

## VILLAS AT AUBURN MEADOWS HOA BOARD MEETING

February 17, 2024 – 10:00 a.m.

### MINUTES

#### **Present:**

##### Board Members:

Kay Cannon, Mike Smith, Burke Langrall, Jeanne Edmondson, Deanie Gustin, Gloria Straka

##### Resident Members:

Debi Churchwell

Meeting was called to order by Mike Smith, President

The purpose of this meeting was to discuss the draft amendment received from HOA Attorney Matthew Winton; to make necessary changes.

#### Discussion:

- Amendment hard to read; too much legal jargon. Would prefer it would be redone in language easier to understand.

- Leasing Agreement – hard to understand. Perhaps Winton could do summary for people.

- Specific Assessment 4.8 discussed. Also there is an attachment to 4.8. Monetary penalties will be decided by board. There are 2 amendments – 7.6.1 and 4.8. Can separate and vote separately.

- Joint owners require 2 signatures; if there is a Trust, then Trustee signs.

- Shows 31 spaces including common areas; should be changed to 29.

- Leases – 7.6.1 – looks ok.

- Specific Assessments [4.8]. Recommendation was made for the Board to review the Schedule of Penalties every two years and to make changes as needed. Should there be a statement somewhere in the document stating that the Board does have the authority to review and change as needed? Suggestion made to change every two years to every 5 years for Board to review monetary penalties and make changes as needed.

- Late fees for annual HOA dues special assessments are not in there and should be added. Add a paragraph to raise late fee for yearly homeowners dues to \$50 a month starting February 1<sup>st</sup>. - Need to add a paragraph to address annual dues and special assessments.

-Schedule of Monetary Penalties discussed; how much time do you have? Timely request; need to state a limit; how long?

-Can we change the attachment? Does it have to be recorded?

-Add "time" to Violations. Respond to letter in timely manner; acknowledge receipt; delivered by board member? Or send certified?

-Kay has made proposed changes to the 2024 budget; will discuss for approval at 2/25/24 meeting. Will not need Reserve to pay legal expenses. Will also discuss CD options at next meeting.

-Discussed "24-hour-period" as noted in several paragraphs. What does it mean? Mike will add to list of questions he has to ask Matthew Winton.

-Architectural Committee: Need to decide monetary penalties and include in Attachment 1: (Schedule of Monetary Penalties).

-Some felt that we should delete listed "Examples" in Attachment 1. Other board members felt that it would be beneficial to leave them in. Can ask Winton for his opinion.

-Set a date for 30 days from today to have meeting for residents to vote on amendments. Deanie will send out flyer announcing the March meeting date.

-Kay Cannon will type up list of suggested changes as discussed today to give to Mike.

Mike Smith adjourned the meeting at 12:00 pm.

Debi Churchwell  
Recorder

## **Villas at Auburn Meadows HOA Amendment Questions**

Following are some questions regarding the proposed amendments that you sent us for review. If you have questions, please contact Mr. Smith. Thank you.

### **General Questions/Comments:** (Not many of these)

- In the Villas Declaration amendment sent from Winton on Feb 8, he states that there are 31 plats and that we would need 19 votes. There are 31 plats but only 29 residences. Therefore, wouldn't we need only 18 votes for a majority?

Plat	Number of platted lots	60%
Plat of Auburn Meadows Sec.2	31	19

- In New Section - Article 4.8 of the Covenants – it states “the initial schedule of fines...”. Should we have an added statement that states that the Schedule of fines may be reviewed and revised every 5 years? For example, 2030, 2035, etc.?
- In the meeting January 26, Mr. Winton stated, in regard to occupancy restrictions: The most common leasing restriction for HOAs is the owner occupancy requirement. Every time property transfers ownership, the home must be physically occupied by the new owner for the first year of ownership. Occupant owns it but a person with second degree consanguinity can occupy it: For example: spouse, children, parents, grandparents, grandchildren, siblings. (Second degree consanguinity is persons who have two common ancestors in the previous generation). In the draft document provided, Villas at Auburn Meadows – Amendment – Owner-Occupancy; Specific Assessments, top of page 2, that has been changed to third-degree of consanguinity. Please change back to the original second degree
- **On Amendment 1 – Specific Assessments**
  - Change the categories on the Schedule of Monetary Penalties to read what category – then monetary penalty. For example: General Use Restriction Violations - \$50/per week or Architectural/Design violations - \$100/per month, etc. Do all categories in the same format.
  - Should we remove the examples in each category? Some board members think they should be there; others think they should be removed.
  - Can we simplify and cut out some of the legalese – it's confusing to some.
  - On each category, in the description, the statement “...shall be defined as the existence of a violation within each twenty-four hour period” In the Category Line, it states, for example: \$50 per occurrence or otherwise per week (or month). TOTALLY confusing as to the meaning and or intent. Can we take out the twenty-four hour period and the “otherwise per week/month” statements. It would then read, for example: General User Restriction Violations - \$50/week. The description would then read: At the Board of Directors discretion and upon each occurrence, which shall be defined as the existence of a violation, the Association may take such actions as provided within the Declaration to remedy the Lot violation and levy a monetary penalty against the Lot Owner and Lot.
  - Have a separate paragraph for annual dues and special assessments violation. \$50/month. For example, description could read: If annual dues or

assessment fees are delinquent, a \$50/month late fee will be levied against the Lot Owner and Lot.

- On the Fines (Specific Assessment & Monetary Penalties) Procedure section – Are we to assume that the Board determines the time parameters for each of the categories of violation? For example: First violation Notice is given when payment is 30 days overdue? (Payment due Jan 1 and considered late Feb 1. Send the notice Feb 1???) Second Violation Notice is sent when payment is 60 days late – March 1, for example?
- When the violations state “a timely request for hearing”, can we define the number of days. For example: ...Upon receipt of this notice, the Lot Owner has 15 days in which to request a special hearing...