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September 4, 2013

Promenade At Playa Vista Homeowners Association
c/o Horizon Management Company
21535 Hawthorne Boulevard, Suite 530
Torrance, CA 90503

Re: **Promenade at Playa Vista Homeowners Association v. Western Pacific Housing, Inc., et al.**
Los Angeles County Superior Court Case No. BC424950

TO WHOM IT MAY CONCERN

This firm has been retained as counsel to the Promenade at Playa Vista Homeowners Association (hereinafter "Association") with respect to the above-referenced claim for construction deficiencies concerning the common areas.

Please note that the information contained herein is being provided solely for informational purposes only, and is not intended to, nor shall it relieve the buyer or seller of any disclosure obligations pursuant to law. Furthermore, the information contained herein represents only the current state of information and belief with respect to the inquiries made. As discovery and investigation continues, the Association reserves the right to modify, alter, or change any information contained herein as facts and other information are discovered.

By way of background on November 29, 2007, the Association served a "Notice to Builder Pursuant to California *Civil Code*, Section 910, et. seq." (the "Notice") on the developer of the Association, Western Pacific Housing, Inc. (hereinafter "Developer") for alleged defects in the construction of the Association's property, common areas, and integrally related components. This claim was authorized by the Association's Board of Directors, pursuant to its rights and obligations as provided for in its governing documents, California *Code of Civil Procedure* Section 382, and California *Civil Code*, Sections 1364, 1368.3 & 1375. A copy of the Notice is enclosed. It should be noted that a final determination as to whether the list of defects is accurate and complete has not been made.

On October 29, 2009, a Complaint was filed in the Los Angeles County Superior Court entitled *Promenade at Playa Vista v. Western Pacific Housing, et al.*, Case #BC424950. Pursuant to the arbitration provision in the CC&Rs, this claim is proceeding to arbitration for alternative dispute resolution. At this time, the parties are in the process of selecting an arbitrator who will ultimately schedule an arbitration date. The Arbitrator will meet and confer with counsel to establish a time line for completion of discovery, including further inspections and testing if necessary, as well as depositions of percipient witnesses and experts, prior to the arbitration date.

The goal and purpose of this action is to seek repairs and/or monetary damages from the Developer, sufficient to reimburse the Association for repairs made in the past, as well as sufficient monetary damages to perform all necessary and reasonable future repairs to the Association's property, common areas, and integrally related components. To that end, **please note that this claim does not concern or involve any construction issues or concerns relating to the separate property interests.** Rather, this claim only concerns the common area components, a preliminary list of which is attached to the enclosed Notice.

It is important to note that not all of the homes and/or buildings located at the project may have problems, nor may be necessarily affected by any reported problems to the individual properties or common areas. Only a thorough inspection by a qualified home inspection professional can determine whether a particular home suffers from the problems identified herein. For a more detailed description of the Association's property and common areas, reference should be made to the Associations Declaration of Covenants, Conditions and Restrictions ("CC&Rs").

Please do not hesitate to contact me should you have further questions or require any additional information.

Very truly yours,

FENTON GRANT MAYFIELD KANEDA & LITT LLP



JOSEPH KANEDA, ESQ.

JK:tw

Enclosure: Notice To Builder

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5 Attorneys for Claimant,
6 **PROMENADE AT PLAYA VISTA HOMEOWNERS ASSOCIATION,**
a California nonprofit corporation

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10 **PROMENADE AT PLAYA VISTA**
11 **HOMEOWNERS ASSOCIATION, a**
California nonprofit corporation,

12 Claimant,

13 v.

14 **WESTERN PACIFIC HOUSING, INC., a**
15 **Delaware corporation; PLAYA CAPITAL**
16 **COMPANY, LLC, a Delaware limited liability**
17 **company; and DOES 1 through 400**
18 **inclusive,**

19 Respondent.

) **CLAIMANT PROMENADE AT PLAYA**
) **VISTA HOMEOWNERS**
) **ASSOCIATION'S NOTICE TO BUILDER**
) **PURSUANT TO CALIFORNIA CIVIL**
) **CODE SECTION 910 et. seq.**

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21 **TO: WESTERN PACIFIC HOUSING, INC., a Delaware corporation and PLAYA**
22 **CAPITAL COMPANY, LLC, a Delaware limited liability company:**

23 **Your legal rights are affected by this written Notice, which is given pursuant**
24 **to California Civil Code section 910. The purpose of this Notice is to inform you that**
25 **the above-named common interest development makes a claim against you for**
26 **defects in the design and/or construction of the PROMENADE AT PLAYA VISTA**
27 **development. You should carefully read California Civil Code section 1375 and**
28 **consult with an attorney to determine your specific rights and obligations.**

1 **NOTICE IS HEREBY GIVEN THAT the PROMENADE AT PLAYA VISTA**
2 **HOMEOWNERS ASSOCIATION** (hereinafter the "Association"), hereby gives you notice
3 pursuant to California Civil Code section 910 (the "Notice"), that it has a claim for defects
4 in the design and/or construction of the common interest development known as
5 "PROMENADE AT PLAYA VISTA" development in the County of Los Angeles, State of
6 California.

