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8 Ruby Hill Owners' Association

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF ALAMEDA**

13 **ANIL REDDY and DIVYA REDDY,**  
14 **individuals,**

15 **Plaintiffs,**

16 **vs.**

17 **RUBY HILL OWNERS' ASSOCIATION, a**  
18 **California Corporation; and DOES 1-25,**  
19 **inclusive,**

20 **Defendants.**

Case No. HG13671895  
Complaint filed: March 18, 2013  
Assigned to Hon. Lawrence John Appel

**DECLARATION OF KATHERINE FONTE IN SUPPORT OF DEFENDANT RUBY HILL OWNERS' ASSOCIATION'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Date: May 23, 2013  
Time: 9:00 a.m.  
Dept.: 16  
Reservation No.: 1383869

21 I, KATHERINE FONTE, declare as follows:

22 1. I am the Association Manager for the Defendant Ruby Hill Owners' Association  
23 (RHOA), and the Architectural Administrator for the Ruby Hill Architectural Design Committee  
24 (ADC) for the Ruby Hill residential community in Pleasanton, California in my capacity as an  
25 employee of Peachtree Community Association Services, Inc. I am therefore acquainted with the  
26 facts and circumstances of this case. I have personal knowledge of the matters in this declaration,

1 except as to those matters stated upon information and belief, and as to those matters I am informed  
2 and believe them to be true, and would competently testify thereto if called as a witness.

3 2. I have served as the Association Manager for the RHOA since June 2002 and  
4 Architectural Administrator since August 2006.

5 3. My duties as Association Manager include: acting as a liaison to the RHOA Board of  
6 Directors, preparing Board Meeting Agenda items, responding to common area maintenance  
7 concerns, investigating Covenants Conditions & Restrictions (CC&Rs) violations, maintaining  
8 Owner and RHOA Board correspondence, overseeing community inspections, serving as  
9 Association vendor contact, and generating community newsletters.

10 4. My duties as Architectural Administrator for the ADC include: participating in  
11 paint/color, architecture or landscape improvement requests, ADC Architectural Design Guidelines  
12 (Design Guidelines) enforcement, and construction compliance.

13 5. During my tenure, I have been involved in the processing of approvals of  
14 approximately 50 custom lots in Ruby Hill.

15 6. Part of my duties as RHOA Administrator is to prepare staff reports, notices, agendas  
16 and minutes for the Board of Directors for RHOA. I do this in my additional capacity as the  
17 Recording Secretary for the RHOA Board.

18 7. On September 3, 2012, via email, the Reddys appealed the denial by the ADC of  
19 final approval in August, 2012. The ADC had granted the Reddys' request for reconsideration in  
20 August, 2012 but reaffirmed its denial of final approval though the ADC decided to accept some of  
21 the items the Reddys had installed in their home even though they were not consistent with the Final  
22 Design approved by the ADC on June 30, 2010.

23 8. In connection with the appeal, I prepared a staff report for consideration by the  
24 RHOA Board on September 24, 2012. Attached as Exhibit "A" is a true and correct copy of the 20-  
25 page staff report that was presented and reviewed by the RHOA Board on September 24, 2012. The  
26

1 Staff Report is 6 pages. The Staff Report enclosed six (6) exhibits which were identified on page 1  
2 of the Staff Report.

3 9. Attached as Exhibit 1 to the Staff Report a true and correct copy of my letter to Anil  
4 and Divya Reddy dated June 30, 2010 notifying the Reddys that their Final Design had received  
5 ADC approval with the exception of exterior colors and materials and landscaping has not been  
6 reviewed or approved.

7 10. Attached as Exhibit 2 to the Staff Report is a comparison of the initial photograph of  
8 what he wanted approved (but was not acceptable to the ADC), the approved drawing for the front  
9 entry, and the front entry that was actually constructed.

10 11. Attached as Exhibit 3 to the Staff Report is a true and correct copy of a letter dated  
11 April 23, 2012 from Pritpal Singh Deol, an Owner of a lot to the south of the Reddy lot. Mr. and  
12 Mrs. Deol reside at 3749 W. Ruby Hill Drive. This letter was sent to the RHOA, with Mr. Deol  
13 lodging a formal complaint against the Reddys for among other things, encroaching onto the Deols'  
14 property and the attempt by the Reddys to "fabricate" or change their common property line, and  
15 that the Reddys' "scraping" on the Deols' lot without the Deols' permission resulted in water  
16 draining off the Deols' lot onto the Reddy lot.

17 12. Attached as Exhibit 4 to the Staff Report is true and correct copy of a letter dated  
18 July 3, 2012 from Darryl Alexander, a licensed surveyor, that was sent to me at Ruby Hill. Mr.  
19 Alexander's letter (in response to being contacted by Mr. Deol), confirmed Mr. Deol's conclusion  
20 that the Reddys had re-staked the property in an attempt to alter the true boundary line between the  
21 properties and that Mr. Alexander, who had prepared the drainage and grading plans for the Reddys,  
22 was surprised by what he observed as no grading and drainage was supposed to be done near the  
23 common property line per his plans. The licensed surveyor had confirmed that the Reddys had  
24 graded over the common property line onto the Deols' property by up to two feet. The licensed  
25 surveyor enclosed photographs confirming the encroachment by the Reddys onto the Deols'  
26 property.

1 13. Attached as Exhibit 5 is a true and correct copy of a letter, dated August 24, 2022, by  
2 Robert (“Bob”) G. Jones, the RHOA Manager to Anil & Divya Reddy enclosing an inter-office  
3 memorandum from the ADC to Mr. Jones dated August 17, 2012. This letter constituted formal  
4 notification that the ADC had granted Reddys’ request for reconsideration of the ADC denial of the  
5 Reddy Residence, but reaffirmed its decision after reconsideration.

6 14. Attached as Exhibit 6 is a true and correct copy of a letter dated July 25, 2012  
7 bearing my signature that I sent to Anil and Divya Reddy. This letter notified the Reddys of ADC  
8 approval of their landscaping and irrigation plan, but also notified the Reddys that the gazebo had  
9 not been approved because the plans called for a gazebo which exceeded the 10’ maximum height  
10 and the dome was too ornate. The letter also stated that “Per page 28 of the Design Guidelines, all  
11 landscaping must be completed, in accordance with the approved landscape plans prior to  
12 occupancy of the home.” This Guideline in fact exists, but it is on page 27 under item 7 of Chapter  
13 VI (c) entitled “Completion of Landscaping.” As of the September 24, 2012 appeal to the RHOA  
14 Board, and through today’s date, the Reddys allege their landscape has been installed per the  
15 approved plans, however, there are grading and drainage issues that must be resolved prior to final  
16 approval of the landscape installation. And the Reddys have not installed the grading and drainage  
17 nor obtained final approval in accordance with the approved Civil Engineering for architectural  
18 plans (C1-C3) as the grading encroaches onto the Deol lot and negatively impacts drainage from the  
19 Deol property to the Reddy property when all drainage should be self-contained within each lot.

20 15. Attached as Exhibit B is a true and correct copy of the table of contents of back-up  
21 documentation that was provided to the Board of Directors. The documentation attached to the  
22 table of contents (but not reproduced here) was more than 130 pages of letters, detailing the  
23 extensive level of communication between the ADC, the RHOA and the Reddys concerning the  
24 Reddy Residence. The table of contents also included formal notice of the date and time of the  
25 appeal sent by James W. McKeehan, Esq., acting as the attorney for the RHOA, to the Reddys and  
26 their attorney. The table of contents also included two emails dated September 3, 2011 enclosing

1 photographs which is now attached as Exhibit M (pictures of other front entries) at pages 123-126.  
2 These emails and enclosed photographs were presented to the Board as evidence submitted by the  
3 Reddys for Board consideration and review.

4 16. Attached as Exhibit C is a true and correct copy of the agenda notice that I prepared  
5 for the September 24, 2012 hearing. The matter was scheduled for 5:30 p.m. and entitled in part:  
6 "Appeal re: ADC denial of final construction approval."

7 17. I attended the hearing. Neither the Reddys nor their attorney, attended the hearing.  
8 The Board reviewed evidence the Reddys submitted containing photographs of other homes (sent on  
9 September 3 and against on September 11, 2012) and identified as pages 115 through 124 of the  
10 Table of Contents attached hereto as Exhibit B. The members of the Board who were present were  
11 Neal Sornsen, the Board President, Marty Birk, Diana Nathan, Kailesh Karavadra and George  
12 Belhumeur. James McKeehan, the legal counsel for the RHOA was present as well as Terry  
13 Townsend, the Architectural Consultant. Bob Jones and I attended on behalf of the management  
14 company for the RHOA. The meeting lasted more than an hour with the Board, after lengthy  
15 presentation and consideration of evidence on both sides (even in the absence of the Reddys or their  
16 attorney). After deliberation, the Board voted to affirm the denial of final written approval to the as-  
17 built Reddy Residence based on the written decision of the ADC, the Staff Report and their  
18 obligation to honor the contract between the City and County to only allow approved architectural  
19 styles within Ruby Hill.

20 18. Attached as Exhibit D is a true and correct copy of a letter dated April 13, 2011 that I  
21 sent to the Reddys on behalf of the ADC confirming a variance to approve construction of a motor-  
22 gate provided specified parameters were met.

23 19. The allegations in Paragraph 16 of the Reddy Complaint are in error, untrue and are  
24 irrelevant. (Complaint, ¶16, p. 4:17-18.) The RHOA has the right to increase the fees over time as  
25 set forth in the Design Guidelines in Chapter II(F) page 10, attached as Exhibit B to the Reddys'  
26 Complaint, citing to Article XI, Section 11.4.2 of the CC&Rs attached as page 11.2 to Exhibit A to

1 the Reddys' Complaint. The current ADC fee is \$6000 - not only for the Reddys, but any other  
2 Owner going through the Design Review process to build a new home in Ruby Hill. These fees were  
3 disclosed to them, and any other Owners acquiring lots in Ruby Hill and are provided to them by the  
4 title company when closing escrow on the lot.

5 20. Anil Reddy took apparent offense to being charged these fees - fees again which are  
6 charged routinely and uniformly to every other Owner, and he requested a fee waiver from the  
7 RHOA Board. But in an email dated June 24, 2010 he accused me of "blackmail" and in engaging  
8 in "bait-and-switch, used-car-salesperson style," a "lack of business ethics" and repeated that he had  
9 to "deal with" my "incompetence and blatant blackmail." Attached as Exhibit E is a true and  
10 correct copy of email dated June 24, 2010 Anil Reddy sent to me.

