

News Release



FOR IMMEDIATE RELEASE
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Judge Denies Temporary Restraining Order, State Parks Offers Help Options for Boat Owners

A Superior Court Judge in Sacramento on Wednesday denied the TRO, Temporary Restraining Order, sought to prevent the eviction of boats from Bidwell Marina at Lake Oroville State Recreation Area. The judge did not rule on the legality of evictions, and only denied State Parks' attempts to halt them on an emergency basis. In response to the court decision, State Parks is offering options to help boat owners facing eviction.

"State Parks firmly believes that this eviction by FunTime Fulltime of its mooring customers is unnecessary and breaches its Concession Contract with State Parks," said Robert Foster, Superintendent of the Northern Buttes District for California State Parks. "We are disappointed the judge did not grant a TRO that could have led to an immediate resolution of this hardship for boat owners."

On July 1, 2009, State Parks issued FunTime Fulltime, Inc. a Notice of Breach demanding that FunTime FullTime rescind the eviction and continue to perform the terms of the Concession Contract and provide marina services to its customers.

On June 26, 2009 and on July 21, 2009, FunTime FullTime issued written notices to its mooring customers that mooring agreements must be terminated August 1, 2009 (per the June 26, 2009 letter) and August 3, 2009 (per the July 21, 2009 letter). FunTime FullTime alleges this termination is necessary because California State Parks denied FunTime FullTime's request for a 10-year contract extension, thus FunTime FullTime's Concession Contract expires December 1, 2009, during low water levels.

"Prior to filing the TRO," added Foster, "State Parks offered to extend FunTime Fulltime's Concession Contract through May 1, 2010, so that any removal of facilities could occur during high water levels. This would have easily solved the problem and not caused a hardship and extra expense for boat owners, but FunTime Fulltime rejected this offer."

Following the rejection of the offer, on July 27, 2009, State Parks filed a TRO against FunTime FullTime to prevent FunTime FullTime from evicting mooring customers. On July 29,

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2009, a Sacramento County Superior Court Judge denied the TRO, because the Court believed State Parks and boat owners had the ability to seek damages later if the Court determines FunTime FullTime's actions are unauthorized per the Concession Contract.

State Parks will continue to evaluate its legal options and will take any reasonable and viable legal actions in attempts to ensure a smooth transition from FunTime FullTime's concession operations to the successful concessionaire's operations.

Options for Assisting Boat Owners

However, in light of FunTime FullTime's announced intention to evict its mooring customers from Bidwell Marina, State Parks would like to inform Bidwell Marina's mooring customers of the following options in regards to temporary mooring and/or storage of evicted boats:

1. Lake Oroville State Recreation Area – Lake Oroville Marina at Lime Saddle– Forever Resorts: Forever Resorts has made available additional mooring buoys for FTFT customers evicted from Bidwell Marina. This offer is on a first-come, first-served basis and is subject to Forever Resorts' mooring contract and fees. If you are interested, please call Lake Oroville Marina at Lime Saddle at 530-877-2883.
2. Lake Oroville State Recreation Area – State Parking Lots: State Parks has the capacity to store approximately 400 boats in its Day Use Parking Lot facilities at Lake Oroville State Recreation Area. This offer is on a first-come, first-served basis and is subject to State Parks' permit terms and fees. If you are interested, please call Lake Oroville State Parks Office at 530-538-2200.
3. Emerald Bay Houseboats on State Hwy 70 in Oroville will be accepting houseboats for storage. Transport and storage at this facility is subject to their storage agreements and fees. If you are interested, please contact Emerald Bay Houseboats at 530-534-3440.

Should Funtime Fulltime proceed with evictions, those boat owners would retain their existing rights to a mooring at Bidwell Marina under the new marina concession agreement.

It remains State Parks priority to transition from FunTime FullTime's marina operations to the successful concessionaire's marina operations with minimal interruption to mooring customers. Any relocation of evicted boats will be temporary until the successful concessionaire takes over the Bidwell Marina operations.

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