

# LAS PALMAS Community Association

## Asociación de Dueños LAS PALMAS



## INTRODUCTION

Dear Las Palmas Homeowners,

As per our last news bulletin, there is a lot to do before our next owners meeting and there are still many challenges for the Board and HOA staff to keep Las Palmas moving forward in 2019. This

HOA communication focuses on updating all owners on HOA matters including the state of Las Palmas from the onsite operational matters and challenges, the HOA financial status, delinquencies, owner responsibilities, and ownership in an HOA community. Additionally, an update regarding our U.S. HOA financial services provider, as well as how Las Palmas will move forward from a three-Board member HOA to a five-Board member HOA.

LAS PALMAS  
NEWS BULLETIN

### AGLIMPSE OF WHAT'S INSIDE

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### Las Palmas 2020 HOA Owner Assembly Meeting Date



The Las Palmas HOA Annual Owner Assembly Meeting has been set for 10am on Saturday, January 28, 2020. It will be held upstairs of the clubhouse in the the multipurpose room and sign in will begin at 9:30am. The agenda and proxy forms will be made available prior to the meeting.

As a reminder, owner assembly meeting are strictly for Las Palmas owners only. Proper HOA protocol regarding

ownership as outlined in our by-laws will be followed. Only those individuals named on the deed/trust or if an LLC, the managing member or are legally authorized to make legal decisions on behalf of the LLC. Anyone that has received a legal power of attorney from the legal owner or legal entity has the ability to represent the legal owner or legal entity in HOA decision making consistent with what is stated in the power of attorney are allowed to attend.

Additionally, legal owners must be in good standing in order to participate in the meeting decision making and in the running for any HOA Board of Director position.

### **U.S. HOA LLC & U.S. Financial Services**

As many of you know, the developer created a Las Palmas HOA LLC as a legal entity in Arizona for the purpose of providing owners in the U.S. the ability and convenience to make HOA payments in the U.S. (where those funds are FDIC insured.) for those owners who are unable to pay their HOA fees in Mexico.

These HOA funds collected as per our Sonoran State HOA guidelines are then wired to Las Palmas Mexican accounts in Peñasco to provide HOA funds for our onsite Administrator on a regular monthly basis during times where the HOA can take advantage of the higher exchange rates, as needed and

consistent with our owner approved budget. This processes also gives our HOA a “check and balance” system between the person that collects our HOA funds and the person that is responsible for spending our fund for our day-to-day community expenses and operations.

### **Lynda Saveski**

The person responsible for the collection of HOA funds in the U.S. has a lot of financial responsibility, far greater than many of us can imagine mainly due to the nature of HOA situation. The majority of owners are from the U.S., yet our community is in Mexico. This poses many financial challenges and requires great attention to ensure all financial matters are dealt with appropriately.

This person has to collect our funds on the U.S side, ensuring owner statements are properly completed, new owners are incorporated into our HOA as per our CCRs, provide follow-up with any owner needing assistance with the accounts, work with the HOA Treasurer, work with the HOA Administrator, take care of any legal and tax obligations, attend annual owners meetings, ensure registration, voting and scrutinizing is accurate and consistent with the CCRs, and provide financial information whenever necessary, etc.

The responsibility of ensuring our community financial matters in the U.S

are safe and secure is a huge responsibility and for the over the past ten years has been faithfully executed by Lynda Saveski. Unfortunately, there have been incidents where Lynda has been receiving threatening communication by some owners and for the first time this past year was unable to attend our annual owner meeting for her own safety.

Although she has been able to continue to do her job, Lynda notified the Board that this would be her last year of providing U.S financial services to Las Palmas, but that she would work with us until the Board found an appropriate replacement and the transition was completed.

The HOA wants to take this opportunity to thank Lynda for her dedication, commitment, and great effort in protecting the financial interests of Las Palmas for the past ten years. She has been an invaluable financial service contractor for us, and Las Palmas has received great value for the cost of her contractor fees. We wish Lynda Saveski the very best in the future.

### **City Property Management/ U.S. HOA Financial Services**

The Las Palmas HOA would like to officially announce and introduce City Property Management to our owners as the replacement for Lynda Saveski, for the purpose the management of our U.S



financial services.

