

Windermere Oaks ACC Newsletter

August 15, 2022

Dear Windermere Oaks PROPERTY OWNERS,

As a concerned member of the community, I found it necessary to add much needed information to the recent WOPOA newsletter sent out to the membership. My comments are in red font. I hope you find this helpful.

GOOD ROAD NEWS: The board has created a special Road Committee that includes the engineer who gave a comprehensive overview at the annual meeting. Our immediate plan is to get the pot holes, failed sections, and crack fill done as soon as possible. These are all necessary repairs prior to a total revamp of the roads. Be on the lookout and drive safely.

The road committee is unaware that there is a "new" road committee and has yet to be informed of such by the new board. The road committee received bids from top notch companies. We rejected the idea of allowing the same company that has done substandard work over the last several years to do more of the same. The roads in Windermere were installed in the 70's with little maintenance over the last decade. The road committee also rejected the idea of chip seal since it is only for well maintained roads. In 2013, the WOPOA spent \$220K to do chip seal @ \$300 per lot. It was a waste of money. We also believe that the entry road needs to be widened to 24 feet. It is currently an accident waiting to happen. Note, an expenditure of over \$25k requires a vote of the membership.

TENNIS COURT PROJECT: The tennis courts are in line to be repaired, tidied, and updated to include a conversion supporting the ever-popular game of Pickleball. Due to pandemic issues materials & labor hold this project momentarily in the balance, but we do look forward to the update of this amenity for the enjoyment of the community.

Who have they gotten bids from, is it just with Real Manage Maintenance? What is the cost? Again, anything over \$25,000 must be voted on by the membership.

GOVERNING DOCUMENTS: As you may recall, the 2021 Board of Directors determined inconsistencies in WOPOA's Bylaws vs. Articles and deemed the Board of Directors tenure to be a single-year term. This presents many issues including, and perhaps most importantly, continuity of governance. The task at hand is to determine necessary changes to our Governing Docs in order to offer this community the future structure and consistency it deserves.

Speaking of governing documents-The board has been operating with five directors since April in violation of the bylaws. In April, newly elected director and president Marcus Vidrine resigned. According to the bylaws the directors have a duty (shall) to fill that vacancy. Why have they not filled that vacancy? There were several other fine people who showed an interest in serving and ran for the Board, why haven't one of them been selected to replace Marcus? We desperately need more directors that live in the community full time. This is the first time in decades that we have had an absentee board of directors and it shows.

LAWSUIT / ACC: Hunter Family Real Estate (and Chris Elder) has filed a (LAWUIT) complaint alleging arbitrary, capricious, or discriminatory actions of the WOPOA's Architectural Committee (ACC) to be a breach of Restrictive Covenants. We have had several rounds of discussion and mediation, but we are not able to discuss finite details. We can say, however, that it was quite a shock, upon being elected, to immediately inherit this monumental task of examining actions taken, persons involved, and potential WOPOA risks to be mitigated moving forward. Besides the fact that we are well aware that this community does not need yet another lawsuit the all-consuming effort toward making things right has put a chilling effect on other actions and initiatives in the community.

The ACC has not been updated on Hunter Family/Chris Elder's lawsuit by the board even though his claims are against the former ACC under different leadership. Mr. Elder now appears to be doing as he pleases with builds that are not part of the lawsuit. Mr. Elder is clearing lots and setting up foundation forms and building without approval. The precedent being set is that it's OK to ignore the rules set forth for some but not others. As we bring these issues to the board we are ignored with no explanation. Just who is the board of directors serving?

It should be noted that in 2018 Dana Martin used both Chris Elders and Hunter Family Real Estate proxies to seat her selected directors and defeat the much-needed road use fee increase. Now our roads are rotting away. There appears to be a relationship among Dana Martin, Mr. Elder and Hunter Family Real Estate that is not in the best interest of our community. See for yourselves below:

Windermere Oaks Property Owners' Association
 Proxy
 February 3, 2018 Annual Meeting

Owner Printed Name and address: Hunter Family Real Estate
5160 Tennyson Pkwy) Syc 2000 W Plano TX 75024
 Owner Signature: _____
 Date: 1/24/18

I hereby assign my proxy to the following person and authorize my proxy to vote on all matters to be voted on at the association meetings February 3, 2018, and any adjournment and reconvening thereof (check one):

I assign my proxy to the person who is President of the association at the time of the vote, or if the President is not in attendance, the Secretary

OR

Dana Martin (print name of person to whom you assign your proxy)

Attendance and voting in person by an owner at an association meeting automatically voids the proxy for purposes of that meeting.

