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8 Attorneys for Plaintiff,
9 CIELO HOMEOWNERS ASSOCIATION

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO – NORTH COUNTY DIVISION

12 CIELO HOMEOWNERS ASSOCIATION,
13 a California Nonprofit Mutual Benefit
14 Corporation,

15 Plaintiff,

16 v.

17 CRAIG L. NETWIG, an individual; DEBRA
18 L. BARKLEY, an individual; and DOES 1
19 through 50, inclusive,
20 Defendants.

CASE NO. CVRI2202540

UNLIMITED CIVIL

Case No.: 37-2022-00034202-CU-OR-NC

Assigned for All Purposes to:

Judge: Earl H. Maas, III

Dept.: N-28

**DECLARATION OF KERRY FIEDLER
IN SUPPORT OF JUDGMENT ON
DEFAULT PURSUANT TO CODE OF
CIVIL PROCEDURE § 585**

[Application for Judgment on Default;
Memorandum of Points and Authorities in
Support Thereof; Declarations in Support
Thereof; Request for Judicial Notice, and
[Proposed] Judgment on Default submitted
concurrently herewith]

21 I, KERRY FIEDLER, hereby declare as follows:

22 1. All of the facts set forth herein are of my own personal knowledge and, if called
23 upon to testify thereto, I could and would competently do so.

24 2. I am the current Assistant General Manager for Plaintiff, CIELO
25 HOMEOWNERS ASSOCIATION (“Plaintiff” or “Association”).
26
27
28

ELECTRONICALLY FILED

Superior Court of California,
County of San Diego

04/13/2023 at 10:06:00 AM

Clerk of the Superior Court
By Veronica Navarro, Deputy Clerk

1 3. I am certified with the Community Association Managers International
2 Certification Board as a Certified Manager of Community Associations.

3 4. In my role as the Assistant General Manager, I assist the General Manager in
4 managing the day-to-day operations of the Association. As part of the day-to-day operations of
5 the Association, we receive all communications to the Association and/or the Board of Directors
6 (“Board”). We attend all Board meetings. At the direction of the Board, we draft all
7 communications from the Board to homeowners, vendors, and attorneys. We maintain all records
8 of the Association. We make periodic inspections of the Association grounds to check on the
9 conditions of the landscaping and the building maintenance. We communicate our findings to
10 the Board and communicate the Board’s instructions to the appropriate vendors.

11 5. Defendants CRAIG L. NETWIG and DEBRA L. BARKLEY (“Defendants”) are
12 the Owners of the property, located at 7735 Camino de Arriba, Rancho Santa Fe, California 92067
13 (“Subject Property”), which is within the Association.

14 6. On August 12, 2021, I contacted the Defendants via email to discuss their parking
15 violations at the Subject Property and requested that the Defendants permit our office to do an
16 inspection of their garage to ensure their compliance with the governing documents. Defendant
17 Netwig responded that we would need to get a Court Order and police escort to enter his property.
18 A true and accurate copy of our email exchange is attached hereto at **Exhibit A**.

19 7. We have received numerous complaints from residents in the community that
20 Defendants’ dogs disrupt the neighborhood’s quiet enjoyment by roaming throughout the
21 development without leashes; running onto the streets and nearly causing accidents; defecating
22 and urinating on neighbors’ yards and driveways; and constantly barking at other residents during
23 the day and on their own property at night.

24 8. We have reported Defendants’ dogs to the San Diego County Department of
25 Animal Services and instructed concerned residents to do the same. True and accurate copies of
26 reports from the San Diego County Department of Animal Services are attached hereto at **Exhibit**
27 **B**.

28

1 9. Since December of 2021, my office has been sending the Defendants violation and
2 hearing notices for their pet violations. True and correct copies of the violation and hearing notices
3 are attached hereto at **Exhibit C**.

4 10. Defendants have been storing a vehicle on the driveway of the Subject Property in
5 violation of the governing document. Photographs that fairly and accurately depict the vehicle
6 being stored on the Subject Property are attached hereto at **Exhibit D**.

7 11. The stored vehicle is usually covered, but sometimes the cover is removed. When
8 the cover is removed, we can see that the vehicle is not currently registered with the State of
9 California and is, therefore, not an authorized vehicle pursuant to the governing documents.

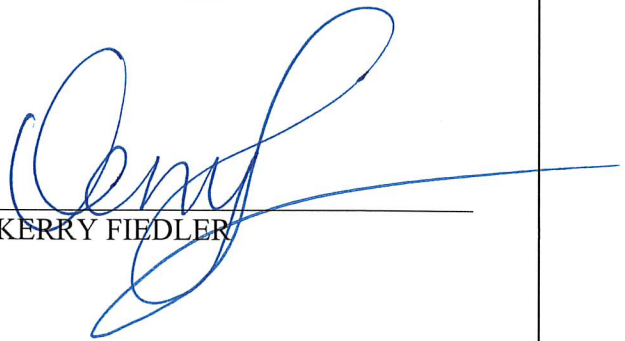
10 12. Since May of 2021, my office has been sending the Defendants violation and
11 hearing notices for their vehicle violations. True and correct copies of the violation and hearing
12 notices are attached hereto at **Exhibit E**.

13 13. As of the date of this declaration, Defendants have not taken any action to remedy
14 the outstanding parking or pet violations.

15 14. I am personally familiar with Defendants. Based upon my familiarity with
16 Defendants, I do not believe that either of the Defendants are active in the United States military.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed this 31 day of March, 2023 at Rancho Santa Fe,
19 California.

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21
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23
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25
26
27
28



KERRY FIEDLER

EXHIBIT A

Kerry Fiedler

From: CRAIG NETWIG <kingleec@aol.com>
Sent: Thursday, August 12, 2021 2:53 PM
To: Kerry Fiedler
Cc: D B
Subject: Re: Manager to inspect the garage at 7735 Camino De Arriba

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL] This email originated from outside of Associa.

To who it may concern,

Your Marxist tactics will not be tolerated on our property . The only way your people will enter our property is with a Court Order and a police escort. Violators will be prosecuted to the full extent of the Law.