As part of its duties and functions, the HOA Board of Directors is responsible for

ensuring the continuity of HOA services and the hiring of necessary services for HOA operations. In light of the notice by Lynda Saveski of her resignation, the Las Palmas HOA has been proactive in finding a replacement for our U.S. based HOA financial services for some time now. It is important to note that Las Palmas HOA is not changing our on-site HOA Administrator and the services he provides. In Mexican HOA's, the Administrator is the HOA official and legal representative of our community where any replacement of his services and duties are consistent with our CCRs where this requires owners validations as per the CCRs.

The financial services provider in the U.S. are a valuable service; however, that provider has no decision-making power. They are services that are in place to support our Administrator's role and assist the Treasurer in fulfilling their financial responsibilities.

After several inquiries into companies that provide U.S. based HOA financial services, the Board received proposals, and none came close to the \$1,200.00

per month fee we have been paying Lynda Saveski. Ultimately the options were narrowed down to two qualified candidates: Associa, an international company whose main office is in Las Cabos, and City Property Management (CPM) whose main office is in Phoenix.

Although both companies were equally qualified in all areas, the lowest cost by far was City Property Management. City Property Management's bid was \$1,800.00 per month, and Associa's bid was \$2,580.00 per month. The Board of Directors elected to retain the financial services of the lowest bidder, City Property Management.

It is also important for owners to understand although City Property Management, like Associa, is a full-service management company, at this time they have **ONLY** been retained for the provision of financial services, and to only replace the financial services that were being provided by Lynda Saveski.

The effective date for City Property Management to officially commence providing financial services has been set for October 1st, 2019, in time for our 4th quarter HOA billing statements. In preparation for October 1st, 2019, CPM has been working hard with the HOA in a preparing for the transition. As an added benefit for the HOA, CPM a

very good understanding of Mexican HOA's, and they have bilingual staff to ensure HOA matters can be handled in both languages.

Also, their main offices are in Phoenix and their Board rooms are available for Las Palmas HOA Board meetings. With five Board members next year this will be a very good option for a central place to meet.

We are very excited about CPM joining the Las Palmas HOA family. CPM resources will be a great asset to Las Palmas. Their hi-tech HOA accounting system, portal for owner inquires, and their accessibility as a full-service company will allow easy access to greater amounts of information.



For the past month the HOA team, including Lynda Saveski, have been working hard to transition our U.S. HOA financial services to CPM. In the coming days CPM will be sending out an official email communication introducing themselves and their services to all owners.

Please join us in welcoming CPM and give them your cooperation as we transition with them moving forward.

## Transition to FIVE Member Board

As per our last owners meeting, the proposal placed on the Agenda by the Board of Directors to increase the Board from a three-member Board to a five-member Board passed and will be implemented at our next annual owners meeting. The Board has



consulted with Mexican attorneys and have requested an official guideline on how to implement the increase to a five-member Board consistent with our CCRs to be followed at our next annual owners meeting. The official guideline will be made available to all owners once it is confirmed. In addition to the regular annual open Board position for a term of three years, the following are some basic guidelines to be followed at our next annual owners meeting relating to the additional two new Board member positions (per our CCRs).

- The two additional Board of Director positions will have staggered term periods in their first term to be consistent with the current process and to overlap

as much as possible.

- New Board Member Position One First term – A 2-year term, thereafter, will be a 3-year term.
- New Board Member Position Two First term – A 1-year term, thereafter, will be a 3-year term.
- Currently, the three-Board member Board has three Executive positions, President, VP, and Treasurer. With a five-member Board an additional Executive position will be created as per the CCRs to be the Secretary Position. The fifth position will a position “At Large” to assist wherever possible or needed.
- All Executive positions are to be determined by the new five-member Board at the first Board meeting based on an internal election among all Board members present in person for the vote until all Executive positions are filled. These guidelines are consistent with our CCRs.
- A description of all roles and their duties and responsibilities are detailed in our CCRs.

Volunteering to serve on the Board is a serious matter and requires a substantial time commitment. Increasing our Board to five members will require more owners to participate.

The HOA asks all owners to seriously consider how their experience and qualifications can help the Board move forward and improve on past accomplishments. This Board welcomes all serious candidates and invites all interested owners to post their resumes and the reasons why they should be elected to a Board of Directors position. Please send your resume package to [hoaboard@laspalmashoa.com](mailto:hoaboard@laspalmashoa.com) to post.

