

Minutes of Legendary Hills Homeowners Association Meeting
October 2, 2003
Liberty Christian Church

1. Introductions—All members present introduced themselves.

2. Committee Reports

a. Maintenance—Hap Gillespie

The committee has 3 estimates on repairing 6 major areas, as marked in orange on the roads:

American Asphalt--\$2,000

Tri-County Asphalt--\$2,887

Wallace Construction--\$3,400

Wallace also proposes to seal all the roads to prolong the life of the asphalt, for an additional \$3,500. Wallace is the same company that just finished repairing the roads in Painted Hills.

b. Architectural—One request for installation of a shed at the residence of Janice Dyke was approved. The shed has not yet been installed.

c. Finance—Tim Spears and Ken Seger

Ken presented a printed update on where the HOA stands, according to the budget (attached).

The projected amount of \$4,800 per year for road maintenance would permit complete resurfacing of 1/3 of the roads every 4 years, based on the figures from the last time Mike Wolff had resurfacing done.

Discussion followed concerning snow removal costs. Steve Leonard responded that the maintenance Committee will probably have to oversee snow removal, but that our current provider, Perry Richardson, has done a good job in the past. One problem in the past was that individual homeowners would direct Mike Wolff to call Perry in, and he would do so, so there may have been more work done than was really necessary. Everyone hopes that last year's snows are not repeated. Tim stated that snow removal and mowing are both variable costs, with mowing depending on the schedule set by the HOA, but that the current trash removal cost is extremely reasonable.

Questions were posed. 1) What did Mike Wolff do with the extra money in the past? Steve and Tim agreed that there was no extra money that they have been able to find, with access to records for the last 4 years. Tim stated that Mike Wolff was subsidizing the HOA.

2) Does HOA have a quitclaim from Mike Wolff for the road up to the first house? Could the HOA look into buying mowing equipment? Steve stated that Mike Wolff has indicated he will not pay to have the grass cut, although we might be able to reduce the cost. Many people look at the entrance area as our "front yard" so it must be maintained.

3) Who has to take care of the sewage pumps if they fail? Tim agreed that further work needs to be done on ascertaining ownership of the roads and getting information from the city about the sewer lines and pumps.

4) Who pays for the mowing of vacant lots? Neighboring homeowners are usually the ones doing the mowing.

5) What about people who are not paying their monthly fees? Steve responded that there are 3 homeowners not paying. One is a bookkeeping confusion that is being straightened out, one is a refusal to pay, and one is a bankruptcy. The Board will place liens on any property where fees are in arrears.

6) What debts does HOA have? Liability prior to January 1, 2003, is zero. There is no current debt.

3. Amendment to the Covenants

Steve Leonard explained the need for the change in the Covenants, beginning with the amendment procedure itself. Our attorney, Rod Bray, says that the first thing we need is to change the percent needed to change the covenants, then proceed to change the fees stated therein, so we can have the money needed to maintain services. He stated that Mike Wolff has already voted “no” for his 12 lots by proxy, and that we cannot get a 90% vote on the amendment without his votes. Steve stated that Mike will not reconsider his vote until all property owners are treated equally; that is, until every lot pays the same monthly fee, or until his fee for unimproved lots is changed. Currently 97.2 votes are required to change the covenants, if each of the 108 lots gets one vote.

Discussion followed on the \$15 fee and voting privilege for adjacent and/or unimproved lots. This led to discussion of how votes are allocated in other subdivisions. One homeowner cited other subdivisions which count votes and charge fees 1) equally, 2) based on 2/3 vote and fee per additional lot, and 3) ½ vote and fee per additional lot.

The consensus of the group in attendance was that 50% to 66% of the votes should be required to pass an amendment. Both these numbers are larger than that proposed by the Board.

4. The Board agreed to reconsider the matter of what counts as a vote (one lot=one vote, or all adjacent lots with the same owner=one vote) and to re-word the amendment.

5. Other—

- a. Property appearance: Many members asked the Board to contact the Wells regarding the appearance of their property. Discussion ensued as to whether or not the Covenants have changed since the first house was built. Some remember Mike Wolff’s requiring all trailers, boats, etc. to be stored at the “office” rather than in driveways or yards. Steve said the Board would write a letter.
- b. Communication: Some members asked for more regular communication by the Board with homeowners. No one volunteered to edit a newsletter. Steve stated that everyone who has an email registered with the HOA will get minutes of meetings.

Notes by Susan Leonard