Please mail, email or fax your completed proxy for receipt NO LATER THAN

- lots (14)
- 54 - 110 Kendall ✓
 - 55 - 112 Kendall ✓
 - 58 - 107 Keswick ✓
 - 110 - 332 Kendall ✓
 - 136 - 111 Kendall ✓
 - 169 - 132 Bedford ✓
 - 186 - 403 Bedford ✓
 - 213 - 112 Eton ✓
 - 215 - 104 Eton ✓
 - 216 - 100 Eton ✓
 - 260 - 308 Bedford ✓
 - 264 - 300 Bedford ✓
 - 338 - 303 Coventry ✓
 - 352 - 414 Bedford ✓

Windermere Oaks Property Owners' Association
Proxy
February 3, 2018 Annual Meeting

Owner Printed Name and address: EM JOINT VENTURE (CHRIS ELDER)
1921 Lehman Crossing Ste 100 Lakeway TX 78734
Owner Signature: *Chris Elder*
Date: 01-24-2018

I hereby assign my proxy to the following person and authorize my proxy to vote on all matters to be voted on at the association meetings February 3, 2018, and any adjournment and reconvening thereof (check one):

I assign my proxy to the person who is President of the association at the time of the vote, or if the President is not in attendance, the Secretary

OR

Dana Martin (print name of person to whom you assign your proxy)

Attendance and voting in person by an owner at an association meeting automatically voids the proxy for purposes of that meeting.

9 Lots
✓ 56 - 105 Keswick
✓ 121 - 312 Kendall
✓ 122 - 308 Kendall
~~123~~
✓ 183A 193A Eton
✓ 188A - 409 Bedford
✓ 243 - 404 Coventry
✓ 258 - 312 Bedford
✓ 360 - 205 Eton
✓ 263 - 302 Bedford
~~264~~

ACC OVERHAUL: We are focusing intently on ACC processes & procedures such that they become more aligned with the complexity of projects – from simple changes to complex builds. We are also exploring the incorporation of the management company’s technology platform with the goal of expediting reviews while balancing our DCCR requirements.

The ACC has recently submitted all new application forms, etc. to the board. The management company was hired in 2020 and brought with it a new way of doing things via a portal. The portal has not worked and the management company agrees, but we have run into a huge impediment. That impediment is the absentee board of directors. They do not live in Windermere and have thus far refused to meet with the ACC to work with us on very important matters. ACC board liaison and newly elected director Justin Love has not made one ACC meeting to date.

The WOPOA collects \$500 for every new build home application. The ACC would like the board to spend that on a website so the property owners can go there to see what is going on in their community, find important documents regarding the association and allow the ACC a one stop shop to access that information. Unfortunately, the ACC has met incredible resistance to this idea from the new board and the management company. Windermere Oaks had a website up until RealManage took over in 2020. We would like to bring that back as it is also Texas law.

Also, the ACC has met almost weekly for months and have asked many times to meet with the board. The ACC has cleaned up ACC applications and made a document that will help new applicants understand what is needed for an ACC review. We have given the board minutes of all of our meetings and highlighted issues that the board needs to address. There has been no collaboration with the board of directors. They have been unwilling to make time to meet.

ACC REMINDER: Just a reminder to new and long-standing owners that any exterior changes, including paint, do need to be approved first by the ACC committee.

The ACC meets frequently and answers email in a timely manner. If you need something let us know.

SOCIAL / SAVE THE DATE: Plan on a Labor Day (weekend) Social at the Pavilion! Details coming soon.

