



Save these Dates:

Thursday, March 9
All Member meeting
5:30 pm
Church Hall, Holy Nativity Church, Easy St.

Monday, April 3
Annual Brush Pickup

Saturday, April 22
Annual HOA picnic
11:30 am
Church Hall, Holy Nativity Church, Easy St.

Do Members want a Group Yard Sale?

Two years ago very few people participated in an April HOA-wide yard sale. As a result, the Board did not schedule one for 2022. We received one or two inquiries about future yard sales. We need feedback about the extent of interest in holding a yard sale in Spring, 2023. If you would like to see an HOA yard sale this spring, and, more particularly, if you would be willing to be the volunteer chairman for a yard sale, please send a message to the HOA email link: alpineheightshoa.com/email link

Finding Contractors:

The HOA Board is reluctant to create a list of “dependable” contractors due to the possibility of creating liability for the HOA treasury. We suggest that members try using the “NextDoor” app/website <https://nextdoor.com> which contains information on contractors that people have recommended.

Door to Door Sales:

Sales persons have walked through the HOA proposing new windows and roof top solar panels. The Town of Payson has informed us that the signs at the entrance to Alpine Heights that say “No Soliciting” cannot be enforced. Only a sign on your own property (lot or house) that says “No Soliciting” can be enforced. You are also free to ask any solicitor for his/her “Peddlers’ License.” These are issued by the Town of Payson, involve finger printing and a background check through the Police Department, and are required for door-to-door sales.

Mistletoe is Becoming a Problem Again:

Maybe it’s all the rain and snow, but a large number of trees in Alpine Heights are showing infestations of mistletoe. This is a significant future fire risk as it kills the trees. Because of this, your HOA guidelines indicate Mistletoe must be removed. Payson has multiple tree and yard services that can help with this.

Christmas Lights:

Alpine Heights had some wonderful lighted Christmas decorations this year. Bruce Sperka was kind enough to share some pictures with us.

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ALPINE HEIGHTS 11/17/2020
DECLARATION OF RESTRICTIONS NOW
AVAILABLE TO VIEW OR DOWNLOAD AT:
www.alpineheightshoa.com

ALPINE HEIGHTS 2021 ARCHITECTURAL
GUIDELINES NOW AVAILABLE
TO VIEW OR DOWNLOAD AT:
www.alpineheightshoa.com





Neighbors who have been here several years say that Alpine Heights used to have some of the best lighted decoration in Payson. That's a tradition we should keep up!

Fire-wise Update Spring 2023

Special thanks to Bob Romanowitz for his service as Fire-wise Coordinator for Alpine Heights HOA for the last eight years. Bob started the program under the auspices of Fire-wise USA and covered a multitude of tasks to establish and maintain Alpine Heights as a certified Fire-wise Community. Wildfire Hazard Risk Assessments have been coordinated with the Arizona Department of Forestry and Fire Management. Close contact with the Payson Fire Department, Fuels Manager, has been maintained to ensure compliance with Town Fire-wise Code requirements.

Annual Brush Pick-Up 2023

Our annual Fire-wise Day brush pickup has been scheduled for **Monday, April 3, 2023**. Lot Owners may start piling brush and tree limbs at the curb one week before. The intent of the pickup is to keep our community fire safe and attractive. Please follow these guidelines:

1. Brush pickup is for Lot Owners in good standing only. No brush will be picked up from lots currently in non-compliance as previously notified by the HOA.
2. Brush piles must be no larger than 8 feet long by 4 feet wide by 4 feet high. Piles can be compressed as much as possible within those limits.
3. No plastic bags will be picked up as they cannot be properly processed with the brush. No other trash or building materials will be collected.
4. Please keep piles of brush away from fences, utility boxes and trees which may interfere with the equipment used in the pickup. Trucks with trailers and bobcat equipment will be in use.

5. Bob Lee & Sons, Inc. will be collecting the brush. Dale Lee can be reached at **928-474-4220** should you require additional pickup service.