Sent from my iPhone

On Aug 12, 2021, at 12:03 PM, Kerry Fiedler <KFiedler@nnj.com> wrote:

Hello,

Per the After Hearing Decision notice for Storage of Items (Vehicle) that was mailed to you on July 20, 2021. The Board has asked the General Manager to do a site inspection of your garage. We would like to schedule this inspection please contact our office 858-759-0970 or reply to this email with available times.

Thank you,

Kerry Fiedler, CMCA®
Assistant General Manager

<image001.jpg>

Cielo Homeowners Association
N.N. Jaeschke, Inc. – an Associa Company
17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067
Phone: (858)759-0970

Associa® – *Delivering unsurpassed management and lifestyle services to communities worldwide.*
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<image002.png>

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EXHIBIT B

Activity Card

A22-647609-1

676

Priority Level: 3

Total Animals: 1

Animal Type: DOG

Activity Address:

Zip Code: 92067

Activity Comment: MED WHITE S.HAIR DOG AT

Owner Information:

DEBRA BARKLEY
7612 ARTESIAN RD

A1860046

Caller Information:

Result Codes:

1 1087C
1 IMPND
1 1021B

Officer: K118 BARKER

Clerk: RFRASE

Call Date: 03/08/22 10:39 AM

New Date: 03/08/22 10:39 AM

Dispatch Date: 03/08/22 10:45 AM

Working Date: 03/08/22 11:16 AM

Complete Date: 03/08/22 11:32 AM

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Memo:

03/08/22 (1116) LL: Arrived at . Met with , impounded dog. Dog appeared familiar, did an activity search and found matching animal ID and shes linked to a possible owner. Called owner, no answer. LMOM with animal id info and diaptch phone number. LL

[Empty rectangular box for additional notes or signature]

Activity Card

A22-647479-1	669/676/CHRON	Priority Level: 3	Total Animals: 3	Animal Type: DOG					
Activity Address: 7735 CAMINO DE ARRIBA			Zip Code: 92067						
Activity Comment: SECURITY GUARD HAS DOG CONFINED IN GARAGE. 2 DOGS RALAS WELL W/ RP FOLLOWING.									
Owner Information:									
DEBRA BARKLEY 7612 ARTESIAN RD									
A1860046									
Caller Information:									
<table border="1" style="margin: auto;"> <tr> <td>Result Codes:</td> </tr> <tr> <td style="text-align: center;">1 1021G</td> </tr> <tr> <td style="text-align: center;">1 1087G</td> </tr> <tr> <td style="text-align: center;">1 IMPND</td> </tr> <tr> <td style="text-align: center;">2 LIC S</td> </tr> </table>					Result Codes:	1 1021G	1 1087G	1 IMPND	2 LIC S
Result Codes:									
1 1021G									
1 1087G									
1 IMPND									
2 LIC S									
Officer: K122	GALVAN	Clerk: MSALAZAR							
Call Date:	03/02/22 09:03 AM								
New Date:	03/02/22 09:03 AM								
Dispatch Date:	03/02/22 09:06 AM								
Working Date:	03/02/22 10:43 AM								
Complete Date:	03/02/22 02:06 PM								

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Memo:

03/02/22 (10:43) VG: Called RP/ to advise ETA to pickup confined dog. stated that there were now also two (2) stray dogs that he was following. I arrived and met with , who was following a red irish setter. When I attempted to capture the dog, it ran through a property, into the brush, and over the hill. stated he knew where the dog lives and that the dogs from that residence are chronically at large. said that he would lead me to the property. While en-route to the property, I sighted the dog running across the road and onto another property. While chasing the dog, it ran onto what was later confirmed as it's owner's property. I then noticed a liver tick german shorthair pointer laying in the driveway of the residence. Both dogs remained on their property while I called the owner, Debra Barkley. Barkley requested that I open the gate to her front porch area and allow the dogs to enter, then confine them within. I told Barkley that I would have to consult with a supervisor regarding what options were available regarding the outcome of the dogs and that I would give her a call back to advise of my decision. I then called Lt. Padilla, who advised against granting the Barkley's request, due to liability reasons if the animals should become at-large again. I then called Barkley back and advised that I was unable to fulfill her request but that I was willing to wait at the property with the dogs if she was able to return fairly soon, otherwise I would have to impound the dogs. I also informed Barkley that the had captured one of her other dogs. Barkley agreed to be en-route back home to meet with me. I then returned to the community's guard shack to impound Barkley's other dog that had confined. Next I returned back to Barkley's residence to wait with the dogs until her arrival. While parked in front of the residence, I observed both dogs begin to come off the property. When I exited my vehicle and began approaching the dogs, they returned back onto their property. Once Barkley arrived, I advised her of the complaint. She stated that the irish setter does roam loose sometimes but is a hunting dog and knows her way back home. She also stated that she does not know how the german shorthair pointers escaped and that they do not do so often. I advised Barkley that we have received several calls recently about the dogs chronically running loose.

I educated Barkley on restraint requirements and potential liabilities. Barkley stated that she was going to take her irish setter dog to live at the ranch property soon so that the dog could run free without any issues. I told Barkley that I had one of her dogs on my truck and offered to do a field redemption contingent on the payment of impound fees (which was approved by Lt. Padilla), to which Barkley agreed. I also educated Barkley on licensing requirements and sold licenses for the two (2) unlicensed dogs. Issued citation (#AR902676) for three (3) counts of SDCC 62.669 Restraint of Dogs Required. Issued receipt # R672665 for payment of fees. Mailed Barkley a DAS-128 and her copy of dog license application forms. VG

Activity Card

*Exempt portions redacted per
CA Gov Code 6254 (f) and/or 6255*

DEPARTMENT OF ANIMAL SERVICES
COUNTY OF SAN DIEGO
NOTICE TO APPEAR MISDEMEANOR
NONTRAFFIC ARREST **002676**

OFFICER'S NOTES
 DETACH BEFORE USING

Date of Violation: 03/03/22 Time: 10:43 AM PM Day of Week: S M T F S
 Name (First, Middle, Last): DEBRA LYNN BARKLEY
 Address: PO BOX 270634
 City: SAN DIEGO State: CA ZIP Code: 92198

