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5 Attorneys for Stephen J. Donell, State Court Receiver

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10
11 TARZANA PLAZA CONDOMINIUMS
ASSOCIATION, a California nonprofit
12 mutual benefit corporation,
13 Plaintiff,
14 v.
15 EUGENE SAAL, an individual; RUBICELIA
SCHULTZ, an individual; JUDY WEISS, an
16 individual; PASCAL BRENNINKMEIJER, an
individual; and DOES 1-25, inclusive,
17 Defendant.

Case No. LC106595
NOTICE OF ENTRY OF ORDER
APPROVING REVISED REGULAR
MONTHLY HOMEOWNERS'
ASSOCIATION ASSESSMENTS AND
EXPENSES; AND AUTHORIZING
RECEIVER TO LEVY AN EMERGENCY
SPECIAL ASSESSMENT
DATE: June 19, 2019
TIME: 2:30 p.m.
DEPT: A
The Hon. Huey P. Cotton, Dept. A
Complaint Filed: December 14, 2017
Discovery Cutoff: Unknown
Motion Cutoff: Unknown
Trial Date: Unknown

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23 TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS OF
24 RECORD HEREIN:

25 PLEASE TAKE NOTICE that the Order Approving Revised Regular Monthly
26 Homeowners' Association Assessments and Expenses; and Authorizing Receiver to Levy an
27 Emergency Assessment (the "Order") was signed by the Honorable Huey P. Cotton, Judge of the
28

1 Superior Court, on June 24, 2019. A true and correct copy of the Order is attached hereto as
2 **Exhibit "A"** and incorporated herein as though set forth in full.

3 DATED: July 1, 2019

ERVIN COHEN & JESSUP LLP

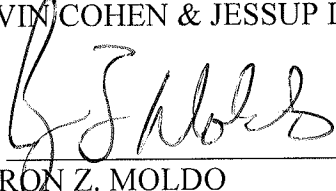
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5 By: 
6 BYRON Z. MOLDO
7 Attorneys for Stephen J. Donell,
8 State Court Receiver
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EXHIBIT A

ERVIN COHEN & JESSUP LLP

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FILED
Superior Court of California
County of Los Angeles

JUN 24 2019

Sherri R. Carter, Executive Officer/Clerk
By Reanna Redmond Deputy
Reanna Redmond

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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11 TARZANA PLAZA CONDOMINIUMS
ASSOCIATION, a California nonprofit
12 mutual benefit corporation,

13 Plaintiff,

14 v.

15 EUGENE SAAL, an individual; RUBICELIA
SCHULTZ, an individual; JUDY WEISS, an
16 individual; PASCAL BRENNINKMEIJER, an
individual; and DOES 1-25, inclusive,

17 Defendants.
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Case No. LC106595

**ORDER APPROVING REVISED
REGULAR MONTHLY HOMEOWNERS'
ASSOCIATION ASSESSMENTS AND
EXPENSES; AND AUTHORIZING
RECEIVER TO LEVY AN EMERGENCY
SPECIAL ASSESSMENT**

DATE: June 19, 2019

TIME: 2:30 p.m.

DEPT: A

The Hon. Huey P. Cotton

Complaint Filed: December 14, 2017

23 On June 19, 2019, at 2:30 p.m., in Department A of the above-entitled Court, located at
24 6230 Sylmar Avenue, Van Nuys, California 91401, the Court convened a meeting of counsel and
25 all interested owners to discuss issues and problems affecting the Tarzana Plaza Condominiums
26 Association ("Association"). Byron Z. Moldo, of Ervin Cohen & Jessup LLP, appeared on behalf
27 of the Receiver; Stephen J. Donell, Receiver, appeared; Robert Hillshafer of Loewenthal
28

13326.17:9597344.2

**ORDER APPROVING REVISED REGULAR MONTHLY HOMEOWNERS' ASSOCIATION ASSESSMENTS AND
EXPENSES; AND AUTHORIZING RECEIVER TO LEVY AN EMERGENCY ASSESSMENT**

1 Hillshafer & Carter appeared as special counsel for the Receiver. Robb M. Strom of Strom &
2 Associates, APC appeared on behalf of the Tarzana Plaza Condominiums Association. All other
3 appearances were stated on the record as reflected in the Court's minute order.

