

Deline Homeowners Association
Meeting Minutes
April 9, 2007

ATTENDANCE: Sam Riley, Rod Dudley, Damon and June Heer, Don and Thelma Misener, Beck Prentice, Patti Schilasky, Peggy Sacks, Steve Schlangen, John Warner, and Marcia Speed.

MEETING CALLED TO ORDER: The meeting was called to order at 7 p.m.

PREVIOUS MONTH'S MEETING: Minutes from March 2007 were approved with one correction under "Welcome Committee." Name was corrected to read Gary and Linda Engelbreetsen. Don made motion, Rod seconded it.

TREASURER REPORT: June passed out report . All dues have been collected except from one home. She reported that the one expense that has gone over budget is legal fees, but each time legal services were needed, it was voted on and approved by the board. Sam made motion to approve the report, Judy seconded it.

Patti will keep the checkbook while June is out of town in case something needs to be purchased or paid for.

ACTIVE BUSINESS

NEWSLETTER:

The next newsletter will go out after the annual meeting.

GREENWAY:

No discussion on this.

PROPERTY IMPROVEMENTS:

No discussion on this.

RV LOT COMMITTEE:

The committee came to the meeting and explained the three proposals available (attached to minutes). The idea is to present one proposal at the annual meeting. He is hoping to get the homeowner's opinions and input on the proposal. No decision will be binding at the annual meeting on the proposal. A letter will go out after the annual meeting for the homeowners to vote on the proposal presented.

RV LOT:

As of April 2007, there are 5 spaces available in the lot and there is \$110 in the key treasury. Don and Thelma have mowed the lawn and weeded. They are doing an excellent job in keeping the RV lot in good shape.

Don reported last month on the house on the other side of the fence is vacant and the huge pile of garbage up against the fence and in the garage. Marcia contacted Becky to see if she could call Washington County on this again. Becky reported that she did contact Washington County and someone is to come out and look at the place. Hopefully something will be done to get the garbage out of there.

NEW BUSINESS:

Annual Meeting: The next annual meeting will May 3, 2007, the first Thursday in May. It will be at Butternut Creek Elementary School. Patti received the mailings and she will send them out.

MEETING ADJOURNED:

Meeting adjourned at 9:105p.m. Motion by Becky, Judy seconded it. Next board meeting is May 14, 2007. The annual meeting is set for May 3, 2007.

Spending by Category

7/1/2006 through 6/30/2007

4/9/2007

Page 1

Category Description	7/1/2006- 6/30/2007
Advertising	35.00
Bank Charge	19.25
Coporate Fee	50.00
Director Incentive	37.50
Duplication	85.00
Event Planning	142.94
Gas & Electric	301.03
Insurance	851.00
Legal Fees	551.95
Major Repairs	571.79
Mowing	4,200.00
P.O. Box Rental	50.00
Postage	39.00
Property Maintenance	1,268.86
RV Lot Maintenance	23.85
Special Events	30.00
OVERALL TOTAL	8,257.17

List of Changes to the RV lot Regulations:

1. All RV's, boats, trailers that can be licensed through county or state must be without exception.
2. All RV's boats and trailers that can be insured must be without exception.
3. Deline members who occupy a space in the RV lot will be required to show proof of ownership yearly. */insurance/*
4. Liability waiver. Owners that use the RV lot will do so at their own risk. *- sign of fence?*
5. Members will be required to remove their vehicle from the RV lot on a yearly basis for maintenance. Three months notice will be given when possible. If the vehicle is not moved by the specified date it will be towed at the owners expense.
6. Monthly user fee instated in order to make it more fair for those who do not have a space available to them and have to rent a storage unit elsewhere.
7. A suggested fee of \$30.00 or \$40.00 a month. From our survey an average price for renting at a commercial place was from \$60.00 to \$80.00 a month. The money generated from fees could go towards annual maintenance cost and major repairs. It also might be used to give homeowners a rebate for storing their vehicle someplace else. *sliding fee per sq ft.?*

Maintenance Issues for RV lot.

1. 24 feet of chain link fence needs to be installed.
2. Paving of driveway: Let's get an estimate and see what is needed to save over the next 5 years, or 10 years for the project.
3. Estimate was obtained from AJ Landscaping for an annual cleanup of the RV lot. Estimate of \$455.00 to \$605.00
Quarterly cleanup would be around \$200.00 to \$300.00. He did not give a written quote for this but said the bulk of the cost would be man hours.
4. Don is currently and willing and able to maintain the RV lot and is doing a good job.

