



11390 MARKAB DRIVE
SAN DIEGO, CA 92126

28 May 2014

RESIDENT
8491 MENKAR ROAD
SAN DIEGO, CA 92126-1360

Dear Neighbor,

On 27 May 2014 at 7:22PM an adolescent boy was standing on top of our block wall, which he had accessed from your property.

This action occurred while you were throwing a birthday party at your home, with adult supervision in place, which to my mind makes it even more inexcusable. I believe this to be an egregious violation of the agreement about our wall that I had with the previous owners of your property, and I wish to go on record as rescinding that agreement now.

As the previous owner of your home, Xu Qinghao, was aware, those of us on Markab Drive live in a different subdivision from those of you on Menkar. Our subdivision was built about 5 years before yours, and when my husband (the original owner) purchased our home, there was nothing but open space behind it. Later when Menkar was extended to the south, and your block of homes was built, the developer of the Menkar properties put up subdivision boundary fencing, set back from the property line, thus establishing a buffer zone between our different subdivisions.

Over the years, many of the back-yard fences for homes along Menkar have come down and not been replaced, including the north-south run of fence for your 8491 Menkar Road property. When we replaced our own wooden fence in the back with a masonry wall during April-May 1999, your property was owned by Barbara and Jeff Vasquez, whose back fence had already fallen down; taking advantage of our Markab Drive fences (which are privately owned, and were **not** constructed by the developer), they didn't rebuild it. Because Barbara and Jeff never used our wall for a formal enclosure (*i.e.*, didn't extend the fence running west-to-east on the south side of your property, thus maintaining the large gap between it and our back fencing), and because they never did anything to threaten our privacy and/or security, we didn't insist that they replace their subdivision boundary fencing and keep the established distance from our wall.

Such informal neighborly arrangements lasted until 2011 when the family then renting the Menkar property to your south took down their subdivision boundary fencing, extended the fence between your properties so that it enclosed their back garden by connecting to our wall, and built an elevated children's play structure right up against our wall, giving their children (and children's friends) visual and physical access to our swimming pool, our back yard, and our house. For a number of reasons, I couldn't and wouldn't tolerate this, and after a prolonged and increasingly acrimonious struggle over this and other illegal improvements they pursued, the tenants finally dismantled the play structure and replaced the subdivision boundary fencing that they should never have removed in the first place.

During the course of our heated debate, the tenants then living at 8485 Menkar Road accused me of holding a double standard (because I didn't require Qinghao's family to replace their subdivision boundary fencing, also), and they were right. At the time, I didn't feel it was fair to Qinghao (a new owner) to insist that everyone follow the letter of the law, especially those who hadn't done anything to warrant such an inflexible approach.

But that all changed on Tuesday night when, once again, there was an inquisitive child atop my wall.

It is clear to me now that it is better for all concerned that we maintain double fences, as the developer intended. Hence, I wish to formally request, in writing, that you stop using our block wall (which was paid for by us, and is located on our property) as a shared resource, and replace your subdivision boundary fencing.

This is the only way I can ensure that no children will ever again have such easy access to our yard and swimming pool – a dangerous “attractive nuisance” which I am required by law to lock up from children.

Sincerely,

Deborah Taylor-Pearce