

FIRESIDE ESTATES POA
ANNUAL MEETING - Minutes
Thursday, April 25, 2019 - 7:00 pm
@10341 Fireside Lane

The Fireside Estates POA Annual meeting was called to order at 7:00pm by Paul Brown, President of the POA Committee, at the home of Roy and Mollie Fletcher, 10341 Fireside Lane.

Quorum: There were 62 people present representing around 35 properties. Paul Brown had received proxies from 11 property owners so a quorum of 50% of the property owners was considered present or voted present by proxy. (*See notation at the end of these minutes for explanation of how we have proceeded in the past with the absence of a quorum.)

Motion was made and seconded to approve the minutes from our April 26, 2018 Annual POA Meeting. These minutes are available on the website: www.FiresideEstates.com

Motion Carried

Update from POA Committee:

Motion was made and supported to approve the POA Committee's decision to allow High School students enrolled in FFA to have female goats on their property while they are enrolled in a FFA approved activity per the specifications outlined in the POA Committee application process. (This does not give approval for any other farm animal and the permit clearly states that the approval can be terminated at any time for any reason.)

Motion Carried

Motion was made and supported to approve the POA Committee's decision to allow the storage container to remain at 10462 Fireside Lane with the understanding that this is temporary and will be removed by the end of July 2019. It was noted that this motion does not permit permanent use of storage containers and other property owners need to receive approval from the POA Committee prior to moving similar containers onto their property for temporary use.

Motion Carried

The POA committee informed the association that April Campbell is taking care of the large sign at the end of Fireside Lane and will be paid \$250 (\$125.00 - Spring + \$125.00 - Fall) for time and materials.

Motion was made by the POA Committee to approve the amendments to the Deed Restriction Enforcement Policy.

The first amendment was added for clarification that all in violation may request a hearing (no vote was needed on this amendment). (Attachment 1 - II.B.1.d.)

The second amendment that would add \$100.00/month fine for those in violation was put to a vote.

Motion Failed

The POA Committee informed the association that Resale Certificates are provided to everyone purchasing homes in Fireside Estates. These Resale Certificates show the status of the POA Dues for the property, notes any violations, communicates the financial status of the POA, contains the Deed Restrictions, and also provides information related to the proper care of the aerobic septic systems. This resale certificate is part of the closing documents.

The association was reminded that approval for building and fence requests are needed per our Deed Restrictions:

No building or fence shall be erected, placed, or altered on any lot until the construction plans and specifications shall be approved by the Property Owners Committee as being conforming to the style and quality of the buildings or fences in the Addition, and in accordance with these covenants and restrictions. Failure of the Property Owners Committee to either approve or disapprove such application within thirty (30) days of its submission shall constitute approval. (D. 1)

The POA Committee informed the association that the POA Committee mails Invoices to property owners, pays bills, produces year end financials and files appropriate IRS filings for POA. We now allow payment online through our website using PayPal (credit cards are accepted). Also, POA Dues can be mailed or dropped off at 11342 Country Ridge Lane. The 2018 Year End Financial Information was included in the Agenda handed out at the meeting - see Appendix 2.

The POA Committee informed the association that the POA Committee is elected by our property owners to serve our association by enforcing adherence to our Deed Restrictions. However, as a nonprofit unincorporated property owners association, each property owner maintains their responsibility and liability for what happens within our POA. The POA Committee will begin securing Liability Insurance for all POA Planned activities (events held on someone's property) - Estimated cost will be \$200/event. The POA Committee will also look into D&O Insurance to protect the association from law suits.

Hospitality Committee:

The Hospitality Committee greeted those in attendance and spoke of their activities related to greeting new residents. Those presently serving on the Hospitality Committee are:

Shellie Massengale, Irene Isom, Pam Starck, and Mollie Fletcher.

New Business: General Information from the POA Committee:

Dogs: Please do what you can to keep your dog in your yard. Dogs are not permitted to run free in Kaufman County and this is also a violation of our deed restrictions. Please pick up after your dog when you walk them within our association.

4-Wheelers/ATV/4x4's/dirt bikes: Please remember that both Fireside Lane and Country Ridge Lane are county roads and the county laws are enforceable by the County Sheriff. Loud 4x4's and dirt bikes are the source of increasing complaints. Also, the speed limit is 30mph for all vehicles (including dirt bikes).

Lots Mowed and Kept Free from Debris: Our Restrictions state: "All lot owners shall keep their lots mowed and free of litter or debris." Also: "Wrecked cars and cars on blocks are forbidden. Inoperative cars or vehicles not licensed and registered for street use must be kept in a garage or storage building." (Vehicles are defined in restrictions as "house trailers, campers, motor homes, boats, trailers, trucks, buses, Rvs, etc.")