## Revisiting Legal Property Ownership in Mexico



There are still some owners that may not understand the concept of legal ownership in Mexico, and owning property in a Mexican HOA community. The name on the Trust/Deed is the person(s) that is the legal owner, and only that person(s) has the legal right to participate in the HOA community as stated in our CCRs. The person(s) on the Trust/Deed is the only person with the ownership rights that can act on behalf of that property or can be acted against that property.

If you have made a property purchase in Las Palmas and find yourself not on the

Mexican Trust/Deed, your purchase agreement may only allow you to possess that property, but does not allow you to be the legal owner, nor to act legally on behalf of the property. If there is a mortgage company, person, or other entity that is still on the Trust/Deed, that matter is between the Purchaser and the mortgage company, person or other entity.

The HOA can only legally recognize the person(s) on the Trust/Deed. If you think you need to be on the Trust/Deed but are not, the HOA strongly urges you to consult your legal counsel specializing in Mexican real estate law to assist you. The HOA can only recognize legal owners and only legal owners can participate in HOA matters as long as they are in good standing in accordance with the CCRs.

**Example:** *Dick and Jane have their property for sale and John Doe wants to buy it but cannot qualify for a loan from the bank, so Dick and Jane say we will carry the mortgage and you can make payments to us. When it is paid for we will sign the property over to you and put you on the deed/trust. Until then Dick and Jane are still the legal owners of the property and even though John Doe has a legal right to occupy the property, Dick & Jane are still responsible for all HOA DUES / ASSESSMENTS that John Doe has not paid. John Doe has no legal rights as a legal owner. If Dick & Jane give John Doe legal representation, John Doe can attend meetings and vote on behalf of Dick & Jane. However only the legal owners in good standing has "owner rights" and can run for and hold office.*

Therefore you must be on the deed/trust to be the legal owner.



## **Financial Report** - Bonnie Horton

It's been a frustrating year, but we are optimistic that things are only going to get better from here on out. After looking into four different property management companies, and extensively interviewing two of them, I am thrilled to say the Board has chosen City Property Management. I have been totally impressed with everyone I have met there; it's a great group of people and I feel they offer the best for Las Palmas.

With their CITYLINK app you will be able to make HOA payments, see where we are on our budget, plus much more. It will be a great way for owners to stay connected to our community. Not only that, they were about half the price of the other property management company.



### **Las Palmas Financial Summary** As of September 5, 2019

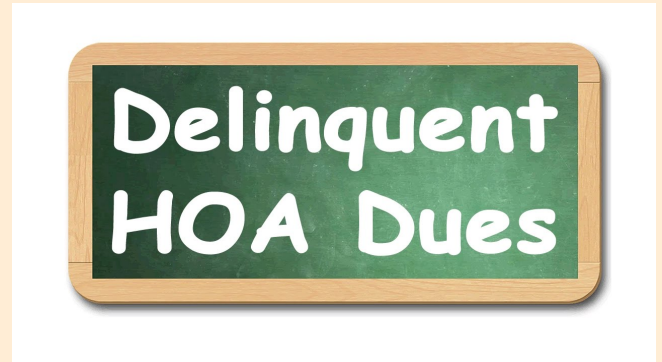
- **BANK ACCOUNT: \$212,5012.84**
- **OPERATIONAL \$ 55,510.35**
- **DEBIT CARD \$5,000.00**
- **SAVINGS & RESERVE \$151,991.49**
- **LIENS:** This does not include Attorney Fees: (\$37,055.78):
  - B-102 Gaetano Fugazzotto (Robin Winters) \$7,845.01
  - D-405 Gaetano Fugazzotto (Robin Winters) \$9,094.59
  - B-603 Cynthia Mabry & Henry Zissel \$6,002.80
  - G-102 Ivan Contreras \$9,010.75
  - V-3 Sitka Properties (Lidia Ho) \$18,896.59
  - V-8 Sitka Properties (Lidia Ho) \$18,365.97
  - V-20 Anderson/Tobias \$14,840.07

**Owners that have not paid all year, but Lien process has not yet begun:  
\$13,715.76)**

- G-603 Carrillo/Alvarez \$5,062.80
- D-201 Balvina Cardenas-Hernandez \$4,793.80
- D-702 Balvina Cardenas-Hernandez \$3,859.16

