

**FIRESIDE ESTATES POA  
ANNUAL MEETING – Minutes  
Thursday, April 22, 2021 – 7:00 pm @11342 Country Ridge Lane**

The Annual Meeting time and date was communicated to the Property Owners on the Facebook page and emailed out on March 31, 2021. The agenda was posted on Fireside POA Facebook group page, posted on the website and emailed out to property owners on April 11, 2021. The agenda was also mailed out one week before the meeting.

The meeting was called to order by Paul Brown, President of Fireside Estates POA Committee at 7:05.p.m. There were between 20-25 properties represented.\*

Motion was made, seconded, and passed to approve the minutes from our June 4, 2020 Annual POA Meeting. (These minutes are available on our website: [www.FiresideEstates.com](http://www.FiresideEstates.com))

Motion was made, seconded, and passed to receive the Financial Report from the year 2020. (Appendix 1)

**Update from POA Committee:**

Paul Brown reviewed the activities of the POA Committee during the past year. (Appendix 2 outlines the general tasks and responsibilities of the POA Committee throughout the year.)

**Informational Items:**

April Campbell has decided to stop taking care of the signs. Notice was made during the meeting to see if anyone was willing to take on this responsibility. Following the meeting Victoria Perez (11254 Country Ridge Lane) communicated that she and her daughters were interested in taking up this responsibility.

Paul Brown reviewed the POA Committee's work of issuing Resale Certificates. Motion was made, seconded, and passed to include on the resale certificate a note stating that Accessory Buildings may not be used as living space.

The first section listed below are presented as information from your POA Committee. The second section are motions or action items requiring a vote from the property owners.

It was reported that our D&O Insurance carrier will no longer be carrying this product. The POA Committee will be looking for a new insurance company to provide this insurance.

Those at the meeting were also reminded of the following items:

1. All changes to buildings, driveways, and fences need to be approved by the POA Building Committee.
2. All property owners are required to mow their entire lot, including the right of way, ditch, up to the road on any side of their property. This includes the ditch and right of way along Helms Trail and CR213.
3. Any vehicle (trailer, car, truck, boat, RV, camper, etc.) parked in one's yard needs to be licensed and registered for legal street use or placed inside an accessory building.
4. Dogs should not be allowed to run free within Fireside Estates and dog walkers should pick up after their pets when they walk their dogs.

**II. Action Items:** We will vote on the following

**A. Election to POA Committee:**

Motion was made, seconded, and passed to elect Michael Chronister to a three year term on the POA Committee. The current POA Committee:

Class of 2022

Teresa Wolfe  
Paul Brown  
Janet Allen  
Scott Isom

Class of 2023

Roy Fletcher  
Timothy Buttz  
Chuck Steinke

Class of 2024

Michael Chronister

**B. Rentals, Long Term Leases, Rent to Own:**

Motion was made, seconded and passed to prohibit rentals within Fireside Estates.

Motion was made, seconded, and passed to authorize the POA Committee to clearly state that rentals are not permitted within Fireside Estates.

Motion was made, seconded, and passed to contact our attorney and draw up an amendment to our deed restrictions that would clearly state that rental properties are not permitted within Fireside Estates. This amendment would be circulated to our property owners and a meeting will be scheduled to vote in person or by mail in ballot on the proposed amendment to the deed restrictions.

**C. Signs and Fence**

Motion made, seconded and passed to do nothing with the entrance signs or white entrance fence until all upcoming construction on Helms Trail is completed.

The meeting was opened for any new business:

The POA Committee was notified that all on Talty Water who pay the extra \$1.00/month for the Air Flight Ambulance coverage should make sure all those living in their homes are included on the list to receive coverage. People can call 877-339-2273 to see if they are on the CareFlite membership list and be sure all family members living in the household are listed.

Motion was made, seconded, and passed to adjourn.

The meeting was adjourned at 8:10pm.

Respectfully Submitted,



Paul Brown, President – Fireside POA Committee

\*A quorum of 50% is needed to select a property owners committee. It was estimated that 46 properties was represented, establishing a quorum. (Deed Restrictions, D.2.). The Deed Restrictions also that 'Any Property Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations now or hereafter imposed by the provision of this Declaration.' (Restrictions, G) Those attending the meeting (representing around 50% of the properties) by a super majority vote (a sufficient number to select a committee if there were a quorum) agreed to elect the four nominees to serve on the POA Committee and carry out the responsibilities as outlined in the Deed Restrictions, D. 2.

