

The Hudson Bend Colony

May 1997

Message from the President

by Randy Lacey

It has been quite a year for Hudson Bend Colony Neighborhood Association politics. It all started with the "fireworks" at the Annual Meeting and Picnic last June. Topics such as an architectural control committee, mandatory dues assessments if deemed necessary, and a ban on mobile homes were considered favorable by the great majority of homeowners who voted on the issues. However, these issues

sent shock waves through the spines of
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The Past Eleven Months

by Patti Stalik

If you voted at the 6/8/96 Annual Meeting and Picnic or voted by proxy, you probably are wondering what has happened since that meeting. You may recall that a 1996 Dedicatory Instrument drafted by HBCNA's unpaid attorney was presented to the membership for a vote at that meeting. Provisions in the 1996 Dedicatory Instrument for mandatory dues and an Architectural Control

Committee were hotly debated along with the issues of commercial uses of property and the existence of mobile and manufactured homes in Hudson Bend Colony.

The meeting ended with votes and proxies being counted. All items passed. Subsequently, 39 property owners presented a petition to the Board at its June 26, 1996 meeting requesting that the

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Catfish Sizzled by Picnic Decision

In a surprise move, the HBCNA Board on April 8 decided to substitute fried catfish for beef brisket at the annual Neighborhood Picnic, slated for Saturday June 14. A source close to the deliberations denied that the Board had been stamped on the issue. "We just wanted to get everyone in the boat on this one," he said.

The picnic will begin at 5 PM at Lee and Diane Biggart's home at 640 Hudson Bend Road. Hudson Bend Colony property owners are encouraged to call Erma Campbell at 266-2141 to reserve a plate for their family and guests.

Bring a favorite salad or dessert to

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Strategic Planning Committee Report

by R. B. Klug

On behalf of the members of the 1997 Ad Hoc Strategic Planning Committee I am pleased to report good news! On March 6th the Committee conducted a "Town Meeting" for Hudson Bend Colony property

owners at Water District # 17's Meeting Room. Over 40 of our neighbors attended and participated in an open and productive discussion of Hudson Bend Colony issues.

By now, even if you didn't attend last year's Annual Homeowner's Meeting and Picnic,

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A Simpler Solution

by Randy Beck

There seems to be general agreement that the majority of our neighbors favor restrictions on land use in Hudson Bend Colony:

- All the articles in this newsletter affirm it, and even those

with existing deed restriction violations declare it.

- 80% of the lots in our neighborhood have voluntarily filed the '88 restrictions.
- At last summer's

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Thanks to Victor Stanzel

by Carole & Charles Sikes

We have been asked to inform those who don't already know that Victor Stanzel, on December 3, 1996, restricted 13 of his 20 lots in Hudson Bend Colony. Four lots surrounded by mobile homes on HiLine and 3

lots around the taco stand on Hudson Bend Rd in Block 4 of HBC Subdivision No. 2 remain unrestricted. His action mirrored the actions taken by a decisive majority of HBC property owners who

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many of our residents. The property rights and lifestyles of many of our neighbors became threatened. They reacted vehemently! Please see Patti Stalik's article for further discussion on these matters.

Until the issues are decided in a court of law, it appears we need to figure out a way to live together in peace. The mobile home issue seems to be the one issue that strikes anger in the minds of property owners who worry about the degradation to the value and image of one of their largest financial investments. It is also an issue that strikes fear and anger in the hearts of mobile home owners or those desiring to place a mobile home on their property. This is a very emotional issue that we must work through on our own or have a court of law do it for us. Perhaps it's time we really live by what we all learned in kindergarten or Sunday School, i.e. The Golden Rule.

If we work through the emotional issues and get to know the people in Hudson Bend Colony who are living in

mobile homes I think we will find thoughtful, caring people with families, friends and dreams just like those living in conventional homes. I know several of them. Without reservation I can say that I like them, respect them and I am proud to call them my neighbors. Please show some compassion!

However, the flip side of that coin means that if you are considering placing a mobile home on a lot, you should understand what it will do to the investment of the property owners around you. Yes, it would probably send rage through any property owner. Expect it! Either find a different area to locate the mobile home or save a little longer until you can afford to build a home that will not hurt your neighbors' investment. If you already live in a mobile home, you could make your neighbors happy and lessen what you have done to their investments by maintaining your building and land better than anyone around you. Plant a wall of tall shrubs around your property or build a privacy fence!