Drivers Lic No. _____ State: CA Age: _____ Birth Date: _____
 Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
 Description of Animal (1) Breed: FRESH SPANIEL Color: RED Sex: 4Y Lic. No.: _____
 Description of Animal (2) Breed: GERMAN SH. POINTER Color: LIVER Sex: 5Y Lic. No.: _____
 TICK 5Y F

Misdemeanor or Infraction (Circle): _____
 Code Section Description
 3CT. SDCC 62.69(A) RESTRAINT M D
 OF DOGS RESTRICTED M I
 M I
 M I

Items checked are issued pursuant to SDCC 62.663
 See reverse side for clearance procedures
 Booking required
 Location of Violation(s): _____ City/County of _____
 Occurrence: 7735 CAMENDO DE ARREBA RANCHO SANTA FE/S/D

Private Person Arrest
 Violations not committed in my presence, declared on information and belief
 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
 Arresting or Citing Officer: V. Galvan I.D. No: 078152

Date: 03/03/22 Name of Arresting Officer, if different from Citing Officer: _____ I.D. No.: _____
 WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature: _____
 WHEN: DATE: 04/27/22 Time: 0800 AM PM
 WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
 WHERE: NCSO, (M.O.D.) 325 S. Melrose, Annex Bldg. Suite 350 Vista, CA 92083
 NCSO, 325 S. Melrose, Vista, CA 92083
 ECSC, 250 E. Main St., El Cajon, CA 92020
 SDSC, (MISD ARRAIGNMENT), 1100 Union St., San Diego, CA 92101
 SDSC, ("A" Court), 8950 Claremont Mesa Blvd., San Diego, CA 92123
 SBSC, 500 3rd Ave., Chula Vista, CA 91910

To be notified
 Judicial Council of California Form TR-120
 Rev. 09-20-05 (Pen. Code § 853.9)
 DAS-67 (Rev. 02/18)
COURT COPY

Example portions redacted per CA Gov Code 6254(A) and/or 6255

Activity Card

A22-647166-1 **NP/669/668** Priority Level: **3** Total Animals: **1** Animal Type: **DOG**
Activity Address: **7735 CAMINO DE ARRIBA** Zip Code: **92067**
Activity Comment: **NEIGHBORS DOG CONSTANTLY LOOSE, POOPING IN OTHER PEOPLES YARDS**

Caller Information:

Result Codes:

1 1021C

Officer: **K119** **OROZCO** Clerk: **MSALAZAR**

Call Date: **02/11/22 09:52 AM**
New Date: **02/11/22 09:52 AM**
Dispatch Date: **02/11/22 10:02 AM**
Working Date: **02/11/22 03:08 PM**
Complete Date: **02/11/22 03:14 PM**

A22-647166-2 **NP/669/668** Priority Level: **3** Total Animals: **1** Animal Type: **DOG**
Activity Address: **7735 CAMINO DE ARRIBA** Zip Code: **92067**
Activity Comment: **NEIGHBORS DOG CONSTANTLY LOOSE, POOPING IN OTHER PEOPLES YARDS**

Caller Information:

Result Codes:

1 1021C
1 LTR
1 NOC

Officer: **K133** **HERBERT-BEEMAN** Clerk: **jorozco3**

Call Date: **02/11/22 09:52 AM**
New Date: **02/11/22 09:52 AM**
Dispatch Date: **02/16/22 12:32 PM**
Working Date: **02/16/22 12:32 PM**
Complete Date: **02/16/22 12:52 PM**

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Activity Card

A22-647166-6 **NP/669 CHRON** Priority Level: 3 Total Animals: 1 Animal Type: DOG
Activity Address: 7735 CAMINO DE ARRIBA Zip Code: 92067
Activity Comment: NEIGHBORS DOG CONSTANTLY LOOSE, POOPING IN OTHER PEOPLES YARDS 02/23/22 11:54

Owner Information:
DEBRA BARKLEY
7612 ARTESIAN RD

A1860017

Caller Information:

Result Codes:

Officer: K119 OROZCO Clerk: DGOVE

Call Date: 02/11/22 09:52 AM
New Date: 02/23/22 04:56 PM
Dispatch Date: 03/04/22 06:46 AM
Working Date:
Complete Date: 03/04/22 10:00 AM

A22-647166-3 **NP/669/670** Priority Level: 3 Total Animals: 1 Animal Type: DOG
Activity Address: 7735 CAMINO DE ARRIBA Zip Code: 92067
Activity Comment: NEIGHBORS DOG CONSTANTLY LOOSE, POOPING IN OTHER PEOPLES YARDS

Caller Information:

Result Codes:

1 1021C
1 ONH
1 NOC
1 66.1+

Officer: K171 GOVE Clerk: E090093

Call Date: 02/11/22 09:52 AM
New Date: 02/11/22 09:52 AM
Dispatch Date: 02/19/22 10:26 AM
Working Date: 02/19/22 12:04 PM
Complete Date: 02/19/22 12:43 PM

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Activity Card

A22-647166-4 **NP/669/670** Priority Level: **3** Total Animals: **1** Animal Type: **DOG**
Activity Address: **7735 CAMINO DE ARRIBA** Zip Code: **92067**
Activity Comment: **NEIGHBORS DOG CONSTANTLY LOOSE, POOPING IN OTHER PEOPLES YARDS**

Owner Information:

DEBRA BARKLEY
7612 ARTESIAN RD

A1860017

Caller Information:

Result Codes:

4 1021B
3 ONH
3 EDUC

Officer: **K171** **GOVE** Clerk: **DGOVE**

Call Date: 02/11/22 09:52 AM
New Date: 02/11/22 09:52 AM
Dispatch Date: 02/22/22 12:46 PM
Working Date: 02/22/22 12:47 PM
Complete Date: 02/22/22 01:09 PM

