

MINUTES OF MEETING AND REPORT, JANUARY 14, 2016

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

The January working meeting was held at the home of David Kaplan. In attendance were David Kaplan, Harvey Rosenberg and Margaret Bour. The minutes and activity report was recorded by Margaret Bour.

2015 FINANCIAL REPORT

Harvey Rosenberg presented financial reports that included: Balance Sheet YTD Dec. 2015; Actual Vs. Budget YTD Dec. 31, 2015; and Income & Expense YTD 12/31/2015. The 2015 Financial Report will be completed by Mr. Rosenberg when he receives outstanding information from CMA.

VILLAGE OF GREEN TRAILS NEW MAILING ADDRESS

Mr. Rosenberg opened a Post Office box for the Village of Green Trails. The cost will be \$210 per year. Harvey Rosenberg and Margaret Bour will hold the keys. VGT's new mailing address is: "Village of Green Trails Board of Park Trustees, 1100 Town & Country Commons Drive, Unit 7535, Chesterfield, MO 63006-4729."

PRAIRIE

On December 9, 2015, David Kaplan and Harvey Rosenberg met with Josh Ward of Missouri Conservation Department at the Village of Green Trails prairie to discuss the future plans for the prairie, extension, and cost-sharing reimbursement. The prairie will be knocked down in January per Missouri Conservation's recommendations, by brush hog and Terrill Landscaping. Flower seed selections will be ordered this winter for spring planting. Another meeting with Missouri Conservation Department will take place in late January.

OUTCROPPING REMOVAL

While the brush hog equipment is on site for work on the prairie, the outcropping in the common ground adjacent to 14056 Calcutta will be removed the week of Jan. 18.

WINTER/SPRING CLEANUP

Trustees approved two days of work to remove fallen limbs in common ground lawn, followed by leaf mulching in lawn areas where needed. Mr. Kaplan will discuss VGT's needs with Zach of Terrill Landscaping Co.

2016 ENVIRONMENTAL CLEANUP OF NON-BIODEGRADABLE WASTES

The 2016 environmental cleanup of non-biodegradable and hazardous wastes was discussed, but not yet scheduled.

COLLAPSING RETAINING WALL

Inspection Reports for the 1993 tie wall construction at 14581 Ladue Road (that indicated the lack of a final inspection) were provided in December 2015 by St. Louis County Public Works Dept. St. Louis County Public Works' Chief Residential Building Inspector (R. Balutis) also provided information about the County's requirements for demolition and reconstruction. A survey and engineer's report will be required for a demolition permit from St. Louis County. The County will also require the homeowner's construction plans, engineer's report, permits and up to three inspections during and after reconstruction.

On Thursday, Dec. 31, 2015, an iron stake boundary survey was made by John Winkler of Metron Surveying Company to determine the property line near the tie wall. Margaret Bour and Harvey Rosenberg attended. The survey confirmed that the tie wall infringes on Village of Green Trails common ground. Metron's survey invoice for \$500 was approved, and payment was made in January 2016. Metron Contact Info is: John E. Winkler, President, Metron Surveying & Layout Co., 313 Wood Street, O'Fallon, MO 63366; www.metronsurveying.com; 314/432-5400.

The Park Board discussed options and agreed to seek a legal arrangement so the homeowner will not have to lose valuable lawn area when/if the retaining wall is reconstructed. The Park Board trustees will speak with Village of Green Trails attorney, Martin Daesch, about the Park Board's objective, and the trustees hope VGT will be able to propose a legal arrangement to the homeowner to protect lawn area for the benefit of the homeowner, that will address future maintenance, repairs and expenses.

VGT'S LAW FIRM

VGT's attorney Martin Daesch left Sandberg, Phoenix, Von Gontard P.C. in December. He is now a member of the law firm, Onder, Shelton, O'Leary & Peterson, LLC, at 110 Lockwood Ave., #2, St. Louis, MO 63119.

INTERPLEADER

A hearing occurred on Dec. 18, 2015. The judge announced he would make a decision at a later date regarding Village of Green Trails' request to dismiss defendants. A Substitution of Counsel was filed by Sandberg, Phoenix, Von Gontard PC on Dec. 21, 2015. The substituted counsel is Martin Daesch's new firm, Onder, Shelton, O'Leary & Peterson, LLC.

TRANSFER OF FUNDS

Transfers of funds were approved, and Mr. Rosenberg transferred \$2,000 to the operating account for payment of bills.

BILLS APPROVED AND PAID

Dec. 2015: Terrill Landscape Contracting \$278 for mowing; Sandberg, Phoenix & Von Gontard \$3435 legal; \$153.40 Polaris battery. January 2016: Metron Surveying & Layout Co. \$500.

TRUSTEE COMPENSATION AND EXPENSE REIMBURSEMENT

2015 trustee compensation and expense reimbursements were submitted by, and approved for David Kaplan, Harvey Rosenberg, Margaret Bour, Darla Gault and Jo Ann Black. Compensation included 12 meetings max. The compensation and expense reimbursements were issued in Dec. 2015 and January 2016. Scott Clayman received compensation and expense reimbursement in October 2015.

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

FEBRUARY 2016 ACTIVITY REPORT

GROUNDS CARE PROJECTS IN FEBRUARY 2016

A cleanup of limbs from fall/winter storms was accomplished in early February. Leaves in heavily treed lawn areas were mulched. The prairie was mowed and seeded. An outcropping of weeds near Calcutta was removed.

FINANCIALS

Village of Green Trails 2015 Financial Statements were completed, and posted on the website on Jan. 25, 2016.

The Park Board approved the transfer of \$6,000 to the operating account on Feb. 3 2016.

CMA provided a January 2016 Alliance Bank (Las Vegas, NV) account statement, Feb. 5, 2016.

INVOICES APPROVED FOR PAYMENT

Terrill Landscape Contracting Feb. 3, 2016 for \$2978.50, for Feb. 1-2 leaf cleanup (\$1476), and limb cleanup (\$1502.50).

Terrill Landscape Contracting Feb. 4, 2016 for \$1539.50, for completion of the limb cleanup in the big field and north field (\$782.50), and cleanup of outcropping near Calcutta (\$757).

Terrill Landscape Contracting Feb. 5, 2016 for \$180, for mowing of the prairie on Feb. 4.

Sandberg, Phoenix & Von Gontard Jan. 21, 2016 for \$2640.

Della O. Jay, CPA, PC Feb. 15, 2016 for tax preparation, \$300.

Terrill Landscape Contracting Feb. 23, 2016 for \$531, for prairie seed and labor on Feb. 5.

2015 TAX PREPARATION

Montgomery Bank provided the Tax Year 2015 1099-INT form. VGT's accountant, Della O. Jay, CPA, completed the 2015 tax return.

COLLAPSING RETAINING WALL

Park Board Trustees Bour, Kaplan and Rosenberg met with the homeowners at 14581 Ladue Rd. on Feb. 2, 2016 to discuss options for the reconstruction of the retaining wall that was mislocated on VGT common ground in 1993. The homeowner plans to seek a construction company. VGT attorney M. Daesch is preparing an easement agreement to protect VGT's common land and the homeowner's usable lawn space.

CMA INTERPLEADER

A Case Management Conference was held at the court on January 28, 2016, and motion hearings were held on Feb. 26.

