



Revisions to the Milhaven HOA Legal Documents

Tuesday, April 9, 2024 and
Thursday, April 18, 2024



Background

- HOA Legal Documents were revised in 2018.
- Need to re-visited every 5 years
- Committee was made up of Board Members (Connie Daniels, Nathan Janoka, Judi Baker, Ashley Herrinton, Sheryl Stephens) and Dean Goodin, Debbie Bunting and Michele Wittig.

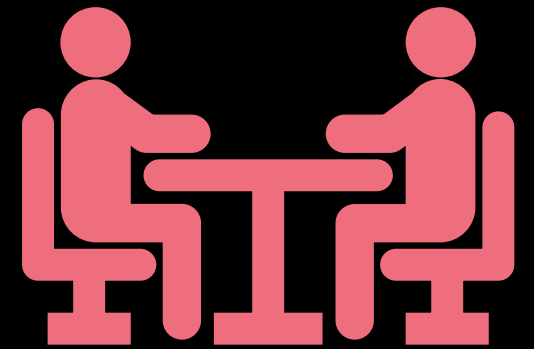


Purpose of this Meeting

- Review each document / review the changes
- We will provide opportunities to ask questions and provide comments
- Committee is seeking input from the Owners

House Rules

- Please be respectful
- Your comments need to be addressed to the Committee
- Any conversations between Owners need to be taken outside



The Documents:

- Articles of Incorporation
- ByLaws
- Declaration of Restrictions



Articles of Incorporation

- Provides the name of the association, the mailing address, the purpose of the organization, etc.
- Suggested changes are very minor.

Articles of Incorporation – The Changes

- Lines 17 – 27: Language suggested by attorney to more clearly ID the extent of the Lots governed by the HOA
- Line 68": changed "enure" to "inure"
- Lines 88 – 91: minor change suggested by attorney to identify her as registered agent for the Association
- Line 121: correction of a typo

Summary

- All changes are minor edits to improve the wording of the document.

Questions or Comments?



ByLaws

- The bylaws outline how the organization does certain things:
 - Hold board meetings, annual meetings, special meetings
 - Appoints officers and directors
 - Describes powers and duties of officers
 - Etc.

Recommended Changes

- Lines 16 – 17: better defines the sections of the neighborhood
- Lines 21-22: better defines the recording of the plats
- Line 29: corrects a minor typo
- Lines 51 – 53: Attorney recommends adding this – virtual meetings are allowed by state law – even if the language is not in the document – but the attorney added it for clarity

Recommended Changes (continued)

- Lines 60 – 61: Allowed by state law, attorney recommends that it be added for clarity
- Line 92: added the word “signed” – attorney recommendation
- Lines 120 – 123: This is new language – to allow for virtual meetings
- Lines 157 – 161: Changes to language about liens for past due assessments – gives the Board some discretion

Recommended Changes (continued)

- Line 232: adds “business days” instead of days

Summary

- All changes are minor edits to improve the wording of the document or to include practices allowed by state law.

Questions or Comments?



Declaration of Restrictions

- Currently, the restrictions DO NOT have any language that requires Owners to maintain the property in any way – very difficult for Board to “require” Owners to maintain lawns, power wash, or do many other things to keep their homes maintained and attractive.
- Other suggested changes clarify existing language and address situations that the current and previous Boards have struggled with.

Declaration of Restrictions

- This part of the meeting may be tedious
- We will pause for questions after every 2nd or 3rd slide.
- If you have a question or comment that cannot wait – please raise your hand.

Minor edits:

- Lines 15 and 25-27 and line 41 are edits made by the attorney for clarity.
- Lines 60 – 70 are edits made by attorney to better describe the neighborhood.
- Line 79 – minor attorney edit

Restrictions on # of Rentals

- See Line 94. Restricts the number of homes that can be rented at any time to 4. (5%)
- Board can make exceptions for select hardship situations – military service, health issues.

**New
Language –
Lots must
be in Good
Repair**

- See line 161 – 165: This is new language – goal is to have some language to point to when homes are in dis-repair.

ARC Review

- Lines 167 – 169, 172: the word “modifications” is added
- Line 173 – 189: all new language – this language is meant to more clearly spell out what needs to go to the ARC for review.
- Lines 192 – 202: More clearly spells out the timeframe for ARC to review a request (ARC has 30 days to review and make a recommendation to Board)