A22-647166-5 **669/CHRONIC** Priority Level: **3** Total Animals: **1** Animal Type: **DOG**
Activity Address: **7735 CAMINO DE ARRIBA** Zip Code: **92067**
Activity Comment: **NEIGHBORS DOG CONSTANTLY LOOSE, POOPING IN OTHER PEOPLES YARDS 02/23/22 11:54**

Owner Information:

DEBRA BARKLEY
7612 ARTESIAN RD

A1860017

Caller Information:

Result Codes:

1 NOH
1 29
3 EDUC

Officer: **K171** **GOVE** Clerk: **DGOVE**

Call Date: 02/11/22 09:52 AM
New Date: 02/23/22 04:56 PM
Dispatch Date: 03/01/22 12:46 PM
Working Date: 03/01/22 04:56 PM
Complete Date: 03/01/22 05:49 PM

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Activity Card

Memo:

02/11/22 (1508) KCO: I gave RP a phone call and LVMOM informing her we will investigate and take appropriate action as soon as possible. KCO

02/16/22 (12:32) KHB: Called RP states that the dog is always loose on the owner's property and in the neighborhood. Per , the dog is not aggressive, sits in its front yard and barks. has captured the dog on her own ring camera, in her yard, one time. The dog barks a lot, which is bothersome to the neighbors. Advised to call noise abatement for barking. Per , the HOA has spoken to the home owner. Advised I would send her an IR and LTR for record keeping. asked if the HOA could call me- I advised they are welcome to make an additional complaint if they have additional concerns. Mailed LTR and NOC to dog owner- no recent hx of calls from address, no current licensed dogs. KHB

02/19/22 (1204) DJG; Arrived at gated community. Reviewed call, called and spoke to contact . No owner information known. Updated PID with PO Box for mail. Dog described as red hunting type with a long tail. Advised will educated owner. Called , left message on general mailbox. Advised complaint. Requested call to Dispatch or my cell with owner information and to confirm aware of report.

Arrived at 7735 Camino De Arriba. Observed a young red Setter type dog through glass door and heard what sounded like a large dog from the back area of house. Setter dog was in a large room with pillow "Stuff" all around. No one home. Posted DAS-66.1/128 and DAS-12, requesting licensing and call to Dispatch to schedule a meet time with an officer. DJG

02/22/22 09:28 RAF: from called. Is aware of the loose dog violations. Address is correct 7735 Camino De Arriba. The Association cannot get contact with the owner who is avoiding any contact. Even sent legal notice. They also own a med white/brown head GSP type mix. The red setter type dog is chronically loose. Has not been aggressive towards humans, but will fight with other dogs. RAF

02/22/22 (1247) DJG; Called and spoke to . Owners names are Craig Netwit and Debra Barkley and . Owners have not been cooperative regarding calls or notices. The second dog is a white with brown head GSP. Said she received a report the Setter dug under the fence yesterday and attacked neighbors dog. Requested she have neighbor report incident to Dispatch. stated the GSP usually stays in yard, its the setter that is out daily. Gave option to confine for pickup and/or use of trap. Advised will contact owners. Called and , left message on machine. Advised complaint. Educated license and Restraint of dogs required. Requested call to Dispatch to schedule a meet time. Called Barkley cell , left message on machine. Advised complaint. Educated license and Restraint of dogs required. Requested call to Dispatch to schedule a meet time. Texted same. DJG

02/23/22 11:52 RAF: called to say the Red Setter and hte GSP are both out loose right now on Camino De Arriba. RAF

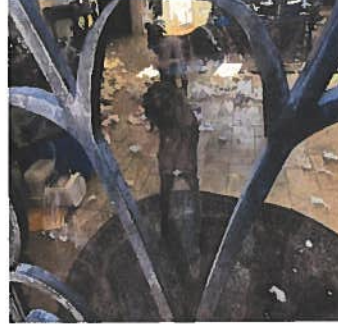
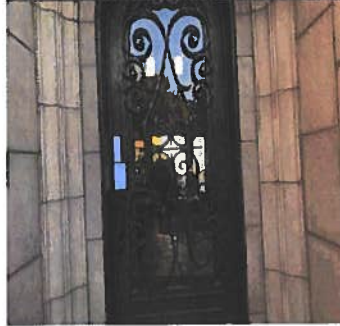
03/01/22 (1656) DJG; Arrived at gated community. Gate guard told me they have received several complaints regarding dogs and the owner got mad when someone opened her door and returned dogs. Educated importance of individual reporting and asked that he pass on to the community under no circumstances should dogs be returned to owner unless a officer is present . Requested immediate call to Dispatch for pickup or bring to NCAS. Arrived at 7735 Camino De Arriba. A neighbor stopped me in the street as I arrived. asked if I was here about the 3 dogs that are loose daily. Discussed complaint. stated the 2 rust colored ones are out daily in her driveway. The white and brn is only sometimes out. Unknown how many dogs on property. Educated importance of reporting and confining if safe to do so. Advised owners have not been cooperative in responding to notices left. said she will try to confine in her garage. Gave shelter business card. Went to door, no one home. I heard what sounded like (2) large dogs in back. No animals seen. Posted DDTF/PN Brochure and DAS-29 on front door requesting a call today to Dispatch to schedule a meet time with an officer. DJG

03/02/22 (14:06) VG: Completed out call, see other activity A22-647479. VG

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Activity Card

Images



*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6254.1*

Activity Card

A22-646494-1 676 Priority Level: 3 Total Animals: 1 Animal Type: DOG
Activity Address: Zip Code: 92067
Activity Comment: WHITE/BROWN LARGE DOG RAL AROUND COMMUNITY NO COLLAR NO LEASH - RP

Owner Information:

DEBRA BARKLEY
7612 ARTESIAN RD

A1860046

Caller Information:

Result Codes:

1 IMPND

Officer: K118 BARKER Clerk: PABLES

Call Date: 01/05/22 07:56 AM
New Date: 01/05/22 07:56 AM
Dispatch Date: 01/05/22 08:00 AM
Working Date: 01/05/22 02:24 PM
Complete Date: 01/05/22 02:43 PM

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Memo:

01/05/22 11:17 pda- Received call from RP stating the dog is now confined and located at the gatehouse . Advised ACO on duty. pda

01/05/22 (14:24) LL met with impounded dog. LL

Activity Card

A22-647609-1	676	Priority Level: 3	Total Animals: 1	Animal Type: DOG
Activity Address: Activity Comment: MED WHITE S.HAIR DOG AT			Zip Code: 92067	
Owner Information: DEBRA BARKLEY 7612 ARTESIAN RD A1860046				
Caller Information:				
Officer: K118 BARKER		Clerk: RFRASE		
Call Date:	03/08/22 10:39 AM			
New Date:	03/08/22 10:39 AM			
Dispatch Date:	03/08/22 10:45 AM			
Working Date:	03/08/22 11:16 AM			
Complete Date:	03/08/22 11:32 AM			

Result Codes:
1 1087C
1 IMPND
1 1021B

*Exempt portions redacted per
CA Gov Code 6254(f) and/or 6255*

Memo:

03/08/22 (1116) LL: Arrived at . Met with , impounded dog. Dog appeared familiar, did an activity search and found matching animal ID and shes linked to a possible owner. Called owner, no answer. LMOM with animal id info and diaptch phone number. LL

EXHIBIT C

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

12/08/2021

FIRST VIOLATION NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Pet Rules - Excessive Barking and Loose Dog**

7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This **FIRST VIOLATION NOTICE** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding **Pet Rules - Excessive Barking and Loose Dog**.

Reports have been received recently for dog(s) barking excessively coming from your property, as well as complaints regarding a loose dog.

The specific CC&R and/or rule that was violated is as follows:

VI. PETS

To facilitate the aesthetics, safety and security of our community, the following rules are regulations are adopted:

A. Committing Nuisance

1. No person shall allow a dog in his/her custody to defecate or urinate on property other than that of the Owner or person having control of the dog. Dogs are allowed in the Common Areas subject to the following guidelines:
 - a. Dogs must be kept on a leash when in the Common Areas and must be accompanied by a responsible individual capable of controlling the animal at all times. "Leash" means rope, leather strap, or any other material not exceeding twenty feet in length, being held in the hand of a person actually controlling the animal to which it is attached.
 - b. If a dog defecates on a Common Area, it is the responsibility of the Owner, or the person having custody, to immediately cleanup after the dog.
2. Any person owning or having custody or control of a dog shall prevent the dog from being on any private property without permission of the person who owns or has right to possess or use said property.
3. Owners shall not own or harbor an animal in such a manner that the peace or quiet of any other individual or the community is unreasonably disturbed.

Owners owning, or having custody or control of a dog, shall prevent the dog from endangering, attacking, biting or causing injury to any person or animal, and from interfering with the use of property; or from damaging personal or real property.

4. Any violations of these provisions or sections will subject the property Owner and or the Owner in control of the animal to a fine or other enforcement.

B. Enforcement

The Owner of a dog, or Member having custody of a dog, will be cited for a violation and notified of the specific enforcement procedure upon the occurrence of any of the following events.

1. Any complaint verified by security of:
 - a. Any violation of the guidelines as set forth above;
 - b. A dog not accompanied by a responsible individual and/or not leashed when the dog is outside the confines of the Owner's Lot;
 - c. A dog barking and causing a nuisance; and
 - d. A dog biting, attacking, endangering or acting in a vicious manner
2. Any written complaints from two or more Owners pertaining to the same incident of a dog in violation of a, b, c, or d as stated above.
3. When the dog Owner or Member in custody of a dog is cited, the first violation will initiate a letter of warning to the Owner. Any subsequent violations within the specified time periods will cause the Owner/Member to be given notice to appear before the Association to show just cause why sanctions should not be imposed. As a general guideline, monetary fines are imposed as follows:
 - a. Second and subsequent violations (within 6 month period) a minimum fine of \$100.00.

These fines will be cumulative as a result of continuous violation. Penalties may include monetary fines per violation, suspension of voting rights, and suspension of Common Area use privileges, commencement of legal action and / or removal of the dog from the community by the Association and / or the Department of Animal Control of San Diego County.

Please do not disregard this notice. If you disregard this notice, fines may be imposed against your account on an escalating basis, you may be called to a hearing with the Standards Committee and/or your common area privileges may be suspended. Attached for your review is the Cielo HOA enforcement policy for violations of the governing documents.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,

Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

01/19/2022

SECOND VIOLATION AND HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Pet Rules - Excessive Barking and Loose Dogs**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This ***SECOND VIOLATION AND HEARING NOTICE*** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding **Pet Rules - Excessive Barking and Loose Dogs**.

Reports continue to be received for dogs barking excessively coming from your property, as well as continuously loose dogs in the street and on neighboring properties.

The specific CC&R and/or rule that was violated is as follows:

VI. PETS

To facilitate the aesthetics, safety and security of our community, the following rules are regulations are adopted:

A. **Committing Nuisance**

1. No person shall allow a dog in his/her custody to defecate or urinate on property other than that of the Owner or person having control of the dog. Dogs are allowed in the Common Areas subject to the following guidelines:
 - a. Dogs must be kept on a leash when in the Common Areas and must be accompanied by a responsible individual capable of controlling the animal at all times. "Leash" means rope, leather strap, or any other material not exceeding twenty feet in length, being held in the hand of a person actually controlling the animal to which it is attached.
 - b. If a dog defecates on a Common Area, it is the responsibility of the Owner, or the person having custody, to immediately cleanup after the dog.
2. Any person owning or having custody or control of a dog shall prevent the dog from being on any private property without permission of the person who owns or has right to possess or use said property.
3. Owners shall not own or harbor an animal in such a manner that the peace or quiet of any other individual or the community is unreasonably disturbed.

Owners owning, or having custody or control of a dog, shall prevent the dog from endangering, attacking, biting or causing injury to any person or animal, and from interfering with the use of property; or from damaging personal or real property.

4. Any violations of these provisions or sections will subject the property Owner and or the Owner in control of the animal to a fine or other enforcement.