Safety: POA Committee made the following motion:

POA Committee moves that Fireside Estates install two license plate readers (one on Fireside Lane near Helms Trail and one on Country Ridge Lane near CR213). These License Plate Readers will cost \$4,000/year (for both).

Motion Failed

Community Activities:

The POA Committee reminded the association that the Spring Yard Sale will be April 26 & 27, The Dumpster Weekend will be May 17-19, and there are also plans for:

- BBQ Cook-Off - TBA - Community Picnic - TBA
- Chilli Cook-Off - TBA - Christmas Light Contest

Election of POA Committee:

Class of 2019	Class of 2020	Class of 2021	Class of 2022
_____	Tim Buttz	Tracey Rich	_____
Teresa Wolfe	Roy Fletcher	Bryan Boger	_____
Paul Brown	Mollie Fletcher	Michael Chronister	_____

Nominations received by April 1st:

Teresa Wolfe (11066 Country Ridge Ln)
Janet Allen (11221 Country Ridge Lane)

Paul Brown (11342 Country Ridge Ln)
Scott Isom (11353 Country Ridge Lane)

Motion was made and supported to increase the size of the POA Committee to 10 Members and elect the four nominees to serve for three years, the Class of 2022. **Motion Carried**

New business from property owners:

A request was made to ask the county to trim the overgrown brush on CR213 south of Country Ridge Lane, also to install a speed limit sign, no outlet sign, and children playing sign on Country Ridge southwest of Fireside Lane. Mollie Fletcher volunteered to call the county to ask them to remedy these items.

Motion was made and supported to have a **Yard of the Month** award for May - September. The POA Committee will name the winner for May and then the winner of the month will award the next month's winner. A sign will be made to indicate the Yard of the Month.

Motion Carried

Motion was made and supported to adjourn.

Motion Carried

The POA Committee expresses their thanks to all who attended and to Roy and Mollie Fletcher for allowing us to meet on their driveway and also for the cold water available to all who attended. The meeting was adjourned at 8:05pm.

Respectfully Submitted:



Paul Brown,
President,
Fireside Estates POA Committee
11342 Country Ridge Lane
Forney, TX 75126
(214) 507-4073

*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 preceding 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.

FIRESIDE ESTATES PROPERTY OWNERS ASSOCIATION

During the Property Owners Association (POA) Meeting on May 12, 2016, the property owners present asked the POA Committee to enforce the standards of our Deed Restrictions. The following policy has been adopted by the POA Committee to encourage compliance with our Deed Restrictions.

Remedy & Enforcement Process for Deed Restriction Violations*

The following process will be use to enforce compliance with our Deed Restrictions.

(Deed Restrictions can be downloaded from the website: www.FiresideEstates.com)

I. COLLECTION OF DELINQUENT POA DUES: (Along with other money owed to the POA resulting from violations, attorney fees, etc. as noted below)

- A. Notices of POA Dues (\$50.00/year) will be sent out though newsletters and other mailings.
- B. A 20% discount (\$10.00) will be available for those paying \$40.00 by January 31st of the current year.
- C. The delinquent date for previous year(s) POA Assessment will be January 31st
- D. Property Statements will be mailed out after January 1st indicating present dues status. *(Typically with the January Community Newsletter.)*
- E. On February 1st of each year:
 - 1. We will add penalties to the current year's POA Dues.
 - The penalty will equal the total of all money owed to the POA from previous years plus 20%.
 - [NOTE: The 20% penalty is equal to the 20% discount offered if dues are paid during January of the current year.]
 - 2. We will add any cost to the POA related to the collection of the delinquent POA Dues and Fees owed (including \$10.00 for each letter sent certified or priority w/tracking).
 - 3. Please note that our Deed Restrictions state that all unpaid annual "assessments shall attach and thereafter remain a charge against and be secured by a continuing lien upon the lot." (D.2.)
 - 4. The POA Committee may use the other means of collection of past POA Dues as stated in our Deed restrictions. (D.2)