11 21. Throughout the processing of his plans and construction of the project, his  
12 interactions with me, and my colleagues, were hostile, intimidating, boorish and offensive. I treated  
13 him at all times professionally. Neither I nor did our management company discriminate against  
14 him. And, the ADC, being independent of the Peachtree management company, also interacted with  
15 him on a professional nondiscriminatory basis. However, Reddy's level of hostility and personal  
16 attacks - including coming to my office unannounced and terrifying me with his uncontrolled rage  
17 and his yelling profanities at me- were such that my boss, Bob Jones, had to intervene. Mr. Jones  
18 notified Mr. Reddy that he had to communicate with Mr. Jones directly rather than with me. This  
19 was the first (and I hope the last time) I had to be shielded from the harassment and invective of any  
20 Owner.

21 22. For similar reasons, the allegations in Paragraph 30 are also in error, untrue and  
22 irrelevant. The Design Guidelines authorize increases in fees and deposits as needed. The RHOA  
23 has the right to increase the fees over time as set forth in the Design Guidelines in Chapter II(F)  
24 page 10, attached as Exhibit B to the Reddys' Complaint, citing to Article XI, Section 11.4.2 of the  
25 CC&Rs attached as page 11.2 to Exhibit A to the Reddy Complaint. The current construction  
26 deposit has been at \$5000 since December 2008, and collected not only from the Reddys but all

1 other Owners who have obtained approvals to build their custom lots since December, 2008. As set  
2 forth in the Design Guidelines, the \$5000 deposit is refunded to the Owner when the home receives  
3 final approval.

4 23. On March 6, 2012, I, along with the ADC architectural consultant Terry Townsend,  
5 were notified by Anil Reddy that his construction was completed and ready for final inspection. But  
6 his allegation in Paragraph 26 (12) of the Reddy Complaint (p. 9:3-6) is misleading. It is true that  
7 obtaining a final approval after "Final Design Review" as the Reddys term for the as-built condition  
8 could not occur without prior ADC review and approval of the "colors, materials and exterior  
9 details" of the house. But the ADC responding to a request for final inspection does not signify that  
10 the Owner has obtained all such prior approvals. On behalf of the Association, we respond to a  
11 number of requests for Final Inspection - whether it is for a new custom home on a previously  
12 unimproved lot, or a remodel, or other work of improvement. We don't police the Owners. Nor do  
13 we second guess or fail to respond to the request of the Owners to conduct final inspections. The  
14 ADC, if it cannot approve the improvement as built, complies with its requirements under the  
15 CC&Rs to provide a detailed written objection to the Owner. In the case of the Reddys, the  
16 inspection was done with knowledge that the Reddys had not obtained the prior written approvals.  
17 The March 22, 2012 letter sent to the Reddys (and attached as Exhibit H to the Reddy Complaint)  
18 was the ADC's formal response.

19 24. Attached as Exhibit F is a true and correct copy of a certified copy of the Grant Deed  
20 conveying title to Anil Reddy and Divya Reddy which was recorded on March 20, 2013 for real  
21 property in the Ruby Hill community known as 1916 Via Di Salerno, Pleasanton, California 94566.  
22 All children who reside in the Ruby Hill Community who wish to attend local public school are  
23 enrolled in the Pleasanton Unified School District.

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1           25.    The Association has incurred approximately \$40,000 in the retention and payment of  
2 outside consultants and attorneys in advising and assisting the ADC in performing its duties in  
3 connection with the Reddy project.  
4

5           I declare under penalty of perjury under the laws of the State of California that the foregoing  
6 is true and correct. Executed on May 9, 2013, at Pleasanton, California.  
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8   
9 KATHERINE FONTE  
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**EXHIBIT A**

September 19, 2012

**SUBJECT:**

Lot O-02 @ 3737 W. Ruby Hill Drive  
Reddy Residence

**PURPOSE:**

Appeal hearing re: ADC denial of final approval for Reddy Residence

- 3/6/12 – Reddy sends email to Fonte & Townsend requesting final inspection of architecture
- 3/18/12 – ADC conducts 1<sup>st</sup> final inspection of architecture
- 3/22/12 – Fonte sends denial letter noting 49 items to be addressed
- 8/3/12 – 2<sup>nd</sup> final inspection conducted by ADC; several items remain outstanding
- 8/6/12 – Jones notifies Reddy results of 2<sup>nd</sup> final inspection; request for approval is denied
- 8/24/12 – Jones notifies Reddy that request for reconsideration of final approval has been granted by the ADC due to new information provided. ADC denies request for final approval.
- 9/3/12 – Reddy sends Jones email appealing decision of ADC; requests meeting with Board

**EXHIBITS:**

1. Page 2 - 6/30/10 – Architectural approval letter
2. Page 113 – approved front entry door elevation and photos of what he wanted to produce and actual installation
3. (ADD) – Correspondence from Paul Deot of 3749 W. Ruby Hill Drive re: grading, encroachment, negative impact on drainage caused by grading, and privacy
4. Page 43-47 – Correspondence from Danyl Alexander re: grading, encroachment and drainage, with supporting photos
5. Page 103 – 8/17/12 – Memo from ADC re: Architectural Compliance (outstanding items to be addressed)
6. Page 66 – Landscape Plan approval letter

**BASIS FOR DENIAL:**

(1) **ARCHITECTURE:** Due to all of the unapproved exterior elevation changes, the house no longer conforms to any approved architectural style. As stated under Chapter V of the Design Guidelines, it is important to note that only traditional styles of architecture that are prevalent in the warm weather wine regions in Europe (including English Country, French Country, Mediterranean, and Italian Villa), as well as styles prevalent in the San Francisco Bay Area (including Craftsman, Bay Area Traditional, Prairie, and Monterey/Spanish Eclectic) are acceptable. Without processing an Amendment to the Pre-Annexation Agreement with the City of Pleasanton, the only architectural styles that are permitted in Ruby Hill are those described in the Architectural Design Guidelines (ADG) provided every homeowner. Reddy argues his house is Spanish Eclectic because he borrows elements from Spain. However, the acceptable Monterey/Spanish Eclectic architecture approved for Ruby Hill has its roots in early Californian and Mexican heritage. The ADG is very clear on what constitutes a Spanish Eclectic style and in the judgment of the ADC, the home built by Mr. Reddy does not meet the standards applicable to such a style. Mr. Townsend, the architect who has processed most of the homes in Ruby Hill can speak further to this issue if the Board would like him to do so.

(2) **COLORS:** When architectural plans were approved on 6/30/10, the approval letter provided Mr. Reddy clearly indicated that colors and materials were not approved and any deviations or changes to approved plans would require resubmittal and approval prior to fabrication and construction. The specific language is as follows:

- "At this time, the exterior color and materials and landscaping have not been reviewed or approved."
- "Should any deviations or modifications from the original approved plans be required during construction, the owner must first receive written approval from the ADC for those changes prior to proceeding with construction."

It should be noted that the burden to comply with the written directions given by the ADC are on the Homeowner. This is true for every homeowner within Ruby Hill. The ADC does not monitor Homeowners. The ADC has neither the staff nor the resources to do so. It is incumbent on the Homeowner to comply with the written rules and regulations and when asked, the ADC will determine if the Homeowner has in fact complied with the Rules and Regulations.

When asked to inspect the home, the ADC found applied colors to be inconsistent with the Guidelines. The colors applied to the home were never approved by the ADC and would not have been approved if Mr. Reddy had sought their approval from the ADC. The colors are inconsistent with the requirements of the ADG.

Per section V(d): Stark white, bright pastels, or bright intense colors in large expanses will not be allowed.

ADC Guidelines define architectural styles; Reddy residence is Monterey/Spanish Eclectic. Per Appendix A, Page 52: Colors are muted earth tones with brighter hues used for trim work. Stucco and wood are used for wall materials and rock or brick used for accents.

*Refer to Exhibit 1*

- (3) **DOORS:** 6/30/10 – approved architectural plans show all doors simple in design without any iron work. (\*Plan legend indicates all materials, including doors, would be submitted for approval prior to installation.) Doors installed are inconsistent with the approved plans and are too ornate for Spanish Eclectic style defined by the Guidelines. The doors were never approved by the ADC and would not have been approved if they had been submitted for approval.

*Refer to Exhibit 2*

- (4) **GRADING / ENCROACHMENT:** ADC was notified by Paul Deol and Darryl Alexander, Alexander & Associates, about a grading and encroachment issue onto neighboring property (3749 W. Ruby Hill Drive.) Approved grading plan showed no grading within 15' of common property. Grading has created a negative drainage situation at both common property lines. This issue must be addressed and resolved before the ADC can grant final approval. There are two issues here. One is work done by Mr. Reddy on property he does not own which work is not shown nor permitted under the approved plans. The other issue is improper grading that has lead to drainage issues. Both of these issues need to be addressed prior to any final approval by the ADC.

*Refer to Exhibit 3 and 4*

- (5) **OTHER OUTSTANDING ISSUES:** Please refer to Exhibit 5 - 8/17/12 – Memo from ADC re: Architectural Compliance (outstanding items to be addressed).

*Refer to Exhibit 5*

(6) **LANDSCAPE:**

- 7/21/10 – Preliminary landscape plans submitted for review (Fonte notifies Reddy second set needs to be submitted)
- 8/18/10 – Second set of preliminary landscape plans submitted
- 9/13/10 – Preliminary landscape plans reviewed by LRC and ADC; not approved
- 12/2/10 – Reddy picks up landscape plans from the office
- 3/1/11 – Revised landscape plans delivered to the office
- 4/12/11 – Reddy picks up revised landscape plans; still not approved
- 6/6/12 – Reddy sends PDF files via email of revised landscape plans
- 6/12/12 – Sherman review revised landscape plans; items to be discussed with ADC
- 7/13/12 – Sherman reviews revised landscape plans; items to be discussed with ADC.

- 7/25/12 – ADC issues final approval letter for landscape plans, minus gazebo
- 8/9/12 – Reddy picks up approved landscape plans from the Main Gate
- Final walk of landscape to be conducted by Ralph Sherman prior to 9/21/12.

