

NEWS

NUMBER 15

May 1996

We extend an invitation to other neighborhood groups in the Hudson Bend area to become associated with us for the mutual benefit of all.

**PROPOSED NEIGHBORHOOD CODE AMENDMENTS
NOTICE IS ENCLOSED FOR YOUR INFORMATION
SEND IN YOUR PROXY AND ATTEND THE MEETING**

ANNUAL MEETING AND SPRING PICNIC SATURDAY JUNE 8 at 5 pm

Please send PROXY and Annual Dues of \$25.00 to
ERMA CAMPBELL % Carole Sikes
16500 Forest Way
Austin, TX. 78734

Erma's out of town-call Clare and Conrad by June 1
to reserve plate(s) of Bar-B-Q. 477-1796 or 266-1213

THANKS TO THE LAST BOARD !

President: Conrad Werkenthin
Vice Pres: Jodi Taylor
Secretary: Patti Stalik
Treasurer: Erma Campbell

Directors: Gary Paisley, Betsey Dykes, Pat Nex
Wyoma Craghead, J.R. "Randy" Lacey

Regular membership in the neighborhood association entitles you and your family to attend our annual picnic, to vote, to receive newsletters and notices of important events affecting our neighborhood and our property.

Associate members who are not property owners have all privileges except voting.

PROPOSED SLATE FOR 1996-97:

Officers: President: Randy Lacey
Vice Pres.: Pat Nex
Secretary: Patti Stalik
Treasurer: Erma Campbell

Directors: Conrad Werkenthin
Sharon Cook
Randy Beck
Martin Holeman
Kathy Pugsley

**OUR BARBECUE AND COVERED DISH
PICNIC & MEETING WILL BE HELD THIS
YEAR AT THE ADJACENT RESIDENCES OF
RANDY & EILEEN BECK
RACHEL STROUD:**

16000 & 16002 POOL CANYON RD.

The Becks and Stroud are located at the extreme end of Pool Canyon Road which is the street that intersects Hudson Bend Road at the beginning of our subdivision. (Pool Canyon is to the east of H.B.Rd. just after HiLine on the west.)

Bring a salad or dessert to share and folding chairs or a blanket for sitting.

**MEMBERSHIP DUES OF \$25.00
ENTITLE YOU TO RESERVE PLATES OF
BAR-B-QUE FOR YOU, YOUR SPOUSE, AND
CHILDREN UNDER 18. The charge for adult
children and guests is \$6.00 a plate. Guests are
welcome butREMEMBER. Call 477-1796 or
266-1213 to reserve your plates of barbecue.**

MESSAGE FROM THE PRESIDENT:

In 1988 the Hudson Bend Colony Neighborhood Association ("HBCNA") interpreted and restated the restrictive covenants that apply to our subdivision in accordance with Section 202 of the Texas Property Code enacted in 1987. In 1995, the legislature again amended the Texas Property Code with Section 204. While Section 202 permitted HBCNA to interpret resolutions and covenants, Section 204 provides that by following the directions of this section, a property owners' association may adopt "an extension, addition to, or modification of restrictions" for the subdivision.

Because a few owners have not joined in the 1988 Dedicatory Instrument, the new statute seems to give HBCNA the power to directly add restrictive covenants by direct action of the Association. The Board has recommended such action.

In addition, the 1995 legislature enumerated 21 powers for a property owners' association and some of these expand the previous powers of any association. One of these new powers includes the right to "collect regular assessments or special assessments for common expenses from property owners." This right coupled with the rights to add to the restrictive covenants of the subdivision seems to provide a dues assessment capability rather than our current voluntary format. Another possibility is adding something like an Architectural Control Committee to the restrictions. Our development is eclectic - that's part of its style and charm and I don't think we are looking for uniform development. But we do not want to be blindsided by mobile homes, or a mobile warehouse moved on the property in the middle of some night or weekend. We should require plans to be submitted and 30 days notice before any construction begins which would allow HBCNA to carefully inform the owner of our restrictions and any interpretations that the Board of Directors has made. Elsewhere in this newsletter the proposals from the Board are set out for your adoption or rejection at the annual meeting.

This is a good place to live and recreate. We are surrounded by big development on HiLine, the trailers of Awalt and Doss, and the jet skis at the end of Hudson Bend Road. Continuation of this good life style depends to a great degree - on the strength of this Association and the support it gets from the owners. It is yours to keep or lose. In numbers we can help, individually we will fall. We may disagree on "how" we are to protect our subdivision, but if we come together in good faith, we can reason out most of these problems.

There is still much to do. New additions to our bylaws, new restrictions, development of the Hudson Bend Telephone and Contact Book - so that we can know and keep in contact with our neighbors - are in process. Thanks for the two years. I am ready to follow and assist your new officers in keeping Hudson Bend Colony the best neighborhood on Lake Travis.