**Owners that have not paid Two Quarters and/or the Special Assessment:  
\$8,555.10)**

- BO-703A/B Bennie Stoner \$1,348.00
- D-105 Jose Carios Camacho Carillo \$1,170.80
- D-403A Angela Langis \$1,645.62
- G-705 ETW Group, Inc. (Scott Geyer) \$1,580.00
- V-2 Izhak Ben Shabat \$2,810.68



**Owners that are Late this month or are making payments: (\$8,475.79)**

**TOTAL Owners Owe to HOA: \$114,802.43**

**OTHER ACCOUNTS**

- **4010 - Homeowner Assessments \$59,971.44**
- **4020 - Violation Assessment \$44,722.00**
- **4048 - Commercial Assessment \$15,400.00 (Old Med Restaurant & Mini Mart (Chef Jose))**
- **4053 - Unomas Bar \$200.00**
- **4140 - Interest - Homeowner \$6,058.99**
- **4150 - Late Fees \$4,050.00**

**\$130,402.43**

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**Las Palmas State of the Villas recap as of 9/1/19 - Harvey Kuntz**

The last 20-35 foot section of the east beach wall must be replaced, the existing beach wall

footings must be sunk down several feet below grade to protect Villa 1 from sinking and causing great structural damage.

- Villas needing paint: 1, 2, 5, 6, 16 (16 is due 4th quarter 2019) 18, 19 20.
- Villas needing touch-up and paint: 7 and 14.
- Villa 2 work on rail pillars and replace dead sod off patio.
- Villa 6 top railing section by outside staircase needs rework soon.
- Villas in good shape: 4, 9, 10, 11, 12, 13, 15, 17 .
- Villa 18 replace staircase sconce (it just fell & broke due to wind) and clean off the pigeon droppings on top railings.
- Villa # 19 clean up pigeon droppings off the upper railing

- Villas # 3 and # 8: NO work is being done for non-payment of dues.

**State of Condo Towers as of 9/1/19**

**Bonita**

- Roof looks good- it's clear of debris and a/c units look okay on the outside.
- Hallways - paint the 2 utility doors on ground floor
- Install dryer plate off 5th floor elevator.
- All hallways in front of elevator are marked up due to guests using wall as footrest while waiting for elevator – THIS WILL BE AN ONGOING PROBLEM! The walls get painted and then the next day they are filthy again due to guest traffic.
- Stairwells between 1 & 2 are dirty need paint/cleaning.
- Stairwell between 6 & 7 - handle on trash bin door needs tightening /screw.
- Different colors on condo screen/entry doors- need all owners input.
- Remove all dead plants from planters and containers.

**Delphin**

- AC units rest on metal racks- some of these racks are very rusty and are breaking down gradually. Need all owners input.

- Condo entry doors/screen doors are different colors - need all owners input.

### **Baja**

- Roof: seal off pipe ducts to combat pigeon droppings
- 3rd floor replace 2 bashed-in utility doors by fire hose
- 4th floor utility doors need attention as well
- Peeling paint in squares need scraping and painting
- Condo doors look good
- Ground floor hallway is horrible by elevators
- Outside walls and lamp post bases facing the pool need paint

### **Grande**

- Garbage on roof- this will be removed soon- on the schedule
- Stairwells between 1 & 2 need paint
- Garbage chute door needs a screw on its handle- between floors 5 and 6 floors needs paint on outside stairwell wall.
- G-305 & G-601 condo entry doors need to be painted- looks bad.
- Various colors of screen doors, some look really shabby -need all owners input

## **Other Common Areas**

### **The 4 roof towers:**

- Every single roof needs some tile replacement to prevent roof leaks and damage to those units that are susceptible.
- The tiling design on the roof tops have a double tiles design: the bottom tile is upside down on the surface and the top tile co-mingles and stacks onto top of it in a staggered pattern- as a result, there are a ton of tiles missing.
- It is recommended that **500 tiles** need to be ordered and fix/replace all broken missing tiles ASAP.

### **Condo Hallways & Floors**

- Need all owners input to possibly tile the wall area in front of each elevator so those areas stay clean and look great.
- Also, the wall edging around the elevators and proximity are always chipped from guests bringing their gear into their condos.
- All owners input needed as well....any ideas?

## **Landscape Around Towers & Common Areas**

- Chronic bare spots in sod - some areas would be better served if those areas would be converted to small low planters using plants that require minimal water

### **Planter materials**

- Full sun planters need natural mulch seasonal plantings
- ·Shaded/partial shaded planters need some smaller size rock
- ·Remove the lava rock completely- need all owners input on what community wants
- ·The venerable Las Palmas sign that is 4 times the size it should be: the sign is intact & solid for now- owner discussion?