*Refer to Exhibit 6*

#### **SUMMARY OF REVIEW PROCESS FOR REDDY RESIDENCE:**

- 5/14/10 – Met with Reddy to discuss conceptual plans, returned with comments
- 5/28/10 – Review preliminary plans, returned with comments
- 6/25/10 – Review final plans, returned with comments
- 6/30/10 – Approval of final plans granted; no materials or colors or landscaping approved.
- 7/9/10 – Reddy picks up approval letter and plans from the office and delivers \$6000 Review Fee and \$5000 Construction Deposit
- 7/21/10 – Preliminary landscape plans submitted for review (Fonte notifies Reddy second set needs to be submitted)
- 8/18/10 – Second set of preliminary landscape plans submitted
- 9/13/10 – Preliminary landscape plans reviewed by LRC and ADC; not approved
- 12/2/10 – Reddy picks up landscape plans from the office.
- 3/1/11 – Revised landscape plans delivered to the office
- 4/12/11 – Reddy picks up revised landscape plans; still not approved
- 4/13/11 – Fonte sends letter to Reddy re: motor court gate and gazebo. ADC may consider a variance to allow the gates under specific guidelines. Fonte requested an architectural elevation drawing be resubmitted (previous versions {landscape and architectural} conflict with each other). Fonte requests a technical drawing or manufacturer's brochure of gazebos.
- 3/6/12 – Reddy sends email to Fonte & Townsend requesting final inspection of architecture
- 3/18/12 – ADC conducts 1<sup>st</sup> final inspection of architecture
- 3/22/12 – Fonte sends denial letter noting 49 items to be addressed
- 5/1/12 – ADC receives correspondence from neighbor re: encroachment and grading issues
- 6/1/12 – Reddy sends PDF files via email of "As-builts"
- 6/6/12 – Reddy sends PDF files via email of revised landscape plans
- 6/12/12 – Sherman review revised landscape plans; items to be discussed with ADC

- 6/27/12 – Townsend, Sherman and Forte review and discuss revised landscape plans. Plans required full review due to completely new design.
- 7/2/12 – Jones sends letter to Reddy re: final design inspection request.
- 7/3/12 – Forte receives letter from Alexander & Associates re: grading and encroachment on to neighboring property
- 7/13/12 – Sherman reviews revised landscape plans; items to be discussed with ADC.
- 7/25/12 – ADC issues final approval letter for landscape plans, minus gazebo
- 8/3/12 – 2<sup>nd</sup> final inspection conducted by ADC; several items remain outstanding
- 8/6/12 – Jones sends letter to Reddy re: 2<sup>nd</sup> final inspection; request for final approval still denied.
- 8/8/12 – Reddy delivers details for doors, windows, columns and precast
- 8/9/12 – Reddy picks up approved landscape plans from the Main Gate
- 8/24/12 – Jones notifies Reddy that request for reconsideration of final approval has been granted by the ADC due to new information provided. ADC denies request for final approval.
- 9/3/12 – Reddy sends Jones email appealing decision of ADC; requests meeting with Board
- 9/11/12 – McKeenan sends Reddy confirmation of appeal hearing with Board scheduled for 9/24/12 @ 5:30pm.

#### STAFF RECOMMENDATION:

Mr. Reddy's appeal raises two issues. First is a process issue. Mr. Reddy has failed to follow the process applicable to every home built in Ruby Hill. The Homeowner is required to get approval of what they are going to build before they build it. Here Mr. Reddy has done a considerable amount of work without getting prior approval. Permitting this process sets a dangerous precedent as it makes it very difficult for the ADC to monitor what is being built in Ruby Hill.

However, Mr. Reddy also presents a substance issue in that what he has built is inconsistent with the ADG applicable to every home in Ruby Hill. Specifically the details, colors, and the doors are not consistent with the ADG. Because of a contractual relationship with the City of Pleasanton, the ADG cannot be modified without the consent of the City. Such a process would require an application to the City and notice to affected homeowners (probably all the homeowners in Ruby Hill). Therefore, in order to approve the home the ADC believed it had to find the home met the architectural style described in the ADG. In the judgment of the ADC the home does not meet those standards and should not be approved.

Finally, absent Mr. Reddy satisfactorily addressing the issues raised by Mr. Alexander and Mr. Deol, the Board should not approve the home because it appears that the work done by Mr. Reddy is inconsistent with the plans that were approved.

Ruby Hill ADC Staff Report  
Subject: Lot O-02—3737 W. Ruby Hill Drive, Reddy Residence  
September 19, 2012

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The Staff recommends that the appeal be denied for all the reasons outlined above and those set forth by the ADC in their denial letter to Mr. Reddy.

# EXHIBIT 1

June 30, 2010

Anil & Divya Reddy  
P.O. Box 564  
Los Altos, CA 94023

Re: *Ruby Hill Final Design Submittal / Lot Q-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Ruby Hill Lot Owner(s):

On June 30, 2010, the Architectural Design Committee (ADC) reviewed the Final Design submittal for the above-referenced Ruby Hill homesite. Plans have been approved in accordance with the submitted plans dated June 24, 2010, stamped and signed by the ADC on June 30, 2010. The complete set includes Architectural Details (Sheets 0 - 9); Structural Plans (Sheets S1 - S-5); Landscaping Plans (Sheets L-2 & L-3, not reviewed or approved at this time); and Grading and Drainage Plan (Sheets C1 - C3). Each page has been initialed and dated by the ADC. This approval allows you to proceed and submit the plans to the City of Pleasanton for a building permit.

*At this time, the exterior color and materials and landscaping have not been reviewed or approved.* Prior to commencing with construction, you must submit a copy of your permit to the ADC. Your construction deposit in the amount of \$5,000, will be fully refunded upon completion of all improvements, including landscaping, cleanup and acceptance by the ADC, provided there is no damage by the owner and/or his/her contractor. Please note: if not using a featured builder, you must submit your builder for approval. The builder must provide the ADC a general certificate of liability insurance policy for the construction period listing Ruby Hill Owners' Association as additionally insured. Limits are \$1M per occurrence and \$2M aggregate.

*Prior to City final approval, the Design Review Committee will require the following to be certified and match the approved design review drawing: (A) Height of home; (B) Subfloor height; (C) Garage slab height; (D) Finish grades of front and rear yards and retaining wall heights*

"Final approval" of these plans and the specifications do not imply Architectural Design Committee approval of the structural integrity or the mechanical systems as described by the plans, or of the structure erected from them. Periodic inspection of the construction of the home to assure compliance with the Architectural Design Guidelines, as described in the Ruby Hill Declaration of Covenants, Conditions and Restrictions will be made. The Architectural Design Committee reserves the right to cure oversight errors on its part in the review of the plans and specifications which may appear or be observed during construction (and which are in conflict with the Guidelines) in order to maintain and preserve the integrity of the architectural guidelines established for the community.

Should any deviations or modifications from the original approved plans be required during construction, the owner must first receive written approval from the ADC for those changes prior to proceeding with construction.

Sincerely,

ARCHITECTURAL DESIGN COMMITTEE, RUBY HILL OWNERS' ASSOCIATION

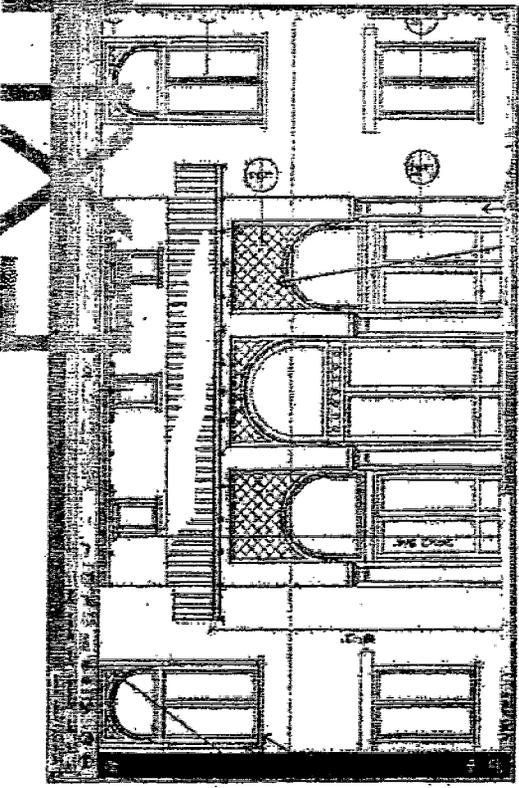
By: Katherine Forde  
Association Manager

[Katherine@pnaarchitects.com](mailto:Katherine@pnaarchitects.com)

cc: Rosalind Rondash, Planning Department, City of Pleasanton  
Association Files

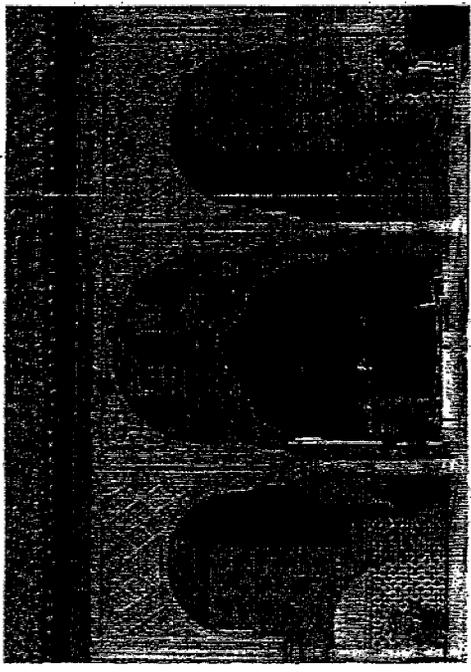
F:\Users\kforde\My Documents\Architectural\Lot Q-02 (Final)\Architectural final approval 06.30.10.doc

# EXHIBIT 2



Approved front entry

Original referenced front entry



Finished front entry



# EXHIBIT 3

Pritpal Singh Deol  
3749 W. Ruby Hill Drive, Pleasanton, 94566  
Tel: 408-930-8800

April 23, 2012

Ruby Hill Homeowners Association  
[input address]  
Pleasanton, CA 94566

Dear Ruby Hill Homeowners Association:

I, Pritpal Singh Deol, owner of residence at 3749 W. Ruby Hill Drive, officially file this formal complaint against pending new neighbor, Anil Reddy, whose residence in construction is located to the north of our home.

There are five items to be covered in this complaint. The first is the primary concern of fabrication of the property line. Anil Reddy has fabricated his property line and encroached three feet on to our property. Reddy had his landscapers scrape three feet of our property and landscaping without first discussing this matter with me nor my wife. When I confronted him about not discussing this with me, he indicated that he did not care as he was going with the map he had for the property. The first issue that stems from this scraping of three feet of our property and subsequent landscaping he has done on the three feet of my property is that Reddy has illegally encroached on our property.

This concern is not ours alone. The owner on the north side of Reddy's property, the Bhardwaj family, have expressed similar concerns of encroachment on to their property line and damage to their landscaping as a result of Reddy's landscaping work.

A second item and concern due to Reddy's scraping of my property without my permission is that Reddy has created a water run off issue where water from my sprinklers has been running on to his side of the property since there is no longer any area for that water to gather when plants are watered. Reddy asked me to resolve this issue and I informed him that the root cause of the water leak was as a result of his instruction to his landscapers to scrape three feet of our property line which resulted in the water run off. I notified him that it was his duty to fix this issue since his landscaping instruction to his landscapers has caused the issue in the first place. We have never before had any problems with water run off on to his property.