Rational:

- 1) The deed restrictions are binding on all parties and all persons claiming under them for a period of thirty-five (35) years and then continue in successive five year periods (E).
- 2) The absence of a POA Committee does not nullify the Deed Restrictions, those selected will function and serve as the POA Committee as outlined in the Deed Restrictions (D.2.).
- 3) An elected POA Committee is better than having each property owner act unilaterally or independently to enforce the Deed Restrictions.
- 4) Annual POA meetings will be scheduled each year to assure that all property owners have the opportunity to exercise their right to elect the members of their POA Committee. If a quorum of fifty percent (50%) is not present, we will continue to function with the POA Committee as elected by those in attendance to allow Fireside Estates to maintain the integrity of the Deed Restrictions.

## Attachment 1:

**Balance Sheet and Operating Budget**  
**(January 1, 2021)**  
**Fireside Estates POA – c/o Paul Brown**  
**11342 Country Ridge Lane – Forney, TX 75126**

<b>Beginning Balance – January 1, 2020</b>		<b>\$ 9,208.90</b>
Receipts (POA Dues) (received in 2020)	\$ 4,370.00	
Other Receipts (carryover from 2019):	50.00	
<b>Sub-Total of Receipts</b>	<b>\$ 4,420.00</b>	
<b>Sub Total of all funds after receipts</b>	<b>\$13,628.9</b>	
<b>Total Actual Expenses</b>		<b>(\$ 6,330.73)</b>
\$840.00	TVEC	
\$65.11	PayPal Fee	
\$1.80	Vinmo Fees	
\$1,034.26	Dumpster Weekend (two dumpsters & Tarp)	
\$260.85	Postage	
\$383.07	Printing/Office Supplies	
\$256.00	Website Hosting/Sitebuilder.com	
\$375.00	Sign maintenance/Plants/Mulch/Supplies	
\$221.00	Yard of the Month Signs	
\$1,132.00	D&O Liability Insurance	
\$500.00	Attorney Fee for Annual Meeting Preparations/Deed Restriction Amendments	
\$65.00	Refund of Discount to Property Owners	
\$30.00	Refund Light Contest Winner	
\$1,166.64	(Entrance Maintenance)Mowing Ditch/Tree Removal-elevation/Sign Foundation removal/jackhammer rental) - Tree removal/elevation (\$400) and Sign work (\$566.64) approved at Annual Meeting	
<b>Ending Balance: (as of 12/31/2020)</b>		<b>\$ 7,298.17</b>
Bank Balance 12/31/2020	\$ 7,434.54	
Check Received on 12/31/20 not yet deposited	\$ 80.00	
Outstanding Checks 12/31/2020	(\$ 530.00)	
<u>PayPal Account Balance 12/31/2020</u>	<u>\$ 313.63</u>	
Total Funds:	<b>\$ 7,298.17</b>	

Uncollected Funds due from 2020: (6 prop.) \$ 780.00 (20% penalty begins after 1/31/2021)

**2020 Projected Operating Budget – Projects and Anticipated Expenses (other expenses may occur):**

TVEC Lights (7 lights \$20.00/light/month)	\$ 840.00*
PayPal Fees, Vinmo Fees	\$ 60.00*
Dumpster Weekend	\$1,000.00
Postage	\$ 250.00*
Printing, correspondence, office supplies	\$ 375.00*
Website, Hosting	\$ 200.00*
Hospitality Committee	\$ 50.00
Sign Landscaping, maintenance (April Campbell) -	\$ 375.00*
D&O Liability Insurance	\$1,150.00*
Christmas Light Contest (credited POA Dues)	\$190.00*
<b>Sub-Total</b>	<b>\$4,490.00</b>
<u>Legal Fees as necessary (taken from Bank Balance)</u>	<u>\$ 500.00</u>
<b>Estimated Total Expenses</b>	<b>\$4,990.00</b>

(\*Fixed expenses = \$3,490)

**Anticipated Income (estimated \$3,600 to \$4,500):**  
 (A \$10.00 discount if paid prior to 1/31/2020)

90 properties x \$40.00 = \$3,600  
 90 properties x \$50.00 = \$4,500

**Christmas Light Contest:** (1<sup>st</sup> \$40.00, 2<sup>nd</sup> \$30.00, 3<sup>rd</sup> \$25.00) total cost to POA = \$190.00