### **Clubhouse**

- Uno Mas walls are being painted.
- Bar Operator Ricardo advised Osvaldo he is unable to pay \$200.00 per month rent. He has removed all his personal items and has left since he cannot pay rent.

### **Elevator Situation**

- Las Palmas will have a \$2,000.00 inspection on all 4 units.
- A determination must be made to see how long each one will last: 3 years, 4 years or 5 years and how Las Palmas can manage it.

## **Insurance:**

Normal insurance for Las Palmas community: Annual premium is \$6,133.56 USD

Earthquake/volcano insurance for Las Palmas community: Annual premium is \$6,448.63 USD

### **TV/Internet Service**

Current cost of Megacable TV and Internet: \$71,616.43 pesos per month (includes 110 channels and free internet). In the process of getting bid from Telmex - details to follow.

Las Palmas has (2) luggage carts per tower; all 8 carts are functional but need annual maintenance. New commercial grade hotel carts cost approximately \$900 each.

### **Water Supply Update**

Las Palmas added a second water pipe into our one cistern to bolster our supply and keep things running smoother.

### **Pools & Jacuzzi - Maintenance**

There is grave concern regarding the number of legitimate complaints on how filthy, grimy Las Palmas pools are and that they are cloudy & have debris.

Whether Las Palmas passes the health department's test or not, these pools are being used heavily and they need heavy-duty treatment. Clubhouse pool

closes at 11:00 pm and beach pool and Baja and Grande pools close at 10:00 pm.

At those times chemicals should be added and a chemical test check again early the following morning. Chemical tests should be done every single day- especially in high season- the slide pools are loved to death.

There should be a dedicated pool attendant that checks on all pools and spas all day and evening to keep debris out and to also monitor the slides for people who use rafts or shove others at the top of those slides, no one wants anyone injured.

The Board is currently evaluating the pool chaise lounge situation for replacing and updating these lounge chairs.

### **Adult Beach Pool Policy**

This is an all owners input subject as to how Las Palmas will handle the constant barrage of people wanting to bring their children into that back beach pool area or if owners should vote again on this topic. The Adult Only Pool Policy has caused many complaints from owners and guests.

Guests in the villas have been the most vocal and have lodged many complaints because they rent the villas with family/children for the proximity to the pool. Some guests have said they will not rent again at Las Palmas due to this policy.

*Read just some of the complaints that have been posted on line, under that section of newsletter.)*

For safety's sake, the front part of the beach pool should always be off limits to children because of the negative edge danger.

### **Pool Baños**

Restriction on flushing toilet paper and flies in the waste baskets. This stinky subject must be discussed - guest complaints are being made.

### **Security Issues**

- We have a new Chief of Security, Marcos Rodriguez Bello.
- A new electric gate, and security cameras are being installed to record vehicle check in and check out time/dates with license plate recognition.
- The guards were given procedures to follow as there is a lot of hit/miss on people just driving in and NOT checking in at the front desk to get their wrist bands.
- Some owners are providing their own wristbands even though those bands are not valid, approved HOA bands. This also provides a way for those owners to AVOID paying impact fees and cheating the community.
- Owners who owe our community a lot of money are continuing to rent their units and not pay their Las Palmas financial obligations.

## Attorney Legal Fees

Meanwhile, as Las Palmas tries to collect the money we are owed by owners it is costing our community substantial sums of money each month

for our attorneys.

Attorney fees for 2018 = \$26,000

Attorney fees for 2019 = \$11,800

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# ADULT ONLY POOL COMPLAINTS

Complaints about the adult pool are impacting the guest experience and creating ill will and will cause a decrease in future rentals. Here is a sample of some of the negative reviews posted on social media and travel partners, Airbnb, HomeAway, VRBO, etc.