PRAIRIE

Trustees Kaplan and Rosenberg met with J. Porcelli, Vegetation Supervisor, and J. Ward, Private Land Conservationist, of Missouri Conservation Department, on February 23 to discuss care, planning and expansion of the prairie. Information about the Ameren/Missouri Conservation WOW program is on the VGT website.

WEBSITE

2015 Financial Statements and a WOW Wires Over Wildlife and Prairie Environmental Project Report were posted on the Village of Green Trails website in Jan 2016.

VILLAGE OF GREEN TRAILS PARK BOARD

MEETING AND ACTIVITY REPORT MARCH - APRIL 2016

This meeting and activity report was written by Margaret Bour.

INVOICES APPROVED FOR PAYMENT

Terrill Landscaping Contracting Invoice 3837 for \$525, for trash cleanup and haul-away on March 22, 2016.

SEASONAL MOWING

Seasonal lawn mowing was conducted the weeks ending 4/2, 4/9, 4/16, 4/23, 4/30.

ENVIRONMENTAL CLEANUP EVENT

The 2016 environmental cleanup of non-biodegradable and hazardous wastes took place on March 22nd at several locations in the Park, but the cleanup work was limited due to limited funds. 14 man-hours (7 hours by grounds crew plus 7 hours of work by volunteer trustees Rosenberg and Bour) produced the cleanup and removal of ten 65-gallon bags of trash plus large items; over 400 pounds of debris, from the Park. Dormancy and dry conditions produced maximum results and the areas that were cleaned are pristine. Debris removed from the Park included broken glass and plastics, tubing, pipes, rusty metal posts and objects, paper trash, abandoned household items, utility discards, wire, bottles, cans, food packaging, personal objects, and included large items and debris that are hazardous to people and animals. Details are in the Environmental Cleanup Report on the Village of Green Trails website. Cost for 7 hours of grounds crew labor plus haul-away: \$525. Many areas are still in severe need of cleanup, and additional areas that need cleanup were discovered. Volunteer help from residents independently and at the next cleanup event would be appreciated.

WOW WILDFLOWER PRAIRIE REIMBURSEMENT

The Missouri Conservation/Ameren WOW Program awarded \$765.63 to the Village of Green Trails to offset the cost of seed and maintenance of the WOW wildflower prairie garden near

the east entrance of VGT. The reimbursement was deposited in Montgomery Bank on April 22, 2016.

OTHER GROUNDS CONCERNS

Grounds projects remain on hold due to the Interpleader and impact to grounds funds.

A homeowner on Saylesville Dr. called to ask for attention to a berm in the common ground that has tree stumps, and poison ivy that they said effected a resident so severely he had to go to the hospital. Dave Kaplan will visit the site.

ANNUAL REPORT

M. Bour presented the annual report and got a printing estimate from Kwik Kopy. Estimate: Print four pages on two sheets double sided, print envelopes, and mailing services (not including postage): \$483 - \$710.

INTERPLEADER

Park Board trustees Kaplan and Bour met with Attorney M. Daesch on April 14 to discuss the Interpleader.

TITLE COMPANIES REQUESTS

Requests for information from title companies concerning owner transfers were completed and returned.

ANNUAL MEETING

The annual meeting that was scheduled to take place on May 2 will have to be rescheduled due to unforeseen circumstances.

MINUTES OF MEETING MARCH 16, 2016

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

The March 16, 2016 Park Board meeting was held at the home of Chairman David Kaplan. In attendance were trustees David Kaplan, Harvey Rosenberg and Margaret Bour. Meeting minutes were recorded by Margaret Bour. The following was discussed:

FINANCIALS

Trustee Rosenberg presented the year-to-date March 16, 2016 Balance Sheet. Note CMA failed to provide Assessment Activity Reports since December 2015, and failed to provide a February 2016 Alliance Bank Statement.

EASEMENT AGREEMENT

The easement agreement for demolition and reconstruction of the retaining wall at 14581 Ladue Rd. was approved by the Park Board to protect the Village of Green Trails and the homeowners' usable lawn space. Park Board trustees will sign the agreement and Mr. Kaplan will present it to the homeowner.

ENTRANCE GROUNDS

Margaret Bour provided photos of the VGT entrance grounds on the north side of Ladue Road that need to be improved. The poor condition of the soil (gravel left from MoDOT's intersection construction) prevents grass from growing, and there are ruts caused by commercial vehicles that drive on the north grounds to access VGT grounds south of Ladue Rd. The rock needs to be removed and the soil replaced or amended with topsoil, seed or sod. Tall, un-mowed grass next to the retaining wall is on MoDOT property, and trucks have dumped railroad ties and debris under the bridge. David Kaplan volunteered to contact MoDOT to request them to restore the quality of the VGT entrance grounds. Photos are attached.

2016 ENVIRONMENTAL CLEANUP OF NON-BIODEGRADABLE AND HAZARDOUS WASTES

The 2016 environmental cleanup of trash, hazardous and non-biodegradable wastes will be on Tuesday, March 22nd. Due to limited funds, the cleanup will be limited, but the optimal conditions (weather and dormancy) are expected to produce the best possible results.

LADUE ROAD ISLANDS

The City of Chesterfield notified Village of Green Trails residents and property owners that the City has requested Ladue Trails to resume maintenance of the two large islands on Ladue Road east of Green Trails Drive. The City of Chesterfield has offered to assist in re-establishing healthy grass on the two islands when Ladue Trails commits to resuming the required maintenance.

WATER DAMAGE FROM COMMERCIAL PROPERTY

Runoff and standing water damage in the common ground south of Ladue Rd. near the entrance of the Village of Green Trails (west of the Woods Mill/Ladue intersection) were photographed and reported. History of water damage to those VGT grounds was reviewed, and recorded as far back as 2000 when the City of Chesterfield cited the commercial property, and the water problem has not been resolved.

BROKEN PVC PIPE HAZARD

A broken PVC pipe in VGT common ground near 151 and 171 Green Trails Drive north of Ladue Rd. was discovered, is hazardous and needs to be repaired.

CMA

Termination of the CMA contract was discussed.

ANNUAL MEETING

The Annual Meeting is scheduled for Monday, May 2, 2016 at 9AM, at Chesterfield City Hall.

Below: Photos of VGT entrance grounds.

Village of Green Trails Entrance photos 2016



Rocks, ruts, poor grass, no entrance monument.



Village of Green Trails Entrance: Rock left from intersection construction prevents grass from growing.



Close-up: Rocky soil prevents grass from growing.



Ruts are caused by trucks driving over the N entrance grounds to access VGT grounds S of Ladue Rd.



Unmowed grass on MoDOT property at the VGT entrance.

VILLAGE OF GREEN TRAILS PARK BOARD

MEETING AND ACTIVITY REPORT, MAY 2016

The meeting and activity report was recorded by M. Bour.

INVOICES APPROVED FOR PAYMENT

Terrill Landscaping invoice 3944 for \$4468, for April 2016 mowing.
Chas. W. DeWitt Insurance Agency invoice 15975 for \$7120.40, for insurance renewals.

INSURANCE POLICY RENEWALS

Insurance Policies for the period 6/1/2016 – 6/1/2017 were forwarded from Chas. W. DeWitt Insurance Agency. Renewals include Policy CPS2232075, Commercial General Liability Insurance through Scottsdale Insurance Co. (Nationwide), and the Travelers Commercial Crime Insurance Policy. The provisions and annual premium of the commercial general liability policy are near identical to the current policy. Invoice total: \$7120.40.

