

Candlewood Ridge – Carriage Wood Homeowners' Association

Minutes of the Meeting

April 15, 2008

The following is a summary of the meeting minutes and is not yet approved by the board.

Board Members Present: George McGill, Lloyd Mantilla, Curt Whitaker, Jerry Woolett, Sondra Woolett, Valerie Frazier and John Utz.

Others Present: Carmen Duppenthaler – Recording Secretary and 8 Homeowners.

This monthly meeting was called to order at 7:02 p.m. at the King County Sheriff's Office – Fairwood Storefront.

Homeowner Concerns:

- A resident, who has concerns regarding the safety for pedestrians and bicycles on Petrovitsky Road, has been in contact with King County. He informed King County that the shoulder condition along Petrovitsky Road between 151st Ave. SE and 162nd Place SE is very dangerous due to loose gravel and no sidewalks. Additionally, the traffic is traveling at a higher speed due to the road being repaved. He is having difficulty getting King County to respond, but will continue to work on the issue, as an attempt to make the road safer.
- A Carriage Wood homeowner contacted the HOA to inform of raccoons that have been seen in her yard and around the neighborhood. She was advised she needed to call King County's Animal Control.

Fire Department Report: Not present at meeting.

Police Report: Not present at meeting.

Approval of Last Month's Minutes: A motion was made to approve the March board meeting minutes as written. It was seconded and passed. Signing of the minutes took place by the board.

Old Business:

- Rental Homes – A discussion took place regarding rental properties and the formation of a new committee that will analyze the issues and discuss ways to enforce the Rental / Leasing Rule & Regulation. Approximately 37 homeowners have responded to an online poll in favor of limiting the number of rentals within our neighborhood. There are approximately 70 rental homes within our association the HOA is aware of and possibly more they are unaware of. A homeowner discussed his personal issues with a neighbor that is renting. Another homeowner suggested the board seek advice from a specialist that handles issues such as rental properties. Homeowners interested in volunteering for the Rental Committee are encouraged to email the HOA President at president@crcwhoa.org.
- Easter Egg Hunt – Several CR/CW families attended this years Easter Egg Hunt at Carriage Wood Park that took place on March 22nd. Approximately 130 kids were in attendance, the weather was great and fun was had by all! Check out the April edition of the Fairwood Flyer to view pictures of this event. THANK YOU to all the wonderful volunteers that donated their time to make this fun family event possible!!

- Garage Sale – The CR/CW annual neighborhood Garage Sale is scheduled for Friday and Saturday, May 16-17 from 9-5pm.

New Business:

- Summer Picnic - A volunteer is needed to coordinate this year’s Summer Picnic! Last August, families enjoyed a fun day at Carriage Wood Park with BBQ hotdogs, beverages and jumping toys for the kids. There is money in the HOA budget to cover expenses; all we need is someone to coordinate the event. Please email the HOA at info@crcwhoa.org if interested.

Treasurer’s Report: Financial statements were reviewed. Total income and expenses are normal for this time of year. Legal expenses and postage are higher than expected. Two homeowners engaged attorneys to fight board decisions, which required advice from the HOA’s attorney. It may be necessary to transfer funds from the legal reserve fund to cover these unexpected expenses. A large quantity of forever stamps was purchased due to the postage rate increase coming up in May. Currently there are 111 homes delinquent in paying their dues and liens have been filed on 22 properties, which are behind by more than a year in payment of their homeowner dues. The association is in need of a new computer and accounting software. They are in the process of looking for and evaluating software to handle the HOA accounting and management needs. The current software is very old and not supported anymore. A homeowner offered to help analyze the process in choosing a new software and computer for the HOA.

Committee Reports:

Common Areas Report:

- Canber, the HOA maintenance contractor, has been contacted to remove excess brush and a broken tree along the east side of Carriage Wood Park.
- Sitelines has been contacted about the slowing down of the merry-go-round in Carriage Wood Park. This is not a typical problem with this toy, so they are planning to replace the brake mechanism.
- Signage on three of the brick entrance signs to Carriage Wood is in need of being replaced. It was recommended they be replaced one at a time starting with the one on the west side of the 151st entrance. Each sign will cost about \$402. A motion was made to replace the signage on the west side of the 151st street entrance to Carriage Wood, with an amount up to \$425. It was seconded and passed by the board.

Architectural Report: 12 new ACC requests were submitted since last month’s meeting as follows:

- 4 – Roofs
- 2 – Paint
- 1 – Fence
- 1 – Garage Doors
- 2 – Windows
- 1 – Deck
- 1 – Play Structure

One warning/reminder letter was delivered to a homeowner who began installing an un-approvable roof without submitting an ACC request and getting approval prior to beginning installation.

A document regarding the reinstatements of Architectural Control Policies / Guidelines was reviewed and discussed. A motion was made to accept the document as written with cover letter. It was seconded and passed by the board. The document will be mailed to all homeowners.

The HOA CC&Rs and Rule and Regulation documents clearly state that exterior projects such as roofs, painting, fencing, decks and patios require the submission and approval of an ACC request before commencing the project. Please remember, the ACC has up to 30 days to respond to an ACC request but tries to respond much sooner. It is recommended that if a response to an ACC request has not been received within two weeks, the homeowner contact the ACC Chairperson via email at architecture@crcwhoa.org or by leaving a voice message at 425-227-4227. ACC request forms can be found in the Fairwood Flyer or on the HOA website at www.crcwhoa.org. *Please do not contact the ACC Chairperson via a home phone number.* Thank you.