Your neighbors will love you.

Unlike most residential areas in America that tend to attract clusters of people in similar socioeconomic groups, Hudson Bend Colony brings together people of varied backgrounds and extreme ranges of economic classes. Although eclectic there is a certain charm about our little neighborhood that has brought us all here to live. Given the obvious incredibly huge number of places that one could live in this world and that we have all chosen Hudson Bend Colony to live, I believe we all share much more in common than it perhaps appears on the surface.

Several years ago my family and I moved to the Hudson Bend Colony neighborhood from the Estates of Barton Creek. We left one of the finest subdivisions in Central Texas with its long winding entrance of finely manicured grass, flower gardens, creeks, waterfalls and the area's most magnificent golf course. When some of our friends first visited us on the lake, passing all of the broken down cars, storage sheds and poorly maintained mobile homes that Hudson Bend Road has to offer, they jokingly named us the "Hudson

Bend Hillbillies".

None of that bothers me. You see, I have made many more friends in Hudson Bend Colony than I ever had living in the Estates of Barton Creek. And although I can't particularly say I'm fond of the eyesores along Hudson Bend Road, when I sit on my deck (sometimes sipping on a frozen Margarita!) watching the clear water of Lake Travis glisten in the sunlight, enjoying the colorful sailboats in the foreground and the broken skyline of the Texas Hill Country in the background, I can honestly and proudly say, it's great to be a Hudson Bend Hillbilly.

Please come to our annual picnic and meet the many wonderful people in our neighborhood. Unlike last year, there will be no business conducted other than the election of officers and a report from our strategic planning committee. R.B. Klug is our President nominee. He will make a great leader. I strongly urge you to get involved in the neighborhood to make it a better place for all of us to call home!

Randy Lacey

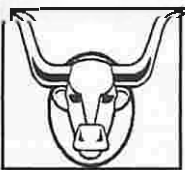
Picnic

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share and folding chairs.

Bovines from the nearby ranchettes on Hudson Bend Road were bullish at the news. "We think this is a moove in the right direction. Maybe do catfish this year, then chicken, then catfish again."

No catfish could be reached for comment.



A Simpler Solution

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picnic meeting, members voted by a typical 2 to 1 margin for restrictions: residential use passed 45-21; single family only passed 47-19; no trailers passed 44-22. Even the proposition to assess dues passed 33-32!

• At the Town Meeting, "the greatest preference of 'for' votes was in the realm of developing equitable and enforceable deed restrictions."

So, with all this harmony, why

are these pages filled with talk about the "healing process," becoming "less litigious and threatening," and how "it's great to be a Hudson Bend Hillbilly?"

It's because some residents on Pool Canyon actually took legal action to uphold our existing deed restrictions. A lawsuit is an ugly, costly spectacle that arouses emotions and visceral reactions all around. It has led to a lot of talk about how we need to re-write our deed restrictions to avoid such unpleasantness in the future.

The truth is that merely having different restrictions proba-

bly wouldn't have changed the events on Pool Canyon much at all. Even if you have "enforceable" restrictions, they still require enforcement—and that means a lawsuit.

What would have changed those events is 1) a clear, authoritative process for interpretation of the restrictions before a project is started, and 2) the resolve and resources to pursue a legal defense if one is needed.

First, we need a process for interpretation because no wording we might craft is go-

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Strategic Planning

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you are aware of the contentious deliberations that occurred over proposed new property covenants presented to the membership at the picnic. Although the 1996 Dedicatory Instrument was approved by a majority vote of the members (the Board subsequently rescinded the membership vote), there was strong sentiment against particular aspects of it and the manner in which it was presented to the Association. Unfortunately, disagreement went beyond issues. In several instances during and after the Business Meeting the discussion got personal and words were exchanged that were likely regretted. One of the frequently heard comments during the Picnic following, besides "The food's cold", was "I'm never coming to another one of these picnics!"

It is truly unfortunate that we, all neighbors with many, many mutual interests and common goals would find ourselves so divided. Each of those who worked diligently for the success of the 1996 Dedicatory Instrument did so out of a spirit of community to

make our neighborhood a better place. Many of these leaders worked diligently for years building and strengthening the Hudson Bend Colony Neighborhood Association (HBCNA) only to witness last summer's breakdown.

