

DESIGNATION OF PREFERRED METHOD FOR DELIVERY OF INDIVIDUAL NOTICES FROM THE HOA

Sections 4040 and 4041 of the California Civil Code are printed on the reverse of this form. With respect to "individual delivery" or "individual notice," the owner(s) elect to receive the notices from the HOA in the manner set forth below.

I. Primary Notice

Choose one:

☐

A mailing address.*

☐

A valid email address.

☐

Both a mailing address and
a valid email address.

II. Alternate or Secondary Notice

Choose one:

☐

None.*

☐

A mailing address.

☐

A valid email address.

☐

Both a mailing address and
a valid email address.

Unit Number: _____

Date: _____

Owner 1
signature: _____

Owner 2
signature: _____

Owner 1
name (print): _____

Owner 2
name (print): _____

** The default in the absence of a valid election by the owner(s).*

Notes: (1) This designation does not apply to general notices provided by the HOA.

(2) The completed form may be returned by email to [info @ wplhoa.org](mailto:info@wplhoa.org) or by mail to West Point Loma Owners Assn., 4542 W Point Loma Blvd, San Diego, CA 92107.

(3) Owner(s) are not required to provide an email address to the association.

(4) Changes to the preferred delivery method may be made at any time by proving an updated form or equivalent to the HOA.

(5) Unless otherwise specified, the mailing and email addresses will be those listed in the most recent Owner Information Form.

California Civil Code

Section 4040.

- (a)
 - (1) If a provision of this act requires an association to deliver a document by "individual delivery" or "individual notice," the association shall deliver that document in accordance with the preferred delivery method specified by the member pursuant to Section 4041.
 - (2) If the member has not provided a valid delivery method pursuant to Section 4041, the association shall deliver the document by first-class mail, registered or certified mail, express mail, or overnight delivery by an express service carrier addressed to the recipient at the address last shown on the books of the association.
- (b) Upon receipt of a request by a member identifying a secondary email or mailing address for delivery of notices, pursuant to Section 5260, the association shall deliver an additional copy of both of the following to the secondary address identified in that request:
 - (1) The documents to be delivered to the member pursuant to Article 7 (commencing with Section 5300) of Chapter 6.
 - (2) The documents to be delivered to the member pursuant to Article 2 (commencing with Section 5650) of Chapter 8 and Section 5710.
- (c) For the purposes of this section, an unrecorded provision of the governing documents providing for a particular method of delivery does not constitute agreement by a member to that method of delivery.
- (d) This section shall become operative on January 1, 2023.

Section 4041.

- (a) A member shall, on an annual basis, provide written notice to the association of all of the following:
 - (1) The member's preferred delivery method for receiving notices from the association, which shall include the option of receiving notices at one or both of the following:
 - (A) A mailing address.
 - (B) A valid email address.
 - (2) An alternate or secondary delivery method for receiving notices from the association, which shall include the option to receive notices at one or both of the following:
 - (A) A mailing address.
 - (B) A valid email address.
 - (3) The name, mailing address, and, if available, valid email address of the owner's legal representative, if any, including any person with power of attorney or other person who can be contacted in the event of the member's extended absence from the separate interest.
 - (4) Whether the separate interest is owner-occupied, is rented out, if the parcel is developed but vacant, or if the parcel is undeveloped land.
- (b)
 - (1) The association shall solicit the annual notices described in subdivision (a) of each owner and, at least 30 days before making its own required disclosure under Sections 5300 and 5310, shall enter the data into its books and records.
 - (2) The association shall include in the solicitation required by paragraph (1) both of the following:
 - (A) Notification that the member does not have to provide an email address to the association.
 - (B) A simple method for the member to inform the association in writing that the member wishes to change their preferred delivery method for receiving notices from the association.
- (c) If a member fails to provide the notices set forth in subdivision (a), the last mailing address provided in writing by the member or, if none, the property address shall be deemed to be the address to which notices are to be delivered.
- (e) For the purposes of this section, a valid email address is one that, after a notice is sent, does not result in a bounce or other error notification indicating failure of the message. If the association delivers a notice to a member's email address and finds that the email address provided is no longer valid, the association shall resend the notice to a mailing or email address identified by the member pursuant to Section 4040.