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 BROOK HILLS HOMEOWNERS ASSOCIATION  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 COUNTY OF SAN DIEGO, NORTH COUNTY JUDICIAL DISTRICT  
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11 BROOK HILLS HOMEOWNERS  
 ASSOCIATION, a California non-profit mutual  
 12 benefit corporation,  
 13 Plaintiff,  
 14 v.  
 15 JAMES BASS, an individual; SONNI BASS, an  
 individual, and DOES 1 through 25, Inclusive,  
 16 Defendants.  
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CASE NO. GIN026443  
 DECLARATION OF SHERYL  
 KAONIS  
 [Case Category: Injunctive Relief]  
 Date: 10/16/03  
 Time: 3:00 p.m.  
 Dept.: 27  
 Judge: Dana M. Sabraw

18 AND RELATED CROSS-ACTION

Action Filed: 12/18/02

19 I, Sheryl Kaonis, declare as follows:

- 20 1. I am an individual over the age of 18 years and am a resident of the County of San  
 21 Diego, State of California. I have personal knowledge of the matters stated in this declaration, and if  
 22 called as a witness, could and would competently testify as to them.
- 23 2. I am employed by N.N. Jaeschke, Inc., the managing agent and property manager for  
 24 Plaintiff/Cross-defendant BROOK HILLS HOMEOWNERS ASSOCIATION ("Association"). I am  
 25 personally responsible for managing the Association and am personally knowledgeable with regard to  
 26 the various architectural applications that have been submitted by Association members to the Brook  
 27 Hills Homeowners Association Architectural Committee. N.N. Jaeschke, Inc., retains architectural files  
 28 concerning every lot at the Association.

1 3. I have reviewed the first set of Special Interrogatories propounded to the Association by  
2 Defendants/Cross-complainants Sonni Bass and James Bass. Each one of the sixty-seven (67)  
3 interrogatories asked the following questions with respect to certain lots in the Association:

- 4 (a) The date the sale of the property closed;
- 5 (b) The date of move in (if known);
- 6 (c) The date they notified the HOA that the landscaping was completed;
- 7 (d) The form in which they notified the HOA the landscaping was completed;
- 8 (e) The date the HOA approved the landscaping whether they were ever fined for  
9 not completing the landscaping in a timely manner, and the amount of such fine;
- 10 (f) The date of the assessment of all fines identified in subparagraph (e);
- 11 (g) Whether any fines identified in response to (e) were paid;
- 12 (h) Whether any lawsuits were filed against anybody by the HOA regarding their  
13 landscaping;
- 14 (i) Case name, date of filing, court, and case number for each lawsuit filed.

15 4. My staff and I then undertook a review of the Association files and provided answers  
16 to each of the 67 interrogatories and each of their sub-parts to the best of our ability given the  
17 information available. This task consumed an enormous amount of time and energy. Of the ten sub-  
18 parts to each Special Interrogatory, the Association records had responsive information generally only  
19 to the following sub-parts: (a) the date of close of escrow; and (c) the date a member notified the  
20 Association that their landscaping was completed. With respect to certain homeowners, those that had  
21 been fined for failure to install their landscaping, the Association had responsive information to sub-  
22 parts (f) and (g), concerning the imposition of fines and whether the fines had been paid. I responded  
23 to these sub-parts by providing the requested information.

24 5. With regard to the other interrogatory sub-parts, such as sub-paragraph (b) relating to  
25 "date of move in (if known)," sub-paragraphs (d-e) how a member notified the Association that  
26 landscaping was completed and when the Association approved landscaping, that information was not  
27 contained in the files. As a practical matter, N.N. Jaoshka, Inc. does not know dates of move-in and also  
28 reduces its architectural application files to computer format as soon as possible. This change

**DECLARATION OF SHERYL KAONIS**

1 necessarily results in the loss of some information, such as how a member notified us on a certain issue.  
 2 As for, and sub-paragraphs (i) and (j), concerning whether any lawsuits had been filed against  
 3 homeowners regarding their landscaping, the Association records were silent. I responded to these sub-  
 4 parts by stating "unknown," which is completely accurate. In addition, as for the lawsuits, since those  
 5 are public records, I believed that information would be easily known to the Basses' lawyer who could  
 6 do an index search online for that information.

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

9 Executed this \_\_\_\_ day of \_\_\_\_\_, 2003 at \_\_\_\_\_, California.

SEE FOLLOWING PAGE FOR FACSIMILE SIGNATURE

Sheryl Kaonis

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**DECLARATION OF SHERYL KAONIS**