

March 26, 2007 Meeting of the Ridge South Homeowners Association

In Attendance: Jeff Lapin, Steve Sheets, Brad Rushton, Larry Wakefield, Steph Olberding, Alycia Dieckman and Brenda Semin

At 7:07 Jeff Lapin called the meeting to order.

The first matter discussed during the meeting was the Treasurer's Report. Steve Sheets presented the Treasurer's report.

- First, he presented a request that he be reimbursed for \$34.47 which was the cost of postage and the postcards which he mailed reminding homeowners of their association dues. A motion was made by Larry Wakefield and seconded by Steph Olberding to reimburse Steve Sheets for the costs of postage and dues reminder postcards in the amount of \$34.47. The motion passed unanimously.
- The association has a current balance of \$63,630.
- 111 out of 165 lots have paid their dues which is 70%.
- Aspen Builders paid \$400 more than he thought was needed. Therefore, Steve will check into this, and there may be a need to reimburse them for a portion of the dues paid.
- Summit Builders paid right away this year. However, they did not pay last year.

The next matter discussed at the meeting was mowing and maintenance of the outlots. Don Daringer was not present at the meeting. Steve Sheets said that Don had considered having a neighborhood boy mow the outlots. Various members of the board expressed concern that this individual might not be insured and were not interested in bringing an individual under our bond. Members of the board expressed interest in having someone that was insured and had a history of dependability. The board members present agreed that it would be fine to contact Pinnacle again since they had done the mowing last year. In addition, the members present felt comfortable using Pinnacle again if their rates had not changed or having Don take bids for the mowing and maintenance.

Jeff Lapin then brought up for discussion the setting of a date for neighborhood garage sales. There was some discussion as to which weekend the garage sales were held last year and whether they were held on Thursday and Friday or Friday and Saturday. Steve Sheets felt that the sign used last year included Thursday, however, Brad Rushton remembered that the sales were on Friday and Saturday. Various people mentioned that they should be held in May as June would be too late. Steph Olberding mentioned that the "parade of homes" begins Mother's Day weekend and that there was lots of traffic in the neighborhood due to the parade which could be a concern. However, Brad Rushton brought up the point that traffic is good when conducting garage sales. Steph, Brad, and Brenda all brought up that having it Mother's Day weekend might not be the best decision. Mother's Day is the 14<sup>th</sup> of May this year. Brad Rushton moved that the neighborhood garage sales be held on Friday May 18<sup>th</sup> and Saturday May 19<sup>th</sup>. Larry Wakefield seconded this motion. The motion passed unanimously. Brad asked that an ad be placed in the paper again as it was last year if it is not too costly.

Next, the matter of newsletter information was brought up for discussion. It was felt that the garage sale information be included. It was also requested that a reminder regarding landscaping approval should be included. Dog excrement clean up reminder should be included as well as a reminder that homeowners must follow the city's laws regarding keeping pets on leashes. The Easter egg hunt was mentioned, but then all realized that is occurring this weekend.

The Landscape Report was the next matter taken up. However, Don Daringer was not present so this matter was not able to be discussed.

The next item on the agenda was the matter of the Kelly Custom Homes' house being built on Ridge Point Road and concerns with whether it is meeting covenants. Jeff Lapin expressed that he feels there are three options in regards to this matter: (1) let it go; (2) hold Kelly Custom Homes to strict compliance on the other two lots that he owns; or (3) turn the matter over to our attorney. The Architectural Review Committee explained that after they approved the first plan, then an updated brick calculation was given. The problem is essentially that the house itself does not seem to match the plan that has been submitted. It appears that there is less brick on the actual house than required on the plan due to different grading on the actual house from the plan. The south side of the house looks visually different from the plans. The Architectural Review Committee expressed that it is difficult for them to ascertain exactly whether the brick requirement is being met and they would like the board members to determine how to proceed. Larry Wakefield stated that he felt it was important for builders to be required to follow the covenants including the brick requirements. Other board members agreed with the statement. Steph expressed concern that since this house is a parade home, it could be misleading to the public if the brick does not meet covenants as others might believe they can build similar homes. Alycia provided some history on this issue with Kelly Custom Homes and that the last plan that was brought to her took a week and a half to bring when it was stated it would be brought immediately. In addition, the plan cut the brick requirement very close (within 8 or 9 feet of the 50% brick requirement). Again, the house does not seem to match the plan. Larry Wakefield expressed concern that it is not fair to allow this home to move forward as it is since a person could move in that might not know that their home does not meet covenants. In addition, it sets a poor precedent for future homes with this builder and others. Steph stated that with the issues on past houses, builders should not be allowed to cut it so close on the brick requirement. Larry Wakefield moved and Steph Olberding seconded that the neighborhood association attorney should be asked to send a letter to Kelly Custom Homes stating that they must provide proof that the actual house with the current grading is in compliance with the brick requirement set out in the covenants since the actual house is not similar to the plans. The motion passed unanimously.

In regard to other matters, Brad Rushton asked to discuss the outlot situation. He asked what the current status was on this matter. He asked whether the association is working with the city and whether the city must sign off on the status of the lots before the association would take those lots. Jeff Lapin explained that he understood the lots must be approved by the city before the association would take the lots. In addition, there is

nothing in the covenants or bylaws requiring the association to take possession of these lots. It was also discussed that Hampton could pass these lots on to another party. Steph discussed that action was taken on the lots by Hampton last year to attempt to bring them into compliance only after neighbors complained to the city. It was agreed that this would be an ongoing issue.

Jeff Lapin then brought to the attention of the board that Mr. Svoboda that lives on Ridge Point Road has filed for Chapter 13 bankruptcy as the association had received a notice to creditors since association has a lien filed on his property due to failure to pay dues. There was some discussion as to whether the lien is a dischargeable debt in bankruptcy court and whether we should proceed in this matter. The amount of the lien is \$300. The concern is that legal fees could cost more than attempting to enforce the lien in the bankruptcy proceeding. Since this is a chapter 13 bankruptcy, there will be a plan of reorganization and only the creditors listed on that plan will be paid unless they take further legal action. Jeff Lapin mentioned that there could be court costs with filing. There might be the option of proceeding pro se on the matter as well. The creditor meeting is April 24<sup>th</sup> and the deadline to file a proof of claim in this matter is July 23<sup>rd</sup>. Brad Rushton made a motion, seconded by Steph Olberding, to file a proof of claim and then see if we are on the plan of reorganization. The motion passed unanimously.

Brad Rushton made a motion to adjourn, seconded by Steve Sheets. The motion to adjourn passed unanimously.