Final Draft to Board: on April 9th, 2007

Terms (used to save space and repetition):

Recreational Vehicle (RV) – Any vehicle used for recreation such as a motor home, trailer of any kind, boat with or without a boat trailer, ATV, or similar vehicle. All RVs must be kept in good condition and appearance and properly and currently registered and insured if state law requires it for its intended use. The RV must be owned by an association member occupying his house and only one RV is allowed per member. If multiple vehicles are stored they must be on one trailer. (For example 3 ATV's can be stored in RV lot if they are on one trailer.

Penalty – A suitable penalty consisting of a daily fee of \$15 for each part of day the RV is parked violating the CCRs. If a situation requiring a penalty is rectified and the same RV is again in violation, the penalty fee increases to \$100 per day. The owner will be required to correct the problem immediately and pay the penalty within 120 days. For each month the problem is not corrected the fees will incur. After 120 days and the fees have not been paid the Secretary of the Association shall file in the office of the County Recorder of Washington County, State of Oregon, a statement for lien on the whole amount of any charges or assessments including the fee for filing the lien. See Article IX (d) in CCRs for process of filing and collecting fees. There is also a part in Article VIII section (d) that states process of notification for inoperable cars, our wording might be similar to that for the notification process. .An association member can park his RV in his driveway or nearby on the street for 48 hours for loading and unloading without penalty. The association member can apply to the board for a permit for more time up to two weeks for an unusual circumstance.

In all 3 proposals

Proposal #1

(Basically keep the current wording of the CCRs with the change to the RV term and add a penalty for non-compliance.)

Current wording in Deline's CCRs: Article V sec. A) Further, no trailer, camper or pickup coach, tent, boat, truck (except pickup), or inoperable vehicle shall be parked, placed, erected, maintained, or constructed on any building site for any purpose except the trailer, campers, pickup coaches, tents, or boats which can be and are stored completely within full enclosed structures and are not used for living purposes will not be in violation of these restrictions, unless with prior written approval from the Association.

1. Committees wording: No RVs can be kept in any driveway or lot unless it is completely enclosed within the owner's lot and located behind a line stretching across the front of the home. This exception by the board will be made in writing and the owner must keep the exception and show to the board if requested at any time. No RV can be parked on any street within the association. The RV can not be inhabited at any time. Special Permits can be issued by the board for out of town visitors on a case by case basis. The penalty for a violation is as above.

There is one exception to the above:

2. An RV can be parked on the street or within the driveway of a lot for no more than 48 consecutive hours for the purpose of loading or unloading of the vehicle. The association member can apply to the board for a permit for more time up to two weeks for an unusual circumstance.
3. We would expect compliance and enforcement of the new CC&R changes with in one year.

Comments on Proposal 1:

Pros:

1. Keeps the spirit of the current CCRs and adds some reasonable rules and penalties.
2. Keeps property values up because of reduction of vehicle clutter.
3. Has exception wording same as current CCRs, so current exceptions continued.

Cons:

1. May be difficult to get passed because of the current number of violations and lack of space in the RV lot.
2. Outside commercial storage space in the area if very tight and may be expensive.
3. ? May exclude some future buyers if they have or want to get an RV. I don't think this is a Con. There are plenty of home buyers without RVs.
4. Requiring a permanent structure might end up having people building big ugly buildings. Perhaps we allow commercial grade and fitted covers and behind property lines?

Proposal #2

(Same as proposal #1 with the addition of a grandfather clause to exclude current RVs which are parked in violation under the following terms.)

An association member who has an RV as of (date of change of the CCRs) may apply for an exclusion under the following rules:

4. The RV must be owned by an association member who is living in his home. This will required proof of ownership. The RV must be parked completely within the home driveway and not extend onto the sidewalk or street. The exclusion will not extend to an additional RV, and is extended only to the existing home owner and will not be transferred with the sale of the house. The association member must apply in writing with the vehicle details within 60 days of (date) and the board will give the approval in writing within another 60 days and the association member must keep the exception approval and show to the board if requested at any time. No RV can be parked on any street within the association. The RV can not be inhabited at any time. Special Permits can be issued by the board for out of town visitors on a case by case basis. The penalty for a violation is as above.

Pros:

1. Achieve the spirit of the current CCRs eventually.
2. Would ease everyone into compliance.
5. Has a better chance of passing than Proposal #1. or Maybe not?

Cons:

1. Could be considered not fair to current association member who wants to get an RV later and there is no available space in the RV lot.
2. New home buyers who have or want to get an RV could be confused and/or upset by the number of current violations unless they are apprised of the CCRs in detail and know that there is likely to be no space in the RV lot.
3. May exclude some future buyers if they have or want to get an RV. Or maybe not. There are plenty of home buyers without RVs.
4. This proposal requires a lot of management on a continual basis. Keeping track of who has what where.

