



LEGAL EASE?

PROPERTY RIGHTS & SURFACE WATERS

The winter storms awaken the beauty of the canyons, yet they leave in their wake a tide of surface water problems. With the upstart of construction going on in Agoura the question arises: who is liable for damage to a lower property due to the runoff from property at a higher elevation?

The general rule in California law regarding property rights and the flow of surface waters is that, *where two adjacent parcels of land belong to different owners, and one is lower than the other, the owner of the upper, or "dominant" estate, has a legal and natural easement on the lower or "servient" estate to discharge all surface waters naturally falling or accumulating on his land onto or over the land of the lower owner in the manner in which they would naturally flow from a higher to a lower level.*

As for a landowner diverting water by artificial means, he may not accelerate the flow by means of ditches, nor may he increase the drainage of his own land to the injury of a lower owner.

In a landmark California Supreme Court case the "Rule of Reasonable Use" was declared. Under this rule an owner modifying the flow of surface waters can successfully defend a claim for damages if he can show both that his conduct was "reasonable" and that the conduct of the downhill landowner was "unreasonable". The court defined this further; failure to exercise reasonable care in using his property to avoid injury to adjacent

[see "SURFACE WATERS" on page 3]



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NEIGH...BORHOOD NEWS CIRCULATION

- Directly sent to approximately 1900 property owners, agents, and Select Equestrian Property Network members.
- Available at finer feed and tack stores in L.A. and Ventura counties.

Let **NEIGH...BORHOOD NEWS** help market your horse property in the next issue!



4H: A WAY OF LIFE

Over a year ago Agoura residents rejected plans to bring an entertainment arcade to Canwood Blvd. Critics felt that such a place would attract gang activity and become a magnet for their idle youth. Parents lauded a local 4H chapter as the gang of choice for their children's energies. Headed by Old Agoura resident Joanne Kissling, the youth development program is alive and healthy in Agoura.

Johnny Carson was one. So was Al Gore, Walter Mondale, Reba Macintyre and Pat Nixon. CEOs from dozens of Fortune 500 companies were also alumni of 4H clubs.

4H started over 75 years ago as a way to bring new ideas to farm families. Now it is largest youth development program in the U.S.A. 4H members here can also interact with sister clubs in Europe and Asia. Clubs provide leadership experience and teach the importance of being part of a group.

Anything that interests a local group can be a 4H project. Adult leaders pass on skills and knowledge about specific subjects from foods, arts and crafts, sports, animal science, electronics, public speaking and doz-

[see "4H" page 3...]

LISTINGS WANTED

Last year proved to be a very solid market for ranch properties. Some homes sold for an amount more than or equal to the asking price. To illustrate just how strong the market is - for example, a fixer upper at 5940 Chesebro received 13 offers, and we sold a home at 6125 Fairview in just a few days.

We are the exclusive area representative for Select Equestrian Property Network. Through SEP, classified advertising, and mostly from referrals, we are contacted at least 4 times per week by people seeking custom or ranch property in Agoura. More homes are needed to meet the demand.

Here's to more great news for the ranch property market!

All the best, *Wanda & Nona*

This is not intended as a solicitation if your property is currently listed with another broker.

NEW SINCE THE LAST NEWSLETTER ...

NEW LISTINGS

Address	Current List Price	List Date	Bdrm/Bath	Lot Size (approx. sqft)
4926 VEJAR	258,900	10/4/97	3/2.5	19998
28933 CRAGS	319,000	1/14/97	3/2	15000
29138 BORG	375,000	1/3/97	3/2.5	10803+
544 MOUNTAIN GREEN	420,000	1/1/97	3/2.5	25966
1522 LOOKOUT	475,000	1/10/97	3/2	54014
25580 MAYNARD	499,000	1/14/97	3/2.5	304000+
24619 MULHOLLAND	549,950	8/6/96	4/2.5	47480
24723 MULHOLLAND	595,000	1/5/97	4/3.5	43560+
28008 BALKINS	629,000	1/5/97	3/2	43560
2977 TRIUNFO CYN	795,000	1/9/97	3/4	87000+
2065 MC KAIN	799,000	10/1/96	4/3.5	55440
31465 LOBO CANYON	799,500	11/22/96	5/5	40000
2301 SIERRA CREEK	819,500	12/4/96	5/4	31798
28933 WAGON	859,000	10/28/96	3/4.5	56628
1063 MEADOWS END	895,000	11/9/96	3/2.75	958320
28347 W BALKINS	959,000	1/20/97	4/3.5	116938
2305 SIERRA CREEK	975,000	12/17/96	5/4.5	57499
29270 WAGON	1,095,000	11/23/96	5/4.5	39521
28940 MEDEA MESA	1,375,000	10/11/96	5/5	33415

NEW ESCROWS PENDING

Address	Final List Price	Comments
5566 LEWIS	439,000	Traditional style home with impeccable decor. Cul-de-sac location, pool/spa on approx. .5 acre.
24619 MULHOLLAND	549,950	"Perfect" one story spanish with pool/spa, room horses. Great floorplan.