SEASONAL MOWING

Seasonal lawn mowing was conducted the weeks ending 5/7, 5/14, 5/21, 5/28, 5/31.

PARK GROUNDS INSPECTION, AND WORK ON HOLD DUE TO INTERPLEADER

The Park grounds were inspected on May 24th by trustees Kaplan and Bour. Photos were taken of the grounds and forestry problems near residences, issues impacting homeowners and those that are safety hazards, all which need work and are on temporary hold due to the Interpleader and limited grounds funds. The grounds issues that need attention include (but are not limited to) dead trees near residential properties; dead trees over sidewalks and near power lines; downed limbs and trees in lawns that prevent mowing; sinkholes that are safety hazards; erosion damages close to homeowners' properties; vines that are breaking healthy trees; and environmental pollution. The work will be completed when the Interpleader assessment funds are available.

SAYLESVILLE BERM

A berm on common ground behind 124 Saylesville Dr. that contains tree stumps left by Ameren, and poison ivy that caused a resident to go to the hospital, was brought to the attention of VGT

by two homeowners. Terrill provided two cleanup options and cost estimates of \$1200 or \$1450 to grind the stumps, add soil, seed and straw. Ameren agreed to reimburse VGT for the expense to grind the stumps. The poison ivy will be eradicated, dirt and seed added. The homeowner committed to water the berm.

BOXFORD COURT EROSION

The homeowner at 14058 Boxford Court contacted the Park trustees about the severe ground erosion and drop-off creeping into his yard. The homeowner has already been in contact with MSD. The erosion was videoed and photographed. Resolution has not been determined.

CUB SCOUT BEAR DEN CLEANUP OFFER

A parent of a Cub Scout notified trustees that a Bear Den was looking for a project to fulfill their requirements for the World Conservation Award, and wanted to do a cleanup in the grounds around the lake the upcoming weekend. The offer was greatly appreciated but VGT's insurance company requires a certificate of liability from Boy Scouts of America and waivers signed by parents of all participants, and there was not enough time to accommodate the insurance requirements by that weekend. Thank you very much to Cub Scout Pack 803 Bear Den for the very generous offer. Village of Green Trails would be honored to have their help in the future.

PROPERTY TRANSFERS

Property transfer information and past due assessments were received for 14017 Ladue Rd., 363 Diplomat Lane, 14327 Bramblewood Ct., 14041 Augusta Dr., 108 Ladue Glen Ct., 101 Minitree Ct. and 123 Seabrook Dr. Past due assessments were deposited in the operating fund account.

INTERPLEADER

Park Board trustees and VGT's attorney were requested to attend a meeting on May 9 to discuss a resident's demand to reduce the annual assessment to \$130. The proposal was not agreed to due to that it would be another voter-unapproved assessment and the proposed amount would be insufficient for grounds care for 195 acres.

The Park Board attended an Interpleader hearing on May 26 and Interpleader proceedings on May 31 at the St. Louis County Courthouse.

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

MEETING AND ACTIVITY REPORT, JULY 2016

INVOICES APPROVED FOR PAYMENT

Terrill Landscaping Contracting invoice #4123, 7/12/2016, for mowing the weeks of 6/11, 6/18, 6/25, 6/30, for \$4902.

Metron Surveying & Layout Company invoice #2007, 7/12/2016, for \$200, to locate utility easements.

Go Daddy website two-year renewal through 9/16/2018, and domain name renewal, \$276.10.

FUNDS TRANSFER

A transfer of \$7,500 from the Montgomery Bank Capital Improvement Fund to the Operating Account, was approved on June 27.

AMEREN MISSOURI REIMBURSEMENT

Village of Green Trails received \$700 from Ameren Missouri as a reimbursement for the expense for grinding stumps on the berm in common ground behind 124 Saylesville Drive. The reimbursement was deposited in the operating account.

JUNE 2016 FINANCIAL AND RESIDENT ACTIVITY REPORTS WERE REQUESTED

Requests were made to CMA by H. Rosenberg on July 7.

INTERPLEADER

On July 1, 2016 Judge R. Cohen of the Circuit Court of St. Louis County issued the Court's final ruling on the Interpleader and the 2015 assessment funds that Community Managers Associates collected from the Village of Green Trails. It was the Court's Order, Judgment and Decree that: 1) Community Managers Associates, Inc. be awarded the sum of \$5,000 as and for its attorneys fees and costs herein expended and that the Circuit Clerk is directed to pay over to Community Managers Associates, Inc. the sum of \$5,000 from the funds deposited in this case, c/o CMA's attorney Paul Puricelli, and 2) The Trustees' Motion to have this cause regarded as a Class Action is Denied, and 3) The remaining funds shall be paid over to the

Board of Park Trustees of the Village of Green Trails, c/o the Trustees' attorney, Martin Daesch, with no further adjudication by the Court in this cause.

A complete transcript of the Interpleader trial can be ordered through the Court Recorder, Jane, at 314/615-8080. Reference Judge Cohen's Court, date 5/31/2016.

PROPERTY TRANSFER

Property transfer information and assessment payments were received in July 2016, for 14070 Camberra Court , seller: Dalton, buyer: Belshe; closing date: July 11, 2016.

WEBSITE

Village of Green Trails' GoDaddy website (expiration date 9/16/2016) and domain name (expiration date 8/20/2016) was approved by the Park Board to be renewed for two years, at the total cost of \$276.10. (\$239.76 for the website, \$35.98 for the domain name, plus \$.36 tax.) The Village of Green Trails is set up for auto-renewal, and the funds will be withdrawn from the VGT bank account. VGT's address was changed to the P.O. Box address. VGT Park Board Chairman, David Kaplan, and his phone number, is listed under 'owner'. The website administrator name will be changed to Margaret Bour after the renewal.

RETAINING WALL AND EASEMENT AGREEMENT

Shawn J. Edghill, Planning Technician at the City of Chesterfield, advised that the Municipal Zoning Approval Application for the replacement retaining wall at 14581 Ladue Rd. requires easements to be shown on the surveying diagram and the construction plans for the City's review to ensure that the retaining wall complies with the current city code. The City Code states that all structures built in an easement are given proper easement releases to ensure that any utility companies whose easements exist in the area are made aware of work going on in the area of the easements. If retaining walls are to be built outside existing utility easements, as long as the easements are shown on the plans, the City will be able to approve the permit. Chesterfield's Planning Technician Edghill communicated it is the surveyor's responsibility to locate the utility easements and that information should be on the original plat maps that are on file at the St. Louis County Public Works Dept., and when the City has the construction plans with all the required easements noted, they can approve the homeowner's plans, and then St. Louis County can approve their copies. Contact info: Shawn Edghill, sedghill@chesterfield.mo.us, 636/537-4743.

The Park Board requested Metron Surveying & Layout Co. to add the utility easements and the proposed VGT easement to the 12/30/2015 survey. Metron forwarded the revised survey with utility easements and building lines from the subdivision plat (P.B. 114, p 18), and the proposed VGT easement. Contact info: John Winkler, President, Metron Surveying 636/448-6058, johnw@metronsurveying.com.

VGT is not selling an easement or property, nor is VGT spending money on a retaining wall. The easement

agreement will allow the homeowner to replace, at the homeowners' expense, the existing crumbling tie-wall that was permitted in 1993 to be built on the homeowner's property but mis-constructed partially on VGT property. The 1993 construction replaced a previous tie-wall in the same location that could have been built as far back as 1970. The easement agreement protects the Village of Green Trails, eliminates existing safety hazards of the deteriorating structure on VGT property, it prevents inappropriate VGT expenditures, mandates City and County permits and inspections and quality, eliminates present and future VGT liability concerns, protects VGT common ground lawn, and guarantees future maintenance and repairs by the homeowners of a new stone wall at the same location.