7 This Notice shall toll all applicable statutes of limitation and repose, whether
8 contractual or statutory, by and against all potentially responsible parties, regardless of
9 whether they were named in the Notice, including claims for indemnity applicable to the
10 claim for the period set forth in Civil Code section 1375(c).

11 Upon receipt of the Notice you shall, within fourteen (14) days acknowledge receipt
12 of this Notice pursuant to Civil Code section 913.

13 Upon receipt of the Notice you shall, within thirty (30) days provide the following:

14 1) All relevant plans, specifications, mass or rough grading plans, final soils
15 reports, DRE public reports and available engineering calculations relative to structural, fire
16 safety and/or soils concerns;

17 2) All maintenance and preventative maintenance recommendations;

18 3) All manufactured products maintenance, preventative maintenance, and
19 limited warranty information; and

20 4) All builder's limited contractual warranties in effect at the time of the original
21 sales of the residences.

22 **I. PRELIMINARY LIST OF DEFECTS**

23 Pursuant to California Civil Code section 1375(b)(2) & (3), with reservation to
24 amend, modify or add to this Notice required by this provision, the Association provides
25 you with a preliminary non-exclusive list of claimed defects and results identified on Exhibit
26 "A".

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1 **II. SUMMARY OF RESULTS OF SURVEYS OR QUESTIONNAIRE**

2 Pursuant to California Civil Code section 1375(b)(4), no homeowner surveys have
3 been sent.

4 **III. SUMMARY OF RESULTS OF TESTING**

5 Pursuant to California Civil Code section 1375(b)(5), a summary of the results of
6 preliminary testing conducted to determine the nature and extent of defects in the design
7 and/or construction is set forth in Exhibit "A".

8
9 Dated: November 29, 2007

FEINBERG GRANT MAYFIELD KANEDA & LITT LLP

10
11
12 By:



13 JOSEPH KANEDA, ESQ.
14 Attorneys for Claimant, PROMENADE AT
15 PLAYA VISTA HOMEOWNERS ASSOCIATION
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Exhibit “A”

PRELIMINARY LIST OF DEFICIENCIES

Project: Promenade, Playa Vista, Los Angeles, CA
Project No: 27000
Date: November 6, 2007
Revised:
Prepared By: Christopher A. Allen, AIA

The following is a preliminary summary of deficiencies observed or known to date by Allen Group Architects, Inc.

1.0 SITE

- 1.1 Poorly installed Star pine trees at planters.
- 1.2 Cracked concrete flatwork at entry drive.

2.0 SUBTERRANEAN SPACE AND GARAGE

- 2.1 Abandoned pipe penetrations.
- 2.2 Wet concrete, staining and efflorescence at concrete parking garage ceilings and floors, caused by waterproofing and plumbing-related leaks.
- 2.3 Cracked concrete ceilings.

3.0 EXTERIOR WALLS AND OPENINGS

- 3.1 Stucco
 - 3.1.1 Blistered and damaged stucco at planter walls due to inadequate waterproofing.

4.0 PUBLIC WALKWAYS AND DECKS

- 4.1 Plaza Deck
 - 4.1.1 Cracked concrete deck fill.
 - 4.1.2 Leaks at plaza deck through lower walls at ramps.
 - 4.1.3 Missing termination flashings at planter waterproofing.

- 4.2 Fire Exits at Plaza Level
 - 4.2.1 Lack of slope, causing water intrusion into stairwells.
- 5.0 PRIVATE DECKS
 - 5.1 Private Decks at Plaza Level
 - 5.1.1 Cracked concrete deck fill.
 - 5.1.2 Lack of slope; ponding.
- 6.0 ATTICS

Not Applicable.
- 7.0 FLAT ROOFS
 - 7.1 Membrane and Drainage
 - 7.1.1 Lack of or reverse slope, causing ponding.
 - 7.2 Sheet Metal Flashing
 - 7.2.1 Overflow scupper is greater than 2 inches above primary roof drain.
 - 7.3 Sheathing
 - 7.3.1 Improperly attached sheathing.
- 8.0 SLOPED ROOFS

Requires Further Investigation.
- 9.0 INTERIORS
 - 9.1 Walls and Ceilings
 - 9.1.1 Cracked drywall adjacent to windows.
 - 9.1.2 Cracked drywall at walls and ceilings.
- 10.0 DETACHED STRUCTURES/OUTBUILDINGS

Not Applicable.

12.0 MECHANICAL/PLUMBING ISSUES

Also, refer mechanical/plumbing engineering consultant.

- 12.1 Laundry waste (sudsing) backup at toilets.
- 12.2 Missing pan or drain at clothes washers.
- 12.3 Leaks at fire sprinkler lines.
- 12.4 Plumbing access panel door is broken.
- 12.5 Lack of isolators at roof mounted HVAC compressors at piping.
- 12.6 Missing insulation at piping at roof mounted boilers.
- 12.7 Insulation at HVAC lines are deteriorated and unprotected from UV rays.
- 12.8 HVAC compressors set out of level.

13.0 ELECTRICAL ISSUES

Also, refer to electrical engineering consultant.

- 13.1 Missing light fixture at laundry closets.
- 13.2 Missing gasket or sealant at exterior light fixtures.

CA/ach