

HOMEOWNERS ASSOCIATION

Annual Community Meeting

Official Meeting Minutes

February 23, 2026 | 2:00 PM | Police Department

Meeting Details

Date: Sunday, February 23, 2026

Time: 2:00 PM

Location: Nixa Police Department

Meeting Type: Annual Community Meeting (Note: Meeting was in person (34 in attendance) and live-streamed via FB Live (29 in attendance); no objections raised)

Order of Business

The meeting was called to order and conducted in the following sequence:

- Business addressed from member letter
- 2025 Year in Review / Recap
- 2026 Priorities and Planning

2025 Year in Review

The Board presented a recap of accomplishments and improvements completed during 2025:

- New pool furniture and umbrellas installed
- Library rebuilt – will be reinstalled once playground construction is complete
- Pest control contract established for commons and pool areas
- Plaster repaired in kids' pool
- Ponds cleared and trees removed following storm damage
- Facebook community group rules established

2026 Recommendations, Priorities & Future Planning

- **Playground:** Deposit paid last week; demolition to begin as soon as possible
- **Pool Repairs/Refinishing:** Scheduled Fall 2026 through Spring 2027
- **Spring Clean-Up:** Neighborhood volunteers needed; dates to be determined
- **Plumbing in Pool House/Showers:** Possible push-button upgrades under consideration; quotes to be obtained
- **Financial Audit:** Plan is to audit 10 years back
- Shade cover over pool pumps/filter
- Pool deck, retaining wall, and fence repairs
- Basketball court refresh
- Pergola pressure wash and stain/seal
- Pool house: seal and paint doors and frames

2026 Updates

- Pool will open Memorial Day weekend
- Bids have been gathered for pool maintenance, bathroom cleaning, commons area mowing, and tree/bush trimming
- Mowing and pool maintenance contracted – details to be included in official notes/minutes

Financial Reporting

Financial report presented by Carmen:

- Approximately \$71K in reserve funds (noted as approximately \$30K earmarked); majority allocated toward landscaping, trees, and pool
- Community member asked how we are tracking payments of the special assessment – Board responded that normal tracking is in place; approximately 40-ish lots have liens and are on payment plans; over 1 year outstanding; Board is working to contact everyone regarding payment deadlines
- Discussion raised about whether a threshold for reserve minimums should be established; no formal action taken

Call for Volunteer Committees

- Architectural Control Committee – Approving new builds, fences, and additions

Community Member Discussion & Q&A

The following items were raised by community members (CM) during discussion:

- **Sign Repair:** Fix to sign on about construction; construction entrance area identified
- **Excessive Reserve Inquiry:** Community member asked what constitutes an excessive reserve; Board responded it is a reasonable amount and will consult with accountant
- **Pool Pipe Issue:** Mention of an issue with pipes at the pool stemming from contractor work at the beginning; ongoing
- **Damage Responsibility:** Community member raised the question of making parents pay for damages caused by children
- **Water Wheel:** Multiple concerns raised about the water wheel
- **Policing Other Houses:** Community member asked whether the HOA can police/enforce rules on other houses
- **Voting Rights – Paid Dues vs. Late Fees:** Community member raised the issue of paid dues vote versus late fee status
- **QR Codes:** An individual upset about QR codes (nature of concern not further detailed)
- **25% Cap / Attorney Clarification:** Community member requested explanation regarding the 25% assessment cap and direction to the attorney
- **Document Re-filing:** Community member thanked the Board for clarifying that the governing document will be re-filed due to a missing section
- **Spending Input:** Community member suggested putting out information to the community asking for input on how to spend reserve funds
- **Procedural Compliance:** Community member stated desire for procedural compliance in HOA operations

- **Good Faith Inquiry:** Community member asked whether the Board and community acted in good faith throughout recent proceedings

Discussion: Open Letter to Neighbors

The meeting transitioned to addressing an open letter circulated to community members prior to the meeting. The letter raised concerns regarding governance procedures and fiduciary oversight, including alleged procedural violations related to C&R amendments, quorum requirements, financial protections, voter outreach, transparency, and social media conduct. The letter is attached to these minutes as **Exhibit A**.