B. Enforcement

The Owner of a dog, or Member having custody of a dog, will be cited for a violation and notified of the specific enforcement procedure upon the occurrence of any of the following events.

1. Any complaint verified by security of:
 - a. Any violation of the guidelines as set forth above;
 - b. A dog not accompanied by a responsible individual and/or not leashed when the dog is outside the confines of the Owner's Lot;
 - c. A dog barking and causing a nuisance; and
 - d. A dog biting, attacking, endangering or acting in a vicious manner
2. Any written complaints from two or more Owners pertaining to the same incident of a dog in violation of a, b, c, or d as stated above.
3. When the dog Owner or Member in custody of a dog is cited, the first violation will initiate a letter of warning to the Owner. Any subsequent violations within the specified time periods will cause the Owner/Member to be given notice to appear before the Association to show just cause why sanctions should not be imposed. As a general guideline, monetary fines are imposed as follows:
 - a. Second and subsequent violations (within 6 month period) a minimum fine of \$100.00.

These fines will be cumulative as a result of continuous violation. Penalties may include monetary fines per violation, suspension of voting rights, and suspension of Common Area use privileges, commencement of legal action and / or removal of the dog from the community by the Association and / or the Department of Animal Control of San Diego County.

The hearing will be held with the Standards Committee via Teleconference on February 15, 2022 at 6:00 PM. The hearing location is:

**Club Cielo Conference Room – Via Teleconference
17623 Via Ambiente
Rancho Santa Fe, CA 92067**

The enclosed **Response to Hearing Notice** should be returned whether you **are** or **are not** planning to attend the hearing. It must be received prior to the meeting date to be considered.

The Standards Committee will call you after 6:00PM on the hearing date. Please provide a valid telephone number.

Please do not disregard this notice. If you disregard this notice, fines may be imposed against your account on an escalating basis and/or your common area privileges may be suspended.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,
Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

02/24/2022

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

AFTER HEARING NOTICE

Re: Disciplinary Hearing of February 15, 2022
Unit Address: 7735 Camino De Arriba
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This letter is being sent to you at the direction of the Board of Directors of Cielo Homeowners Association. As you know, you were given notice to attend a hearing which was held on February 15, 2022, for your SECOND violation of the Cielo Rules & Regulations, Section VI.

Although you DID NOT attend the hearing, and you DID NOT provide a written response, the Board considered all the evidence and voted to impose a \$100.00 fine against your account for the second violation of Pet Rules – Loose & Barking Dogs. The fine will be imposed on your account March 11, 2022.

Please note that non-compliance will result in additional fines/Penalties in accordance to the Penalty Fine Policy.

Penalty/Fines for Violation of the Governing documents, Rules and Regulations, Security Post Orders and/or Board Resolutions (excluding Vehicular Violations)	
First violation	Warning
Second violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$100
Third violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$200
Fourth and subsequent violations	Costs incurred by the Association, if any, as well as a monetary penalty of \$400 plus suspension of common area privileges and automatic gate access.
Continuous violations	Costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

Thank you for your attention to this matter. The Association appreciates all your efforts to keep the community a quality place to live. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,
Cielo Homeowners Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

03/08/2022

THIRD VIOLATION & HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Pet Rules**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This ***THIRD VIOLATION & HEARING NOTICE*** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding – **Pet Rules - Excessive Barking and Loose Dogs.**

Reports continue to be received for dogs barking excessively coming from your property, as well as continuously loose dogs in the street and on neighboring properties.

The specific CC&R and/or rule that was violated is as follows:

VI. PETS

To facilitate the aesthetics, safety and security of our community, the following rules are regulations are adopted:

A. Committing Nuisance

1. No person shall allow a dog in his/her custody to defecate or urinate on property other than that of the Owner or person having control of the dog. Dogs are allowed in the Common Areas subject to the following guidelines:
 - a. Dogs must be kept on a leash when in the Common Areas and must be accompanied by a responsible individual capable of controlling the animal at all times. "Leash" means rope, leather strap, or any other material not exceeding twenty feet in length, being held in the hand of a person actually controlling the animal to which it is attached.
 - b. If a dog defecates on a Common Area, it is the responsibility of the Owner, or the person having custody, to immediately cleanup after the dog.
2. Any person owning or having custody or control of a dog shall prevent the dog from being on any private property without permission of the person who owns or has right to possess or use said property.
3. Owners shall not own or harbor an animal in such a manner that the peace or quiet of any other individual or the community is unreasonably disturbed.

Owners owning, or having custody or control of a dog, shall prevent the dog from endangering, attacking, biting or causing injury to any person or animal, and from interfering with the use of property; or from damaging personal or real property.

You are being called to a hearing to discuss this *THIRD VIOLATION AND A \$200 FINE* which may imposed against your account.

The hearing will be held with the Standards Committee via Teleconference on April 19, 2022 at 6:00 PM. The hearing location is:

**Club Cielo Conference Room – Via Teleconference
17623 Via Ambiente
Rancho Santa Fe, CA 92067**

The enclosed **Response to Hearing Notice** should be returned whether you **are** or **are not** planning to attend the hearing. It must be received prior to the meeting date to be considered.

The Standards Committee will call you after 6:00PM on the hearing date. Please provide a valid telephone number.

Please do not disregard this notice. If you disregard this notice, fines may be imposed against your account on an escalating basis and/or your common area privileges may be suspended.

Penalty/Fines for Violation of the Governing documents, Rules and Regulations, Security Post Orders and/or Board Resolutions (excluding Vehicular Violations)	
First violation	Warning
Second violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$100
Third violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$200
Fourth and subsequent violations	Costs incurred by the Association, if any, as well as a monetary penalty of \$400 plus suspension of common area privileges and automatic gate access.
Continuous violations	Costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,
Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

04/14/2022

FOURTH VIOLATION NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Pet Rules**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This **FOURTH VIOLATION NOTICE** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding **Pet Rules**.

Reports have been received again on 4-14-22 regarding dogs continuously loose in the street and wandering into neighboring properties.