In January this year I solicited advice from a diverse cross-section of Hudson Bend Colony property owners on how we could heal the existing rifts and find a new path for neighborly cooperation. After all, if we take a look at ourselves from the "outside", it becomes quite clear that we have much more in common than we have in differences, and it is in all of our best interests to gather together and work for our common good!

The positive response I received was gratifying. A committee which truly represented the varied interests of our community quickly formed. Members of the Strategic Planning Committee, which we named our group, included owners of waterfront and non-waterfront property, "commercial" property, a mobile home, home based businesses (professional as well as "light industrial") and those with expanded real estate interests.

The Committee's consen-

sus was that we needed to hear from our neighbors about issues of importance to them. To listen, listen and listen some more! The Committee felt if an open forum was provided in which everyone was free to have their voice heard we would find out what was needed and how to accomplish it. Thus the idea of a "Town Meeting". I would like to make it clear the Strategic Committee and the Town Meeting were not conducted under the auspicious of the HBCNA, although several Committee members served on the 1996-97 HBCNA board.

The primary objectives for the "Town Meeting" were to (1) begin the healing process and (2) begin developing consensus for a "win-win" future vision. The Committee's concept for reaching these objectives was to:

1. Share information
2. Solicit community input, and
3. Seek greater participation

I am pleased to say the objectives were met (and exceeded)!

During the Town Meeting almost everyone present took the opportunity to "go on the record" by offering

suggestions, making recommendations, or expressing their opinion on issues of concern. Each idea was recorded on large note pad paper and posted on the meeting room walls. Highlighting the evening was a discussion of issues. Issues and issue discussion took center stage, not argument! Before the meeting concluded, all participants, in traditional "town meeting" fashion, voted their preference "for" and "against" the numerous issues which had been presented and posted.

Although many separate issues were raised, a number of them fit in to the category of "Let's fix the deed restriction problem". The single item receiving the most votes was one recommending establishment of a committee to develop deed restriction solutions. Overall, the greatest preference of "for" votes was in the realm of developing equitable and enforceable deed restrictions.

Additional issues which were identified included (not in any particular order) community beautification, property values, home offices, commercial business operations, lakeside trails, free

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votes be declared null and void because the proxy holder, HBCNA President Randy Lacey, was not present to vote the proxies and the proxy ballots did not match the ballots used for voting at the meeting.

The Board, at the 6/26/96 meeting, acknowledged the petition, but before they voted on its re-

quest, HBCNA member Lee Biggart informed the Board that the 1996 Dedicatory Instrument was invalid as its legal authority was based upon Texas Property Code statute 204 that only applied to a county with a population of 2.8 million (i.e. Harris County). The Board's attorney informed the Board and members at this meeting that he must have misread the statute, and agreed HBCNA had no authority to impose the terms of the

1996 Dedicatory Instrument on all landowners in the HBCNA.

The Board, after reviewing the statute, voted to invalidate the ballots based on Mr. Biggart's report. The Board was requested to seek a legal opinion on the validity of the 1988 Dedicatory Instrument from a real estate attorney with no ties to or clients in Hudson Bend Colony. The present Board was elected by acclamation and was not affected by the

balloting problems.

The Board met on 9/25/96 with a large number of members in attendance to hear the results of the consultation with the real estate attorney. Randy Lacey and I had drafted questions for the attorney and provided him with HBCNA's deed restriction documents. I met with the attorney to get his responses.

The attorney informed me that the 1988 Dedicatory

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Strategic Planning

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roaming dogs, legal defense fund, mobile homes, and night-time lighting.

The Committee has not reconvened since the Town Meeting, I believe I speak for each of them in saying that we now have a sense of what is on the mind of the collective neighborhood. At the Annual Meeting and Picnic on June 14th, the Committee will make a brief, and I stress brief, report on the tabulated results of the Town Meeting. We will present our recommendations, (based upon citizens' input at the Town Meeting) and solicit volunteers to lead and work on committee tasks. The Annual Picnic is our once-a-year chance to visit with our neighbors and we will keep the Committee

report brief. We can discuss issues at another meeting!

With this new spirit of cooperation underway I invite you to attend this year's HBCNA Annual Meeting and Picnic on June 14th. Even if you promised yourself last year never to attend again, please do attend. Remember, we are all much more alike than we are different. Besides, we're all neighbors!