4 After hearing statements and comments of the parties and individual owners of some units
5 at the subject property, and having reviewed the Receiver's amended budget, and good cause
6 appearing therefor,

7 IT IS HEREBY ORDERED as follows:

8 1. The Receiver is authorized to borrow up to \$1,500,000.00 from a lender and on
9 terms as approved by the Court or by subsequent Court order.

10 2. The proceeds of the loan described in Paragraph 1 above must be received by the
11 Receiver no later than ten (10) days after the date of this order.

12 3. The initial budget of the Association prepared by the Receiver proposed that the
13 regular monthly homeowner's association assessments, upon approval of the amended and
14 restated covenants, conditions and restrictions and restated bylaws, would be set at \$472.50 per
15 month. However, taking into account the financial issues raised by some individual owners, the
16 Court finds that, subject to any subsequent order of this Court, the regular monthly homeowner's
17 association assessments should be set at \$400.00 per month per unit, and hereby approves that
18 amount. The regular monthly homeowner's association assessments of \$400.00 per month per
19 unit shall commence on August 1, 2019.

20 4. The revised annual budget of the Association prepared by the Receiver, a copy of
21 which is attached hereto as **Exhibit "A,"** which includes regular monthly homeowner's
22 association assessments of \$400.00 per month over the next 12 months, special assessment income
23 over the next 12 months, a reserve for roof repairs of \$25,000.00, and professional expenses
24 identified in the application made to the Court, is hereby approved.

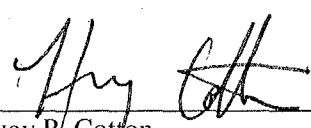
25 5. If the loan proceeds described in Paragraphs 1 and 2 above are not actually received
26 by the Receiver within ten (10) days after the date of this order, the Receiver is authorized, to
27 impose an emergency special assessment in the amount of \$936,270.00, to be assessed to each of
28 the 101 individual condominium units in the amount of \$9,270.00 per unit. The first \$1,500.00 of

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1 that special assessment shall be paid by each owner in three equal monthly payments of \$500.00
2 each, the first of which is due on or before August 1, 2019, the second of which is due on or
3 before September 1, 2019, and the third of which is due on or before October 1, 2019. Thereafter,
4 the remaining \$7,770.00 of the special assessment shall be due on the first of each subsequent
5 month in the amount of \$259.00 per month for the next 30 months, as set forth in Section 4.03(e)
6 of the Association's Restated Bylaws. This special assessment is exclusive of, and in addition to,
7 the monthly homeowner's association assessments of \$400.00 per unit. Any owner may pre-pay
8 all or any portion of the \$7,700.00 emergency special assessment.

9
10 **IT IS SO ORDERED.**

11 Dated: June 24 2019

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14 _____
15 Hon. Huey P. Cotton
16 Judge of the Superior Court
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6/28/19

EXHIBIT

A

06/25/19

EXHIBIT "A"

Tarzana Plaza Condominiums Association
Final Approved Budget August 2019 - July 2020