ALPINE HEIGHTS COMMUNITY FIRE-WISE STATUS:

Arizona Department of Forestry and Fire Management completed a "Community Wildfire Hazard Risk Assessment" in 2021 and we are rated "moderate risk." Our next assessment will be due in 2026.

Fire-wise USA (National Fire Protection Association): Our community is certified in good standing based on the activity and data submitted for calendar year 2022.

Payson Fire Department: Mr. Kevin McCully, Fuels Manager, kmccully@paysonaz.gov is our point of contact for community and individual Fire-wise Grants. Anyone can apply for a Grant. Work proposed to be funded can only commence after a Grant is approved. The Grant will fund 90% of the work and the grantee is responsible for 10% of the cost.

Homeowners Insurance: many insurance companies including Allstate, USAA, Nationwide, and State Farm offer discounted rates to residents that reside in recognized Fire-wise communities such as Alpine Heights.

FIRE-WISE COORDINATOR ACTIVITY FOR 2023

Point of Contact: Peter Wagner was elected to the HOA Board of Directors in October and has volunteered to serve as HOA Fire-wise Coordinator during his term on the board. He can be contacted at Pete.wagner1950@gmail.com and will assist homeowners in assessing their property if requested.

An overall assessment of the properties comprising the HOA greenbelt area will continue this year. A lot of work has been accomplished in the last several years to the benefit of all property owners.

Volunteer Support: Some community members have volunteered to help their neighbors clear brush to reduce fire danger. If you are interested in helping or need help with your property, please contact Mr. Wagner.

FIRE-WISE COMMUNITY RENEWAL EXPENSE REPORT

Your individual Fire-wise activity expense document is attached to the newsletter. Please use it to track



your activity through 2023 and submit the report to Mr. Wagner in October via email, mail, or at the Annual Meeting. Thanks for your support!

The **Annual HOA Spring Picnic** will be held Saturday, April 22, 2023 from 11:30 am to 1:00 pm at Holy Nativity Church. The HOA will provide a main course, dish-ware, coffee, water and ice. Members may bring additional beverages for themselves – beer and wine are acceptable (no hard liquor, please). Plastic cups will be available.

Members are asked to bring a salad, side dish or dessert to share, as follows:

If your last name begins with:

A to G: Bring a Side Dish

H to O: Bring a Dessert

P to Z: Bring a Salad

The Church will make the Community Room available to the HOA for set-up on Friday, April 21, 2023 at 4:30 pm. If you can help at that time, please contact Cathy Hines at 928-474-9989 or hinesva@gmail.com

HILLCREST TIMELINE UPDATE:

Lot 147, Alpine Heights Subdivision

2019, March 28: The Town of Payson approved the purchase of lot 147 in Alpine Heights. The City Manager and Water Division Manager told the council the purchase was to improve operations at the water tank adjacent to lot 147

June 27: The Water Department asked for Council approval to sub-divide lot 147 and trade a piece near the existing water tank for most of lot 147. This also conveyed lot 147 to a private developer who owned 14-plus otherwise land-locked acres behind lot 147.

Note that the Town did not follow their own protocols within the town code: 1) No public notice of the re-drawing of subdivision boundaries. 2) No notification of changed boundaries to the HOA. 3) No notification that the Town now considered lot 147 to be “removed” from the HOA. 4) The immediate neighbors were not notified of the changes.

All Deeds within the Alpine Heights Subdivision are subject to the Declaration of Restrictions.

Lot 147 is no different and the Title clearly states that any sale is subject to all covenants and restrictions of the HOA.

July 11: Realtor Mac Feezor asked to attend an Alpine Heights HOA Board meeting to discuss plans for the 14 plus acres adjacent to the water tank. He presented a plat for a development of 6 2-acre lots, including a through road connecting Hillcrest Drive to Maranatha Drive. He said the town would prepare the access road and a water line, primarily to provide better water pressure for the new development. He added that he would meet soon with then Assistant Town Manager Sheila DeSchaaf to discuss rezoning to allow more home sites in the new subdivision.

