

**MEETING WITH ATTORNEY FOR THE ASSOCIATION BOARD  
DECEMBER 1, 2010  
6:30PM**

PRESENT: Harry Conzett, Donna Slade, Janet Stecklein, Don Steger, Melinda Rettenberger, Tom Hoffman, Shirley Briggs, Darlene Conzett (Architectural Committee chair) and Chad Cox (Attorney)

**TOPIC: OPTIONS TO PAY FOR NEW SIDING ON ALL BUILDINGS**

Chad explained the 3 options available to our Community to pay for re siding the building.

1. **Annual Assessment** – Our covenants limit the annual assessment to 6% a year. But there is a way to add to the yearly assessment. A 60 day notice must be given to the homeowners, and then a meeting will be held where 2/3 of the homeowners must approve the increase.
2. **Special Assessment** – Special assessments should only be used for repairs of common areas. Siding is not considered common areas, (according to a recent court ruling based on similar covenants in a home owners association in Davenport). This option could open up some legal problems; owners could refuse to pay their share since the board took an illegal action. Chad did not recommend this approach. A special assessment also requires a 60 day notice, a meeting and a 2/3 majority vote.
3. **Improvement for a Special Assessment** – this assessment is usually used if a homeowner refuses to repair some part of their townhouse that they are responsible for (garage door, concrete patio etc) the board would have to give notice, give the option to the homeowner to make the repairs in 30 days. If the work is not completed the board could hire the work done and bill the home owner.

**ACTION**

Chad will draw up a draft form that homeowners could sign if they agree with the plan to apply siding to all buildings. He will make use of one of the above options. He probably will indicate an assessment A (for the regular assessment) and B for the special project.

**PROBLEM**

Home owner who has not repaired his garage door or the concrete entry way (which is shared with his neighbor)

**OPTIONS** Chad could file an action with the court. In 20 days, if the work is not done, he would be in contempt of court and subject to a fine. Initial legal work for financial petition would be approximately \$200.00. In addition there would be a filing fee of \$185.00 and a sheriff fee of approximately \$25.00

**ACTION**

1. Harry will check with the garage door company to see if the door is ordered.
2. If not ordered Chad will call the homeowner and tell him the court action that is planned.
3. File a court order if work is not done.

Harry asked that each board member review the covenants to see if any changes should be made. Please excuse the delay in these minutes as our Attorney reviewed them before sending them.

MEETING ENDED 8:15