

## No Headline

Tara Taylor

Staff writer

Published: December 23, 2002

After hours of deliberation from both sides, the state of El Dorado Hills' yellow house is still in limbo. Both the EDH Community Services District and Joseph and Melinda Bula will wait until next month to find out if the issue will be resolved.

Both parties gathered in the courtroom of Judge Eddie T. Keller in Placerville on Dec. 18 to attempt to sway the judges' decision in their favor. In the end Keller decided that the attorneys would have until Jan. 17 to hand in their supplemental trial briefs and closing arguments. A final decision will be made two to three weeks after Keller has read the briefs.

"We are really looking forward to a positive resolution of this case," said Dianne Foos, attorney for the Bulas. "We think it went pretty well."

"The people of El Dorado Hills should be very sad," said Melinda Bula. She was hoping that the issue regarding the application process for the repainting of her home would be decided at the hearing.

The issue regarding the application process for a repaint to the Design Review Committee has been in the spotlight for 10 months now due to the fact that the Bulas had an existing CC&R code violation: a polyvinyl fence surrounding both their pool and exterior of their home. The issue also coincided with the argument over if the Bula's home was a repaint of the same color: yellow, or a different shade of the original color.

According to the Bula's attorney, the issue at hand is whether or not the CSD had the authority to ask for an application from the Bulas to repaint their home the same color.

It was decided in an October trial that the Bulas were at fault due to the existing violation, but Judge Patrick Riley could not come to a final decision regarding who would be held accountable due to lack of documentation from the CSD. It was also decided during that trial that the color yellow was no longer an issue since there was no existing original paint chip and the company which created the paint color had gone out of business.

The lack of documentation became an issue again last week when the Bulas' attorney asked CSD General Manager Wayne Lowery if he could provide documentation that states the Bulas must file an application for approval from the DRC to repaint their home the same color. Lowery could not provide published documentation that stated approval was needed.

"Is there anywhere in the CC&Rs that it says that the Bulas must apply when repainting their house the same color?" asked David **Trapani**, attorney for the Bulas.

"No," said Lowery.

Though the specific color of the house is no longer an issue and has been approved by the DRC, it became the focus of the trial from the very beginning with the questioning of Joseph Bula. The plaintiffs presented Joseph with photographs of the home on Woedee Lane before and after the repainting. "Our intention was to match the paint identically," said Joseph Bula.

Joseph and Melinda Bula said they submitted an application and the required fee to the DRC after receiving a letter from the DRC regarding the repainting of their home. The rush to get the application in was escalated by the ongoing controversy regarding the color of former El Dorado Hills resident Michelle Valencia's home in May.

"I suspected yellow was going to be a real hot button issue," said Joseph Bula.

Valencia was denied approval to make re-roof her home after the DRC informed her that they had not approved the color it was painted, and due to the existing violation of the color, yellow, she would not be able to make the changes to her roofing. The DRC informed Valencia that she would have to repaint her home in order to gain approval.

Valencia informed the DRC that she could not afford to make both of the changes on her home and took her case to the CSD Board of Directors. She lost. Valencia then informed a Sacramento television station and the Sacramento Bee about the issue. From that publicity Valencia received backing from listeners of KXOA radio station and a group of volunteers, armed with donated paint, labor and materials, converged on her house to repaint it in the color approved by the DRC.

"Because there had been a media blitz they were on a yellow witch hunt," said Melinda Bula, who believes that the only reason her application was denied in the beginning of the 10-month long fiasco was due to the color of her home. "There was such a furor in the town about Michelle Valencia that I just wanted to comply," said Joseph Bula.

According to Lowery and the CSD there is only one section of the CC&Rs that deals with color of a home and it states that no pure hues of certain colors may be used. During the trial Keller asked Lowery about the issue of pure hues.

"Can you tell me what a pure hue of the color yellow is?" asked Keller.

"I cannot," said Lowery.

Despite the focus on color, according to attorney for the CSD, Robert Thurbon, the current violation of the polyvinyl fence is the only issue holding the process up, and until the issue of the fence is addressed by the judge, there will not be a final conclusion. The Bulas' attorneys are saying that the fence and the application process are separate issues.

For now, all both sides can do is wait until the entire process is concluded. The CSD is working on making the CC&Rs more available to the community of El Dorado Hills.

"Ultimately the process is there, we just need to do a better job putting it in writing," said Lowery. The CSD is in the process of placing the CC&R Policies and Procedure Manual on their website.

Tara Taylor can be reached by e-mail at [Ttaylor@villagelife.com](mailto:Ttaylor@villagelife.com)

Copyright, 2002, 2006, Mountain Democrat