**Fireside Estates Restrictions:**

The Property Owners Committee shall be charged with enforcing these restrictions and to levy and collect annual fees for its expenses, neighborhood lighting, and landscaping. This annual fee shall not exceed \$50.00 per lot unless ratified by a meeting of the owners of at least fifty percent of the lots. This annual assessment shall attach and thereafter remain a charge against and be secured by a continuing lien upon the lot. In the event that an Owner shall fail to pay in full the assessment by the delinquent date thereof, such unpaid amount shall become a binding personal obligation of such Owner, and the Committee shall have the right to enforce the lien and take all appropriate actions and steps to collect any such unpaid assessments. The Committee may institute a suit to recover a money judgement for the same, together with interest thereon and reasonable expenses of collection, including attorney's fees, without foreclosing or waiving the lien hereinbefore provided. The Property Owners Committee is hereby empowered to enforce these restrictions at its discretion. The Developer, its owners, officers, and employees, and the Property Owners Committee and its individual members, shall not be held liable for any action or failure to act under this Declaration.(D. 2.) More information can be found on [www.FiresideEstates.com](http://www.FiresideEstates.com)

**Appendix 2**

## **Fireside Estates POA General Operating Procedures**

### **I. General Activities:**

The responsibilities of the POA Committee are noted below. The President has the responsibility of making sure that the committee as a whole, or delegated representatives, fulfill the following duties.

- A. Assign a contact person for Title Companies requesting resale certificates.
  - 1. A blank Resale Certificate is attached on a second file. This needs to be filled out when requested by a Title Company when a home is sold or by a property owner when a home is refinanced.
    - a. Evaluate the property being sold to make sure that it is not in violation of any deed restrictions. Violations must be noted on the Resale Certificate.
    - b. Check status of POA Assessments. (All Assessments are collected at closing and sent to POA address.)
    - c. POA Committee does not have the authority to subordinate our lien. This is how we respond to Title Companies who ask for a Subordination Agreement:

The POA Committee has consulted with our attorney on this matter and it is his opinion that our Deed Restrictions do not give the POA Committee the power to sign the Subordination Agreement. He stated: "The present restrictions allow the committee to enforce the restrictions using some discretion, but it does not contemplate the subordination issue. The committee can not act on its own without authority and to do so is somewhat risky."

- 2. Receive POA Assessments, record payments, give checks to Treasurer for deposit.
      - a. We have a checking account at Chase Bank.
      - b. We have a PayPal account where people can pay and the money can be transferred to the Chase Account.
    - 3. The POA contact person/information needs to be kept current and recorded with Kaufman County. When changes occur, update Property Owners Association Management Certificate and file new Certificate with Kaufman County Clerk when information changes. (See Attachment #1 below)
- B. Make sure addresses are correct on all mailed documents: TVEC Bill, Chase Bank, etc.
- C. Receive bills (TVEC) and bank statements and other financial information (i.e. reimbursements)
- D. Receive and respond as appropriate to suggestions, complaints, concerns from the community. (This also includes passing on community information: safety issues, lost pets, etc.)
  - 1. Any property owner has the right (per our Deed Restrictions) to enforce the restrictions. The POA Committee is a good source to turn to when there is a restriction infraction.
  - 2. POA Committee should be available to contact property owners who are in violation of a restriction when another property owner files a complaint.
- E. Contact property owners who are in violation of deed restrictions. (Typically mowing, debris, vehicles, mail boxes, etc.)
- F. Be available to help resolve complaints between neighbors. (Noise, debris, etc.)
  
- G. Respond in an appropriate time to building, fence, or other property improvement requests.

1. Discretionary authority should never be arbitrary, capricious, or discriminatory.
2. Approval for one property owner sets precedent for future decisions.
3. Denials due to deed restrictions may be challenged by having the property owners vote to amend the restrictions. This now needs a 67% approval of all property owners (61 property owners are need to vote in favor in order to amend the Deed Restrictions).

H. General POA Committee meetings/communications:

1. Planning POA Annual Meeting
2. Planning POA Events (Yard Sale, Dumpster Weekend, and other activities like block party, holiday decoration contest...)
3. General oversight of POA (signs, entrances, lighting, etc.)
4. Schedule POA Committee meetings as needed

I. Keep financial records/POA Dues/Names & Addresses of property owners/contact information. Keep Excel Spreadsheet current.