- The room was fine however we will not return again. 1. The kids are not allowed in the swim up pool but the drunk adults are allowed on the slides and did not watch out for the children. 2. The blow up swim toys that are SOLD ON THE PROPERTY were not allowed in the pool. 3. The drink coolers were not allowed near the pool and had to be taken back against the wall. Ridiculous rules that were never enforced before. Once the holiday weekend was over and most people left the families that remained with children did not order drinks from the swim up bar and the pool bar tenders were standing around twiddling their thumbs not making tips!!! Will never recommend this "resort" to anyone.*
- Speaking of the kid pool, my kids loved it. The slides were fun for all ages and the 2x1 bar right next to it did not hurt! BUT, there is no ocean view! You could be in any resort it's any place and not know the difference. The new infinity pool is spectacular but I unfortunately did not have the opportunity to use it. BOTH sides of the pool are adult only, so families*
- with kids under 18 are not allowed to enjoy the pool that actually has an ocean view. I understand if you had an overflow of adults needing both sides, but for 5 days those pools were pretty much empty while all the families were banished to the kiddie pool with no view. Using one side for adults only is not unreasonable and would ease the overcrowding at the other pool.*
- Hey there... Sorry to bother you... We just checked in and I have a question... I have to say I'm really disappointed that the adult pool is the one that faces the ocean... I had no idea.. The kids pool in the back is filled with a million people .. are all the other resorts like that with pools adults only?*
- Are we allowed to pay for a day pass and visit another properties pool? It will be nice if they allowed children use all the pools so parents could enjoy the pool and the bar at the same time; specially if you are going on a big group and there is children it's hard to separate the group and you consume less adults beverages on the pool area because*

*you are not having as much fun as the group is separate because they don't allow children on the pool.*

- Did not like the new rules if the kids can't be at the new pool with parents but other than that the condo was really nice and comfortable*
- This is the third year that we have rented this villa with our kids and grandkids. Our first year, there was no pool in front of the villa. Last year, there was a beautiful pool divided into two halves -- one had an infinity pool in it and the other did not. Kids were permitted to swim in the side that did not have the infinity pool. This year, kids were not permitted in that pool at all. That was a big disappointment, especially since that pool was rarely used by anyone. If Las Palmas would like to make that pool inaccessible to kids, I would suggest that a compromise be reached -- perhaps the compromise of last year or perhaps the pool could be adults-only on weekends. Many large groups with children stay at the villas. And, we saw many kids being disappointed as they were asked to exit the pool.*
- Pool policies make no sense, no kids allowed in the main pool. I get it, there is a bar, but children should be allowed in a pool bit not sitting at the bar. It's a family resort!*
- We really enjoyed our recent stay at Las Palmas despite a few hiccups with our unit which I will describe. Pros: the check in was fast and professional, staff is friendly and helpful, the beach is especially nice at Las Palmas, the spa (which I have used twice) is clean and my massage was great, the pools are fun and well planned. Which gets me to the cons: the pool by the ocean is for adults only which meant that it was nearly empty most of the time while the other pool was so crowded that I had to wait twenty minutes for a chair to even sit in AND the day I wanted to watch the sunset from the adults only pool I couldn't because my 9 year old daughter was asked to leave the adults only pool area even though the pool was nearly empty as previously mentioned. Please Las Palmas, get your owners to upgrade the units to match your nice facilities and service.*
- We rented this house to be near the pool and our kids were asked constantly to get out of the pool and asked to get out of the jacuzzi which NO ONE uses.*
- Villa 9 people had two infants of approximately 9 months of age inside the new pool, so they were asked to leave the new pool because of the HOA rules, then they saw a 18year old in the pool and they requested her being removed from the pool also (villa 15) they were told she was an Adult and they said she was not 21 Years Old ♦♦, then guards explain that in Mexico laws if you are 18 you are an Adult, then they started verbally fighting with the villa 15 people...*
- I have a situation with a renter of villa 6, he does not want to take out his kids out of the adult pool. Guards went and he got upset. He came to Frontdesk and complain. He will not take his kids out of the adult pool. Renter says that the rules he got does not specify the adults only pool. \* Rules are stated and signs are posted.*
- would rate this resort Above average but the ONLY thing that was disappointed that, my son was not able to enjoy the main pool. The security was RUDE and demanded we leave the pool. If it's because of the bar, the kids pool has a bar also. I would understand not having the kids near the bar area, but not in the entire pool. This will be our third time at this resort but because of the pool situation we will probably look for another resort. NO other compliant other than that one.*

# HOA BOARD MEMBERS



**DAN DIMOVSKI**

President



**HARVEY KUNTZ**

Vice President



**BONNIE HORTON**

Treasurer

**JANUARY 28, 2020**

**HOA Meeting**

**10:00 am**

**(sign in at 9:30am)**