As of July 25, 2016, the City of Chesterfield is still in the process of reviewing and approving the homeowner's construction documents, and the easement agreement has not been returned.

ACKNOWLEDGMENT AND THANK YOU!

Thank you to homeowner Mark Cillo who took his boat on the lake and removed the floating debris and trash!

VILLAGE OF GREEN TRAILS LAKE - PROPOSED DREDGING

Park Board Trustees Kaplan, Bour and Rosenberg met with City of Chesterfield Public Works engineers, Chris Krueger, Project Manager; and James Eckrich, Public Works Director, on July 12 at the Village of Green Trails Lake, to discuss Chesterfield's proposal to dredge one part of the lake that has been the most badly silted due to construction that occurred upstream of the lake. The City submitted a diagram of the planned work location, and proposes to use Muck Miners, a hydraulic dredging service, to pump out muck and silt sediment from that one section of the Lake that has been the most impacted. The process involves removing sediment through tubing to dewatering bags on the shore and/or to remove from the site. Dewatering bags allow the water to escape through the bags, while capturing the sediment. The water returns to the lake as it runs out, and the sediment is dried for transportation or to spread. The alternative would be to remove the muck from the site. The City's Public Works Dept. proposed a budget of \$75,000 to be entirely funded by Chesterfield, from a settlement the City received for damages, and proposes to remove 2000 cubic yards of muck/sediment from the Lake, or filter 2500 cubic yards of muck in dewatering bags. If left to dry in bags on site, the budget would allow a greater quantity of sediment to be removed. When dry, the dirt would be spread. Concerns included timing, process, depth, potential smell, impact to wildlife, and follow-up landscaping. The City engineers said the proposed work would not impact the entire lake and conditions that may exist in other areas of the lake. Subsequent information addressed some concerns about the potential smell, landscaping and impact to wildlife. Chesterfield's engineer said the process itself causes wildlife to move away from the operation in progress, and that the dredging company would spread the rich dirt when dry, and plant seed to restore the lawn. The Park Board will speak with the city engineers again, and with Muck Miners Co. in August to get more information if needed.

A photo of the silted lake follows.



Village of Green Trails Lake and Silt, 2016

DEAD TREES AT DIPLOMAT AND CHATEAUGAY

The large dead Sycamore tree next to Chateaugay at the intersection of Diplomat is one of the projects that has been on hold due to the Interpleader, but due to the location next to a sidewalk and the hazard of falling limbs, the Park Board voted to pursue bids for the tree removal to happen as soon as possible.

There is a second dead smaller tree at the same intersection next to Diplomat leaning toward the street, which needs to be removed also. Costs to remove the two trees at the same time will be explored.

MORE TREE BRANCHES DOWNED BY JULY STORMS

More tree limbs were downed by July storms and include near homes and private property, and some were reported by homeowners. These are in addition to the June 2016 list of projects on hold due to the Interpleader.

Downed trees/limbs reported by homeowners include:

14591 Ladue Rd./San Angelo/Portico area: Limbs on ground

14002 Boxford: Limbs hanging over homeowner's property. Photos were given to Terrill for bid.
Limbs downed near Diplomat/Chateaugay intersection

DISINFORMATION WAS DISTRIBUTED TO HOMEOWNERS ABOUT VGT REGARDING A CITY AND COOPERATIVE SCHOOL PARK PROPOSAL

Disinformation was distributed to homeowners on 7/26/2016 in email by an individual who falsely claimed that Village of Green Trails Park Trustees planned to construct a pavilion on Village of Green Trails common ground for the benefit of Green Trails Elementary School, and that VGT trustees' plans included added liability issues and legal expenses for lot owners, and that there was planned spending for the project.

Facts: A park proposal that was recently discussed and tabled at the City of Chesterfield concerned City of Chesterfield and Parkway Cooperative Public Park at Green Trails Elementary School. Note Green Trails School playground area is a public park. Village of Green Trails was not part of the proposed Green Trails School Park project. No proposal, no construction plans, no plans for usage of VGT's common ground for Green Trails School, nor VGT funds for such a proposal were discussed or planned by the Park Board. A Chesterfield representative confirmed the school park proposal did not include the use of Village of Green Trails common ground, nor VGT funding, and stated that the individual who distributed the false claims had inquired and had been informed the school park proposal did not include VGT common ground, plans or funding.

This meeting and activity report was written by Margaret Bour.

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

MEETING AND ACTIVITY REPORT, AUGUST 2016

INVOICES APPROVED FOR PAYMENT

Terrill Landscape Contracting invoice 4256 for \$485, for branch clean up next to Ladue Road and broken limbs hanging over private property at Boxford and Saylesville.

Terrill Landscape Contracting invoice 4210 for \$4,604 for July mowing, and invoice 4123 for \$4,902 for June mowing; total \$9,991.

Aim To Please Inc. Tree & Landscaping, \$1450 for removal of two trees at Chateaugay & Diplomat

RECEIPTS

\$200 assessment from 14070 Camberra Ct. was deposited in Montgomery Bank operating account on 7/29.

TRANSFER OF FUNDS

Transfers of funds were approved and made in August as follows:

A transfer of \$5,000 from the Montgomery Bank Reserve Account was made to the operating account.

A transfer of \$5,000 was made from the Montgomery Bank Capitol Improvement account to the operating account.

JULY 2016 OWNER ACTIVITY REPORT AND BANK STATEMENT

Mr. Rosenberg requested CMA to send the Alliance Bank statement and the VGT Owner Activity Report for the month of July 2016.

GROUNDS WORK

Harvey Rosenberg responded to a homeowner's report of broken limbs hanging from a tree in the creek area west of the green fence over the property at 14002 Boxford Ct., and a broken tree at the corner of Saylesville and Boxford Ct. Photos were taken for a bid, and the work was completed by Terrill.

The large dead tree that was dropping limbs on the sidewalk on Chateaugay at Diplomat, and the smaller

tree next to the street at the same intersection were approved for removal. Both trees were removed on Aug. 10 by Aim To Please, Inc. who gave the lowest bid of \$1450.

HOMEOWNER REPORTS

A homeowner called about the un-mowed tall grass field near Calcutta and suggested bailing the grass to prevent cut grass from suffocating and killing the lawn. It was confirmed that field was not mowed for four weeks, in part due to reduced scheduling, and in part due to rain and wet ground, and a huge disappointment to trustees and homeowners. The lawn was finally mowed on Aug. 21.

A homeowner inquired about common ground in Ladue Glen, and reported tree limbs are too close to his house. The ownership of that common ground was questioned due to information from previous trustees, and needs to be reconciled. Mr. Rosenberg did a physical inspection of the common ground behind 108 Ladue Glen Ct. and took photos, and reported there are no broken limbs hanging near the house, nor any dead trees, but there is a declining tree, and noted there are tree limbs near the roof that need to be trimmed back.

PROPERTY TRANSFER

Property transfer information, closing statement and assessment were received for 175 Bellechase, seller: James Robert Holdings, LLC, buyer: Doreet Avni, closing date: 8/19/2016.