ROAD PLAN: In 2013 the community adopted a workable 10-year Road Plan that budgeted for yearly repairs as needed and designated funds to be put in reserve annually for a complete & total resurfacing of the roads in 2023. The financial directives were not consistently followed, unfortunately. In other words, enough funds were not set-aside over the years. This combined with across-the-board cost increases, now causes the WOPOA to soon face a large capital investment in order to bring our roads up to speed.

The goal currently is to provide a better outline of options toward the end of the summer in order to put this to an OWNER vote and help prepare for our annual budget.

The members have been told over the last two years that there is no money for major improvements. Why? We are asking for an annual audit of the books for both the WOPOA and the WOWSC. To our knowledge there has never been an audit of the books of either organization. We recently enquired about funding the roads with a special POA loan. The management company said they have access to such loans. There are ways to get our roads fixed before there is an accident or worse.

WOPOA BOARD MEETING: We are looking at a Board meeting in September. The date and agenda will be sent out in advance.

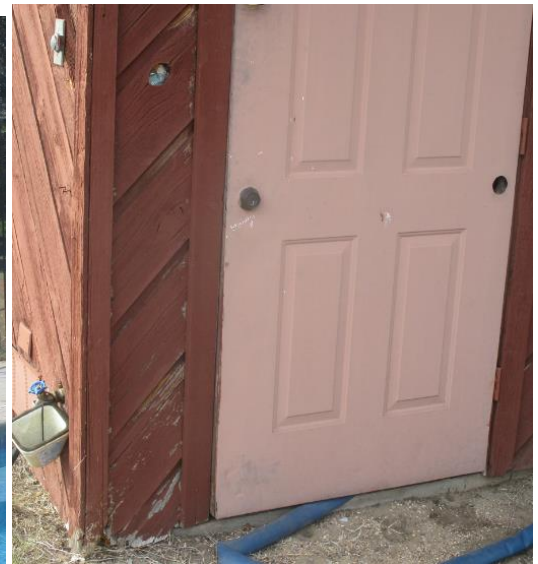
The ACC has been asking for quite some time when the next board meeting is with no response. At present it appears all action is being done absent member input.

THE POOLS: The Board DID NOT update the community on our pools in their newsletter see our update below

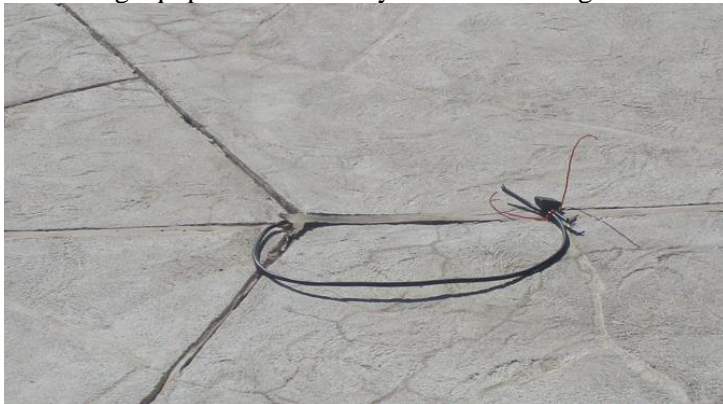
A recent visit to the pavilion pool with my family proved shocking. The lifesaving equipment was laying in disarray, a wire is sticking out of the coping, signs are broken and there appears to be black algae growing due to lack of water flow (or too many people using the pool between cleans). We had black algae in 2014 and the pool had to be resurfaced. I hope that this is not the case again. Last year's board voted on, approved, funded and picked a local vendor to rehab the pump house at the hill pool. That work has yet to begin and now has tiles falling off into the pool. See pics



Lifesaving equipment in disarray and a broken sign



Hill Pool Pump House Falling Apart



Wire sticking out of coping



Tiles Missing at the Hill Pool

REMINDERS

CODE OF CONDUCT: Your community & its elected Board of Directors would appreciate members behaving by the guidelines set forth in the Code of Conduct (downloadable from your account

at RealManage.com). Please note: Emails should be directed to the management company at this email: WINOAKS@ciramail.com and not to Directors' personal emails. Any, communications that include personal directives, unsubstantiated insinuations of wrongdoing, harassing or demeaning comments, slander, or other behavior that is inappropriate in a business setting and outside the Code of Conduct (attached) make it difficult to progress with WOPOA business on behalf of all owners. This type of communication is not allowed and will be thus disregarded. Please also refrain from information requests that are irrelevant to the business at hand.

