

Cherry Hill's Property Owners Association Minutes
January 11, 2011 Quarterly Meeting
Hickory Hills School Cafeteria
7:00 PM-8: 43 PM

Board Members present: Brad Perryman, Cory Nibert, Paula Green, Patti Stoner and Harold Raines.

There were 22 members in attendance.

President Brad Perryman called the meeting to order and expressed his gratitude for every one in attendance in such bad weather.

At this point Gerry Link called for a point of order and requested that the board acknowledge that the Covenants and By Laws are legal documents. The board uniformly concurred with Mr. Link's assertion.

Patti Stoner then gave the Treasurer's report, which reflected a bank balance of \$1185.90. She then advised that there were four homeowners that have balances due on their accounts. Dan Reed then asked why these homeowners still owe a balance and why hasn't the board taken action to collect these outstanding funds. It was mentioned the Board could bring suit against these homeowners and have this money collected. It was explained to Dan Reed the cost outlay to pursue this matter would be greater than the funds received and more than likely would take a substantial amount of time, anywhere from a year to eighteen months, before the association would realize any benefit from this type of action. With the limited amount of funds available, at this time, the board felt it would be a more prudent course of action to write letters to solicit the funds from those homeowners that are past due than tie up a sufficient amount of funds in litigation.

In her report Patti had presented the new 2011 budget along with projected funds of \$8,150.00 that would be realized if the special assessment of \$50.00 was approved by the membership in an upcoming vote in April. Dan Reed than inquired why some of that money could not be used to collect the past due dues. He was then advised that the special assessment money, if realized, could only be used for basin repair. With that said a motion was made to accept the treasures report by Terry Michael and second by Jim Meadows. Motion carried.

Under Old Business the board addressed the complaint letters that Gerry Link had submitted to the board. Paula Green then conveyed to Mr. Links the board position on his complaints, referring to a prepared memorandum. Mr. Link took the floor expressing his displeasure with the board in not timely responding to his complaints and then doing nothing about them. Some of the complaints dated back to 2009 and he related that he felt the board was derelict in its responsibilities. After a lengthy recitation on the

inadequacy of the board he finally concluded his remarks. Paula then advised Mr. Link his complaints have been addressed by the board, see attached memorandum, and the issue was closed. Mr. Link was not satisfied with this and made his dissatisfaction known.

President Perryman then reported on the 2011 mowing contract from Gabris Landscaping, which was the same as last years. Another bid received from a Terry Hooves, which reflected a lesser amount, was a bid of \$300.00 per mowing. The contract was not on hand but as soon as it was available the board would review it and make a decision. It was suggested that the mowing requirements be placed on the home page of the association's website so other individuals may bid on the mowing. Patti indicated she would contact the individual whom does this to have it entered on the web page.

The increase of the 2011 dues by 10% from \$50.00 to \$55.00 was noted as per the covenants.

The special assessment of \$50.00 for basin repair was then brought to the floor. After lengthy discussion on the various repairs needed on the basins, Dan Reed made a motion that the \$50.00 assessment for one year be brought to a vote to the general membership. Motion was second by Gerry Link. The members present were advised that this would be a special mailing and of the estimated cost to do so. Motion carried.

Under New Business it was noted the Patti Stoner and Harold Raines would no longer serve on the board as their two-year terms were up. The board further advised that due to the difficulty of getting five people together for meetings with conflicting schedules the board had decided to decrease the board of directors to three as outlined in the by-laws. Dan Reed strongly opposed this and advised it was a drastic mistake. He pointed out that the remaining three board members all have the same termination year. He was advised that the board had made its decision and that it would stand. Mr. Reed then demanded that his opposition to the decision be made a matter of record, which it was duly noted.

The 2011 budget was then brought before the membership for ratification. Keith Chrystie then made a motion to accept the budget and it was second by Jim Meadows. Motion carried.

Keith Christy then made a motion to adjourn and it was second by Jim Collison. With no further business brought to the floor the meeting was adjourned.

Respectfully submitted

Harold Raines

Secretary

MEMORANDUM

TO: Membership of the Cherry Hills Property Owners Associate
FROM: The Board of Directors of the Association
RE: Member complaints
DATE: December 30, 2010

The Board met on December 30, 2010, at which time it discussed certain complaints of violations of the Restrictions, Covenants and Conditions of Cherry Hills Subdivision ("Covenants"), which were levied by a single homeowner in the CHPOA. The complaints centered around the manner in which certain properties are being or have been maintained, referencing the presence of mold, basketball hoops, and garbage cans, and complaints regarding landscaping. The Board noted that the complaints were delivered in the form of a list of offending properties with a citation to the Covenant section allegedly violated, with no further explanation or description of the facts and circumstances of the alleged violation.

The Board reviewed the Covenants, noting that it is required to consider facts and circumstances surrounding any alleged violation, and based on such facts and circumstances, has the discretion to determine if a violation of the Covenants is or has been committed. The Board also noted that the intent and purpose of the Covenants is to maintain both property values and the quality of living within the Subdivision. The Board then considered the complaints before them, and determined that the complained of conditions are not likely to adversely affect either the property value or the quality of living within the Subdivision.

Next, the Board considered the potential for disharmony within the community should adverse action be taken against the cited homeowners. The Board wishes to foster a sense of community within the Subdivision, and it believes that censure for negligible infractions will only serve to alienate our membership and sow the seeds of discord throughout the community. Because there is little-to-no benefit to be had by taking a hard-line position with regard to these particular complaints asserted by a single property owner, it is the Board's position that such action would cause greater harm than benefit.

Finally, the Board acknowledged its duty to do what, in the Board's opinion, is in the best interest of the Subdivision and its membership. The Board considered the resources available to it to address and/or remediate each of the complained of conditions. The Board noted its budgetary concerns and its limited financial resources, as well as the available time of its volunteer members. The Board concluded that it was an irresponsible waste of limited Association funds to attempt to prosecute the alleged violations cited, as the Association as a whole will realize a negligible, if any, benefit.

Regarding the complaint of basketball hoops, the Board noted that this issue was raised before the 2009 Board and addressed in the 2009 third quarter newsletter. The previous Board noted the value to our immediate community of athletics and family recreation, which are promoted by the presence and use of basketball goals. Therefore, the previous Board declared that it would not consider the presence of well-maintained basketball hoops that not permanently

erected to be a violation of the Covenants. Finding the previous Board's reasoning to be rational and compelling, the present Board has adopted the previous Board's position on this issue.

It is the Board's position that any violation of the Covenants that serves to diminish property values or quality of living must be dealt with appropriately. To that end, this Board has, on several occasions, addressed and caused to be eliminated Covenant violations within our Subdivision. However, the Board will not use the resources and authority conferred upon it to harass, embarrass or alienate our good neighbors when there is no benefit to be had by this membership.