A third item is the survey I recently had done on our property located at 3749 W. Ruby Hill Drive, Pleasanton, 94566. I recently had a survey done on our property through Darrel Alexander's company ("Alexander"). Alexander informed me that the marking Reddy did on the back of the property was indeed fabricated. Reddy did the marking himself on the back of his property and in the process, encroached three feet onto the backside of our property. He proceeded with his landscaping plan according to the marking he fabricated on the back side of his property without talking to us and went ahead and scraped the landscaping along with the associated sprinkler system, and I was able to confirm that he thereby caused the water to leak from our sprinklers on to his own property. The scraping led to no land for the water to collect and soak into the plants and instead, the scraping caused a water run off onto Reddy's property.

A fourth item I would like to discuss is the construction of the tower on the backside of Reddy's property. I strongly condemn the approval of the tower and adjacent breezeway construction due to a primary concern of my family's privacy, as well as a secondary concern as to the height of the tower itself. The primary concern with the tower and breezeway construction is the fact that it overlooks the family room and nook area of our home.

# EXHIBIT 3

I would additionally ask that Ruby Hill HOA look in to the height and size of the remainder of Reddy's property per the size of the lot on which Reddy's residence has been constructed. My family is deeply concerned that this tower is an invasion of our family property. Reddy himself has been seen by three family members already standing on the breezeway and directly looking at our home and looking into the nook area and family room area of our home that are now clearly visible with this construction detail of his home. Our request to maintain privacy in our home is that this breezeway must be covered, the height of the tower examined and the window-like openings in the tower be closed off where they overlook our property. One additional feature that would help maintain privacy for our home is the backstairs that lead to the tower which now land on the side facing our property which instead, should land on the inside of his property where Reddy seems to have constructed some type of courtyard or other landing area, which is enclosed within his property. These backstairs should not be allowed to land on the side facing our property since this would help to further enhance and maintain the privacy of our home.

The final and fifth item of concern is Reddy's overall actions and behaviors. We strongly feel:

1. That Reddy is doing things the way he wants to regardless of concerns raised by his neighbors and regardless of courtesy and respect of his neighbors' property lines.
2. That Reddy is not cooperative, very rude to his neighbors and not willing to work with us on the concerns we have raised.

We are requesting your input and cooperation on this matter before any further inspections by Ruby Hill HOA and the City of Pleasanton take place. If at all possible, we would like to put this issue on the next agenda of the Ruby Hill HOA meeting.

We have the following requests:

- a. We would like you to come by and take a look at the work Reddy has done on the construction of the Tower and adjacent breezeway, as well as the work Reddy has done on the landscaping. As previously mentioned, the landscaping concern is not ours alone. The owner on the north side of Reddy's property, the Bhardwaj family has expressed similar concerns of encroachment on to their property line and damage to their landscaping as a result of Reddy's landscaping work.
- b. The City of Pleasanton Planning and Building Department and the Ruby Hill Homeowners Association must stop the construction on Reddy's home until these pertinent issues to the two immediate neighbors are resolved. We would like to give an opportunity for this matter to be resolved at the Ruby Hill HOA and City of Pleasanton Planning and Building Department to see if this matter can be civilly resolved, or we will have to escalate further to a court of law.

I appreciate your prompt and cooperation reply in this matter.

Sincere Regards,

Pritpal S. Deol

3749 W Ruby Hill Drive, Pleasanton 94566

Cell: 408-930-8800

CC: Ruby Hill HOA

CC: City of Pleasanton Planning and Building Department

CC: Bhardwaj Family

**ALEXANDER &  
ASSOCIATES, INC.**  
SURVEYING \* ENGINEERING \* PLANNING

# EXHIBIT 4

July 3, 2012

Ruby Hill Owners Association

Attn.: Katherine Forte  
Ruby Hill Manager

Re: Property Line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive.

Dear Katherine:

In April of 2012, I received a call from Mr. Paul Deol of 3749 West Ruby Hill Drive. He requested I restake the property line between 3749 West Ruby Hill Drive and 3737 West Ruby Hill Drive.

I have a long history with this particular property line.

In June of 2002 my office prepared a Grading and Drainage Plan for Mr. Paul Deol on 3749 West Ruby Hill Drive. Our plan clearly shows that no work was being done within 10 feet of the common property line between 3749 West Ruby Hill Drive and 3737 West Ruby Hill Drive. In April of 2003 we verified that the house was in the correct location.

In May of 2010 I was contacted by Mr. Anil Reddy to do work on 3737 West Ruby Hill Drive. In July of 2010 we prepared a Grading and Drainage Plan for Mr. Reddy. This plan clearly shows that no work was to be done on the common property line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive. There is a 15 foot wide water line easement along the side property line between 3737 West Ruby Hill drive and 3749 West Ruby Hill Drive. The City of Pleasanton would not allow construction work over the existing water line from the water tank to West Ruby Hill Drive.

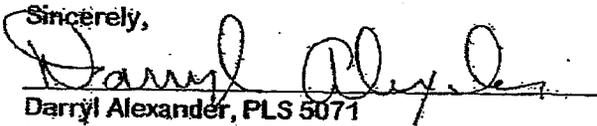
When I received the call from Mr. Deol in April of 2012 I was surprised, as no work was supposed to be done in this area per the approved plans.

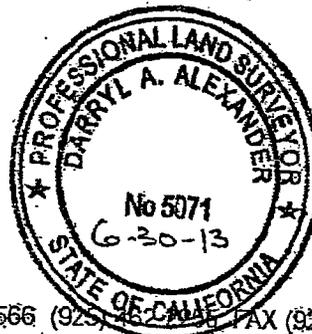
On April 17, 2012 a field crew from my office restaked the common property line between 3749 and 3737 West Ruby Hill Drive. Our findings per this date show that Mr. Reddy had not only graded and planted over the City of Pleasanton Water Line Easement, he had in fact graded over the common property line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive.

I have attached several photographs that were taken April 17, 2012 showing that Mr. Reddy graded over the common property line and onto Mr. Deol's property by up to 2 feet.

If you have any questions, please contact me.

