recent Reserve Study and other information available, the Board of Directors believes the currently projected reserve account balance will be sufficient at the end of each year to meet the Association's obligation for repair and/or replacement of major components during the next 30 years. All components that are obligations of the Association are included in the Reserve Study
4. **Exterior Reserve Components: Current Costs: \$52,251. Future Costs: \$62,390.**
5. **Interior Reserve Components: Current Costs: \$28,753. Future Costs: \$33,799.**
6. **Replacement Fund (2008): \$161,757.**
7. The detailed component list of the Reserve Study is available for inspection by members at the Association office.

Clear Lake Riviera Community Association

Insurance Disclosure 2009

as required by California Senate Bill 300, Chapter 199

Clear Lake Riviera Community Association has purchased its master insurance policy from Philadelphia Insurance. The policy number is PHPK328479. The agent is Ms. Christina DeWeese, Lincoln-Levitt Insurance Agency, P.O. Box 850, Lakeport, CA 95453. Telephone number is 707-263-7162. Ms. DeWeese has assisted the Association in the development of the liability limits. The recommendations were followed in the purchase of the policy.

The following is a summary of the policy

GENERAL LIABILITY COVERAGE:

Name of Insurer:	Philadelphia Indemnity Insurance Company
Liability Limits:	\$2,000,000
Deductible:	none

DIRECTORS AND OFFICERS LIABILITY COVERAGE:

Name of Insurer:	Continental Casualty Company
Liability Limits:	\$3,000,000
Deductible:	\$10,000

STRUCTURAL/FIRE COVERAGE

Name of Insurer:	Philadelphia Insurance Company
Building Coverage:	\$185,000
Deductible:	\$500

This summary of the Association's policies of insurance provides only certain information, as required by subdivision (e) of Section 1365 of the Civil Code, and should not be considered a substitute for the complete policy terms and conditions contained in the actual policies of insurance. Any Association member, may, upon request and provision of reasonable notice, review the Association's insurance policies and, upon request and payment of reasonable duplication charges, obtain copies of those policies. Although the Association maintains the policies of insurance specified in this summary, the Association's policies of insurance may not cover your property, including personal property, or real property improvements to or around your dwelling, or personal injuries or other losses that occur within or around your dwelling. Even if a loss is covered, you may nevertheless be responsible for paying all or a portion of any deductible that applies. Association members should consult with their individual insurance broker or agent for appropriate additional coverage.

INDEPENDENT AUDIT, YEAR ENDED June 30, 2008

CLEARLAKE RIVIERA COMMUNITY ASSOCIATION

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Clear Lake Riviera
COMMUNITY ASSOCIATION

CLRCA Member Interest Survey 2009 Results
As Of June 18, 2009

1. We are willing to keep our property in compliance with CC&R's?

Total Votes=269

1	2	3	4	5
18	9	27	42	173
7.0%		3 and higher 85.1%		66.5%
		3 and lower 14%		

2. We desire to purchase a lakefront community park facility for the benefit of CLRCA members?

Total Votes=274

1	2	3	4	5
70	19	68	31	86
25.5%		3 and higher 55.2%		31.3%
		3 and lower 44.8%		

3. How interested are you in a Neighborhood Watch program?

Total Votes=279

1	2	3	4	5
31	29	83	40	96
11.1%		3 and higher 63.8%		34.4%
		3 and lower 36.4%		

4. We are interested in reducing the fire hazard in CLRCA?

Total Votes=275

1	2	3	4	5
18	10	40	39	168
6.5%		3 and higher 82.5%		61.1%
		3 and lower 17.5%		

5. We want closer ties with the Konocti Hills Country Club for usage of their recreational facilities, including the pools?

Total Votes=276

1	2	3	4	5
45	12	45	42	132
16.3%		3 and higher 71.4%		47.8%
		3 and lower 28.6%		

(Message from page 2)

Be assured that we do not act on these issues lightly. Multiple letters were sent to the parties concerned, however the response was very disappointing. It is another reason to keep the association office informed if you change your address.

Please make every effort to pay your dues in a timely manner. If you encounter special circumstances, the best advice can give you, is to contact the office and work with us on solving the problem as soon as possible. Doing nothing will hurt your pocketbook.

For the coming year, the results of the survey sent out with the election packet, will be guiding our actions. On the front burner will be the continuation of the fire safety program. We will seek negotiations with the County and fire department, to find ways to clear firebreaks around the perimeter of the association and the properties that we encir out do not belong into the CLRCA.

Community oriented projects will have an important place on our agenda. Hopefully we can combine some of them with the two dumpster days, that are planned for the year.

We need your help with these projects, for without the community support, there are no "community projects". If you spare some time and get involved, your community will benefit from it and will be very appreciative.

With the remodeling of the community hall, the back door is now handicap accessible and we will seek permission to get the voting process back into the Riviera.

