

Daniel Michalek
1459 Alma Loop
San Jose, CA 95125

VIA FIRST CLASS MAIL – RETURN RECEIPT REQUESTED

March 24, 2025

Willow Glen Creek Homeowners Association
c/o Community Management Services, Inc.
1935 Campbell Avenue, Suite 201
Campbell, CA 95008

Re: Repeated Non-Enforcement of CC&Rs – Ongoing Animal Waste in Common Area Outside 1459 Alma Loop

Dear Board of Directors,

It is beyond frustrating that I am once again writing to report an issue that has persisted—unabated—for over six years: cats using the Common Area directly outside my front door as their personal litter box, and the Board's continual failure to enforce and hold liable those Owners and Residents that violate the CC&Rs that require (1) immediate removal of pet waste and (2) direct supervision of animals in the Common Area.

The most recent incident occurred on March 23, 2025, and is documented in the following video: <https://ring.com/share/fc8859eb-4c85-4fac-a07d-8d364d424cd8>. This cat looks similar to the one belonging to the residents at 1473 Alma Lp. I fully expect the Board to claim that the video is “not dispositive” of the cat doing anything other than being in the Common Area. To that I say: you're welcome to inspect the area yourselves—especially considering that at least one Board Member lives mere feet away. Perhaps while he's out walking his dog, he could take a moment to walk over and sift through the area to confirm the presence of cat excrement. The fact remains: the video is nearly two minutes long, during which the cat is visibly present and unmoving when it does what cats do: bury the excrement, but it didn't bury it, it just moved the surrounding dirt leaving the excrement behind. And the “responsible” owner of this cat anywhere to be seen. The Board has not formally inspected the site; therefore, it cannot say with any integrity or certainty that excrement does not exist—unless, of course, you are attempting to gaslight me. That would be an unacceptable and frankly shameful position to take.

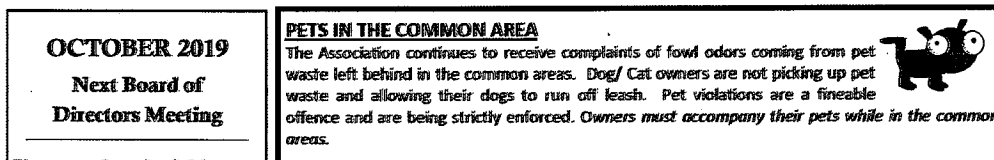
Let me be abundantly clear: this is not a new complaint, and your repeated inaction is not just negligent—it's a failure of duty. For your reference (and apparent reminder), here are the dates I have previously submitted formal complaints about this exact issue (some involving the same residents): September 2019; November 2020; January 2021; March 2021; December 2022; March 2023; May 2024; November 2024; and now this letter, March 2025

That's nine formal complaints over six years. Yet here we are—still dealing with the same avoidable and disgusting problem, simply because the Board refuses to enforce the rules. Let me remind you that per the Governing Documents and applicable law, the Board has a legal obligation to abate nuisances and enforce the CC&Rs in a timely and equitable manner. The

continued presence of animal waste outside my home is not only a violation, but also a health hazard and a quality of life issue—one the Board has chosen to ignore.

Frankly, what this comes down to is that the Board appears to believe rule enforcement is discretionary. Let me be equally clear: if rule enforcement is discretionary, then so is my dues payment. I will no longer tolerate paying for protections that the Board refuses to uphold. You do not get to selectively enforce rules and still expect full financial participation from all residents. Don't enforce the rules? Don't get my payment. It really is that simple.

You have the authority—and responsibility—to address this issue. I expect immediate action, not another excuse. And frankly, for a group of people who are quick to remind residents that you do have the power to enforce rules, you certainly had no problem coming down swiftly on me for something as benign as backing into a parking space—an act that poses no safety risk and violates no law in this state. Yet when it comes to actual violations of health codes, community rules, and basic decency, the Board seems either unwilling or incapable of taking action. What's it going to take to get you to do your jobs—the jobs you chose to take on, year after year, by running for these seats?



Finally, it's also worth reminding the Board of its own words from the October 2019 newsletter, copied above, which stated: "Pet violations are a fineable offence [sic] and are being strictly enforced. Owners must accompany their pets while in the common areas." So, which is it—was the Board lying then, or is it lying now? Based on the last six years of inaction, it's clear that pet-related violations are not being strictly enforced. If this article was meant to demonstrate a commitment to maintaining the cleanliness and integrity of our common spaces, then the continued presence of animal waste—especially right outside my front door—proves that commitment was nothing more than empty words.

Failure to respond or correct the matter will be interpreted as continued willful neglect, and I will be pursuing all available remedies.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Michalek". The signature is stylized with a large, looped initial "D" and a long, horizontal stroke extending to the right.

Daniel Michalek