J. Notify Hospitality Committee of new owners so that they can be welcomed to Fireside Estates.

K. Communicate via email, Facebook, or newsletter to POA events, announcements, etc.

L. Keep website up to date ([www.FiresideEstates.com](http://www.FiresideEstates.com))

M. Oversee other communication that may come for the POA Committee.

N. Maintain D&O Liability Insurance. (Annual Premium 2020 was \$1,132.00)

Policy renews on May 8, 2021

Contact Information:

Jenny Sims  
Client Service Manager  
Insgroup, Inc.  
D: 214-438-2536  
O: 214-752-9500 | F: 214-752-9501  
[jsims@insgroup.net](mailto:jsims@insgroup.net)

NOTE: We are seeking new D&O Insurance as this policy was not longer available for renewal in 2021

## **II. Past Years' Calendar of Events within Fireside Estates:**

### **January**

1. Finalize previous year's financials.
2. Produce 'Balance Sheet and Operating Budget'
3. Add 'Balance Sheet and Operating Budget' as attachment to Resale Certificate document.
4. Fill out and send in IRS Form 1120-H by January 31<sup>st</sup> and mail to IRS
5. Communicate all these documents to POA Committee
6. Mail Invoice for current year with notice of discount if paid in January.

### **February/March**

1. Hold a POA Committee meeting to set dates for Dumpster Weekend, Yard Sales, etc.
2. Set date for Annual Meeting (Historically in April or May)
3. Consider anything that needs to be included in the Newsletter (which will include the mailed notice of the Annual Meeting).
4. Inclose invoices for each property to communicate paid/unpaid POA Dues

### **March/April**

1. Send out Newsletter and notice of the Annual Meeting

### **April/May**

1. Annual Meeting - Election of POA Committee Members
2. Dumpster Weekend
3. Yard Sale

### **September**

1. Send out Newsletter - include Invoices so people will know what is currently due.
2. Remind that there is a discount if paid prior to January 31<sup>st</sup> (\$40.00 before January 31 and \$50.00 after January 31<sup>st</sup>)
3. Yard Sale

### **September/October**

1. Block Party

### **December**

1. Holiday Light Contest
2. Send out invoices for those still owing dues for current year.

# Fireside Estates Property Owners Association

C/O Paul Brown, President POA Committee

11342 Country Ridge Lane

Forney, TX 75126

(214) 507-4073

Pmab1973@gmail.com

## PROPERTY OWNERS ASSOCIATION MANAGEMENT CERTIFICATE

- (1) The name of the subdivision: Fireside Estates
- (2) The name of the association: Fireside Estates Property Owners Association
- (3) The recording data for the subdivision:

Property situated in Kaufman County, Texas being described by -metes and bounds in the Plat of Country Arbor, an Addition to Kaufman County, Texas, has caused said property to be platted and subdivided as shown on the Plat of said Addition, recorded in Cabinet 2, Envelope 510, Plat Records of Kaufman County, Texas, which plat is also incorporated by reference for all applicable purposes.

- (4) The recording data for the declaration;

Filed for Record on 06/13/2003 @ 11:35am  
County Clerk, Kaufman County, TX  
#12819      2216      559

- (5) The name and mailing address of the association;

**Fireside Estates Property Owners Association**  
11342 Country Ridge Lane  
Forney, TX 75126

- (6) The name and mailing address of the person managing the association or the association's designated representative.

Paul Brown  
11342 Country Ridge Lane  
Forney, TX 75126

Cell: 214-507-4073


Email: [pmab1973@aol.com](mailto:pmab1973@aol.com) Or [pmab1973@gmail.com](mailto:pmab1973@gmail.com)

- (7) Other information the association considers appropriate.

The declarations in the deed restrictions state that any unpaid assessments or other fees owed to Fireside Estates Property Owners Association are secured by a continuing lien upon the lot. This lien must be satisfied and communicated in a Resale Certificate before property title can be transferred.

...This annual fee shall not exceed \$50.00 per lot unless ratified by a meeting of the owners of at least fifty percent of the lots. This annual assessment shall attach and thereafter remain a charge against and be secured by a continuing lien upon the lot, In the event that an Owner shall fail to pay in full the assessment by the delinquent date thereof, such unpaid amount shall become a binding personal obligation of such Owner, and the Committee shall have the right to enforce the lien and take all appropriate actions and steps to collect any such unpaid assessments. The Committee may institute a suit to recover a money judgement for the same, together with interest thereon and reasonable expenses of collection, including attorney's fees, without foreclosing or waiving the lien hereinbefore provided. ... (Deed Restrictions - D. 2.)

Respectfully Submitted,



Paul Brown, President – Fireside POA Committee

Document Dated: January 30, 2017