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FILED
Clerk of the Superior Court

JUN 15 2010

BY: A. L. J.

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION

10
11 CHUCK SMIAR,

12 Plaintiff,

13 vs.

14 NORTH SAN DIEGO COUNTY ASSOCIATION)
15 OF REALTORS, Incorporated, and JIM
16 ALDREDGE, GINNI FIELD, KURT
17 KINSEY, MARIA WEISS, and DOES 1
18 through 20,

19 Defendants.

) Case No: 37-2010-00056531-CU-MC-NC
)
) DECLARATION OF LARRY WIGHT IN
) SUPPORT OF EX PARTE APPLICATION
) FOR TEMPORARY RESTRAINING ORDER
) AND ORDER TO SHOW CAUSE RE
) PRELIMINARY INJUNCTION

) Date: June 17, 2010

) Time: 1:30 PM

) Dept: 30

) Judge: Hon. Thomas P. Nugent

20 I, Larry Wight, declare:

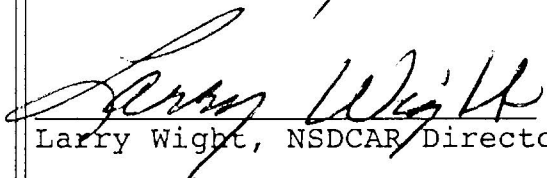
21 1. I am a Director of the North San Diego County Association of
22 REALTORS ("NSDCAR") and make this declaration in support of
23 plaintiff's application for a temporary restraining order and order
24 to show cause re preliminary injunction.

25 2. The attached letter from Steve Goddard, President of the
26 California Association of REALTORS, addressed, among others, to the
27 Board of Directors of NSDCAR, is a true and correct copy of said
28 letter received by me as a Member of the NSDCAR Board of Directors on

1 or about the date it bears, June 2, 2010.

2 I declare under penalty of perjury under the laws of the State
3 of California that the foregoing is true and correct.

4 Dated: June 14, 2010

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7 Larry Wight, NSDCAR Director

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CALIFORNIA ASSOCIATION OF REALTORS®
June 2, 2010

The San Diego Association of REALTORS® Board of Directors
Care of President Mark Marquez
4845 Ronson Court
San Diego, California 92111

The North San Diego Association of REALTORS®
Care of President James Aldredge
906 Sycamore Avenue, Suite 104
Vista, California 92081-7839

2010 OFFICERS

STEPHEN L. GODDARD
President

BETH L. PEERCE
President-Elect

DON FAUGHT
Treasurer

JOEL SINGER
*Executive Vice President/
State Secretary*

The Pacific Southwest Association of REALTORS®
Care of President David Bradstreet
880 Canarios Court
Chula Vista, California 91910

The East San Diego Association of REALTORS®
Care of President Norma Scantilin
1150 Broadway
El Cajon, California 92021

Re: Ethical Standards for Associations of REALTORS® and their
Leadership

Dear President and Board of Directors:

The REALTOR® name stands for excellence and professionalism that is maintained by the high standards of practice and professional conduct of real estate practitioners and Associations of REALTORS®. The policy of the National Association of REALTORS® and California law require that associations and their leadership engage only in activities that are honest, above-board and in the best interests of their members. All of our Associations are only as good as its integrity. Both upholding these high standards and also taking care to avoid even the appearance of any thing less is essential to maintain the core values of our organizations, the respect of our members and our effectiveness.

Unfortunately, some issues of extreme concern have been brought to our attention from many different sources over the last year. C.A.R. has heard allegations that associations in the San Diego area, in the course of their



REALTOR® is a federally registered collective membership mark which identifies a real estate professional who is a Member of the NATIONAL ASSOCIATION OF REALTORS® and subscribes to its strict Code of Ethics.



membership recruitment and proposed mergers, have engaged in deceptive, misleading and coercive behavior inappropriate to a REALTOR® organization. This letter is to make sure that you understand that C.A.R. will not condone lying to prospective members, moving licensees' membership without authority, stating mergers have or are going to occur when they have not been approved, or any other conduct that does not comply with the spirit and letter of ethics and NAR policy.

Further, lest silence be deemed acquiescence, C.A.R. needs to remind the leadership of the involved associations of their fiduciary duties to their members. Both NAR Policy and California law require directors to disclose any conflict of interest they may have to their fellow directors and to their membership. To be absolutely clear: if a director receives promises for teaching assignments, promises for special appointments, monetary gifts or any other compensation from an association that is proposing a merger or in anticipation of a merger, it could give rise to or be perceived as a conflict of interest that must be disclosed to their fellow directors and to their members voting on the merger. Failure to adhere to the director's promise to engage in no self-dealing may be a violation of the California Corporations Code and opens the Directors to personal monetary liability. In addition, such actions are inconsistent with the high standards of integrity and transparency that NAR requires of local association Directors. Let me be clear, there is no transaction worth compromising the integrity of the Association and the members it serves. We need to trust that the members will make a decision of self determination that is predicated only on their best interests and not of any individual director or officer and certainly not on any promises made of special favors.

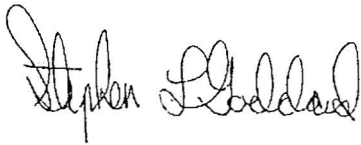
C.A.R. certainly hopes that the allegations of misconduct in the San Diego area are without merit. Nonetheless, in light of the large number of such reports that C.A.R. has received, we would be remiss if we did not remind all of the involved associations and their leadership that it is in the best interest of everyone to be honest and transparent in all their votes and dealings with each other and the members.

Finally, we want to be clear on C.A.R.'s position on mergers of local Associations. C.A.R. neither encourages nor discourages the mergers, but has an interest in local viable associations that serve their members well. The California Association of REALTORS® believes that local Associations and their members should make their own decisions relating to what is best for the members. This has to include a balance of effective local lobbying and

political activity, member services, a sense of community as well as administrative issues. C.A.R. has no position on a particular merger and does not interfere with the local decisions; members should do what is in their best interests and what will give them the local touch and support they need. This is a matter of local determination and is not made at the state level.

We are hopeful that all will behave in a way that presents a true picture, including truthful representations and implications, and includes the transparency and high ethical conduct worthy of an Association of REALTORS®. It is a high standard and trust and confidence of the membership is paramount in maintaining a viable local organization. We trust this has clarified the position of the California Association of REALTORS® on this very important issue in your County.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Goddard". The signature is fluid and cursive, with the first name "Steve" and last name "Goddard" clearly distinguishable.

Steve Goddard, President
California Association of REALTORS®

cc: Beth L. Peerce, C.A.R. President-Elect
Don Faught, C.A.R. Treasurer
Joel Singer, EVP/State Secretary
Michael Mercurio, AE San Diego AOR
Dianne McMillan, AE North San Diego County AOR
Ricahrd J. D'Ascoli, AE Pacific Southwest AOR
Sally Valdez, AE East San Diego County AOR