VILLAGE OF GREEN TRAILS LAKE

Permission was granted for the City of Chesterfield and Muck Miners to gain access to the property on which the Green Trails Lake is located to dredge a portion of the lake. The City of Chesterfield has secured funding for the dredging. The project will remove sediment from the northwest end of the lake through a pump and de-watering bag system. The process will allow for sediment removal without emptying a portion of the lake. The material will be graded onsite after it has dried in de-watering bags. The drying process may take up to eight weeks after the dredging. The dewatering bags will be placed on a grassy area, which will be restored with seed and straw after project completion. The dried soil material will be used onsite to lessen the grade of the existing slope adjacent to the sidewalk. All work will be completed by Muck Miners, under a contract managed by the City of Chesterfield. The project is expected to commence on September 12, 2016. The City will be in contact with VGT to coordinate the final placement and finish grades of the dried material once the dredging work is complete, and an onsite meeting the week of September 26 is planned to discuss details of spreading the dirt.

INTERPLEADER

The Park Board met with Attorney Martin Daesch on Aug. 4 to discuss the Interpleader.

This meeting and activity report was recorded by Margaret Bour, Aug. 2016.

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

MEETING AND ACTIVITY REPORT, SEPTEMBER 2016

PAYMENTS AND INVOICES APPROVED FOR PAYMENT

Terrill Landscape Contracting invoice 4328 for \$5326, for mowing the weeks of 8/6, 8/13, 8/20, 8/27, 9/2 was approved for payment.

Onder, Shelton, O'Leary & Peterson for legal services through August 1, 2016 for Interpleader; \$15,904. The payment represents a partial payment of 80% of the OSOP bill to date. The balance of \$3976 will be requested with the detailed billing.

Kwik Kopy, \$592.02, for printing the assessment vote letter and ballot 9/2016.

Postcard stamps, \$217.60, for assessment vote mailer.

Montgomery Bank, \$17.90, for checks, ordered 9/29/2016.

INTERPLEADER

\$45,016 of assessment funds, which were collected by CMA in 2015, was received via Village of Green Trails' attorney, from the Circuit Court. (\$5,000 was awarded to CMA's attorney by the Court.)

DEPOSIT

\$29,112 of 2015 assessment funds collected by CMA was deposited in the operating account on Aug. 30, 2016.

SIX MONTH FINANCIAL STATEMENT

The financial statement for January through June 2016 was completed by H. Rosenberg.

AUGUST 2016 BANK AND OWNER STATEMENTS

The 2016 bank and owner statements were requested from CMA, by H. Rosenberg, on Sept. 2, 2016.

PROPERTY TRANSFERS

Property transfer information was received and/or completed for:

128 Lighthorse Dr., seller: Longview Acquisitions LLC; buyer: L. Bogunovic, closing date: 9/12/2016.

14264 Forest Crest Drive, seller: Callahan, buyer: Sokolich, closing date: 9/23/2016.

14129 Cross Trails Dr., (Refi.), Owner: Wegman, closing date: 9/15/2016.

175 Bellechase, \$200 assessment payment was received & deposited in the operating account on Aug. 30.

RETAINING WALL EASEMENT AGREEMENT

The homeowner's construction plans for the replacement wall at 14581 Ladue Rd. were approved by the City of Chesterfield and the County, the signed easement agreement was returned to VGT on Aug. 30, and the demo/construction work is underway by the homeowner's contractor.

VILLAGE OF GREEN TRAILS LAKE DREDGING

The Chesterfield Project Manager, C. Krueger, informed Village of Green Trails Park Board that Muck Miners pushed their start date back, but the City completed a pre-dredge survey on September 12th. The dredging was delayed again for a few days in September due to Muck Miners de-watering bags not being delivered from their supplier. The Chesterfield Project Manager reported the anticipated schedule with durations of each activity once things do get started is as follows:

1. 1 week – Setup dredger and dewatering bag area
2. 2 weeks - Dredge sediment
3. 3 weeks – Dry out the soil
4. 2 weeks – Grade out material and seed and straw disturbed areas

PRAIRIE IN BLOOM

The wildflower prairie garden was in full bloom in August and September, and several photographers were spotted taking pictures there. The predominant bloomers were Tickseed Sunflower or *Bidens aristosa* (yellow with rusty orange center), Indian Blanket or *Gaillardia pulchella* (pink and yellow with maroon toward center), and Black Eyed Susan or *Ruudbeckia hirta* (yellow with large dark center and lighter spot in middle).

ISLAND AT VILLAGE OF GREEN TRAILS' EAST ENTRANCE

M. Bour inquired with the City of Chesterfield about the status of the small island at the east entrance of VGT near the Ladue/Woods Mill intersection, and inquired if the City would allow the Village of Green Trails to replant and maintain it. It was learned that Chesterfield's Planning and Public Works Committee had recently made a decision to install stamped, colored concrete in the island, to match the concrete in the islands directly to the east, and that work was scheduled for this fall. Chesterfield's Public Works

Director, Jim Eckrich, responded that the City would have no objection to VGT beautifying and maintaining the island, and if so, the City would require an executed Maintenance Agreement. Mr. Eckrich pointed out that the problem the City encountered with beautifying that island is that it is not irrigated. The City placed the concrete on hold to give the Park Board the opportunity to discuss taking over maintenance of the island. The VGT Park Board did not agree VGT should plant and maintain the island due to authority of the Indenture and costs, and the City was notified and thanked on 9/15. The island will be concreted in early October.

ASSESSMENT AMENDMENT 2016 VOTE

The Park Board met on 9/8/2016 to discuss the assessment amendment vote that will be conducted in October 2016. The copy for the letter, info sheet and ballot was approved. Kwik Kopy printed the mailer and the ballot. Cost for printing and mailing service was \$592.02. Cost for postcard stamps at \$.34 each was \$217.60.

BIDS AND TREE WORK

Aim To Please, Inc.'s bid for \$475 was approved on 9/12 to prune limbs on trees that are growing too close to the house at 108 Ladue Glen Ct. The work will involve a tree climber, and ATP will remove 3 limbs on the Sycamore, and prune limbs on the Box Elder.

The City of Chesterfield notified the homeowner at 14225 Ladue Rd. that the two dead pine trees next to the street must be removed, and cited the violation of the Municipal Code that defines a nuisance. The homeowner's property survey confirms the two dead trees (and the homeowner's mailbox) are in VGT common ground. Bids were solicited by VGT for removal and grinding the stumps of those two trees and the dead pine on the south side of Ladue Road:

-Aim To Please, Inc. bid \$2525 to remove three dead pine trees in common ground on Ladue Rd. That includes the two near 14225 Ladue, and one on the south side of Ladue Rd. The bid includes haul-away and traffic control to be provided by ATP because the job site is a high traffic area. Aim To Please, Inc. bid \$325 for grinding four stumps. The fourth stump is at the Pine Grove on Ladue.

-Terrill Landscape Contracting bid \$2750 to remove the three dead pine trees on Ladue Rd., including haul away and grinding three stumps.

A small dead tree in the lawn north of Ladue Rd., near the entrance at Woods Mill, was removed.

INFORMATION ABOUT DEAD TREE NUISANCES

Chesterfield Municipal Code Definition Of Nuisance: "Any standing or fallen dead tree, dead tree limbs, dead shrubs, and trees that are more than fifty percent dying, damaged, or diseased to constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the vicinity. Removal of any dead or dying tree shall comply with the City of Chesterfield Tree Manual."

(Municipal Code, Section 20-3b, 9).