A new board member will explore the feasibility to bring a post office back into the Riviera, together with official P.O. boxes.

We will continue to request more attention from the County road department, to improve the condition of drainage channels, right away conditions and trees hanging into the roadway or obstructing the line of sight.

Please remember, that I strongly emphasize: If you have a problem, contact us. We cannot help if we are not aware and secondly, if the situation is beyond our control, at least we may be able to guide you in the right direction. Only with communication will the community be able to move forward and be more enjoyable for us all. We certainly have the settings for it.

Enjoy the summer and see you at the next board meeting.

With best regards,

Walter K. Zuercher

(Thanks from page 1)

Memberships in the Summer Recreation Program are available at any time to CLRCA members in good standing. Applications are available at the CLRCA office. The cost is \$20.00 (check or money order, no cash or credit cards). If you have questions about the program call Donna Moeller at 277-9064.

Every Sunday at 9:00 a.m.

Riviera Community Church members, Ray Starks, Pastor, gather in the Association's Community Room. "We are packed up and gone before noon", Pastor Starks said.

We are casual in practice and biblical in belief - serving the families of the Riviera" You can reach Pastor Starks at 349-6378.

If no response is received to the initial written notice, a notice of hearing will be sent. This notice of hearing will be sent at least 15 days in advance of the scheduled hearing date and will again advise the member of the nature of the violation and the fact that disciplinary action will be considered at the hearing. The notice may be given by first class or by registered mail. The member may appear at that hearing and present witnesses and evidence on his behalf, or send a written statement to the Board. The Board will provide the member with a written notice of any disciplinary action discussed and approved within 15 days following the date the decision is reached. Hearings will be continued on a monthly basis until the violation is corrected.

If the decision of the Board is that a violation has occurred or continues to occur, the Board may invoke the penalty provisions of Article XII of the CC&R's and levy a fine of \$10.00 per day. The total penalty will depend upon the number of days during which the violation occurred.

The terms "property" and "member's property" when a member owns more than one lot, may be used without changing the meaning or intent of any portion of this Policy.

(The above is a summary of the Association policies. The full texts are available to members at the Association office).

Enforcement of Governing Documents Through Internal Dispute Resolution and/or Alternative Dispute Resolution

The term "Internal Dispute Resolution" refers to the procedures in the Association's Policy regarding fines and penalties through which members may meet with Board members in an effort to resolve disputes over alleged violations of governing documents, usually CC&R's. It does not include yearly assessment delinquency issues. "Alternative Dispute Resolution" means mediation, arbitration, conciliation or some other non-judicial procedure that involves a neutral party in the decision-making process. An ADR decision may be binding or non-binding, with the consent of both parties. The parties to ADR share the cost of the proceedings, but pay their own costs of preparation including legal fees.

When no agreement has been reached by the Association and the member(s) involved in a dispute, ADR is initiated by serving on all other parties to the dispute a Request for Resolution. If no response to the Request is received within 30 days of service, the Request is deemed to have been denied. If accepted, the ADR should be completed within 90 days unless an extension is mutually agreed to.

Filing for enforcement action in a Superior Court is prohibited by law if ADR has not first been attempted. If a Request for Resolution has been denied, the certificate required to be filed in court when seeking a court ordered resolution must so state. Otherwise, the certificate must state that ADR has been completed prior to filing the suit.

The intent of Civil Codes which define these internal and ADR procedural requirements is to promote efficient, speedy, and cost-effective resolution of disputes to better preserve community cohesiveness, and to channel disputes between an Association and members away from the state's court system.

(The above is based on a disclosure form copyrighted by Beth A. Grimm, a Professional Law Corporation. The entire document is available to members at the Association office).

Estate Planning Seminar. Thursday, July 23, 2009, 7:00pm to 8:30pm

There will be no charge to attend this Estate Planning Seminar presented by Attorney Dennis A. Fordham at the Association's Community Room. "Revocable Trusts, Wills, Durable Powers of Attorney, Advance Health Care Directives: What you need to know" Learn the difference between a Revocable Living Trust and a Will. Attorney Fordham authors a bi-monthly column in the Record-Bee entitled "Your Legacy & Peace of Mind". His talk will be followed by a 20-minute Question and Answer Discussion. Refreshments will be provided.

To reserve your seat, call the Law Office of Dennis A. Fordham: 707-263-3235

Help Wanted

Volunteers always are needed and in demand to fill an endless list of meaningful needs. Donating your time can make your Association more responsive to your needs and to the needs of all members. Many kinds of office jobs, outside jobs, and social events might be done better with your help.

Please call Office Manager Julie Berry, 277-7281

Clear Lake Riviera Community Association
9689 State Hwy 281
Kelseyville, CA 95451

FIRST CLASS MAIL