In the past the board of directors made their email addresses available to the members via quarterly newsletters.

WOPOA Board

Treasurer-**Janet White Crow** jswcrow@gmail.com

President-**George Pareja** georgepareja@hotmail.com

Vice President-**Olga Bashkatova** olga.bashkatova@gmail.com

ACC Liaison-**Justin Love** justin.m.love@gmail.com

Secretary-**Joseph Cohen** jcohen22@gmail.com

ACC

mcarpenter@customhomesofaustin.com

mbertino1@gmail.com

phischar50@gmail.com

dfunker@gmail.com

Your Board is working to stay on task for the benefit of the entire community and frivolous requests that require legal consult cost everyone. Thank you for your attention to this.

GATE REMOTES, KEYS & CAMERA SYSTEM

If you are in need of additional gate fobs or have questions regarding the gates and camera system, please direct those to Real Manage. Our property manager will be handling all payments and inquiries going forward. Additionally, the community gate code will continue in place for the remainder of 2022.

How long will that process take? We had someone on the previous board that lived in the neighborhood that was doing this in a very timely manner.

THINK WATER-WISE:

If you have had the opportunity to glance at the lake lately you will notice the level has dropped drastically. We encourage you to take every opportunity to conserve water. Central Texas is in a tremendous drought period and it cannot be predicted when the next downpour will get us out of this drought. Reminder: Windermere Restrictions do not require green lawns.

THINK FIRE-PREVENTION:

- Test smoke alarms regularly
- Clean your dryers lint catch
- Clear dryer exhaust tube
- Be careful with cords
- Store Flammables safely
- Caution with candles

- Keep gutters & perimeter of the house free of dry leaves & other spark-sensitive material
- No open fires
- **Be very careful when using outdoor lawn equipment. The most recent fire was caused by lawn equipment catching fire.**

Fire on Bedford 7/2022



In closing, A few weeks ago I returned home from Montana traveling all over the western part of the state looking to buy land. And to my surprise found a new Red Fire Hydrant just outside our gates! How wonderful, just where we need it! Did anyone tell us about this new project? More importantly, did we get to vote on this? As I drove to my new home of just two years, I thought to myself, look at this place! What a shame our community looks so unkempt. Roads falling apart, trees growing over the road (hitting my truck as I drove), pools unsafe to swim in, Hill pool house not remodeled, fences falling down, oak wilt everywhere, etcetera. The list is long, it is Obvious that some past/present boards and the Management Company are either just not up to the task, incompetent or worse. Then after receiving this "Newsletter" with a "Code of Conduct": Are you kidding me? That statement alone told me all I needed to know about this board. How about worrying about fixing something in our Community? This is what's wrong with people not understanding the REAL facts before you VOTE! If you're happy with how our community looks and is being run, then there really is something in the Water Here!

It is time to get people on our boards that actually live here and care about our community. Please get involved, attend meetings and make your voice heard.

Best Regards,

Mark S. Carpenter, ACC Board Chairman

PS-Windermere Oaks Water Supply Corp News - The much anticipated and long-awaited Windermere Oaks Water Supply Corp trial for alleged director fraud and malfeasance starts on August 22nd 9am in Burnet. WOWSC has spent upwards of \$1.5 million dollars defending the directors involved when all they had to do was sit on the sidelines and let this play out between the plaintiffs and Dana Martin. That would have cost the members nothing. As of now, due to the actions of the 2019 WOWSC board, each member has shelled out over \$6,000 each.

Anyone questioning the large 6" waterline going down Exeter? Have you heard of what their next project is that will be miles away from Windermere to serve a 108-acre tract of land? Can our current system withstand expanding that far? We were trucking in water just last year. More things being done in secret by our leadership. It's also curious that the WOPOA has not been kept in the loop in regard to where the new pipes are being placed underground. At the entrance of the community the pipe was installed inches from the road preventing the road from future widening.