

DECLARATION OF DANIEL M. SUMMERS

I, DANIEL M. SUMMERS, declare as follows:

1. I am a resident of Meadowview Community Association #1 (“MV HOA”).

2. All Plaintiffs named within this complaint are residents of MV HOA.

3. MV HOA is also known as “Meadowview”, a residential community of approximately 900 lots located in Temecula, California in the County of Riverside.

4. Plaintiff seeks declaratory judgment and injunctive relief directed to Defendant and compelling them to: (a) vacate the unlawful election of the Board of Directors to the MV HOA held on February 16, 2021; (b) reinstate the annual February meetings mandated by the By-laws; (c) refrain from appointing any new Board members or fill any Board of Directors’ vacancies until the matter is heard by the Court; and (d) repeal any other decisions made by the Board that violates federal, state and local laws governing the conduct of the MV HOA, and specifically, the corporate governance of Meadowview Community Association #1, a California corporation.

5. At all pertinent times mentioned in this claim, all Plaintiffs were residents and members of the MV HOA. Plaintiff is within the one-year statute of limitations to file this action to contest the 2021 election. The MV HOA membership was not notified of the election results of the 2021 elections until March 16, 2021, during the MV HOA meeting when the meeting minutes were approved by the new MV HOA 2021 Board of Directors.

6. Defendant knowingly and willfully held an MV HOA Election, depriving its membership of a valid and open election. The election held violated Senate Bill SB-323 and its amendments—approved by the Governor of the State of California on October 12, 2019 and filed with the Secretary of State on that same date. Defendant conducted the MV HOA Election using non-compliant and outdated election rules adopted by the MV HOA Board on or before March 28, 2017. The MV HOA Board of Directors, the Inspector of Election, the MV HOA Management Company, and the MV HOA Association legal counsel participated in the continued use and implementation of outdated election rules and procedures in violation of the Davis-Stirling Act. Defendant failed to follow new critical election rules

1 enacted into law in 2019, effective January 2020, by the State of California. The effect was
2 to nullify the entire election process and thus create significant liability for the MV HOA
3 corporate entity and its membership, including the unauthorized implementation, passage,
4 and ratification of governing directives in violations of the Corporations Code and state law.
5 Further, significant statutory modifications effective in 2020 and 2022 required the MV
6 HOA to limit the types of candidate qualifications the association may adopt, address the
7 only circumstance for elections by acclimation, as well place limitations on who may serve
8 as an inspector of elections, including what duties may be delegated to the MV HOA
9 management company.

10 7. Plaintiffs' claims are based on MV HOA's violations of federal and state laws,
11 the Davis-Stirling Act, and SB-323. The later, effective January 1, 2020, requires all
12 homeowner associations in the State of California to amend their election rules immediately
13 prior to any impending or future election. Here, upon notification of these election violations
14 by members of the MV HOA in 2021, Defendant canceled the February 2022 election, and
15 reset a new election not yet held. The MV HOA also continued the Annual Meeting date by
16 90 plus days, in violation of corporate bylaws and the Davis-Stirling Act. This Annual
17 Meeting will be the first Annual Meeting held in the MV HOA since 2020. The passage of
18 over two years for the Annual Meeting is also in violation of the corporate bylaws and other
19 statutory requirements. Defendant also failed to vacate the 2020 and 2021 Board of Directors
20 Election due to non-compliance with SB-323. At a regular meeting held on January 18,
21 2022, membership attendees composing approximate 150 members, issued a vote of "no-
22 confidence" in the MV Board of Directors. Subsequent to this meeting, the current HOA
23 Board President resigned immediately, leaving two (2) seats on the Board of Directors that
24 were not filled in accordance with new 2020 election rules.

25 8. Plaintiff prays for declaratory judgment and injunctive relief, and costs of this
26 suit, directed to Defendant and compelling them to: (1) vacate the unlawful MV HOA Board
27 of Directors Election held on February 16, 2021; (2) reinstate the canceled Annual Meeting
28 scheduled for February 15th, 2022 for the purpose of allowing the membership to fill the

1 vacant Board seats, by majority vote, pursuant to the Bylaws; (3) restrict the current Board of
2 Directors from appointing new members to the Board and/or fill any Board vacancies until
3 the matter is heard and adjudicated by this Court; (4) vacate the current Board members that
4 were improperly elected in 2021 and appoint a receiver to oversee a new election process for
5 this purpose; and (5) rectify any other decisions made by the Board that violated federal,
6 state and local laws governing the conduct of corporate governance of the MV HOA, as this
7 court deems necessary and proper to limit liability and exposure of the MV HOA corporate
8 entity. These violations include but are not limited to appointing an Inspector of Election
9 who failed to declare or report a potential election law conflict in the 2021 MV HOA Board
10 of Directors' elections and failed to publicly tabulate secret ballots in violation of Civil Code
11 5120.

12 9. Plaintiff is further asking that for any election requested, the Court appoint a
13 new independent Inspector of Elections with no prior connection with the MV HOA and
14 order all Board Directors, MV HOA Management Employees, and the MV Association legal
15 counsel be restricted from participating in any election process; except for providing the new
16 Inspector of Election with an up-to-date membership roster with current addresses and valid
17 voting rights.

18 I declare under penalty of perjury under the laws of the state of California that the
19 foregoing is true and correct.

20 Executed on this February 14, 2022, in Temecula, California.

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23 DANIEL M. SUMMERS
24 PLAINTIFF
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