Conrad Werkenthin

NEWS ABOUT NEIGHBORS

There are several new houses completed or about to be finished. La Don Wiederanders and his wife Gail can be found almost every evening and all holidays at 5607 Median Road working on their new home that LaDon is building. Walter Allan has designed and moved into his new home at 5903 where he had open studio for the Bluebonnet Bash in March. Also on Median Road, William and Dyan Bennett are building and Cynthia Banister and Nancy Weiss have cleared their two lots.

At the far west end of Forest Way, there is a new home under construction by owners Patty and Harry McDonald. On Forest Way at Hudson Bend Road, builders Wayne Harris and Eddie Pierce are constructing a two story home which will be offered for sale by their company, Lake Living Homes.

Melinda and Jerry Huskins moved to 5909 Hudson Bend Road after Jerry's mother's death. The Greenes, Rhonda and Dennis bought the Zacharias home at 6005 and the new neighbors at 6009 Hudson Bend Road are Diane Scott and Peter Burke. George and Joann Robison, long time property owners at 6007, have completed a new lake home.

George Zentichko's mother Amelia, and husband Joe Linbert are next door to George at 6300 Hudson Bend Rd. and Andy and Kim Anthony bought Tommy Bicknell's house on Webb Lane.

Patti Stalik has cleared another lot on Hudson Bend Road as has new lot owner Cynthia Kosarek.

On Pool Canyon Road behind the fence, landscaping for the turtle habitat continues, Steven and Laura Neeley are clearing their property, and Sandra Heatley has placed a home on her lot on that street. John and Tracy Graul have purchased Jackie McGee's house and property. Rachel Stroud is the new homowner at 16000 Pool Canyon Rd. and she will be co-hosting the picnic with her neighbors the Becks.

Please let me know when new residents move in. We want to welcome them and get their names and addresses so they can receive the newsletter and join our association.

We remember our friend and charter member JOYCE HOLEMAN, a Hudson Bend Colony resident who died during this past year.

REPORT FROM RANDY BECK

Lawsuit Filed on Pool Canyon

A group of neighbors on Pool Canyon Road filed lawsuit on March 19 in 261st Dist. Court seeking removal of a double wide mobile home from 16019 Pool Canyon. The lawsuit is aimed at enforcing our deed restrictions.

It is regrettable that we have had to resort to legal action. We tried everything to head this off before the mobile home was moved in, including an offer to buy the lot.

While this is unpleasant and costly, I have to think of all the work many of us put into getting the restrictions updated. We just can't let all of that be undermined by failing to act now.

A special meeting of the HBCNA board was called on Mar. 6 to determine if the structure is in violation of our restrictions. The Board found that it is in violation. In a second meeting, on Mar. 26, the Board voted to file an intervention supporting the neighbors' lawsuit.

Plaintiffs in the lawsuit are Pool Canyon neighbors, Cragheads, Peaces, Paxtons, Grauls, Becks, Bruce Foster, and Rachel Stroud.



In the ad above from Mar. 31 *American Statesman*, Realtor Vance Naumann hawks Hudson Bend Colony lots to prospective mobile home buyers. Naumann has dozens of lots available in all parts of our neighborhood - maybe one next to you.

When Board member Wyoma Craghead called anonymously to inquire, Vance assured her that HBC is restricted, but "double-wides are welcome! A real pretty one was just moved in on Pool Canyon.."

Vance agreed to discontinue the ad after a cautionary call from Board Pres. Conrad Werkenthin. Thank you Vance.

On April 11 both Conrad and Pool Canyon resident Rachel Stroud received calls from a very dedicated mobile home salesman who had seen the ad and was determined to sell double wides in our subdivision.

This kind of pressure on HBC is going to intensify until we convincingly demonstrate that we

intend to enforce our restrictions. Unfortunately, lawsuits like the one currently underway on Pool Canyon are painful and divisive. Such lawsuits might be avoided if we approve the proposed enhancements to the deed restrictions which create a process for landowners to obtain a clear determination of whether a planned structure will be in compliance.

REPORT FROM CAROLE SIKES

For the past 6 years it has been my job to keep our files up to date, to get signatures from all property owners who will dedicate their properties to the revised code. It is time for me to resign. Please let our new president know if you will continue the work that Erika Rogala began in 1988 and I have been doing since 1991.

Re: H.B.C.N.A. Subdivision Code

Because of differences in the interpretation of our restrictions, there have been some extremely emotional, painful, costly events affecting neighbors.

Since 1987 there have been four homes brought into our subdivision in sections and joined on the site. In each case there have been questions and disagreement on whether these are considered "mobile home", which is restricted, or "modular home" which is allowed.

Indecision resulted in inaction. This is unfair to new lot owners as well as to existing home owners.

I see no "white and black hats", only wounded neighbors and a situation that needs to be rectified.

The Board has amended the 1988 H.B.C. Restrictions. If you are a property owner, please consider them carefully and send your proxy vote.

