

# **CHERRY HILLS SUBDIVISION NEWSLETTER**

**May, 2011**

## **PROPERTY OWNERS ASSOCIATION MEETING**

**May 16, 2011 at 7:00 p.m.  
Hickory Hills School Library**

Notice of Regular Meeting: The Board advises you that a regular meeting of the Cherry Hills Subdivision Property Owners Association shall be held on May 16, 2011 at 7:00 p.m. at the Hickory Hills School Library. All Members are encouraged to attend. The following items will be discussed and voted upon at the meeting:

### **1. Special Assessment.**

The Association has, for several years, been attempting to address the condition of the water retention areas, which are Common Areas, of this Subdivision. The Board has determined that significant repairs and maintenance are required for the water retention areas. Unfortunately, our current budget lacks sufficient funds to perform these repairs. It is therefore the intention of the Board to submit to vote by the Association the approval of a special assessment of Fifty Dollars (\$50.00), due within 30 days of approval. If approved, all revenue generated by the special assessment shall be specifically earmarked for the maintenance, repair and improvement of the water retention areas.

### **2. Proposed Amendment to By-Laws to Allow for Electronic Notice of Meetings.**

Several members have requested that they receive notice of meetings by electronic mail. Not only is this, in some cases, a more effective means of communicating with the membership, it may also significantly reduce the cost of mailing. Electronic notice of meetings is not currently an authorized means of providing notice. Article V, Section E of the By-Law of Cherry Hills Subdivision Property Association, Inc., as amended on April 8, 2008 and recorded on June 22, 2009, provides that:

It shall be the duty of the Secretary to mail a notice of each annual, regular or special meeting, stating the purpose thereof, as well as the time and place where it is to be held, to each member entitled to vote, at least seven (7) days prior, but no more than twenty-one (21) days prior to such meeting.

It is the intention of the Board to submit for approval that the By-Laws be amended to strike Article V, Section E and replace it with the following:

It shall be the duty of the Secretary ~~to mail~~ send a notice of each annual, regular or special meeting, stating the purpose thereof, as well as the time and place where it is to be held, to each member entitled to vote, at least seven (7) days prior, but no more than twenty-one (21) days prior to such meeting. Notice shall be sent via regular mail; however, notice may be sent to a member via electronic mail with said member's consent. For purposes of this Section, consent by any one member who owns property jointly with another member shall be effective for all members with an ownership interest in said property.

### **3. Weed Control for Common Areas**

We have received an offer by Gabris Landscaping to spray the Common Areas for weeds. The cost of this service will be \_\$400\_\_\_\_, which will be paid from the Association's general funds.

### **4. Waste Disposal Contracts**

Our current contract with Ozark Mountain Sanitation is about to expire. We have received bids from the following waste disposal companies:

Ozark Mountain Sanitation; \$13.25 per month including weekly recycling and grass clippings.

Automated Waste Services; \$13.50 per month including bi-monthly recycling.

Waste Corporation of Missouri, Inc. \$17.00 per month including weekly recycling.

Copies of their bids are available by contacting Association President Brad Perryman or Association Secretary Paula Green. While it is within the Board's discretion to select the company with whom the Association will contract for waste disposal, it is the intention of the Board to select whichever company receives the most votes at the May 16, 2011 Association meeting.

### **5. Proposed Amendment to By-Laws Regarding Procedure for Vote by Proxy**

Article V, Section I of the By-Law of Cherry Hills Subdivision Property Association, Inc., as amended on April 8, 2008 and recorded on June 22, 2009, provides that:

Any meeting of the members, a member entitle [sic] to vote, may vote by proxy executed in writing by the member or by his duly authorized attorney in fact. No proxy shall be valid after two (2) months from the date of its execution, less [sic] otherwise provided in the proxy. The Proxy shall be delivered to The Board of Directors by the designated fax, mail or email a minimum of 24 hours prior to the meeting. All proxies must state the name, address, and phone number of the member.

It is the intent of the Board to submit for approval that Article V, Section I be stricken and replaced with the following:

Any member entitled to vote on any issue to be presented at any annual, regular or special meeting may vote by proxy. To be effective, the proxy vote must: 1) Be in writing; 2) state the name, address and telephone number of the voting member; 3) be signed by the voting member; and 4) be delivered and received by any member of the Board of Directors no later than 24 hours before the annual, regular or special meeting at which said vote is to be taken. No proxy shall be valid after two (2) months from the date of its execution, unless a shorter time is provided in the proxy.