Election of Officers

In response to the procedural objection raised regarding term lengths, the Board acknowledged the concern and adjusted the election process accordingly. Board members were made aware of specific term lengths with alternating two-year terms prior to voting.

As some residents departed before voting was completed and had already submitted their ballots, it was determined that all candidates must remain on the ballot. Ballots were counted as submitted.

Vote Results

- **President:** Wendy Watson – 21 votes; Jen Henderson – 2 votes
- **Vice President 1:** Tiffany Whitley – 21 votes; Jen Torres – 1 vote
- **Vice President 2:** Marc Zuppan – 15 votes; Jen Henderson – 7 votes; Jen Torres – 1 vote; Kerry Cook – 1 vote
- **Secretary:** Curt Ivey – 13 votes; Jen Torres – 8 votes; Matt Sloan – 1 vote
- **Treasurer:** Jeremy Adams – 17 votes; Karen Scott – 5 votes

Following the announcement of results, **Curt Ivey** (Secretary-elect) and **Marc Zuppan** (Vice President 2-elect) each resigned from their elected positions. The Board will address filling these vacancies in accordance with the governing documents.

The following officers were confirmed as elected:

- **President:** Wendy Watson
- **Vice President 1:** Tiffany Whitley
- **Vice President 2:** Marc Zuppan (resigned after votes cast)
- **Secretary:** Curt Ivey (resigned after votes cast)
- **Treasurer:** Jeremy Adams

Member Addendum – Jennifer Torres (Lot 193)

An addendum was submitted by Jennifer Torres, Lot 193, dated February 22, 2026, requesting inclusion in the official meeting record. The addendum summarizes seven specific points of clarification requested during the meeting:

- That 133 affirmative votes were recorded
- That clarification was requested as to how 133 votes satisfied the 137-vote requirement
- That clarification was requested regarding Section 5.5 quorum requirement of 104 Lots present simultaneously for special assessment votes

- That clarification was requested regarding removal of the 25% limitation under Section 5.4(a) and whether its removal was explicitly approved by 67% of ALL Lots
- That clarification was requested regarding whether all five director positions should be subject to election based on historically one-year terms and absence of implemented class structure
- That clarification was requested regarding the authority relied upon to limit the ballot to three positions

Ms. Torres requested correction of any inaccurate summaries for clarity of the official record.

EXHIBIT A

URGENT: Inquiry Regarding Governance Procedures and Fiduciary Oversight

Dear Neighbor,

I'm writing because our community is in a bit of a crossroads, and with our **Annual Meeting coming up this Sunday, February 22nd at 2:00 PM at the Pavilion**, we all need to know what's really going on behind the scenes.

It is important for our community to review several recent procedural actions that appear to conflict with our governing documents and Missouri law.

1. Invalid C&R Amendments

Under Section 18.5(a) of the Dedication, amendments are only effective if approved by the **Owners of at least 67% of ALL the Lots**.

- **The Requirement:** With 203 total lots in our community, a valid amendment requires a minimum of 137 affirmative votes.
- **The Violation:** The Board reported only 133 "Yes" votes. To reach a passing result, the denominator excluded 9 financially delinquent houses, claiming a higher percentage based on "eligible" votes. 133/192, instead of 133/203.
- **The Reality:** Our governing documents require 67% of **all Lots**, not just those in good standing. By this standard, the amendments failed and are legally void. By using "192 eligible households" instead of the 203 actual lots, this procedural violation renders the vote invalid on its face. Even if a majority of members were satisfied with this result, that satisfaction **does not legally validate the vote** when a mandatory threshold is missed.

2. Failure of Quorum and the "Weekend Event" Fallacy

A **quorum** is legally defined as the minimum number of members who must be present at **one specific place and point in time** to conduct valid business. It is not a rolling total collected over several days.

- **The Requirement:** Section 5.5 requires a **51% quorum** (104 lots) for any meeting called to vote on special assessments.
- **The Violation:** Records indicate by holding a weekend-long session with "recesses" that no specific time met a quorum. Meeting minutes show that **no single day met the quorum**:
 - **9/27:** Only 47 votes verified.
 - **9/28:** Only 53 votes verified.
 - **9/29:** Only 44 votes cast.