1997 Strategic Planning Committee:

Sharon Cook
 Mark & Debi Moran
 William (Bill) Price
 Patti Stalik
 Lee Biggart
 Paul Hemmer
 Kathy Pugsley
 Jim Chapman
 R. B. Klug (Chairman)
 Charles (Charlie) Rogers
 Charles & Carol Sikes

1997-98 Nominations Committee Report

The following people are presented for nomination to the Board of Directors of the Hudson Bend Colony Neighborhood Association. Randy Lacey, 1996-97 President will serve on the Board in the position of Immediate Past President. All other nominees, including Patti Stalik, current Board Secretary, Sharon Cook and Kathy Pugsley, both current Board members, served on the Neighborhood Strategic Planning Committee this Spring. It is a pleasure to have such an interested and enthusiastic group nominated for service on the 1997-98 Board. Election of Officers and Board Members will be held during the HBCNA Annual Meeting on June 14th. Additional nominations can be made from the floor during

the meeting.

Nominees are:

Lee Biggart
 Member-at-large
 Jim Chapman
 Member-at-large
 Sharon Cook
 Member-at-large
 Kathy Pugsley
 Member-at-large
 Randy Lacey
 Immediate Past President
 Debi Moran
 Treasurer
 Patti Stalik
 Secretary
 Charles Rogers
 Vice President
 R. B. Klug
 President

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Instrument or any later attempt to upgrade the deed restrictions would only apply to the property owners who signed the upgraded instrument. Because the HBCNA was not established as a homeowners' association in the platting documents for the subdivision, HBCNA is a voluntary organization without the power to require mandatory membership or to enforce any upgrades to the original deed restrictions on property owned by those who refused to sign the 1988 Dedicatory Instrument.

The HBCNA's attempt to grandfather existing mobile homes in its 1988 Dedicatory Instrument is beyond HBCNA's authority because anyone not signing that instrument is not bound by it. Attempts to grand-

father existing commercial and mobile or manufactured homes constitute an upgrade of the deed restrictions. This will require written approval by all property owners to bind all property owners to prohibit them from suing to attempt to enforce such an upgrade.

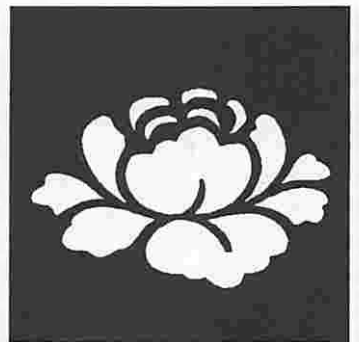
To summarize, while the original and the 1988 deed restrictions are consistent with most property owners' desires to restrict commercial uses and mobile/manufactured homes, there are a number of technical flaws that need correcting.

At the 9/25/96 Board meeting, HBCNA member R.B. Klug proposed a committee be set up to determine property owners' concerns and to set a new direction for the Association to take to resolve its problems, and at-

tempt to involve more property owners in the HBCNA. The committee had 14 members who represented all areas of concern within the HBCNA: commercial, mobile home, waterfront, interior, et cetera. After three meetings, the Committee invited all property owners to a Town Hall Meeting on 3/6/97. A report of this endeavor is in this newsletter.

Our Association must speak for all property owners. I think it fair to say that we all want no more commercial or mobile/manufactured home development. We must somehow accept the eclectic neighborhood make-up that exists today. We need to clean up our past restrictive instruments by replacing them with a new instrument that cleans up the problems with the original deed restrictions and the 1988 Dedicatory Instrument. Through co-

operation and neighbors working toward a common goal of improving our neighborhood and maintaining our property values, we can hopefully become a less litigious and threatening group. We must instead focus on doing things together to benefit every property owner in Hudson Bend Colony.



A Simpler Solution

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ing to anticipate every possible situation for the next fifty years. When they wrote "trailer" in 1938, they couldn't have envisioned today's double-wide. Another reason is that every landowner deserves to know where he or she stands before

starting a project. Of course, a favorable opinion from the interpretation committee wouldn't absolutely guarantee that some other landowner couldn't sue, but it would weaken their case to the point that they probably wouldn't.

Second, we need the credible threat of legal action to make certain that there will be a price

for ignoring the restrictions. The cost and stress of a definite lawsuit should be deterrent enough for most violations. Add \$30,000 and months of wrangling to most projects, and its surely easier to comply with the restrictions.