II. DEED RESTRICTION VIOLATIONS:

- A. **MOWING IN YARD:** Letter will be mailed communicating the following:
 - 1. The lot (whole acre) must be mowed/trimmed within ten (10) days of receipt of the notification letter.
 - 2. Failure to mow, within ten (10) days, the POA may contract the lawn to be mowed.
 - 3. The fees for the mowing (and all other expenses incurred by the POA -) will be paid by the property owner.
 - a. A \$10.00 fee will be added for any follow-up letters needed within a twelve month period.
 - b. Fees not paid will become delinquent on January 31st – penalties and interest will be added to amount owed and also placed as a continuing lien on your property. (See Deed Restriction D.3.)
- B. **ALL OTHER OFFENSES:** (mailboxes, debris, broken/damaged fences, inoperative cars, etc.)
 - 1. Letter will be sent by either certified, verified, or priority mail with tracking communicating the following:
 - a. The offense must be remedied in thirty (30) days of receipt of certified notification of violation letter.
 - b. The property owner may agree to remedy the violation and ask (in writing or email) for a 30 day extension to bring property into compliance with the Deed Restrictions.
 - c. Second notices of same violation will incur a \$10.00 fee for postage.
 - d. The Homeowner may ask for a hearing with the POA Committee. A notice of hearing, with the related violation information, will be mailed to all the property owners. All hearings are public per the Texas Property Code. (Section 209.007)
 - 2. Failure to comply with the restrictions will institute the following process.
 - a. After the thirty (30) day period [and/or thirty (30) day extension, if granted], the POA Committee may contact our attorney (his charge is \$300.00/hour) who will begin the process of obtaining a Court Injunction or Declaratory Judgment from the Kaufman County Court.
 - b. NOTE: All court costs, interest, reasonable expenses of collection, and attorney fees will be the responsibility of the property owner in violation of the Deed Restrictions. (No exceptions: The property owner will be responsible for all costs to the POA once the attorney is contacted.)

*04/2019 The POA Committee may amend at any time

Balance Sheet and Operating Budget
(January 1, 2019)
Fireside Estates POA – c/o Paul Brown
11342 Country Ridge Lane – Forney, TX 75126

Beginning Balance – January 1, 2017		\$ 9,440.54
Receipts (POA Dues) (received in 2018)	\$ 3,860.00	
Insurance Check - Auto Accident (White Fence)	\$ 1,546.00*	
Sub-Total of Receipts	\$ 5,406.00	
Sub Total of all funds after receipts		\$14,846.54
Total Actual Expenses		(\$ 4,747.85)
\$1,546.00*	Repair of White Fence Paid w/ Ins. Money (Helms Trail - CR212)	
\$100.00	Return of overpayment - Providence Title Company Check	
\$915.61	Dumpster Rental - 2 Dumpsters (Dumpster Weekend)	
\$808.00	TVEC Street Lights	
\$109.50	Printing Fees (mailings: Letters, Newsletters, etc.)	
\$180.20	USPS _ Postage (Newsletters, Letters, postcards, etc.)	
\$300.00	Legal Fees (Attorney David Lewis - One Legal Opinion)	
\$250.00	Sign Landscaping - plants, mulch, decorations	
\$484.24	Block Party - Bounce House/Inflatable Slide and Food/Drinks	
\$11.26	Hospitality Committee Reimbursement - Water to new residents	
\$21.01	PayPal Fees on POA Dues Paid using PayPal convenience	
\$2.05	Texas Secretary of State - Document Fees - inquiry into corporation status	
\$19.98	Fireside Estates POA - Endorsing Stamp for check deposits (2)	

Ending Balance: (as of 12/31/2018) **\$ 10,098.69**

Bank Balance 12/31/2018	\$ 9,479.70
Check Received on 12/31/18 not yet deposited	\$ 50.00
<u>PayPal Account Balance 12/31/2018</u>	<u>\$ 568.99</u>
Total Funds:	\$10,098.69

Uncollected Funds due from 2018: (11 prop.) **\$ 732.00** (20% penalty begins after 1/31/2019)

2019 Projected Operating Budget – Projects and Anticipated Expenses (other expenses may occur):

TVEC Lights (7 lights \$20.00/light/month)	\$ 900.00
LED Light Replacement (cost to upgrade when bulb burns out)	\$ 250.00
PayPal Fees	\$ 160.00
Dumpster Weekend	\$ 900.00
Yard Sale Weekends (2)	\$ 250.00
Postage, printing, correspondence, office supplies	\$ 340.00
Website, Hosting	\$ 150.00
Hospitality Committee	\$ 50.00
Sign Landscaping, maintenance (as needed) -	\$ 250.00
<u>Legal Fees as necessary</u>	<u>\$ 350.00</u>
Estimated Total	\$3,600.00

Anticipated Income (estimated \$3,600 to \$4,500): 90 properties x \$40.00 = \$3,600
 (A \$10.00 discount if paid prior to 1/31/2019) 90 properties x \$50.00 = \$4,500

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