OWNER ADDRESS ACCOUNT LIST

Harvey Rosenberg completed the updated owner address/account list that includes information from St. Louis County.

MORE DISINFORMATION WAS DISTRIBUTED TO PROPERTY OWNERS

More disinformation was distributed to homeowners by a non-trustee resident, in an email dated 8-29-2016. The email falsely claimed Village of Green Trails would be “footing a bill” [sic] for a retaining wall for a homeowner, falsely claimed Village of Green Trails contracted a homeowner’s construction work, and falsely warned VGT’s accounting service to not pay a VGT bill for retaining wall expenditures, that doesn’t exist. Also, in a previous email dated 12-5-2015, the same resident misreported the location, property owner and condition of the collapsing retaining wall (despite the facts were correctly documented in VGT’s published reports), and distributed a 225 word false criticism of Village of Green Trails and an easement agreement based on the false information.

VGT is not spending money for a retaining wall, nor did VGT sell land or an easement, and correct information is in Village of Green Trails 2015 and 2016 Board Reports on the VGT website.

This meeting and activity report was written by Margaret Bour, Sept. 2016.

VILLAGE OF GREEN TRAILS PARK BOARD OF TRUSTEES

MEETING AND ACTIVITY REPORT, OCTOBER 2016

PAYMENTS AND INVOICES APPROVED FOR PAYMENT

Terrill Landscape Contracting invoice 4405 for \$4604, for mowing the weeks of 9/10, 9/17, 9/24, 10/1.

Terrill Landscape Contracting invoice 4464 for \$3125, for removal of three dead pine trees on Ladue Road and grinding stumps, pruning of limbs away from house on Ladue Glen Court, and removal of log in lake, paid 10/26/2016.

Terrill Landscape Contracting invoice 4489 for \$100, for cutting and removing additional limbs near the home on Ladue Glen Court, paid 10/26/2016.

SEPTEMBER 2016 ALIANCE BANK STATEMENT

The September 2016 Alliance Bank statement balance was \$7,336.02. The document from CMA's attorney states the Alliance Bank balance is \$7,327.59, a difference of \$8.43.

INTERPLEADER

Village of Green Trails' attorney, Martin Daesch of Onder, Shelton, O'Leary and Peterson LLC, sent a letter to the Park Board that summarizes the Interpleader and trial litigation. Copies of the letter will be sent to property owners who requested more information about the trial.

ASSESSMENT VOTE MAILERS

The Cover Letter, Attorney's Letter, Income & Budget Statement, Actual vs Budget thru 10/9, 2016 Income Statement Budget Notes, and Balance Sheet thru 10/9/2016 were approved. Kwik Kopy printed and mailed the documents to property owners the week of October 10. Cost: \$693.53.

The second ballot mailer was printed and mailed by Kwik Kopy on 10/20, to property owners who have not responded to the first mailer. Cost: \$387.37.

PROPERTY TRANSFERS

Property transfer information was received for:

14070 Boxford Drive., seller: Stark, buyer: Essenberg, closing date: 10/28/2016.

REPLACEMENT RETAINING WALL

Trustees Rosenberg and Bour inspected the replacement retaining wall at 14581 Ladue Road, on Oct. 10. The wall was built in the approved location, the VGT ravine was cleaned out, and the deteriorating ties and debris were removed from the site. Common ground lawn between the site and Ladue Rd. will need repair when the other construction at the property is complete.

GROUNDS INSPECTION

A grounds inspection was conducted by the Park Board on October 23, and photos were taken of grounds conditions that need work. Mark Cillo accompanied the trustees on the grounds inspection.

LAKE DREDGING

City of Chesterfield's contractor, Muck Miners, is in the process of dredging a portion of Green Trails Lake.

This Minutes and Activity Report was recorded by M. Bour.

VILLAGE OF GREEN TRAILS BOARD OF PARK TRUSTEES

MEETING AND ACTIVITY REPORT, NOVEMBER 2016

This report was prepared by Margaret Bour.

PARK BOARD MEETING

The Park Board meeting was held on Nov. 3, 2016. In attendance were David Kaplan, Harvey Rosenberg, and Margaret Bour. Topics of discussion included the assessment vote, the mailers, grounds projects pending, and a trustee appointment was unanimously approved.

PAYMENTS AND INVOICES APPROVED FOR PAYMENT

Terrill Landscape Contracting invoice 4511 for \$4604, for mowing the weeks of 10/8, 10/15, 10/22, 10/29.

Terrill Landscape Contracting Invoice 4621, 11/28, for \$967.50, for mowing and leaf mulching 11/21-22.

LIEN SETTLEMENT

Past due assessments in the amount of \$890.19 were received from a delinquent account on Nov. 3, and the lien against the property was settled.

PROPERTY TRANSFERS

Property transfer statements were received and/or completed for:
349 Chateaugay Lane, seller: Vickar, buyer: Snir, closing date 11/18/2016.

OCTOBER 2016 RESIDENT ACTIVITY REPORT AND BANK STATEMENTS

The October Activity Report and bank statements were requested from CMA on Nov. 1 by Mr. Rosenberg.

TRUSTEE APPOINTMENT

On Nov. 7, 2016 Mark Cillo accepted an appointment to the Village of Green Trails Park Board of Trustees. The Park Board is pleased to have his help.

GREEN TRAILS LAKE DREDGING

C. Krueger, the Project Manager at the City of Chesterfield, informed the Park Board on Nov. 22 the dredging is complete and the material is drying. The original plan was to open the bags up within the next week and start grading it out. As of Nov. 22 the contractor says that the material is still quite wet and would be a muddy mess to grade. Mr. Krueger recommended keeping the material in the bags over the winter and letting them dry out more until spring. At that time, the material would be graded out and vegetation established. The caution tape would still remain around the bags, but the excess plastic on the ground would be trimmed away. Alternately, to prevent the bags from lying there over the wintertime the bags could be opened to let the material dry out. The contractor is prepared to lay sod over the material. However, sod will only be available for another 2-3 weeks until the ground is frozen. Mr. Krueger stated he was not completely sure that the material will dry out enough, and that when laying sod over the top of the material it will sink, but was willing to have the contractor try it. Mr. Krueger asked the Park Board to let him know their preference. Due to the wet weather it was decided to allow the bags to remain until spring.



2500 cubic yards of silt and muck drying at Green Trails Lake

ASSESSMENT AMENDMENT VOTE

Several property owners requested to see the amendment language before voting and/or to change their vote. VGT's attorney, M. Daesch of Onder, Shelton, O'Leary & Peterson LLC, was asked to provide a letter and the proposed revisions to the Indenture. Mr. Daesch prepared the document *Revisions to the "Indenture of the Restrictions of the Village of Green Trails" Proposed Amendment to Raise the Assessment to \$200.00 (Residential), \$400.00 (Commercial)* that sets forth the sections of the Indenture that will be impacted by the proposed amendment. Copies were printed and mailed with ballots to the property owners. [A copy of the document follows.](#)

**REVISIONS TO THE “INDENTURE OF THE RESTRICTIONS OF
THE VILLAGE OF GREEN TRAILS” PROPOSED
AMENDMENT TO RAISE THE ASSESSMENT TO
\$200.00 (RESIDENTIAL), \$400.00 (COMMERCIAL)**

Section II, Subsection 4 which currently reads as follows:

4. Each Sub-Indenture shall contain appropriate provisions for the Park Trustees to assess each lot in a subdivision not more than \$50.00 per improved residential lot and not more than \$10.00 per unimproved residential lot per annum; on multi-family lots the assessment shall be computed at not more than \$25.00 for each separate apartment authorized and built and not more than \$10.00 for each separate apartment authorized and not built (the term “apartment” as used herein shall mean a single dwelling unit per family); on lots which are zoned or developed commercial or institutional (including a bath and tennis club, if any), the assessment shall be not more than \$200.00 per lot; on “estate lots” (i.e. lots of 2 acres or more in size) the assessment shall be not more than \$50.00 per annum; on the estate lot area which is developed as a resort lodge (if any), the assessment shall not be more than \$400.00 per annum if built.