	Annual	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20
Revenues													
Regular Assessments Income (\$400.00 per Unit/Month)	\$ 484,800.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00	\$ 40,400.00
Special Assessment Income	\$ 386,931.00	\$ 50,500.00	\$ 50,500.00	\$ 50,500.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00	\$ 26,159.00
Lundry Income	\$ 9,027.00	\$ 1,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Less Delinquencies (14%)	\$ (122,042.34)	\$ (12,725.00)	\$ (12,725.00)	\$ (12,725.00)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)	\$ (59,318.26)
Total Revenues	\$ 759,685.66	\$ 79,175.00	\$ 78,174.00	\$ 78,174.00	\$ 57,240.74	\$ 58,242.74	\$ 57,240.74	\$ 57,240.74	\$ 58,242.74	\$ 57,240.74	\$ 57,240.74	\$ 58,242.74	\$ 57,240.74
Administrative Expenses													
Accounting/Tax Returns	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -	\$ -
Administrative Expenses	\$ 600.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Association Management Fees	\$ 30,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Bank Charges	\$ 240.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00
Conrt Utility Fees	\$ 480.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00
Electric Monitoring	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
Fire Expense	\$ 800.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
IRS Expense	\$ 1,000.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00	\$ 84.00
Professional Fees	\$ 405,956.50	\$ 53,277.71	\$ 53,277.71	\$ 53,277.71	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48	\$ 26,957.48
Legal - Collectors	\$ 2,400.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
HOA Legal	\$ 10,000.00	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33
Parking Passes	\$ 120.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Postage/Delivery/Copying	\$ 600.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Receiver's Bond	\$ 175.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Supplies	\$ 2,580.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00	\$ 215.00
Utilities													
Internet/Cable	\$ 420.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
Refuse/Disposal	\$ 11,500.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00
Telephone	\$ 300.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
Utilities - DWP	\$ 50,000.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
Utilities - Gas	\$ 12,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Insurance Expense (DOES NOT INCLUDE Earthquake)													
Directors & Officers	\$ 80,827.16	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58	\$ 5,615.58
Employers' Dilemmary													
General Liability													
Hazard Insurance/Building													
Insurance Financing Expense													
Umbrella													
Worker's Comp.													
Permits													
Blowout Permit	\$ 200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pool & Dwelling Permit	\$ 785.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Annual	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20
Maintenance & Repairs												
Boiler Maintenance/Repair	\$ 1,200.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Roof Reserve	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Common Area Lighting	\$ 600.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Common Area Maintenance/Repair-General	\$ 4,800.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00
Landscaping	\$ 6,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Electrical Repairs	\$ 1,200.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Elevator Maintenance	\$ 7,800.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00
Elevator Repairs	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
Fire Alarm Repair	\$ 300.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fire Extinguisher Maintenance/Repair	\$ 600.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Locks & Keys	\$ 1,200.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Intercom/Directory Expense	\$ 1,800.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00
Interior/Cleaning	\$ 12,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Plumbing Repair	\$ 24,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Pool & Spa Maintenance	\$ 3,400.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00	\$ 275.00
Pool & Spa Repairs	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
Water Treatment/Corrosion	\$ 2,154.00	\$ 684.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total - Expenses	\$ 755,695.66	\$ 79,175.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00	\$ 78,174.00
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PROOF OF SERVICE

**Tarzana Plaza Condominiums Assn. v. Eugene Saal et al.
Case No. LC106595**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2974.

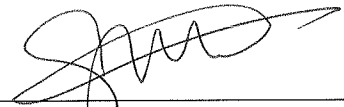
On July 1, 2019, I served true copies of the following document(s) described as **NOTICE OF ENTRY OF ORDER APPROVING REVISED REGULAR MONTHLY HOMEOWNERS' ASSOCIATION ASSESSMENTS AND EXPENSES; AND AUTHORIZING RECEIVER TO LEVY AN EMERGENCY SPECIAL ASSESSMENT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Ervin Cohen & Jessup LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on July 1, 2019, at Beverly Hills, California.



Angela Matsuoka

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SERVICE LIST
Tarzana Plaza Condominiums Assn. v. Eugene Saal et al.
Case No. LC106595

<u>Stephen J. Donell, State Court Receiver</u> 12121 Wilshire Blvd., Ste. 1120 Los Angeles, CA 90025 Tel. 310.207.8481 Fax: 310.207.3483 E-mail: Steve.Donell@FedReceiver.com <i>Via E-mail Only</i>	<u>Tarzana Plaza Condominiums</u> Kandy Deprosse 18530 Hatteras Avenue #314 Tarzana, CA 91356 Tel. 818.708.0239 E-mail: nikita4kj@yahoo.com
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<u>Tarzana Plaza Condominiums</u> Linda Cooper 18530 Hatteras Avenue #130 Tarzana, CA 91356 Tel. 818.697.5244	