IN BRIEF and NOT in "legalese" these are the restrictions presented for your vote. Those amended or changed in any way are highlighted.

1. All structures must support the residential purposes of the main house on all lots except on lots 16,17,18, in HBC I. Blk. 4 and on lots 1,2,13,14, in HBC I. in Blk 5. as originally platted in Plat Book 4, Page 67, Plat Records of Travis County, Texas.

2. Structures must be used for single family occupancy only. Commercial purposes are in violation of the residential plan of the neighborhood.

3. No one may use a trailer or mobile home (except those that are "grandfathered") as a dwelling place in this subdivision. It is a "mobile home" (1) if it is brought to the property on wheels

or (2) if it, or any section of it, must have a permit (Texas Certificate of Title Act) to travel over roads.

4. Any mobile home or structure not in conformity, but in place before February 1989, is allowed (grandfathered) provided it is not moved, altered, or replaced by another mobile home.

5. Non-family related structures are not allowed. Example: off site commercial storage or business.

6. A lot or block may be re-subdivided, provided that the new lots are at least 2 acres in size and subject to our code & subject to code.

7. The Board will also serve as the "Architectural Control Committee" which will see that plans for new buildings and modifications of existing buildings are in compliance with these restrictions. All plans must be submitted to the committee.

8. This is a statement about HBCNA. It is a non-profit corporation, qualified under Section 204.004 of the Texas Property Code, consisting primarily of property owners, for purposes of regulating the restrictions. It acts through its duly elected officers. All who sign are dedicating their property to the agreed upon code.

9. Each lot owner is subject to \$25.00 annual dues. The amount may be amended by future Boards. At present the board has no intention of requiring dues other than on a voluntary basis. But for example in future we might want to buy or need to maintain a neighborhood park

At the meeting we will continue to register all lot owners who will dedicate their property to the H.B.C.N.A. restrictions voted by the members. If you have neighbors who are listed, please contact them and encourage them to sign.

According to my records
THE FOLLOWING OWNERS' PROPERTIES HAVE NOT BEEN DEDICATED. A signature page will be made available for you to sign. We have notaries in the neighborhood who have volunteered to help. This easily can be done at the picnic, or we will mail you the necessary papers to sign and have notarized.

HUDSON BEND COLONY NO. 1

Block 1

Lot 1 E, McDonald 12 undivided acres, Smitheal

Block 2

Lot 5, Kuenast Lot 10, Smitheal

Block 3

Lot 7 Hardeman

Block 5

Lot 4 E, Becker Lts 5 & 6 Trethewey

Block 6

Lts 1 & 2 Stalik, Lot 5 Moran, Lot 6 White, Lt 8 Ward, Lot 9 Bible, Lot 10 Rogers, Lot 11 Harty, Lot 12 Young

Block 7

Lot 3 E Pollard, Lot 8 Bubak, Lot 9 Hamby, Lot 10 Bergstrom, Lts 14, 15, & 1 Dewitt

HUDSON BEND COLONY NO. 2

Block 1

Lts 5,6,7,8,9, Muesse, Lot 18 Donaho, Lot 19 Pugsley, Lot 25 Burke, Lot 31 O'Neill, Lot 32 Jenkins, Lot 34 Beaver, Lot 35 Smith, Lts 37, 38 Stanzel, Lot 39 Frank

Block 2

Lts 4,5,6, Baty, Lts 8 & 9 Noland, Lot 10 Forsythe, Lot 13 Stanzel

Block 3

Lot 4 Mooneyham, Lot 9 O'Conner, Lot 14, 15, 16, Chapman, Lts 17, 19 Stanzel, Lot 20 Anglin, Lot 21 McNelly

Block 4

Lot 1 Lake Living Homes, Lot 2 Legendre, Lt 4 Duncan, Lt 5 Bowyer, Lts 6,7,8,9 Spillar, Lts 13, 14, 15, Reed & Goss, Lt. 16 Dymowski, Lt. 20 B. King, Lt 24 Sprouse, Lt 26 Lung, Lt 28 Wacek, Lt 32 Lyons, Lt 34 Owner unknown, Lt 38 Pulliam, Lt 40 Erwin, Lt 42 White, Lt 43 Weideranders, Lt 44 Turner, Lt 46 Bennett, Lts 47 & 48 Bannister & Weiss, Lot 51 Manning, Lot 52 Carpenter, Lts. 11, 17, 18,19, 21, 22, 25, 27,29,30,31,33,35,37,39,41,45, 57, Stanzel Brothers Trust

Block 5 (There is a request for approval to re-subdivide land at the corner of Hudson Bend Rd. and Pool Canyon Rd., belonging to the Webb and Sikes families, into 6 single family, two acre lots. Each lot will carry all existing and any newly adopted subdivision restrictions. see proposed restriction# 6)

Block 6

Lot 7 Neeley, Lt. 8 Machann, Lts 9,10,11 Stanzel