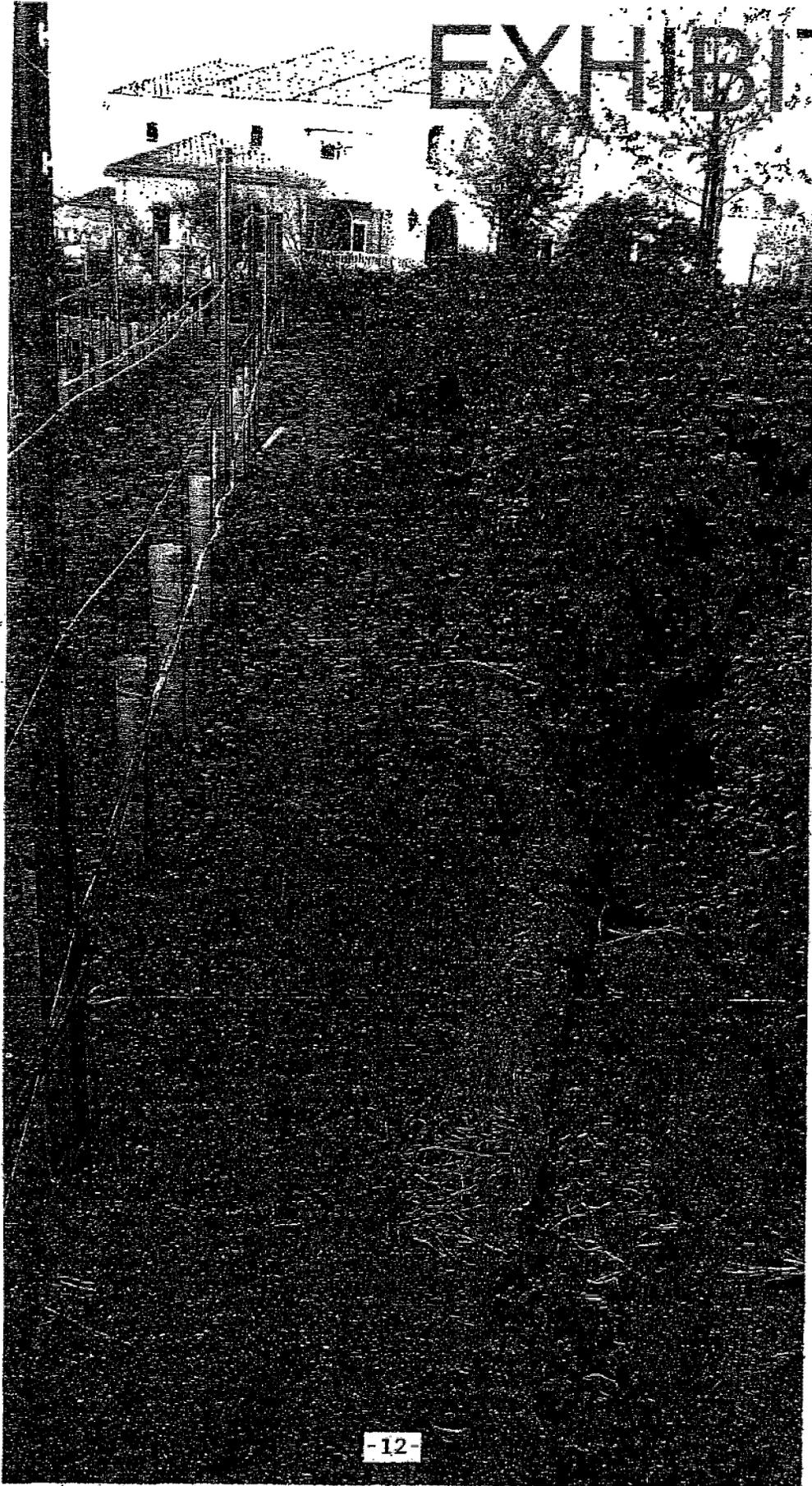
Sincerely,

  
Darryl Alexander, PLS 5071  
License expires 6-30-2013

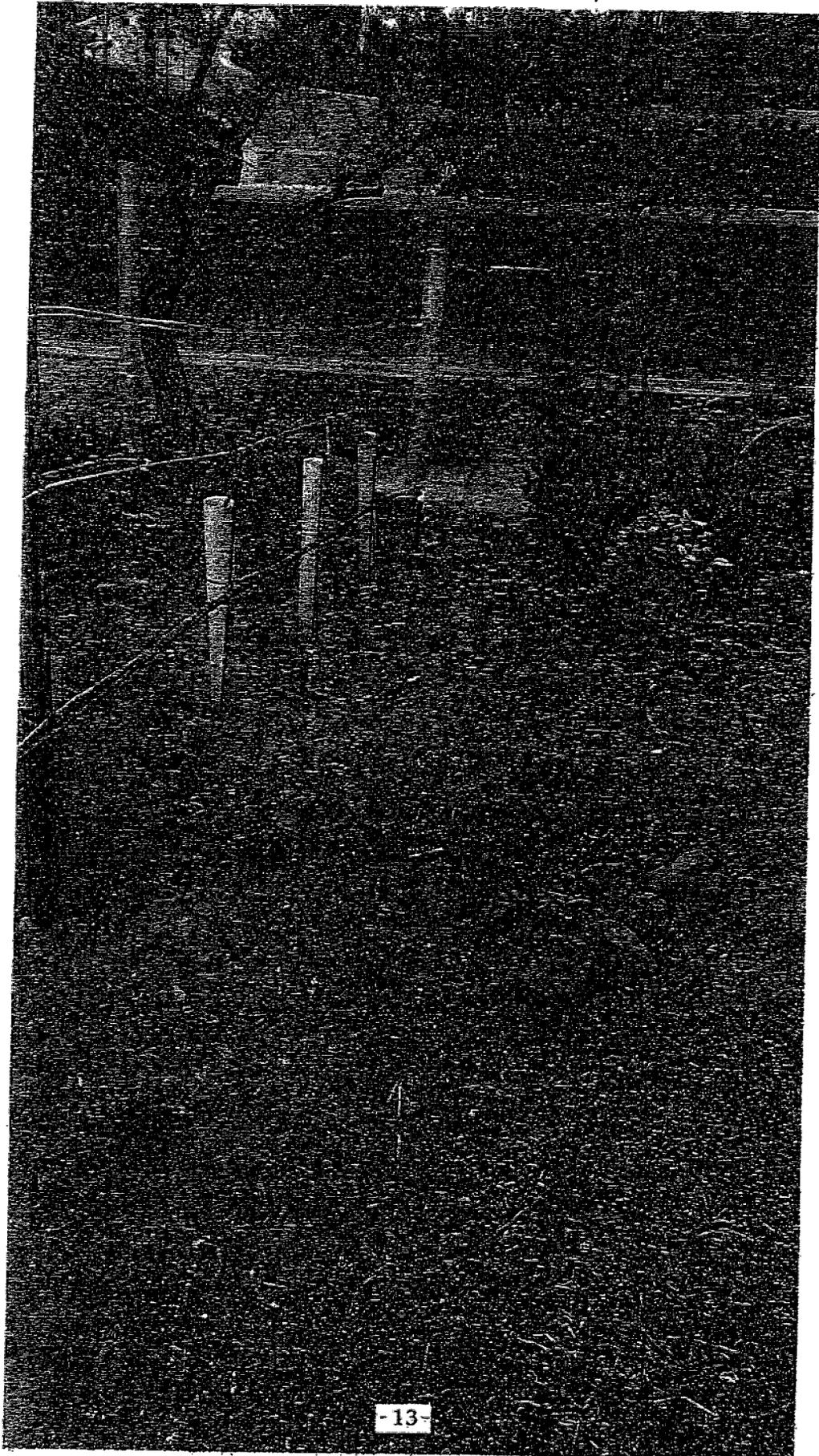


147 Old Bernal Ave. Suite 10, Pleasanton, CA 94566 (925) 462-8092 FAX (925) 462-8092  
Email: surveyor@trivalley.com

# EXHIBIT 4



4



4

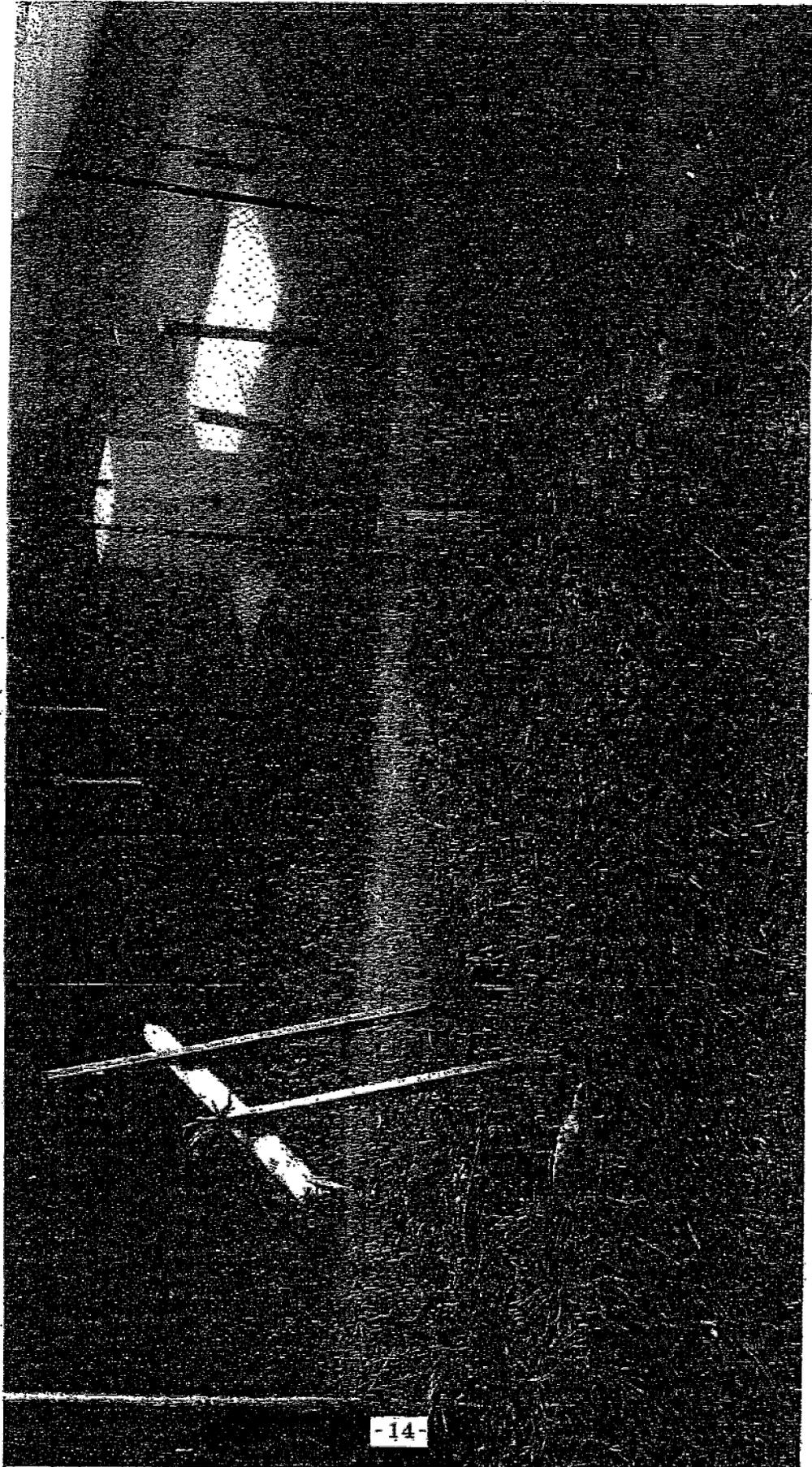
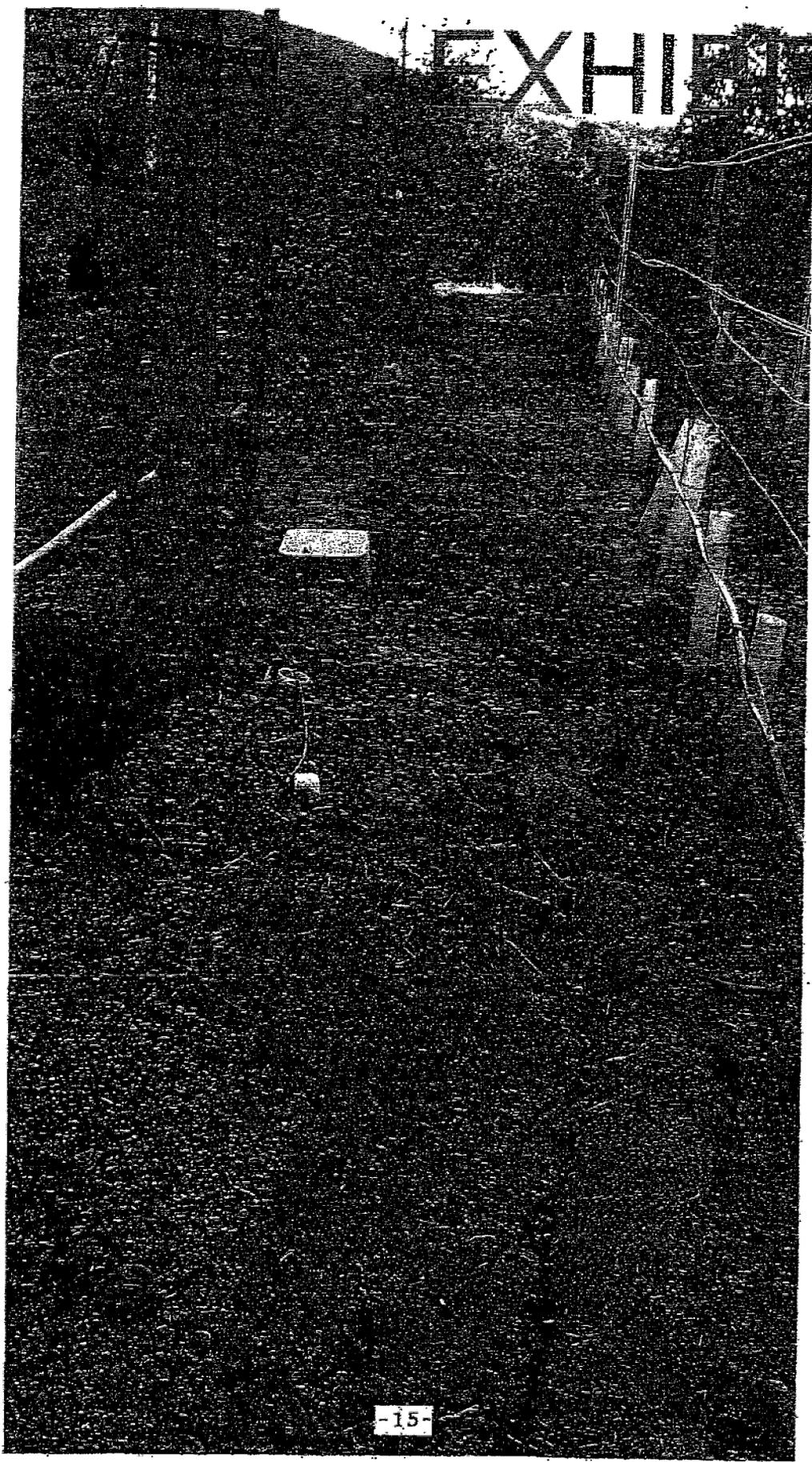


EXHIBIT 4





August 24, 2012

Anil & Divya Reddy  
P.O. Box 564  
Los Altos, CA 94023

Re: *Request for Reconsideration of Final Inspection*  
*Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Mr. and Mrs. Reddy:

Based on what you have submitted, we are considering your submittal as a request for reconsideration by the ADC. The ADC has reviewed everything you have submitted and discussed at length your position. The ADC has granted your request for reconsideration and has revised their previous decision. The ADC is not convinced that your home is entitled to a final approval and therefore your request for a final approval is still denied. However, the ADC has decided to accept some of the items that you have installed at your home even though they are not consistent with the Architectural Plans that were approved by the ADC.