Proposal #3

(Substantially the language of the Lafayette CCRs)

(Lafayette's CCR 3:14) Recreational Vehicles: Subject to the exceptions slated in subparagraphs a., b and c of this subsection 3:14, and except in conformity with one or more General Actions of the Association, no self-propelled or non-self-propelled recreational vehicles such as, but not limited to, motor homes: camping, or travel trailers or truck mounted camping or sleeping accommodations (weather or not mounted), herein collectively and individually called "Recreational Vehicles" shall be placed, parked or permitted to remain on any Lot, public or private street or roadway, driveway or sidewalk within the Property.

- a) One recreational Vehicle maybe located or parked on a Lot as far as practicable from adjoining streets and sidewalks provided that the placement or parking of such Recreational Vehicle does not, at any time, prevent parking of at least two full sized passenger automobiles on a paved driveway located entirely within the boundaries of said lot. And except as provided below, no such Recreational Vehicle shall be used for living accommodations while parked or located on the Property or
- b) One Rec. Vehicle may be located or parked on a Lot if located in an enclosed conventional and attached garage or other totally enclosed structure permitted on said Lot within which it can be, and is entirely concealed from view from any adjoining Lot and public streets within or abutting the Property except when being delivered to or removed from such enclosure and
- c) One rec. Vehicle may be parked in the driveway of any Lot as far as practicable from adjoining streets and sidewalks for a period not in excess of seven consecutive days for purposes of providing living accommodations for guests of the Owner or residents of the Dwelling Unit located thereon. However, no such use shall reoccur sooner than thirty days after the end of the last period during which such use occurred.

Committees wording:

6. An RV owned by the association member living in his home may be parked in the driveway of his home provided the RV is parked completely within the home driveway and not extend onto the sidewalk or street. There must be additional room to park two cars in the driveway. If not, the RV must be in the RV lot or make other arrangements for their storage needs and association members who cannot park their RV in their driveway would have priority in the RV lot. (this could get tricky what if we have more people who need space than we have room plus if we kick people out to give priority to others it could be tricky). No RV can be parked on any street within the association. The RV can not be inhabited at any time. Special Permits can be issued by the board for out of town visitors on a case by case basis. The penalty for a violation is as above.

Pros:

1. Probably would pass.
2. Alleviates pressure on the board for much of the enforcement.
3. Since the tendency is towards more RVs in general, would alleviate most of the problems with new owners.
4. (Could add languages that if there is space in the RV lot it has to be utilized even if the RV will fit as above. Could require parking in the RV lot determined by lottery as space is available. Interesting. I would even support the idea that the Board can specifically select RVs based on visual impact in the neighborhood.)

Cons:

1. Tendency to add more vehicles on the streets as the RVs would take up space in the driveway.
2. Tendency for members to add more non-RV clutter since other neighbors have RV clutter.
3. Doesn't meet the spirit of the current CCRs that everyone has signed. Or is the real question does it hurt or help property values. Depending on the vehicles and how they are maintained and placed on property, these values can go either way.

SCHMIDT & YEE, PC

Attorneys at Law
18525 S.W. Vincent St.
Aloha, Oregon 97007

Michael A. Schmidt

Pamela E. Yee*

**licensed in Oregon and Washington*

PHONE: (503) 642-7641

FAX: (503) 649-1823

e-mail: syaloha@gte.net

Website: www.schmidtandyee.com

March 17, 2006

Damon Heer
Deline HOA
PO Box 5091
Aloha, OR 97007

RE: RV Storage

Dear Mr. Heer:

I reviewed the documents I pulled previously on the RV storage site, the CC&R's and the Bylaws as we discussed. There is not much at all to go on except that the RV storage is a common area and therefore, according to definition, is for use by all in the Association. Article IV in the CC&R's does state that the usage of the common and recreational areas will be short term. There is no definition of "short term," but clearly storage for years without use of the RV or boat exceeds short term. Article IX indicates that recreational property cannot be subject to assessment. This is not recreational property in my opinion, but there is no definition in the CC&R's.

One other thing I noted, the owners all have the right to enforce the CC&R's pursuant to Article XIV, so any owner complaining of another person's violation can pursue those violations themselves. Also, Article XIV states that the Association's failure to enforce is not a breach of duty. Therefore, any waiver argument would be hard for a homeowner to assert.

Very truly yours,

SCHMIDT & YEE, PC

By

PAMELA E. YEE

PEY:rm