

Filed AUG 13 2009
ROSA JUNQUEIRO, CLERK

By RAFAELA GUTIERREZ
DEPUTY

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
9 STOCKTON BRANCH

10 JEFF LEE, MAIYA MORRISON-
LEE,

CASE NO. 39-2009-00202004 CU-MC-
STKN

11 Plaintiffs,

**JUDGMENT ON FINAL DECISION
AFTER NON JURY TRIAL**

12 vs.

13 STONEWOOD HOME OWNERS
14 ASSOCIATION NO. 1, a
California nonprofit mutual
15 benefit corporation, WILLIAM
DRAKE, et. al.,

16 Defendants.
17 _____/

18 This action came on regularly for non jury trial on May 18, 2009, in Department 34 of the
19 above-entitled court, the Honorable Charlotte J. Orcutt, presiding. Plaintiffs Jeff Lee and Maiya
20 Morrison-Lee were represented by their attorneys Clarence K. Chan and Robert T. Waters.
21 Defendants Stonewood Homeowners Association No. 1 and William Drake were represented by
22 their attorney Kevin Whittaker.

23 Witnesses were sworn and testified. After hearing the evidence and arguments of
24 counsel, the Court took the matter under submission. On July 1, 2009, after having considered
25 the evidence offered at the trial and all of the documents and materials set forth in the papers
26 filed herein and good cause appearing therefor, the Court issued a "Tentative Decision/Proposed
27 Statement of Decision After Non Jury Trial". On or about July 13, 2009 defendants filed
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JUDGMENT ON FINAL DECISION
AFTER NON JURY TRIAL

1 "Defendants' Request for Clarification of Controverted Issues, Objections, and Proposals to
2 Tentative Decision/Proposed Statement of Decision". On July 14, 2009 plaintiffs' filed
3 "Plaintiffs' Response to Defendants' Objections to Court's Tentative Decision." The Court,
4 having reviewed all of the documents and evidence submitted, and overseeing a two day court
5 trial on the instant matter, and good cause appearing thereof, issued a "Final Decision After Non
6 Jury Trial". A copy of the "Final Decision After Non Jury Trial" is attached hereto and marked
7 Exhibit "A".

8 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

9 1. Defendant failed to adopt rules consistent with Civil Code section 1363.03 as stated in
10 the Final Decision After Non Jury Trial dated July 24, 2009;

11 2. Defendant violated Civil Code Section 1363.03 as stated in the Final Decision After
12 Non Jury Trial dated July 24, 2009;

13 3. The court is ordering a new and fair election consistent with the Final Decision After
14 Non Jury Trial dated July 24, 2009 and Civil Code section 1363.03;

15 4. The Court is ordering the appointment of new inspectors of election consistent with
16 Civil Code section 1363.03. New inspectors shall be appointed within twenty (20) days of the
17 issuance of the court's judgment by a simple majority vote of the current members of the Board
18 of Directors. The court is allowing a majority vote in this instance because time is of the essence
19 and the Board cannot conduct business without a quorum and business has not been conducted
20 during the pendency of this lawsuit. New inspectors of election are required because it was their
21 conduct and decisions which the court found violated Civil Code section 1363.03;

22 5. No fine will be assessed to the Defendant in this matter as nothing was done
23 maliciously or with ill will, but simply a lack of guidance and understanding of the law. The
24 court realizes the law does not require ill intent to fine the Defendant, but no purpose is being
25 served by such additional action by the court.

26 6. The Court is ordering the Association to add provisions to their bylaws and election
27 rules consistent with Civil Code section 1363.03 and the Final Decision After Non Jury Trial
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JUDGMENT ON FINAL DECISION
AFTER NON JURY TRIAL

1 dated July 24, 2009;

2 7. The court declares the Plaintiffs as the prevailing party in this matter because they
3 proved up the allegations in their complaint that the Association violated Civil Code section
4 1363.03. Civil Code section 1363.09(b) allows the court to award attorney fees and costs to
5 those who prevail in a civil action to enforce their rights. Plaintiffs will be awarded attorney fees
6 and costs of suit. However, the plaintiffs are not entitled to any attorney fees or costs for the
7 injunctive relief that they sought and failed to post bond. Plaintiffs are to submit a Memorandum
8 of costs.

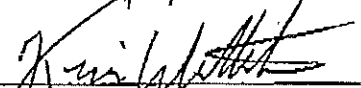
9 Dated: AUG 13 2009

CHARLOTTE J. ORCUTT

10 HON. CHARLOTTE J. ORCUTT

11
12 APPROVED AS TO FORM AND CONTENT (CRC Rule 3.1312(a)):

13 Dated: 8/3/09

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15 Kevin Whittaker
16 Attorney for Defendants

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28 JUDGMENT ON FINAL DECISION
AFTER NON JURY TRIAL

1 ROBERT T. WATERS, #196833
2 **DRIVON TURNER & WATERS**
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6 Attorneys for Plaintiffs

FILED
SUPERIOR COURT

2009 AUG 24 AM 9:49
ROSA JUNQUEIRO, CLERK
BY DOMINIC WILLIS
DEPUTY

7 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**
8 **STOCKTON BRANCH**

9
10 JEFF LEE, et. al.

11 Plaintiffs,

CASE NO. 39-2009-00202004-CU-MC

12 vs.

NOTICE OF ENTRY OF JUDGEMENT

13 STONEWOOD HOME OWNERS
14 ASSOCIATION NO. 1, et. al.

15 Defendants

16 **TO: DEFENDANTS AND THEIR ATTORNEY OF RECORD:**

17 **NOTICE IS HEREBY GIVEN** that judgment in the above-entitled action was entered in
18 the Judgment Book of this Court on **July 24, 2009**, and that the same is now of record and on file
19 in said action. A copy of said Judgment on Final Decision After Non Jury Trial is attached
20 hereto, marked as Exhibit "A" and incorporated herein by reference.

21 DATED: August 24, 2009

DRIVON, TURNER & WATERS

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23 ROBERT T. WATERS
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