The specific CC&R and/or rule that was violated is as follows:

VI. PETS

To facilitate the aesthetics, safety and security of our community, the following rules are regulations are adopted:

A. Committing Nuisance

1. No person shall allow a dog in his/her custody to defecate or urinate on property other than that of the Owner or person having control of the dog. Dogs are allowed in the Common Areas subject to the following guidelines:
 - a. Dogs must be kept on a leash when in the Common Areas and must be accompanied by a responsible individual capable of controlling the animal at all times. "Leash" means rope, leather strap, or any other material not exceeding twenty feet in length, being held in the hand of a person actually controlling the animal to which it is attached.
 - b. If a dog defecates on a Common Area, it is the responsibility of the Owner, or the person having custody, to immediately cleanup after the dog.
2. Any person owning or having custody or control of a dog shall prevent the dog from being on any private property without permission of the person who owns or has right to possess or use said property.
3. Owners shall not own or harbor an animal in such a manner that the peace or quiet of any other individual or the community is unreasonably disturbed.

Owners owning, or having custody or control of a dog, shall prevent the dog from endangering, attacking, biting or causing injury to any person or animal, and from interfering with the use of property; or from damaging personal or real property.

You are being called to a hearing to discuss this **FOURTH VIOLATION AND A \$400 FINE** which may imposed against your account.

The hearing will be held with the Standards Committee via Teleconference on May 17, 2022 at 4:00 PM. The hearing location is:

**Club Cielo Conference Room – Via Teleconference
17623 Via Ambiente
Rancho Santa Fe, CA 92067**

The enclosed **Response to Hearing Notice** should be returned whether you **are** or **are not** planning to attend the hearing. It must be received prior to the meeting date to be considered.

The Standards Committee will call you after 4:00PM on the hearing date. Please provide a valid telephone number.

Please do not disregard this notice. If you disregard this notice, fines may be imposed against your account on an escalating basis and/or your common area privileges may be suspended.

Penalty/Fines for Violation of the Governing documents, Rules and Regulations, Security Post Orders and/or Board Resolutions (excluding Vehicular Violations)	
First violation	Warning
Second violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$100
Third violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$200
Fourth and subsequent violations	Costs incurred by the Association, if any, as well as a monetary penalty of \$400 plus suspension of common area privileges and automatic gate access.
Continuous violations	Costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,
Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

04/29/2022

AFTER HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Pet Rules**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This letter is being sent to you at the direction of the Board of Directors of Cielo Homeowners Association. As you know, you were given notice to attend a hearing which was held on April 19, 2022, for your **THIRD** violation of Pet Rules, Cielo Rules & Regulations, Section VI.

Although you DID NOT attend the hearing, and you DID NOT provide a written response, the Board considered all the evidence and voted to impose a third violation fine of \$200.00 against your account. The fine will be imposed against your account on May 16, 2022.

Please note that non-compliance will result in additional Penalties/Fines in accordance to the Penalty Fine Policy.

Penalty/Fines for Violation of the Governing documents, Rules and Regulations, Security Post Orders and/or Board Resolutions (excluding Vehicular Violations)	
First violation	Warning
Second violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$100
Third violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$200
Fourth and subsequent violations	Costs incurred by the Association, if any, as well as a monetary penalty of \$400 plus suspension of common area privileges and automatic gate access.
Continuous violations	Costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

Thank you for your attention to this matter. The Association appreciates all your efforts to keep the community a quality place to live. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,

Cielo Homeowners Association

EXHIBIT D







EXHIBIT E

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

05/05/2021

FIRST VIOLATION NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Storage of items in the breezeway and vehicle stored in the driveway.**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This ***FIRST VIOLATION NOTICE*** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding **Storage of items in the breezeway and vehicle stored in the driveway.**

It was noted on a recent inspection that the **Storage of items in the breezeway and vehicle stored in the driveway.** (Photo Attached).

The specific CC&R and/or rule that was violated is as follows:

Section 11.19 – Trash Storage. No rubbish or debris of any kind shall be placed or permitted to accumulate anywhere within the Covered Property, except in sanitary containers located in appropriate areas screened from view, and no odor shall be permitted to arise there from so as the render the Covered Property or any portion thereof unsanitary, unsightly, or offensive from any public or private street or from any other Lot in the vicinity thereof or to its occupants.

Section 11.6 – Vehicles; Parking.

- (a) Garages shall not be used for any living, recreational, business or other purpose, including without limitation, storage (other than incidental storage) which will prevent the parking of the number of vehicles within such garage for which the garage was constructed). There shall be no parking in the driveways if the Owner's garage is not being utilized to the maximum designed capacity for the parking of authorized vehicles, or if to do so obstructs free traffic flow, constitutes a nuisance, violates the Association Rules, or otherwise creates a safety hazard.

Please do not disregard this notice. If you disregard this notice, fines may be imposed against your account on an escalating basis, you may be called to a hearing with the Standards Committee and/or your common area privileges may be suspended. Attached for your review is the Cielo HOA enforcement policy for violations of the governing documents.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,

Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

08/13/2021

THIRD VIOLATION & HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Storage of Items**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This ***THIRD VIOLATION & HEARING NOTICE*** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding **Storage of Items**.

It was noted on a recent inspection that the **Storage of Items Vehicle Stored in Driveway** still exists on your lot (Photo Attached).

The specific CC&R and/or rule that was violated is as follows:

Section 11.6 – Vehicles; Parking.

- (a) **Garages shall not be used for any living, recreational, business or other purpose, including without limitation, storage (other than incidental storage) which will prevent the parking of the number of vehicles within such garage for which the garage was constructed). There shall be no parking in the driveways if the Owner's garage is not being utilized to the maximum designed capacity for the parking of authorized vehicles, or if to do so obstructs free traffic flow, constitutes a nuisance, violates the Association Rules, or otherwise creates a safety hazard.**

The hearing will be held with the Standards Committee via Teleconference on September 21, 2021 at 6:00 PM. The hearing location is:

**Club Cielo Conference Room
17623 Via Ambiente
Rancho Santa Fe, CA 92067**

You are being called to a hearing to discuss this ***THIRD VIOLATION AND A \$200 FINE*** which may imposed against your account.