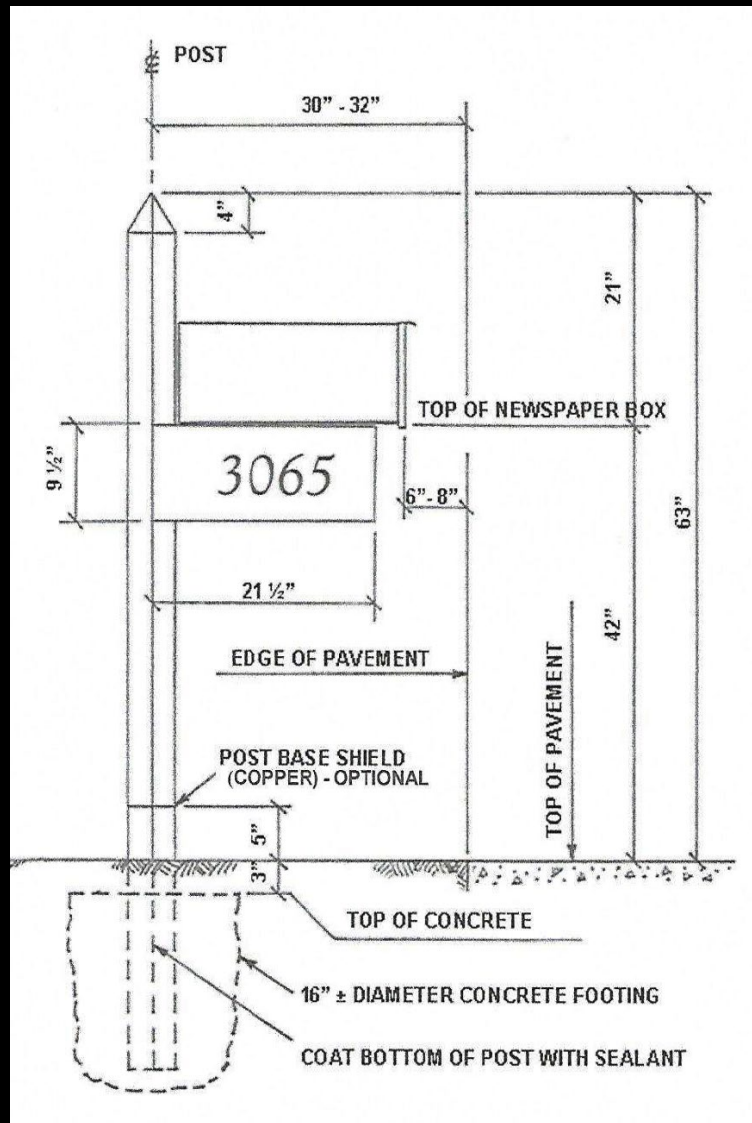
Any Questions?



Fences

- Line 231-249: This section sets a standard for fences – 4-inch picket convex with French Gothic posts – see Figure 1.
- Also states that as fences are replaced or substantially repaired – must use the standard.
- Lines 239 - 243: Allows four homes along Causeway Drive to install solid panel fences – up to 6 feet tall.





Signs and Mailboxes

- Line 259: New language states that signs have to be removed within 48 hours of the time a home sells or a contractor completes the job.
- Lines 262 – 268: Establishes a mailbox standard – any mailboxes to be replaced need to follow the standard



Other Requirements / Grass and Lawns

- Lines 269 – 283:
 - Grass has to be 8-inches or shorter
 - Shrubs and plants must be neat, maintained and beds need to be weed free
 - Driveways have to be free of weeds
 - Grass cuttings have to be removed from the curb and gutter; leaves have to be removed from the curb within 10 days
 - Storm debris has to be removed within 15 days after a storm

Other Requirements

- Lines 284-285: Building materials cannot be stored on a Lot where visible from adjoining Lots or from the street.
- Lines 289-293: Additional language to include recycling bins/materials and more clearly states that cans have to be stored where they are not visible from the street.



Driveways, Trees and Solar Panels

- Lines 294 – 296: New language says that driveways cannot be enlarged without ARC/Board approval.
- Lines 309 – 312: New language says that when dead or dying trees are to be removed – the Owner still has to give notice to the Board.
- Line 315: Solar Panels are prohibited.

Street Parking / Items in Driveways

- Lines 337 – 338: Parking is permitted only on driveways – except for limited periods not to exceed three days.
- Lines 341 – 345: Trailers, boats, and similar items cannot be present on a Lot except for any 7 days in a 30-day period.

Any Questions?



Additional New Language

- Lines 346 – 348: Dumpsters, pods, port a johns – need approval, limited to 90 days
- Lines 349 – 353: Sheds have to have siding, roof and trim that matches the house and sheds in disrepair have to be removed or replaced or repaired.
- Lines 354 – 356: Rain barrels have to be in the back of house and have to be in good repair and have pest control.

Additional New Language

- Lines 357 – 360: Lists four invasive and non-native plants that cannot be planted – and should be removed. (Tree of Heaven, English Ivy, Bradford or Callery Pear, Bamboo.)
- Lines 316 – 363: Play and sports equipment cannot be in the front yards.

Any Questions?



What Happens Next?

- Committee will consider comments of Owners.
- Will consult with attorney.
- Final documents will be posted to website.
- Adoption of Articles and ByLaws will be in conjunction with annual meeting in June 2024.

Adoption Standards

- Articles of Incorporation and ByLaws
 - Will be on the Ballot to be sent out for the Annual Meeting scheduled for June 2024
 - Half the Owners need to vote (42 Owners) and the majority of the votes need to approve adoption.
- Declaration of Restrictions – approval is signified by each Owner signing an attachment to the amended document – need 2/3 of Owners to agree – or 56 homes