2021: After seeking legal advice, the HOA Board sent a letter to the Town of Payson [CLICK HERE](#) this letter insisted that lot 147 remains within the Alpine Heights subdivision, subject to the existing Town zoning and the HOA Declarations of Restrictions, which limit the property to use as a single-family dwelling.

A lawyer acting for the HOA sent this demand in October Link: [CLICK HERE](#)

In response, the Town of Payson sent a check for \$360 for annual dues and late fees. (Article VI, Section 2 of our D of R’s) The Town of Payson did not include the reimbursement for the HOA’s legal fees (\$750) stating that this appeared unreasonably high, and asking for a detailed invoice from the Law Firm. This was provided December 15, 2021. This is not yet paid, and the HOA has sent a notice of violation and warning of a lien on Lot 147 if the payment is not made by August 22, 2022.

2022: At a July 29 Town Council meeting, the Water Department Manager submitted a request to spend money to complete an archeological survey of the town property adjacent to lot 147 in order to begin construction of a second water tank. Representatives of the Alpine Heights HOA described the number of unanswered questions about the status of the lot and the impact of the project on the Alpine Heights subdivision. Council members voted to table the request until the August 25th meeting.

At each juncture, the Town of Payson has attempted to avoid giving the public, particularly the neighbors of lot 147 and the Alpine Heights HOA, any information about the proposed development of the 14 adjacent acres. Legal advisors have described the “boundary swap” as camouflage to evade public notice and comment. Personal and public statements

have given evidence that the actions of the Water Department are intended to give preference to a private developer not only creating an access point to 14 land-locked acres, but include conspiring with other Town departments to claim Alpine Heights is now a fire hazard, and the cost of this new road (under the premise of safety) will not be paid by this private developer, the taxpayers of Payson will pay for it.

In **October 2022**, James Hazlewood of Carpenter, Hazlewood, Delgado & Bolen, LLP sent a letter to the Town of Payson ([link](#)) outlining the illegality of their attempt to remove Lot 147 from the Alpine Heights HOA. Mr. Hazlewood also presented his legal arguments to the Town Council on October 27 ([link](#)). The Council asked the Town lawyer, John Paladino to discuss the issues and suggest a solution. On **November 8, 2022** Mr. Hazlewood reported the results of his discussions with Mr. Paladino ([link](#)), which did not address the issue of attempting to remove a lot from an HOA without due process, and proposed using part of Lot 147 as a road to approach the site of a new water tank. This did not satisfy the legal issues raised by the HOA, or prevent the use of lot 147 for something other than a single family dwelling.

At this point Mr. Hazlewood also informed the HOA Board that he does not accept work that includes courtroom litigation. So, the Board looked for recommendations for a law firm familiar with real estate law, and experienced with litigation. One of the HOA homeowners recommended a firm that has represented him successfully for 28 years; the firm of Stoops, Denious, Wilson & Murray, P.L.C.

Stephanie Wilson of this firm reviewed our case, and agreed to represent the HOA in litigation that may stem from an eminent domain action.

Current Status:

Without notifying the HOA, the Town of Payson amended the agenda for its February 9 Council meeting to include “Discussion or consultation for legal advice with the Town’s attorneys regarding: 1. Alpine Heights Condemnation.” Board members attended that Council meeting, but we were not permitted to observe this agenda item. Stephanie Wilson has been informed, and we are awaiting information about the form any eminent domain action may take.

Ms. Wilson and her firm have been asked for an estimate of the possible legal costs of contesting such an action. The HOA has sufficient funds to undertake such a case, but we consider it prudent to learn the membership’s opinion of the actions, and obtain approval to make a special assessment (possibly \$100 per lot) to prepare for further costs. Any money from a special assessment not used to pay these legal costs would be returned (pro rata) to lot owners, and we would make every effort to see the HOA reimbursed for legal costs resulting from the Town of Payson’s illegal actions.

/S/ Cathy Hines

ALPINE HEIGHTS HOMEOWNERS ASSOCIATION

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