You have asked for our guidance. Attached is a Memo from the ADC clearly outlining what you need to do to bring the house into compliance. In addition, you need to address the following two issues:

1. The encroachment issue needs to be addressed by a licensed surveyor.
2. The landscaping needs to be finished consistent with the approved plans and inspected.

The ADC has decided to accept the three car garage configuration that you have installed even though it has serious doubts that the garage will effectively function as a three car garage.

**THIS IS NOT INTENDED AS A COMPLETE LIST OF ITEMS AS A COMPLETE LIST CAN ONLY BE PROVIDED AFTER ALL APPROVED WORK HAS BEEN INSTALLED AND INSPECTED.**

One other point. You suggested that the Association pay your surveyor. This is not the policy of the Board. In fact, the policy provides that you will be obligated to pay all costs incurred by the Association in processing your plans and the final approval of your home before any final approval will be granted. This policy has applied to every home built in Ruby Hill and the Board has not indicated any willingness to treat you differently.



August 24, 2012  
Request for Reconsideration of Final Inspection  
Lot O-02 @ 5737 W. Ruby Hill Drive, Pleasanton, CA 94566  
Page 2 of 2

# EXHIBIT 5

If you want to appeal the decision of the ADC to the full Board, please let us know and a meeting with the Board will be scheduled as soon as possible. Otherwise you should submit the information outlined above and in the attached Memo to the ADC and they will promptly give you their input.

Sincerely,

By the direction of the Board of Directors,

Robert G. Jones  
Manager, Ruby Hill Owners' Association  
[bob@peachtreecas.com](mailto:bob@peachtreecas.com)

Enclosure (1)

- August 17, 2012 – ADC Memo Re: Architectural Compliance

cc: Board of Directors  
Association Files

Association (Ruby Hill) seeks Members Architectural (A-02 (re:dc)) request for reconsideration of final inspection 8.29.12.doc

# Memo

Date: August 17, 2012  
To: Bob Jones  
From: Ruby Hill ADC  
Re: Architectural Compliance  
Reddy Residence, Lot O-02 - 3737 W. Ruby Hill Drive

Dear Mr. Jones:

Please find the ADC's comments below concerning the architectural compliance for the referenced property:

- |      |      |                   |       |                             |
|------|------|-------------------|-------|-----------------------------|
| O-02 | 6896 | 3737 W. Ruby Hill | REDDY | Architectural<br>Compliance |
|------|------|-------------------|-------|-----------------------------|
- Item #2 - COLUMNS AT AUTO COURT: possible concession item (re: height of columns) under the condition that a gate is NOT installed.
  - Item #4 - SWINGING DOORS FACING STREET AT THE LANAI: possible concession item under condition that front doors are replaced. Gold trim must be painted to match entire door. Space must never be used as a garage.
  - Item #9 - VENTS: metal gable vent must be painted; louvered foundation vent must be painted to match body color.
  - Item #12 - EXTERIOR COLORS: existing colors are not approved. Roof and trim are acceptable, body and columns must be changed to an approved color.
  - Item #13 - FRONT ENTRY DOORS: doors are not approved and must be changed. Design is too ornate.
  - Item #15 - DOWNSPOUTS & DRAINAGE: downspouts must be installed and connected to appropriate drains. Grading swales must be added to the top of slope on both sides property lines.
  - Item #16 - HORIZONTAL BAND AT FRONT ELEVATION: must be painted to match (approved) body color.
  - Item #19 - ARBOR: arbor on the retaining wall must be completed.
  - Item #20 - MECHANICAL ROOM DOORS: hardware must be installed.

# EXHIBIT 5

- Item #22 - COLUMNS: capitals are not approved, design is inconsistent with architectural style
- Item #24 - BEO AT LOWER LOGGIA: must be installed per plan
- Item #26 - STAIR AT LOWER LOGGIA: item is incomplete due to unfinished edge and handrail.
- Item #30 - STUCCO WALL AT MASTER SUITE: must be painted to match approved body color.
- Item #34 - REAR GARAGE DOORS: metal doors are not approved. Must be replaced with an approved material. Glazing is not allowed on any garage door.
- Item #35 - GAZEBO: proposed decorative iron top is not approved. The ADC will consider approval of a wooden top. Columns must match final approved columns for home.
- Item #36 - FOUNTAIN & RETAINING WALL AT TOWER: must be complete

Thank you,

Ruby Hill Architectural Design Committee

# RUBY HILL EXHIBIT 6

July 25, 2012

Anil and Divya Reddy  
P.O. Box 564  
Los Altos, CA 94023

Re: *Ruby Hill Landscape and Irrigation Plan Submittal*  
*Lot O-02 @ 5737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Mr. and Mrs. Reddy:

The Landscape and Irrigation Committee has reviewed your plans for above-referenced Ruby Hill home site. Plans reviewed on July 25, 2012, were approved to install front and backyard landscape including fountain, hardscape, and irrigation per plans submitted. The proposed gazebo is not approved- exceeds the maximum height of 15' and proposed dome is too ornate.

Note: **\*\*Per page 28 of the Design Guidelines, all landscaping must be completed, in accordance with the approved landscape plans, prior to occupancy of the home.\*\***

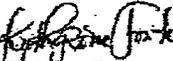
1. All construction must be in accordance with City rules and regulations. All necessary permits from Public Agencies must be applied for and granted and copies of the same must be provided to the Association by the homeowner prior to the commencement of installation.
2. Construction is in accordance with plans as approved. Any deviations will require re-submission of revised plans and approval prior to implementation.
3. The drainage pattern originally established by the developer is maintained or enhanced without adversely impacting the building or common area landscaping. Drainage water must flow freely to and through the common area drain collection without affecting adjacent properties, ponding near foundations or damaging common areas. (if applicable)
4. All improvements must be maintained properly so as not to be unsightly to your neighbors.
5. The Design Review Committee and/or the Board of Directors reserve the right to pursue the removal of improvements, at the property owners' expense, in the event the improvements are not maintained to reasonable standards set forth by the Association.

"Final approval" of these plans and the specifications do not imply Architectural Design Committee approval of the structural integrity or the mechanical systems as described by the plans including the installation of the landscape and irrigation.

We will make periodic inspections of the construction of the landscape and irrigation to assure compliance with the Architectural Design Guidelines, as described in the Ruby Hill Declaration of Covenants, Conditions and Restrictions. The Architectural Design Committee reserves the right to cure oversight errors on its part in the review of the plans and specifications which may appear or be observed during construction (and which are in conflict with the Guidelines) in order to maintain and preserve the integrity of the architectural guidelines established for the community.

Please notify the Committee if any additional changes are made to the approved plans. Thank you for properly complying with the CC&Rs and the architectural design review process. If you have any questions, please contact the committee in writing.

Sincerely,  
RUBY HILL ARCHITECTURAL DESIGN COMMITTEE

  
Katherine Fonte

Association Manager, Architectural Administrator  
[Katherine@peachtreecas.com](mailto:Katherine@peachtreecas.com)

cc: Association Files

J:\Association\Ruby Hill\Architect\Landscapes\Lot O-02\hpl-f-6-16-approved-7-25-12.doc

30100 Mission Boulevard, Hayward, CA 94544-7249 • (800) 547-3224 • (510) 487-6936 fax  
Ruby Hill Community Center Office: (925) 417-1903 • (925) 417-058 fax • email: [rubyhill@peachtreecas.com](mailto:rubyhill@peachtreecas.com)  
[www.peachtreecas.com](http://www.peachtreecas.com)

# **EXHIBIT B**

Date	Description	Page #
6/30/10	Final plans are reviewed by ADC - approval is granted. Materials & Colors and landscaping not approved at this time.	2
4/13/11	Fonte sends email with formal letter of response re: gate and gazebo. Letter indicates that the ADC has historically never approved any entry gates within the neighborhood; however, advises that the ADC may consider a variance to allow the gates under specific guidelines. Fonte requested an architectural elevation drawing be resubmitted (previous versions (landscape and architectural) conflict with each other). Fonte requests a technical drawing or manufacturer's brochure of gazebo's.	3
3/22/12	Fonte sends formal letter to Reddy outlining several (49 items) that need to be corrected on the lot. Copy of letter sent to Rosalind Rondash @ City of Pleasanton.	4
4/2/12	Fonte sends response to Reddy on behalf of ADC - house will not be finaled until all outstanding and major issues have been corrected and/or addressed.	7
6/1/12	Reddy sends email to Fonte with PDF as-built attachments. Requests final approval.	9
6/6/12	Reddy sends email to Fonte with PDF attachments of revised landscape plans.	17
6/7/12	Fonte responds to Reddy's email and requests hard copies of both as-builts and landscaping plans.	16
6/14/12	Reddy sends follow-up email to Fonte re: revised landscape plans delivered to Main Gate.	16
6/19/12	Reddy sends email to Fonte requesting to pick up final approval letter to move forward with City inspection.	18
6/27/12	Reddy sends email to Townsend re: visit to his office.	21
6/29/12	Reddy sends email to Fonte re: lack of response re: final inspection approval and revised landscape plans	22
7/2/12	Jones sends Reddy letter re: Final Design Inspection Request. Jones outlines several issues that remain to be addressed: (1) all outstanding items must be addressed and/or approved; (2) landscaping plans not approved, cease any further work until final plans have been approved, including construction of gazebo; (3) grading issue on neighboring lot; (4) no colors or materials have been approved; (5) garage design has been changed without approval; (6) unapproved exterior elevation changes causes home not to be an approved architectural style. All items must be addressed before re-inspection can take place. Jones requests that Reddy refrain from contacting the office staff and ADC personnel personally.	26
7/5/12	Reddy sends Jones email in response to 7/2/12 letter disputing claims of inappropriate behavior to office and ADC staff.	28
7/5/12	Reddy sends Jones email in response to 7/2/12 letter re: status landscape submittal	30
7/8/12	Reddy sends Jones email in response to 7/2/12 letter disputing encroachment claim. Photos attached.	34
7/12/12	Jones sends letter to Reddy in response to 7/5/12 and 7/8/12 emails. Jones informs Reddy of letter from Alexander & Associates and requests Reddy to hire a licensed professional land surveyor concerning the property line dispute; (2) Jones requests a specific response addressing each of the 49 items outlined in the ADC's 3/22/12 final inspection letter; (3) forwards the ADC's comments re: the as-built plans; (4) informs Reddy landscape plans are under review; (5) requests a response to items 4-6 in 7/2/12 letter; (6) reiterates major issue with architectural style of home. <i>Attachments: (1) 7/3/12 - Letter from Alexander &amp; Associates; (2) 7/11/12 - Memo from ADC re: as-builts; (3) 7/10/12 - Letter from Townsend re: architectural style.</i>	40
7/15/12	Reddy emails Jones re: points 4, 5, & 6 of 7/12/12 letter. Reddy provides response to each item.	48
7/15/12	Reddy emails Jones re: responding to each of the 49 items listed in 3/22/12 inspection - forwards original email sent 7/2/12 with a response to each of the items.	50
7/15/12	Reddy emails Jones re: evidence with actual photos from Spain	53
7/15/12	Reddy emails Jones re: Civil Survey Property Line	57
7/15/12	Reddy emails Jones re: 7/11/12 Memo from ADC re: as-builts. Reddy requests meeting with Board at 7/28/12 meeting.	(add)

