

Timber Cove

April 2019

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Court Case Precedents and Documents Show Trails Will Prevail

Greetings. Spring brings good news and important information for our community.

Our First Amended Complaint to support our private Timber Cove hiking trails, filed February 7, 2019, was met with another demurrer from the defendants **trying to force us to additionally name 63 other Timber Cove property owners as defendants.** It seeks to draw the entire community into a controversy that they alone have created and perpetuated.

Once again, we oppose that demurrer, naming only those who have aggressively confronted our trail workers, written threatening or aggressive letters and emails to us charging trespass and denying the validity of the trails, or have put up excessive prohibitory signage on the trails.

Case Precedents

We have identified court precedents for cases supporting our position going back all the way to ***Danielson v Sykes*** (1910) 157 Cal. 686, and more recently, ***Tract Development Service, Inc. v Kepler*** (1988) 199 Cal. App. 3d 1374, 245 Cal. Rptr. 118. The latter has many of the elements of our case involving a subdivision map, deeds, and easements. **In none of these cases did the judge require the plaintiffs to include all of the members of the subdivision in the legal action.**

Final Reports, Division of Real Estate

Defendants erroneously cited a section of a partial document called a *Final Subdivision Report*, issued by the California Division of

Real Estate. **A subpoena of the complete documents from 1961 to 1992 show pedestrian easements affirmed in Timber Cove at least 11 times.**

You can view a copy of our first amended complaint and complete Final Reports at the website below. Two case summaries and a list of some relevant court cases are attached by pdf to this email.

\$10,000 Matching Fund Challenge!

The plaintiffs who have taken on this heavy financial burden for the benefit of our community still need your support and monetary help. Toward that end, **two members of our community have generously posted a \$10,000 matching fund challenge. They will match dollar for dollar of your tax-deductible donations until we reach that goal.**

*NOTE: it has come to our attention that a member of the TCHA board has publicly announced that funds donated to the Timber Cove Trails Preservation Fund are not tax deductible. **This is simply not true.** Literally thousands of nonprofits nationwide accept donations for legal actions, or even initiate legal actions to support issues that align with their goals and mission description. Two local examples of similar nonprofits that assisted in legal actions are the North Coast Institute and the Friends of the Gualala River.*

Please make your tax- deductible donation to:
Timber Cove Foundation
Lorrie Uribe, Treasurer
22142 Amanita Circle
Jenner, CA 95450

(Please note on check memo: Timber Cove Trails Preservation Fund (for legal costs) or Timber Cove Trails Restoration Fund (for trail construction).

timbercovetrails.org

contact: timbercovetrails@gmail.com