Please do not disregard this notice. If you disregard this notice, additional fines may be imposed against your account on an escalating basis and/or your common area privileges may be suspended.

The enclosed **Response to Hearing Notice** should be returned whether you **are** or **are not** planning to attend the hearing. It must be received prior to the meeting date to be considered.

Upon confirmation of attendance, you will be provided with the phone number and participant code.

Thank you for your anticipated cooperation. If you have any questions you may contact me at (858) 759-0970 or email kfiedler@nj.com.

Sincerely,

Cielo Homeowners Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

12/08/2021

CONTINUOUS VIOLATION HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Landscaping Maintenance – Storage of Items – Vehicle Parked in Driveway.**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This ***CONTINUOUS VIOLATION HEARING NOTICE*** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding **Storage of Items – Vehicle Parked in Driveway.**

It was noted on a recent inspection that the **vehicle continues to be parked covered in the driveway.** (Picture Attached).

The specific CC&R and/or rule that was violated is as follows:

Section 11.6 – Vehicles; Parking.

- (a) **Garages shall not be used for any living, recreational, business or other purpose, including without limitation, storage (other than incidental storage) which will prevent the parking of the number of vehicles within such garage for which the garage was constructed). There shall be no parking in the driveways if the Owner's garage is not being utilized to the maximum designed capacity for the parking of authorized vehicles, or if to do so obstructs free traffic flow, constitutes a nuisance, violates the Association Rules, or otherwise creates a safety hazard.**

As previously explained in your **After-Hearing Notice** dated 10-27-21, a \$400 fine was imposed on your account and your common area privileges have been suspended. You are being sent this Hearing notice to discuss the possible Penalties/Fines for the Continuous Violation which include; costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

The hearing will be held with the Standards Committee via Teleconference on January 18, 2022 at 6:00 PM. The hearing location is:

**Club Cielo Conference Room – Via Teleconference
17623 Via Ambiente
Rancho Santa Fe, CA 92067**

The enclosed **Response to Hearing Notice** should be returned whether you **are** or **are not** planning to attend the hearing. It must be received prior to the meeting date to be considered.

The Standards Committee will call you after 6:00PM on the hearing date. Please provide a valid telephone number.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office

Sincerely,
Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

4-8-22

CONTINUOUS VIOLATION HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Storage of Items**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This **CONTINUOUS VIOLATION HEARING NOTICE** is written on behalf of the Standards Committee of the Cielo Homeowners' Association regarding: **Storage of Items – Vehicle Parked in Driveway.**

It was noted on a recent inspection on 4-5-22 that a vehicle continues to be parked, covered in your driveway. (Photo Attached). If your garage is currently being used to store vehicles as is required by the Cielo CC&R's, please let the HOA office know, provide pictures and the violation can be closed.

The specific CC&R and/or rule that was violated is as follows:

Section 11.6 – Vehicles; Parking.

- (a) *Garages shall not be used for any living, recreational, business or other purpose, including without limitation, storage (other than incidental storage) which will prevent the parking of the number of vehicles within such garage for which the garage was constructed). There shall be no parking in the driveways if the Owner's garage is not being utilized to the maximum designed capacity for the parking of authorized vehicles, or if to do so obstructs free traffic flow, constitutes a nuisance, violates the Association Rules, or otherwise creates a safety hazard.*

You are being sent this Hearing notice to discuss the possible Penalties/Fines for the Continuous Violation which include; costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

The hearing will be held with the Standards Committee via Teleconference on April 19, 2022 at 4:00 PM. The hearing location is:

**Club Cielo Conference Room – Via Teleconference
17623 Via Ambiente
Rancho Santa Fe, CA 92067**

The enclosed **Response to Hearing Notice** should be returned whether you **are** or **are not** planning to attend the hearing. It must be received prior to the meeting date to be considered.

The Standards Committee will call you after 6:00PM on the hearing date. Please provide a valid telephone number.

Thank you for your attention to this matter. If you have any questions, you may contact Cielo HOA Office

Sincerely,
Cielo Homeowners' Association

Cielo Homeowners Association

17623 Via Ambiente
P.O. Box 9188
Rancho Santa Fe, CA 92067

(858) 759-0970

04/29/2022

AFTER HEARING NOTICE

Craig Netwig & Debra Barkley
P.O. Box 270639
San Diego, CA 92198

Re: **Storage of Items**
7735 Camino De Arriba
Rancho Santa Fe, CA 92067
Account #00161-1537

Dear Craig Netwig & Debra Barkley:

This letter is being sent to you at the direction of the Board of Directors of Cielo Homeowners Association. As you know, you were given notice to attend a hearing which was held on April 19, 2022, for your CONTINUOUS violation of Storage of Items – Vehicle parked covered in the driveway, CC&R's Section 11.6.

Although you DID NOT attend the hearing, and you DID NOT provide a written response, the Board considered all the evidence and voted to impose a continuous daily violation fine of \$50.00 against your account. The fine will begin being imposed against your account on May 16, 2022 and will continue until the violation is resolved.

Please note that non-compliance will result in additional Penalties/Fines in accordance to the Penalty Fine Policy which includes legal action.

Penalty/Fines for Violation of the Governing documents, Rules and Regulations, Security Post Orders and/or Board Resolutions (excluding Vehicular Violations)	
First violation	Warning
Second violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$100
Third violation	Costs incurred by the Association, if any, as well as a monetary penalty of \$200
Fourth and subsequent violations	Costs incurred by the Association, if any, as well as a monetary penalty of \$400 plus suspension of common area privileges and automatic gate access.
Continuous violations	Costs incurred by the Association, if any, as well as a monetary penalty of up to \$50 per day/week/month and legal action may be imposed at the discretion of the Board of Directors.

Thank you for your attention to this matter. The Association appreciates all your efforts to keep the community a quality place to live. If you have any questions, you may contact Cielo HOA Office at 858-759-0970.

Sincerely,

Cielo Homeowners Association