

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

DAVID PALAND,

Plaintiff and Appellant,

v.

BROOKTRAILS TOWNSHIP
COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS,

Defendant and Respondent.

A122630

(Mendocino County
Super. Ct. No. SCUK CVG 07 99168)

THE COURT:

The opinion filed on July 31, 2009, is modified as follows:

On page 8, footnote 12, delete the last sentence: “Paland does not argue that a service, such as the sewer service, ceases to be ‘immediately available’ when a property owner simply stops using it.”

This modification does not change the judgment.

Appellant’s petition for rehearing is denied.

Dated _____

_____ P.J.