Date	Description	Page #
7/20/12	Jones replies to Reddy's 7/15/12 email; 7/20/12 letter attached suggesting that the matter now be handled by the respective lawyers due to tone and legal threats.	63
7/25/12	ADC issues final approval letter for landscaping plans.	66
7/27/12	Fonte emails Reddy on behalf of Jones re: IDR request with the Board. Jones will send a proposed meeting date.	67
7/29/12	Reddy sends follow-up email to Jones requesting a list of any additional information required to be granted final approval for occupancy.	(add)
8/2/12	Townsend sends letter to Fonte summarizing the unapproved changes at 3737 W. Ruby Hill Drive.	71
8/3/12	Townsend sends letter to Fonte re: 2nd final inspection. Provides an updated response to each of the original 49 items noted on the 3/18/12 inspection.	74
8/6/12	Jones sends letter to Reddy re: results of 2nd final inspection and informs him that the home is not ready for final approval for the following reasons: (1) home is not consistent with the plans approved on 6/30/10 or with the Design Guidelines, (2) Landscaping has not been completed, (3) Encroachment onto neighboring property has not been addressed, (4) Each of the 49 items from the 1st final inspection have not been addressed, including the rear garage door and column capitals, (5) Garage issue - the home must have a minimum of three functioning garages. <i>Attachments: (1) 8/2/12 Letter from Townsend, (2) 8/3/12 Letter from Townsend</i>	68
8/7/12	Reddy sends follow-up email to Fonte inquiring about IDR meeting with the Board.	78
8/9/12	Reddy sends email to Jones explaining the 8/8/12 and 8/9/12 visits to the office and requests IDR.	80
8/9/12	Jones sends email to Reddy re: visits to HOA office. Reiterates that all correspondence needs to be submitted in writing and sent to him to avoid any miscommunication. Jones advises Reddy to send the ADC an official request in writing to reconsider rejection of final approval.	(add)
8/12/12	Reddy sends email to Jones responding to the five issues raised in the 8/6/12 letter.	82
8/13/12	Reddy sends email to Jones responding to the 49 items noted in Townsend's 8/3/12 re-inspection letter.	87
8/15/12	Jones sends response to Reddy's email of 8/13/12 - requesting clarification as to whether Reddy is re-submitting all information for reconsideration by the ADC or if it is connection with an appeal to the Board. Jones informed Reddy that we inquired with our attorney re: mediation and per section 11.13 of the CC&Rs, there is already a process established for dealing with decisions made by the ADC.	(add)
8/19/12	Reddy sends email to Jones responding to the garage issue and reiterates that all outstanding issues have now been addressed. Reddy requests guidance to meet ADC requirements.	92
8/24/12	Jones sends letter to Reddy re: Request for Reconsideration of Final Inspection - ADC has agreed to accept submitted information for reconsideration. Request for final approval is still denied. 8/17/12 - Memo from ADC attached outlining what needs to be done to bring the house into compliance. In addition, encroachment issues needs to be addressed by licensed surveyor and landscaping needs to be completed per approved plans. <i>Attachments: (1) 8/17/12 - Memo from ADC re: architectural compliance.</i>	101
8/26/12	Reddy sends email to Jones inquiring about status of request for IDR. Informs that there has been loitering and vandalism at the unoccupied home.	95
8/27/12	Jones re-sends letter to Reddy re: Request for Reconsideration of Final Inspection - ADC has agreed to accept submitted information for reconsideration. Request for final approval is still denied. 8/17/12 - Memo from ADC attached outlining what needs to be done to bring the house into compliance. In addition, encroachment issues needs to be addressed by licensed surveyor and landscaping needs to be completed per approved plans. <i>Attachments: (1) 8/17/12 - Memo from ADC re: architectural compliance.</i>	100

Date	Description	Page #
8/27/12	Jones sends letter to Reddy in response to 8/26/12 email re: request for IDR. Jones explains that HOA counsel advises that he must appeal the decision of the ADC to the Board. If Reddy is not satisfied with the position of the Board, the meet and confer process with a mediator will be instituted.	105
8/27/12	Reddy sends Jones email response to 8/27/12 letter disputing that the ADC's requirements are unreasonable and arbitrary and contends that the house meets all Architectural Guidelines for a Mediterranean Spanish Eclectic home.	107
8/30/12	Jones sends letter to Reddy in response to 8/27/12 email. Informs Reddy that due to claims of discrimination, the review process has been monitored by a member of the Board to assure fair treatment. The Board member has determined that the persistent claims of discrimination and threats of legal action leave no option but to refer the matter to our lawyer. Jones provides Reddy with name and contact information for James McKeehan. All further correspondence must be in writing and sent to McKeehan.	109
8/30/12	Reddy sends Jones email response to 8/30/12 letter to confirm that the request for IDR has been rejected. Reddy informs Jones that ADR process has now been initiated.	111
9/1/12	McKeehan sends Reddy email response to his 8/30/12 email requesting confirmation if Reddy is represented by counsel. McKeehan requests contact information for counsel.	(add)
9/3/12	Reddy sends email to Jones officially appealing decision of ADC to the Board.	114
9/3/12	Reddy sends email to Jones responding to the ADC's Architectural Compliance memo of 8/17/12 and advises that landscape installation is now complete. Reddy provides arguments to each of the items listed and attaches supporting photos.	115
9/3/12	Reddy sends email to Jones appealing house colors and provides photos of other neighborhood homes with similar color schemes.	120
9/3/12	Reddy sends email to Jones with examples of neighborhood homes with "ornate" front entries; photos attached.	124
9/11/12	McKeehan sends Reddy email advising that appeal hearing with the Board has been set for 9/24/12 @ 5:30pm at the Ruby Hill Community Center.	(add)
9/13/12	Peachtree receives Request for Resolution documents (hand delivered by Reddy on 9/13/12); prepared by attorney Jeffrey P. Widman.	129
9/17/12	McKeehan sends email to Reddy's attorney, Widman, confirming phone conversation of 9/17/12 and reiterating that the appeal hearing is scheduled for 9/24/12 @ 5:30pm.	(add)

# **EXHIBIT C**

**RUBY HILL OWNERS' ASSOCIATION  
BOARD MEETING  
September 24, 2012**

**A G E N D A**

**APPEAL HEARING:**

1. 5:30PM – Acct 63\*24-02 Appeal re: ADC denial of final construction approval p.

**EXECUTIVE SESSION:**

1. Discussion re: Acct 63\*24-02 appeal of ADC decision p.
2. Discussion re: Acct 63\*19-33 violation fines for failure to build p. 3
3. Discussion re: Acct 63\*8-17 delinquent assessment account p. 11
4. Discussion re: Acct 63\*17-10 conclusion of payment plan with ATC and final payment amount p. 24
5. ATC Authorization to proceed with Small Claims for Acct 63\*18-21F p. 40

**VILLAS:**

1. Murray Joseph Reserve Study Proposal p. 46

**CALL TO ORDER: 7:00 PM – Ruby Hill Community Center**

**ROLL CALL:**

**HOMEOWNER CONCERNS: None at this time**

**APPROVAL OF MINUTES:**

- Executive and Regular meeting minutes of July 23, 2012 p. 49

**FINANCIAL REPORT:**

- Budget report for period ended August 31, 2012 p. 56
- Angius & Terry Collection Reports p. 85
- Update on delinquent accounts p. 114
- Checks submitted for signature p. 153
- 1. Angius & Terry Collections: Authorization to record Notice of Delinquent Assessment on account numbers: Accts 63\*16-15 and 63\*1-32 p. 157
- 2. Notice of Default correspondence re: Nawabi p. 167
- 3. Bankruptcy correspondence re: Shabazz p. 170

**MANAGEMENT REPORT: Checklist review p. 178**

1. Discussion re: check questions p. 190

**OLD BUSINESS:**

1. Rudy's Custom Concrete proposal to repair pavers at Main Gate p. 193

**NEW BUSINESS:**

1. Murray Joseph Reserve Study Proposal p. 195
2. Troy Van Sloten CPA Audit Proposal p. 197
3. Ratification of emergency approval to replace chemical controller for Community Center wading pool p.

**COMMITTEE INFORMATION / REPORTS:**

**MISCELLANEOUS BUSINESS:**

1. PG&E Correspondence re: rate increase p. 201
2. Zone 7 Irrigation Audit Report p. 210

**ADJOURNMENT:**

**NEXT MEETING DATE: October 22, 2012 – Election Meeting 6:30 p.m., Annual Meeting 7:00 p.m., Board Meeting immediately following the Annual Meeting.**

# **EXHIBIT D**

April 13, 2011

Anil & Divya Reddy  
P.O. Box 564  
Los Altos, CA 94023

Re: *Ruby Hill Architectural Review – Entry Gates & Gazebo*  
*Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Ruby Hill Lot Owner(s):

The ADC has evaluated your architectural plans concerning the entry gate. Historically, the ADC has uncompromisingly denied applications for entry gates. Any existing entry gates within the Community have been installed **without approval from the ADC** and have been constructed after the final architectural inspection.