NEW CLOSED ESCROWS

Address	Final List Price	Sale Price	Sale Date	Comments
3169 TRIUNFO CYN	499,000	475,000	12/30/96	Gated chalet on 4+ acres. Out-buildings include 2 stall barn, complete guest house, car collectors garage.
6140 CHESEBRO	749,000	710,000	1/13/97	Multiple offers on this light and bright Mediterranean on a level acre. Features entertainer's pool and BBQ area, horse facilities.
29901 TRIUNFO DR	435,000	429,000	11/2/96	Probably the first Westpointe resale, built in 1996. Guest quarters with kitchenette and full bath.
28506 DRIVER	285,000	275,000	10/2/96	Deeply set off road. Nicely maintained one story on nearly an acre.
24520 DRY CYN CLD CRK	799,000	750,000	10/4/96	5700 square foot Tudor. Needed a bit of TLC.
28925 MEDEA MESA	895,000	850,000	10/21/96	Medea Valley Tudor on an acre with pool, tennis.
24639 MULHOLLAND	499,950	484,000	10/1/96	Dramatic setting with seasonal creek. Complete horse facilities.
2630 LADYBIRD	395,900	395,000	10/1/96	Bank foreclosure. 2600+ square feet on one thickly landscaped acre.
1946 OLIVERA	349,000	308,000	12/10/96	Nice two story contemporary in Malibu Lakeside.
5661 COLODNY	429,000	400,000	10/22/96	Traditional style horse property needed some decorating. .65 acre.

Data obtained from DataQuick information reporting services and C.R.I.S. multiple listing service - it is not guaranteed.

4H...[cont. from page 1]

ens more. Through the 4H Presentation Program, members prepare and present a short talk or demonstration. This builds a young person's self confidence and his or her ability to organize and communicate ideas.

Families and other spectators learn as much as the youngsters who exhibit their projects at fairs and special 4H events.

Project leader Joanne Kissling says the Agoura chapter is expanding to include pre-schoolers. Until now the clubs accepted youths ages 9 to 19.

For information about 4H or to participate call:

Agoura 4H Community Club Leader

Joanne Kissling 818/889-1497

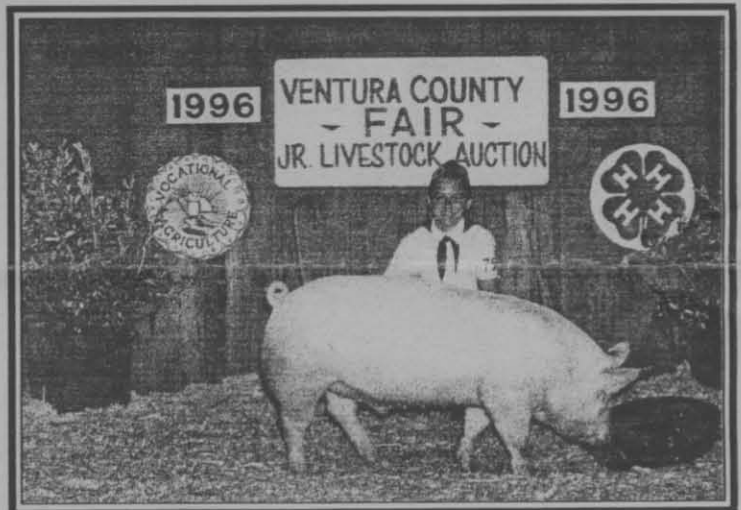
Linda Carhart 818/889-3458

Shadow Hills 4H Community Club Leader

and Horse Project Leader

Sharon Brumnet 818/707-2108

Old Agoura HOA 4H Scholarship Committee 818/879-0032



4H kids go whole hog for Fair.

On behalf of a generation of grateful teenagers, heartfelt appreciation and thanks to **Susan Albitre** for 16 years of dedicated service as 4H Community Club Leader.



A river runs through it.

SURFACE WATERS...[cont. from page 1]

property through the flow of surface waters may result in liability by an upper to a lower landowner. It is equally the duty of any person threatened with injury to his property by the flow of surface waters to take reasonable precautions to avoid or reduce any actual or potential injury. The issue of reasonableness becomes a question of fact to be determined in each case upon a consideration of all the relevant circumstances, including factors such as the amount of harm caused, the foreseeability of the harm, and the purpose or motive of the landowner.

This ruling is being tested again in Agoura. A landowner is being sued for damages resulting from his blocking drainage from three

higher properties. Water was prevented from flowing, causing it to be trapped onto property of the adjacent upper landowner. The adjacent upper landowner obtained an injunction to prevent the lower landowner from continuing to block the drainage.

Analysis of water rights issues are complex. An impending problem with a neighbor about water runoff calls for a consultation with an attorney about the best way of limiting or eliminating potential liability.

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Select Equine Properties



ABOVE LISTINGS ARE ON THE INTERNET

Featured New Listings

LOTS MORE LOTS

A number of beautiful home sites are now available. It's not too late to attain your dream, although vacant land is becoming scarce.

Fortunately, new financing packages take some of the worry out of building a home. It was not unusual for a home builder to wait for approval of a permanent or "take out" loan while he or she was carrying the costs of a temporary construction loan. In a volatile market, this could be a bit nerve-racking. Lenders now will make a commitment for the permanent loan at the same time they approve the construction loan.

Call for the locations and details on these fine lots (all are horse zoned; all are in the Las Virgenes School District):

Old Agoura: 1/2 acre flag lot offers the ultimate privacy. Overlooks seasonal creek with mountains and canyons in the background. \$89,500.

Malibou Lake: Nearly 3 secluded acres at end of private road. Many possibilities for the nature lover and horse owner. Near Malibu Creek State park. \$125,000.

Old Agoura: Two one acre lots on Balkins. Quiet private road has custom estates on neighboring lots. Pastoral country setting, excellent values! \$145,000 & \$125,000

Old Agoura: 1+ level acre in superb location near Chesebro Canyon National Park. Utilities, water meter in. We just sold the home across the private road for \$710,000. \$268,000



Old Agoura: Two 1/2 acre lots in great location adjacent Santa Monica Mountains Conservancy open space. Charming one story home with pool (see photo above) is on one of the lots. Second lot is all usable to build another home or to put a barn/arena. \$459,000