**6. Proposed Amendment to By-Laws to Clarify Requirements for a Voting Quorum**

Under Article V, Section F of the original By-Laws, a quorum for the transaction of business required 33% of the membership votes entitled to be cast. Due to low membership participation, the Association found it difficult to collect a quorum. Due to low membership participation, the Association found it difficult to collect a quorum. As such, Article V, Section F was amended on April 21, 2009 and recorded on June 22, 2009 to provide that:

The presence of a simple majority of votes cast will constitute a Quorum whether in person or by proxy of the membership entitled to vote. This shall be necessary and sufficient to constitute a quorum for the transaction of business.

It is the intent of the Board to submit for approval that Article V, Section F, as amended on April 21, 2009 and recorded on June 22, 2009, be stricken and replaced with the following:

The presence at any annual, regular or special meeting, at which there is at least one (1) voting member present, in person or by proxy, shall constitute a quorum for the purpose of transacting any business, so long as notice of the intent to transact such business has been given to the membership, as provided in Article V, Section E of these By-Laws, as written and hereinafter amended.

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If you are unable to attend this meeting, you may vote on any of the above described items by proxy. To vote by proxy, you must deliver your vote by e-mail or regular mail to any Board member, no later than May 15, 2011 at 7:00 p.m. All proxy votes must include the name, address and telephone number of the voting member. For your convenience, we have enclosed a voting form.

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## **POA DUES**

This is a reminder that 2011 POA dues of \$55.00 were due on April 1, 2011. You can mail your check, payable to CHPOA, to: P.O. Box 10522, Springfield, MO 65808. Want to save the cost of a stamp? Feel free to bring your payment to the May 16 POA meeting at Hickory Hills Middle School

## **2010 POA DUES**

Unfortunately, we still have four homeowners who have failed to pay 2010 POA DUES:

Steve and Leah Marler, 326 Yellowwood  
Lisa Smith, 334 Yellowwood  
Rebecca Manual, 419 Yellowwood  
Geoffrey Stufflebam, 454 Yellowwood

Please contact a Board member to make arrangements for payment. Thank you!

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## **Cherry Hills Chat**

A special thanks to Benny Coble for repairing the speed limit sign that was knocked down during the recent storms!!

Unfortunately, the Board has not received any submissions for Cherry Hills Chat. As you were warned, I will fill the empty space with a joke:

Q. Why are all of the frogs around here dead?

A. Because they keep croakin'!

To avoid being subjected to any more bad jokes, like the one above, please e-mail your announcements to [president@cherryhillsspringfield.com](mailto:president@cherryhillsspringfield.com), or drop a note by my house at 5054 E. Cherry Hills Blvd.

## **BOARD CONTACT INFO**

Brad Perryman, President  
5150 E. Cherry Hills Blvd  
417-827-0562

Paula Green, Secretary  
5054 E. Cherry Hills Blvd.  
417-873-9604

Corey Nibert, Treasurer  
452 Melaleuca Dr.  
417-832-9001

Patti Stoner, Assistant Treasurer  
379 River Birch Dr.  
417-631-3070

## PROXY VOTE FOR MAY 16, 2011 CHPOA MEETING

I, \_\_\_\_\_, on behalf of all owners of the property located at \_\_\_\_\_, with the telephone number \_\_\_\_\_,

do cast my vote on the issues to be raised at the May 16, 2011 Association meeting as follows:

**1. Special Assessment.**

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**2. Proposed Amendment to By-Laws to Allow for Electronic Notice of Meetings.**

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**3. Weed Control for Common Areas**

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**4. Waste Disposal Contracts**

\_\_\_\_\_ Ozark Mountain Sanitation;  
\_\_\_\_\_ Automated Waste Services;  
\_\_\_\_\_ Waste Corporation of Missouri, Inc.

**5. Proposed Amendment to By-Laws Regarding Procedure for Vote by Proxy**

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**6. Proposed Amendment to By-Laws to Clarify Requirements for a Voting Quorum**

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date