Because 104 households were never present at one time, the meeting was never legally convened, and the subsequent votes are invalid.

3. Modification of the 25% Financial Protections

Section 5.4(a) of our original Dedication explicitly states that a special assessment to defray a deficit "may not exceed twenty-five percent (25%) of the Annual Assessment for the current year".

- **The Inconsistency:** This 25% cap was included in the initial amendments shown to homeowners via online survey.
- **The Violation:** The cap was excluded from the final document that was filed with the Christian County Recorder of Deeds.
- **The Impact:** By removing this cap after the fact, this exclusion stripped away a fundamental financial protection, leaving every homeowner vulnerable to unlimited assessments at solely the board's discretion.

4. Inconsistencies in Voter Outreach and Proxy Collection

Fair participation depends on equal access to the voting process. We have documented concerns regarding the following events:

- **Selective Canvassing:** Evidence suggests that during the final voter push, outreach efforts intentionally bypassed specific households based on their known or suspected voting positions.
- **Refusal of Proxies:** We have a written account of a committee member refusing to accept a valid proxy once the homeowner indicated intent to vote "No".
- **The Concern:** Under Section 1.1.2 of our governing rules, proxies are a legal right for homeowners unable to attend in person. Selective outreach and refusal to accept valid ballots undermine the integrity of the entire vote.

5. Intentional Suppression of Information and Records, Lack of Transparency

The Board has actively blocked transparency to prevent homeowners from exercising their legal right to challenge these results.

- **Withholding Evidence:** A formal request for the voting minutes was made on October 6. In direct violation of the Missouri Nonprofit Corporation Act, which requires records be made available within five business days, the Board withheld these minutes for 17 days.
- **Strategic Filing:** The minutes were finally released on October 23—exactly one day after the Board filed the invalid amendments with the county. The timing of the release, one day after the filing, prevented members from reviewing the procedural flaws before they were recorded.
- **Delayed Results:** Furthermore, the official voting weekend minutes and final results were not published or released to any other members until January; months after the voting event took place.

6. Improper Application of Contested Election Rules

The upcoming election appears to disregard the governing documents that were in effect when the current Board was elected.

The Discrepancy: The Board is only allowing three positions for election, citing new term limits from the recently filed (and contested) C&R revisions. Under the original documents applicable during last year's election, all positions should be up for renewal.

Retroactive Application: Procedurally, a board cannot unilaterally change term lengths or apply new limits to existing terms without proper, valid amendments to the bylaws.

The Concern: By maintaining the President and VP positions under new, contested rules rather than the original terms, the Board is potentially preventing a full and fair election of all leadership positions as required by our established governing structure.

7. Aggressive Censorship and Selective Enforcement on Social Media

The Board has utilized the neighborhood Facebook group as a tool for authoritative control and silencing dissent:

- **Selective Enforcement:** The Board aggressively enforces "community rules" against residents who raise concerns while ignoring violations by others.
- **Post Deletion:** The Board has been observed deleting posts and comments after the fact to remove evidence of community discussion and challenges to their narrative.
- **Targeting of Residents:** Individual members have been **publicly singled out** in meetings for their private comments or social media questions, creating an environment of intimidation.

8. Professional Standards Inquiry

The conduct of the Board's attorney has reached a level that required reporting to the **Office of Chief Disciplinary Counsel (OCDC)**, the state agency responsible for investigating lawyer misconduct. This report involves potential violations of professional standards regarding the handling of these invalid proceedings and filing of government recorded documents.

The Board must answer for these systemic failures. As members, we are owed a Board that operates within the strict boundaries of our governing documents, which function as a binding legal contract. The Board cannot hide behind inadequate or erroneous legal advice. As directors, they have a "fiduciary duty" to follow our rules in good faith. Because they've intentionally ignored our voting thresholds and quorums, they can be held personally liable for any legal costs or damages—meaning they lose their "immunity" and can be sued individually.

Our property values and our rights are on the line. These invalid rules create a "cloud" on our titles that could make it hard for any of us to sell our homes later. Future buyers or title companies may flag these procedurally flawed amendments, which could jeopardize future home sales.

See you Sunday at 2:00 PM at the Pavilion.

Sincerely,

A Concerned Neighbor