Would be eliminated and Section IV will thereafter appear in the Indenture as follows:

4. (Eliminated (Date))

Section III, Subsection 10 will remain unchanged except for the addition of the italicized language which will be added to the Subsection 10 and will appear as follows:

10. The Board of Park Trustees shall make assessments in accordance with the provisions hereof from time to time and shall give appropriate regular notice to each affected property owner, which notice shall be deemed sufficient if mailed to the same address as shown on the assessor’s record of the St. Louis County Courthouse. In addition thereto, the Board of Park Trustees may record such notice of assessment and upon such recording the assessment shall become a lien upon the parcels assessed until the same are paid and will bear interest thereon at the rate of 8% per annum. In the event any assessment is not paid when due the Board of Park Trustees may employ counsel to collect the same and cost of collection including reasonable attorney’s fees and court costs shall be borne by the delinquent property owner and constitute a lien on the said property. *Beginning January 1, 2016, the annual assessment for residential properties shall be \$200.00 per lot and shall be \$400.00 per lot which are zoned or developed commercial or institutional.*

The remainder of the Indenture shall be unchanged.

VILLAGE OF GREEN TRAILS BOARD OF PARK TRUSTEES

MEETING AND ACTIVITY REPORT, DECEMBER 2016

PAYMENTS AND INVOICES APPROVED FOR PAYMENT

Terrill Landscape Contracting invoice #4651 for \$2,302.00, for mowing the weeks of 11/5 and 11/12, was approved for payment.

Kwik Kopy printing (12/6) for M. Daesch letter and the document *Revisions to the "Indenture of the Restrictions of the Village of Green Trails" Proposed Amendment to Raise the Assessment to \$200 (Residential), \$400 (Commercial)*, cost \$618.06, was approved.

Postage, Chesterfield Post Office, 12/1, \$112.20, for Indenture Amendment mailing, approved.

Kwik Kopy printing and mailing assessment bill, 12/2016, \$539.41, was approved.

Post office box renewal for one year, approx. cost \$220, was approved.

The assessment billing printing and mailing expense was approved.

H. Rosenberg's expenses were approved for reimbursement, total \$68.84.

GROUNDS REPORTS

A homeowner notified the Park Board about her concern about kids playing under a tree on limbs that have fallen down behind 14281 Forest Crest Drive, and asked that the limbs be taken care of.

BANK STATEMENTS AND ACTIVITY REPORTS

A request for the November 2016 documents was made to CMA on 12/5/2016. CMA notified the Park Board that the November 2016 Alliance Bank statement was being sent to M. Daesch. On 12/29 H. Rosenberg requested CMA forward the VGT resident activity report for the month of December 2016.

PARK BOARD MEETING

A Park Board meeting was held at Mark Cillo's home on December 14. In attendance were David Kaplan, Harvey Rosenberg and Mark Cillo. The trustees approved the 2016 assessment bill to be mailed as soon as possible in order for cash flow to maintain the common grounds and to get the billing out in the

calendar year 2016. Other topics included renewal of the post office box, income tax preparation, the procedure for notice of the Spring election, and the January-May schedule.

2016 ASSESSMENT BILLING

The assessment bill was sent to M. Daesch for his review. The cost for printing the bills, property owners' envelopes and self-addressed envelopes is \$539.41.

CMA SEPARATION

M. Daesch forwarded a draft of a settlement agreement prepared by CMA's attorney, Paul Puricelli. The Park Board will meet with Martin Daesch to discuss.

HOMEOWNERS' QUESTIONS

Questions were received from homeowners about the proposed amendment to the Indenture, the assessment bill, the Interpleader and financials, and M. Daesch notified the Park Board he received calls from a few homeowners. Mr. Daesch inquired if he should take the calls and bill the association accordingly. Homeowners' questions and answers follow.

Where can homeowners see the exact wording of the Indenture amendment?

Revisions to the "Indenture of the Restrictions of the Village of Green Trails" Proposed Amendment to Raise the Assessment to \$200.00 (Residential), \$400.00 (Commercial) document sets forth the sections of the Indenture that will be impacted by the proposed amendment. The document was prepared by Village of Green Trails' attorney, Martin Daesch. Copies were printed and mailed with ballots to property owners who requested to see the amendment language before they voted, and/or to change their vote. A copy of the document is attached to the November and December Board reports, and the document is posted under Miscellaneous Documents on the website.

Would the prior wording in the Indenture, Section IV, "Modification and Term of this Indenture; Severability" be affected?

The Section IV, "Modification and Term of this Indenture; Severability" would be unaffected by the amendment. The requirement for 2/3 owners approval will stay intact.

What is the process that will be used to amend the Indenture?

Once two thirds of the lot owners vote affirmatively to approve the indenture amendment, Village of Green Trails' attorney will put the amendment into final form, trustees will sign, and the attorney will record it with the Recorder of Deeds in St. Louis County.

Why were multiple ballots mailed to some homeowners?

Additional ballots were mailed to homeowners who did not return the ballot, because homeowners' participation is critical. Also, some residents notified the Park Board they wanted to change their vote from no to yes after they received the assessment amendment wording from the attorney. (Only one ballot will be counted.)

Why was the 2016 assessment billed before the amendment vote was complete?

Trustees approved the 2016 assessment bill to be mailed in order for cash flow to complete the projects that have been on hold *since August 2015*, to have funds for the Winter and Spring cleanups, and to get the billing out in the calendar year 2016.

What is the legal assessment, when was the \$200 assessment established, and why should the assessment be \$200 if expenditures were less than that in 2015-2016?

The assessments have never been increased by homeowners' votes that the Indenture requires. Recent boards and the present park board have taken on the challenge to finally get the assessments approved in accordance with the Indenture. Both the 2014 and 2015 votes were unsuccessful - only due to lack of sufficient voter participation. The Indenture requires that two-thirds of the property owners must approve an assessment increase. Every effort is being made to put an end to the problems brought on by the history of voter-unapproved assessments.

The \$150 assessment did not allow sufficient maintenance; many areas were neglected, some grounds were barely usable and unsafe. Some homeowners' properties were also impacted by the inadequate budget and grounds care. The \$200 assessment was established in 2014 to facilitate maintenance of all grounds.

The grounds expenses in 2015 and in 2016 are less than the budgets because the monthly expenses (beginning in August 2015, to present) do not include the grounds maintenance work that was put on hold when the Interpleader action was initiated. Even mowing was reduced to contractual minimums when CMA interpleaded VGT assessment funds to the St. Louis County Court. That action was taken when a few residents demanded the assessment should be the 1965 amount of \$50 and threatened CMA. Grounds maintenance, winter cleanup, downed tree removal and repairs have remained on hold pending available funds. The 2016 expense report does not include the long list of work that was forced to be put on hold, and those grounds projects remain on hold until funds are available. The Park Board shares the concerns of homeowners about uncompleted grounds work.