That being said, the ADC will consider a variance to allow the gates to be installed under the following parameters (*\* Since the gates will be placed within the front setback, design standards per section IV(h) will apply.*):

- The walls, columns, and gate must not encroach more than 10' in the front yard setback.
- The maximum height of walls and gate must not exceed 48" (columns may not exceed 60", including cap/finial).
- The gate must be standard black wrought iron, more in keeping with the standard Ruby Hill Master Fence Plan.
- Walls and treatments must match the materials of the house.
- Lamps are not allowed to be installed on any columns.

The gate depicted on the architectural elevation and the detail listed on the landscape drawings conflict. You must submit a detailed drawing to include material call-outs and dimensions for approval before proceeding with any further construction on the gates.

In addition, the photograph you have submitted of the "gazebo" does not provide the specific information required for the ADC to make a decision. A technical drawing or manufacturer brochure (that includes materials and dimensions) will be sufficient.

Although the ADC generally requires the revisions to be submitted on new, clean (no red marks), pages, we will accept 8 ½ x 11 drawings of both the walls/gate and the gazebo.

Once you submit the necessary drawings, we will expedite review so you can proceed with you construction accordingly.

Sincerely,  
For the Architectural Design Committee

Katherine Fonte  
Association Manager  
[katherine@peachtreecas.com](mailto:katherine@peachtreecas.com)

cc: Association Files

**EXHIBIT E**

Redacted  
Attorney-Client Privileged

**From:** Anil Reddy [mailto:redya@gmail.com]  
**Sent:** Thursday, June 24, 2010 8:35 AM  
**To:** Katherine Fonte  
**Cc:** RubyHill  
**Subject:** Re: Approval letter 6/25 (3737 W. Ruby Hill Dr.)

Katherine,  
This is blackmail.

Your bait-and-switch, used-car-salesperson style tactics are regrettable and unbecoming of a reputable, high-end community such as Ruby Hill. Over just a few weeks of becoming a new owner and dealing with you, your lack of business ethics is very discouraging.

In case you needed another reminder, this house plan was previously approved in 2006 by Ruby Hill HOA and the City of Pleasanton for the previous owner of this lot, when all fees were paid for design review then. The Architectural Design Guidelines document (page 10) on HOA website says the \$1500 design review fee can be reconsidered for situations such as mine where the design plans are just being updated to new building codes and re-submitting for city plan check. I don't understand what the board meeting got to do with an approval letter for City's plan check. The ADC guidelines document indicates the ADC Committee can make this call on its own under these circumstances and not even have to bother the board. The series of successful design review meetings I have had so far implied such waiver because otherwise the fee would have been due at the preliminary review meeting on 5/14 itself per the guidelines document.

From the start and in several emails over the last few weeks, I was emphatic about the rush for this approval letter at 6/25 final review and informed you of my urgency to meet the 7/1 city plan check submission deadline for the C-3 Storm Drain. If you really thought I should go in front of the board as you told me at the time, its interesting that you ensured I was unaware of and therefore missed the board meeting in May. Now you say my presence at the 6/28 board meeting is optional- if this is the case why was this issue not discussed at the May board meeting itself then. Upon questioning why I was not told about the May board meeting, you told me about this next board meeting being on 6/28, and since then you led me to believe though your silence to all my emails that it would not be a problem to get the approval letter on 6/25.

I am fully expecting these duplicate fees are waived by considerate board members, notwithstanding the economic environment we are in. Otherwise this house will never get built with bloated expenses as this and if I am forced to miss my deadlines and abandon construction plans, then I will pursue legal recourse and remedies. You are trying to penalize the last remaining lot owners, in this economy, and that too those with previously approved house plans as mine in an arbitrary manner with exorbitant fees and now holding me hostage...again notwithstanding the fact fees were previously paid already.

Your demeanor towards me has been cold and you have been shockingly unresponsive to my emails and previous requests for information. It took you two months and several reminders to even get me access to HOA website. I found it strange and unprofessional that you had called my escrow company a month after the lot sale completed to ask them to tell me to pay "construction fees". Don't understand what has the escrow company got to do with it at all. In any case, I still don't know what these fees are for and why should they be paid multiple times for the same lot. And that too in this pathetic economy. I spent all of one hour with Terry Townsend at the design review meetings so far to review my updated house plans and for that you want to gouge another \$1500 out of me as design review fees. And an additional \$3500 construction deposit when I am doing the community a favor and building in front of that ugly water-tank. That is what the construction insurance is for to cover for any damages during construction. In case you didn't know, unlike in the past there are no construction loans to be had from banks and every penny is critical to see the house completed- no more of that sub prime funny money to be throwing around anymore.

It seems to me you are personally playing a game to arm-twist unsuspecting new owners out of bogus fees. I wonder if your commissions are based on this. Plus, it is as though you'd rather not have any new homes built at all. Instead of being thrilled and thankful that someone is even willing to build a house in this double-recession economy and that too in front of that massive water tank, you want to resort to blackmail and withhold the approval letter in the 11th hour, that's just pathetic and simply unacceptable. In the first and only review meeting you participated, you seemed clueless about your own published architectural design guidelines and exposed your ignorance by unnecessarily interrupting the discussion with architect Terry and Danielle. Thankfully, without you participating in rest of the meetings, everything progressed smoothly. You clearly are carrying a chip on your shoulder against me and I don't know what I have done to deserve it.

Like I said in my many emails, even the city of Pleasanton is waiving over \$20,000 in permit fees in recognition of the dismal times we live in today. Go read the news. Clearly, you have no idea what one has to go through to build a new house in this economy. I am confident the board will be understanding and supportive of new construction such as this and waive these duplicate fees, if you don't get in their way that is.

I am already very tired and extremely stressed in trying to get the project off the ground so the outer shell can be built before the rains start in three months, even without you willfully trying to throw the spanner at the wheels. Now I have to deal with your incompetence and blatant blackmail. Great.

Please know that, as an owner, I now have a stake in efficient organization and competent management of the community as its reputation is clearly at stake. Again, If I don't get the letter on 6/25 and I miss my deadline, you will be legally liable. I hope I will be treated fairly going forward.

/A

On Wed, Jun 23, 2010 at 6:14 PM, Katherine Fonte <[katherine@peachtreecas.com](mailto:katherine@peachtreecas.com)> wrote:

Hello Anil,

Thank you for your email. I wanted to let you know that we are unable to release any approval letters until all fees are paid. I understand that you have submitted your request to the Board for the fees to be waived. Their meeting is this coming Monday at 7:00pm. You are more than welcome to attend to speak with the Board in person re: your request.

Please feel free to contact me tomorrow if you have any questions.

Thank you,

Katherine Fonte  
Association Manager

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**From:** Anil Reddy[SMTP:REDDYA@GMAIL.COM]  
**Sent:** Wednesday, June 23, 2010 3:14:29 PM  
**To:** RubyHill  
**Subject:** Re: Approval letter 6/25  
**Auto forwarded by a Rule**

Hi Danielle,

I assume you will give the Approval Letter to me this Friday, so I can rush to the City for Plan Check submission immediately after our meeting.

I will bring all the detailed design information you and Terry have asked for this final review meeting as follows:

1. Architectural Design:
  - Detailed floor plans
  - Detailed elevations (front, rear, sides, court yard, motor court, and loggia)
  - Foundation plans
  - Framing plans
2. Soils Analysis and Report
3. Structural Engineering Analysis and Drawings

Thanks for your help- see you at 11:30am on 6/25.

Regards,  
/A

On Thu, Jun 17, 2010 at 3:41 PM, RubyHill <[RubyHill@peachtreecas.com](mailto:RubyHill@peachtreecas.com)> wrote:  
Hi Anil,

I have you on the agenda for next Friday, June 25 @ 11:30 AM. Please confirm you will be in attendance.

Thank you,

Danielle Munn  
Community Center Facilitator  
Architectural Administrator

*Please visit your Community's website for up-to-date information and to pay your assessments! Secure login available at [www.peachtreecas.com](http://www.peachtreecas.com).*

# **EXHIBIT F**

RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 1118024638-CB

APN: 950-0017-052

When Recorded Mail Document and Tax Statements to:

Anil Reddy & Divya Kudhur Reddy  
1916 Via Di Salerno  
Pleasanton, CA 94566

CERTIFIED A TRUE COPY OF THE ORIGINAL  
RECORDED IN THE OFFICIAL RECORDS OF

ALAMEDA COUNTY ON 3/20/13

Under Recorder's Serial No. 20131826

Old Republic Title Company

BY: J. Jellens

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

### Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$1,716.00

(X) computed on full value of property conveyed, or

( ) computed on full value less of liens and encumbrances remaining at time of sale.

( ) Unincorporated area:  (X) City of Pleasanton

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
James Clare Anderson and Katherine Brookfield Anderson, Trustees of The James C. and Katherine B. Anderson Living Trust, UTD,  
December 28, 2004  
hereby GRANT(S) to  
Anil Reddy and Divya Kudhur Reddy, husband and wife, as community property with right of survivorship

that property in City of Pleasanton, Alameda County, State of California, described as:

\*\*\* See "Exhibit A" attached hereto and made a part hereof. \*\*\*

Date: February 25, 2013

The James C. and Katherine B. Anderson Living Trust, UTD,  
December 28, 2004

By: James Clare Anderson, Trustee  
James Clare Anderson, Trustee

By: Katherine Brookfield Anderson, Trustee  
Katherine Brookfield Anderson, Trustee

State of CA

County of Alameda

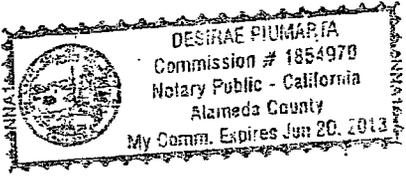
On 3/11/13 before me, Desirae Puumarta, a

Notary Public, personally appeared James Clive Anderson and Katherine Brickfield Anderson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Desirae Puumarta  
Name Desirae Puumarta  
(typed or printed)



(Area reserved for official notarial seal)

ORDER NO. : 1118024638-CB

**EXHIBIT A**

The land referred to is situated in the County of Alameda, City of Pleasanton, State of California, and is described as follows:

Lot 50, as shown on the Map of Tract 6769, Ruby Hill, recorded on October 25, 1995, Map Book 222, Pages 3 through 10, inclusive, Alameda County Records.

Excepting therefrom, with respect to the real property described above, all oil, minerals, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the real property above-described, lying more than five hundred (500) feet below the surface thereof together with the right to slant drill or mine for, and remove all or any portion of said substances lying below a depth of more than five hundred (500) feet below the surface thereof, and the right to grant leases for all or any said purposes; but without any right whatsoever to enter upon the surface of said land or upon any part of said land within five hundred (500) feet vertical distance below the surface thereof.

APN: 950-0017-052