The good news is that we can put these two elements in place now on the strength of the '38

and '88 restrictions.

As Board president for two years when we launched the '88 restriction update, I can tell you that it's not easy, quick, or fun. When you're done, new restrictions alone will still be imperfect and they still won't solve the practical problems that led to the unfortunate events on Pool Canyon.

Thanks to Victor Stanzel

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have dedicated their properties to the single family residential, non commercial intentions for this neighborhood. Mr. Stanzel died on April 7, 1997.

Like the restrictions in the 1988 document to which most HBC property owners have added their signatures, Stanzel's restrictions are filed in the Travis County clerk's office. He restricted his lots against all manufactured housing (mobile homes), any temporary dwellings, and against any business, manufacturing, or commercial enterprise of any kind. All lots and structures are to be used for single family residential

purposes only. These restrictions are filed in Vol. 12829, beginning on page 295 of the Travis County Real Property Records.

There are some lots in HBC which have not been dedicated or deed restricted, but which were restricted when the subdivision plat was filed. If you have a question about your property, call us and we can tell you how to check this out at the courthouse.

If restrictions were omitted on your plat we apologize for McIntosh, Webb and James. Evelyn Webb, and Charles and Carole McIntosh Sikes can assure you of the original subdividers' intentions for a residentially restricted neighborhood. S. C. McIntosh was still alive

when we formed the Hudson Bend Colony Neighborhood to support these intentions under which most of the lots were purchased.

If you feel that your property is not completely protected and you would like to dedicate it to codes like those that legally cover 80% of Hudson Bend Colony, contact us. We have retired from the task of collecting signatures at the annual meetings, but we will help individuals do this. There are several easy ways. You can sign a document stating how you want your property restricted, just as Stanzel and most of your neighbors (including some of the proposed officers for next year's HBCNA Board) have done. You may use already prepared

documents if you choose or you can prepare your own. And there are notaries in the neighborhood who will witness. It will cost you nothing but a little time. The filing fee can be paid by a fund that has been established independently for the legal support of our neighborhood code.

Before the election, I want to encourage proposed officers to make some kind of declaration of their support for our neighborhood codes.

We will welcome statements from all of these proposed officers as to their willingness to serve as our representatives and to act on behalf of the majority of HBC property owners. The future of our organization depends on this.

Candidate	Address/Properties in HBC	'88 Dedication Status	Structures/Use
R.B. Klug	16127 Lake Travis Drive	Yes	Single Family Residence
Charlie Rogers	16304 Elm Drive	No	Mobile Home Residence
Patti Stalik	16207 Elm Drive, HBC 1, Blk 7, lots 3A HBC 2, Blk 4, lots 66, 67, 68, 10,12 HBC 1, Blk 6, lots 1&2 ← <i>not dedicated but under 1939 plat restrictions</i>	Yes (adj)	Single Family Residences, and vacant lots
Debi Moran	16309 Lakeshore Drive East	No	Single Family Residence & woodshop
Randy Lacey	16306 Lakeshore Drive East	Yes	Single Family Residence & guest house
Kathy Pugsley	6111 Hudson Bend Road	No	Single Family Residence
Sharon Cook	16125 Lake Travis Drive 6109 Edwards Drive	Yes No	Single Family Residence Metal building & storage yard
Jim Chapman	16030 Pool Canyon Road, including HBC 2, BLK 3, L ^T S 14,15,16	No	2 Mobile homes, Residences & welding shop
Lee Biggart	6410 Hudson Bend Road 20 +- acres at the end of Hudson Bend Road	No, most set aside for commercial in original plat	Single Family Residence and vacant tracts

Come to the Annual Picnic!

- ◆ Food !(catfish dinner)
- ◆ Drinks!
- ◆ All Social! No Business!

(Well OK, we're going to vote on new officers, but that's all! We promise.)

Saturday June 14, 5 PM

Lee and Diane Biggart's House

6410 Hudson Bend Road

Call Erma Campbell at 266-2141 or Kathy Pugsley 266-2662 to reserve a plate.

Bring a salad or dessert to share & folding chairs.

Dinner & Annual Dues \$25 for the immediate family.

The Hudson Bend Colony

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CHARLES & CAROLE SIKES
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