Where can VGT's financial reports be viewed?

At the beginning of October, every VGT property owner received a y-t-d Actual vs Budget Statement

through October 9, 2016, showing each month's income and expenses. Also included were the 2016 Budget Summary and the Balance Sheet of the Board's Accounts.

The 2015 Actual vs Budget and other 2015 financial statements have been posted on the website for almost a year. The financial reports include the Actual vs Budget that detailed each month's income and expenses, an Income and Expense report detailed a running total of all the monthly income and expenses by date, and Balance Sheet as of December 31, 2015.

The 2015 Budget is attached to the 2015 Annual Report on the website, and also posted under Financials.

The 2016 Financial Statements are posted on the VGT website under Financial Reports.

The 2017 budget will be worked on in Spring 2017 after the Park Board inspects the grounds and assesses the winter damage and what will be required for the spring clean up. The 1st quarter expenses is one of the reasons VGT needs a reserve account. The 1st quarter expenses in 2017 will be higher than usual because of the grounds work that was put on hold from August 2015 to present.

What are Transfers, Over-Payments and NSF on the financial reports, and will these expenses be year over year expenses?

Transfers were the following:

- Transfers of funds from one accounting service (CVTO) to the new accounting service (CMA/ Alliance Bank) included \$25,000 (May 19, 2015) and \$30,000 (July 8, 2015), when CMA took over VGT's accounting and payment of bills.
- Transfers of assessments, \$49,466 (Oct. 14, 2015) and \$550 (Nov. 10, 2015) represented CMA transferring the assessments received by CMA's Alliance Bank to the St. Louis County Court, when CMA Interpleaded the assessments.
- The transfer of \$10,163 (Oct. 15, 2015) and \$5000 (Dec. 29, 2015) were transfers of monies from the Montgomery Capital Improvement Fund to the Montgomery Bank Operating Account to cover expenses. This was also shown as income for complete disclosure of the transferring of monies between the two Montgomery Bank accounts.
- Transfers of funds from the Reserve Account and the Capital Improvement Account to the Operations Accounts to pay for grounds care in 2015 and 2016 were necessary when 2015 assessments were tied up in the Interpleader action (being held by the Court), and because of the delayed 2016 assessment billing.
- Transfers of funds to the Operating Account from the Capital Improvement Account in 2016 totaled \$30,500 and included: \$2000 in January; \$6000 in February; \$10,000 in June (approved May 26); \$7500 in June (in July minutes); \$5000 in August. Transfer of funds to the Operating Account from the Reserve Account was \$5,000 in August 2016. All 2016 transfers of funds are documented in the 2016 monthly Board Meeting & Activity Reports. The reports are posted on the website. Also, all expenditures and grounds projects in 2016 are documented in the monthly Meeting and Activity Reports.
- Return of the Interpleader funds: The Park Board received \$45,016 from the Court (Aug. 30, 2016). The Judgment awarded to CMA's attorney (\$5000) was by statute.

Over-payment:

- Overpayment (\$200 in Sept. 2015) represented a resident over paying their 2015 Assessment. It was returned to the resident.

NSF Expense:

- “Not-sufficient funds” charge was an expense due to a resident’s NSF account.

What was the Interpleader?

Interpleader is civil procedure that allows a plaintiff to initiate a lawsuit in order to compel two or more other parties to litigate a dispute. An interpleader action originates when the plaintiff holds property on behalf of another, but does not know to whom the property should be transferred. The party who initiates the Interpleader deposits the property or **funds** with the court ("interpleads"), asks the court to dismiss him/her/it from the lawsuit, and lets the Judge determine the rightful ownership of the property/funds. An **interpleader** lawsuit is filed in county or circuit court in the jurisdiction where the escrowed funds are located. The party who filed the Interpleader is the Plaintiff in the suit and names opposing parties as Defendants.

In the case of the CMA Interpleader, the action was initiated when a few residents demanded the assessment should be \$50 and threatened CMA (the accounting/billing service). CMA named Village of Green Trails Park trustees “defendants” to represent the Village of Green Trails, and CMA named the Individuals who opposed VGT and CMA “defendants”. Most of the initial non-trustee defendants were dismissed due to non-payment of their assessments, including the two who initiated the complaints and the one who threatened CMA. One of the individuals who demanded the assessment should be \$50 was a Park trustee who increased the assessment without homeowner votes 100% in 2004 and initiated the faulty practice of assessment increases without votes.

Were the property owners notified about the results of the Interpleader?

The Judge’s final ruling, dated July 1, 2016, was recorded in the July 2016 Meeting and Activity Report on the website. Village of Green Trails’ attorney, Martin Daesch, summarized the trial in a letter that was mailed to all property owners. The Judgment and the Summary are posted under Miscellaneous Documents on the website.

Were the 2015 assessments returned to the Village of Green Trails?

The Judgment decreed the assessment funds were to be given to the Village of Green Trails Park Board. The Park Board received \$45,016 of Interpleader funds from the St. Louis County Circuit Court on August 30, 2016. \$5000 was awarded to CMA's Attorney by the Judgment. In an interpleader action, the interpleading party (CMA in this case) is entitled to its reasonable attorney fees by statute. The transactions were recorded in the September 2016 Board Meeting and Activity Report.

HOMEOWNER'S SUGGESTIONS TO SUPPORT THE ASSESSMENT AMENDMENT

A homeowner, Mr. Kruger, made suggestions to help support the amendment vote. His suggestions include demonstrating the need for an assessment increase with the documentation of 3 years actual expenditures followed by a proposed budget so residents could review the detail more easily, documenting the rationale that brought the (2014, 2015, 2016) Park Boards to decide that \$200 is the correct assessment, and suggested the Park trustees meet with the subdivision trustees to get their help to get the amendment to pass.

This Meeting and Activity Report was written by Margaret Bour.

See Attachment: Revisions to the *Indenture of the Restrictions of the Village of Green Trails* Proposed Amendment follows.

**REVISIONS TO THE “INDENTURE OF THE RESTRICTIONS OF
THE VILLAGE OF GREEN TRAILS” PROPOSED
AMENDMENT TO RAISE THE ASSESSMENT TO
\$200.00 (RESIDENTIAL), \$400.00 (COMMERCIAL)**

Section II, Subsection 4 which currently reads as follows:

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Would be eliminated and Section IV will thereafter appear in the Indenture as follows:

4. (Eliminated (Date))

Section III, Subsection 10 will remain unchanged except for the addition of the italicized language which will be added to the Subsection 10 and will appear as follows:

10. The Board of Park Trustees shall make assessments in accordance with the provisions hereof from time to time and shall give appropriate regular notice to each affected property owner, which notice shall be deemed sufficient if mailed to the same address as shown on the assessor’s record of the St. Louis County Courthouse. In addition thereto, the Board of Park Trustees may record such notice of assessment and upon such recording the assessment shall become a lien upon the parcels assessed until the same are paid and will bear interest thereon at the rate of 8% per annum. In the event any assessment is not paid when due the Board of Park Trustees may employ counsel to collect the same and cost of collection including reasonable attorney’s fees and court costs shall be borne by the delinquent property owner and constitute a lien on the said property. *Beginning January 1, 2016, the annual assessment for residential properties shall be \$200.00 per lot and shall be \$400.00 per lot which are zoned or developed commercial or institutional.*

The remainder of the Indenture shall be unchanged.