Complaints Negotiations Report: Since last meeting, 2 new complaints were received. 13 additional complaints are pending and are in the complaints process. 6 complaints were closed. 8 closure/thank you letters were mailed out. 11 residents are currently accruing fines for being non-compliant.

Types of ongoing complaints for April 2008 are:

- 9 – House
- 6 – Yard
- 3 – Vehicles

A discussion took place regarding a potential home business being run in Candlewood Ridge. Further review by the board may be needed, but it appears it may be a case where an individual is telecommuting or doing accounting from home, and may have no negative impact on the community.

As a reminder, all complaints must be received in writing and signed by the Home Owner. Your name, address and phone number must be included on the written complaint so the HOA can notify you that the issue is being addressed. You may then mail your complaint to the HOA address at P.O. Box 58397, Renton, WA, 98058. The HOA will keep confidential, to the full extent of the law, all personal information that is submitted, including the complainant's name. Complaint forms can be found on the HOA website at www.crcwhoa.org.

Legal and Insurance Report: The Candlewood Ridge Homeowners' Association and individual Board Members were served with a summons and complaint by a homeowner that attended the meeting. The documents were not discussed at the meeting.

A copy of the complaint is available for review upon request. Please direct your request for a copy of the complaint to either Legal and Insurance Officer John Utz, or President George McGill.

The Association does not intend to comment on the merits of this lawsuit and will not do so. The purpose of this notice is to provide notice and knowledge to all members of the Association of this suit.

The nature of the lawsuit against the Association deals with enforcement of our covenants. It is this Association's protocol and procedure upon receipt of a complaint letter from an Association Member regarding a violation of the covenants to investigate and act if necessary. The Association, pursuant to our governing documents and enforcement policy, received a written complaint and sent enforcement letters to an owner who operates a children's daycare business in their home. The owner has sued the Association to halt enforcement, and also named individual Board members in the lawsuit.

The owner's lawsuit seeks Declaratory Judgment, Quiet Title, Injunctive Relief and/or Damages. The plaintiff seeks to litigate the validity of our CCR's specifically Article VI, Section 1(d) which deals with businesses conducted from ones' home.

The lawsuit asserts that the Association has failed to adequately enforce the aforementioned CCR in prior years and as such has abandoned or waived the right to do so now, the plaintiffs have detrimentally relied on not having had the CCR enforced previously as to them and as such would be irreparably harmed if they were prohibited from the operation of their home business in the future. Plaintiffs assert the Board is acting arbitrarily and capriciously, engaging in discrimination and acting ultra vires or that their actions exceed their express or implied powers to enforce the CCRs. Plaintiff further asserts that the Board and its individual members have amended the CCRs without the vote or approval of the owners.

Plaintiffs seek injunctive relief and requests the Association be enjoined and restrained from imposing any fine or lien against plaintiffs' or their property, seeks to expunge Article VI, Section I of the Declaration and Covenants, Restrictions from plaintiffs' title, requests attorney fees and unspecified damages against the Association and the individual Board members.

The plaintiffs have also filed a motion asking the court to enjoin or "freeze" enforcement by the Association of the specific Covenant and Restriction until the case can be tried.

The complaint is currently being answered and the allegations will be denied.

The Board has notified the Association's insurer of this lawsuit and our carrier has appointed counsel to defend us and the individual Board members who have been named in this suit.

The Board believes it has acted in the best interests of the Association and its members at all times and will vigorously defend itself in this litigation.

The Board intends to give further updates as the case progresses.

Capital Improvement Committee – Nothing new to report.

Welcoming Committee – If you are new to the neighborhood and would like an HOA information packet, call the HOA phone number at (425) 227-4227 and leave a voice message or send an email request to info@crcwhoa.org.

Special Topics: Visit our Website and contact the HOA via Email at:

Web – www.crcwhoa.org

Email – info@crcwhoa.org

A motion was made to adjourn the meeting at 8:56 p.m.

Next Board Meetings:

- May 20, 2008
- June 17, 2008
- July 15, 2008

Meetings are usually held at **7:00 p.m.** at the Sheriff's Office, Albertson's Shopping Center. All Homeowners are welcome to attend. (425) 227-4227

Candlewood Ridge / Carriage Wood Announcements & Reminders

***NEW WEBMASTER** - The HOA has an immediate opening for a new Website Administrator to maintain the Candlewood Ridge / Carriage Wood website. If you'd like to update the monthly minutes, board meeting dates, etc., please contact the HOA by calling 425-227-4227 or email at info@crcwhoa.org.

***Summer Picnic** - A volunteer is needed to coordinate this year's Summer Picnic! Last August, families enjoyed a fun day at Carriage Wood Park with BBQ hotdogs, beverages and jumping toys for the kids. There is money in the HOA budget to cover expenses; all we need is someone to coordinate the event. Please email the HOA at info@crcwhoa.org if interested.

***Outdoor Burning** – A reminder that outdoor burning is not allowed in this area of King County. Per Fire District 40 - please do not burn debris in your backyard or you may be issued a fine.

***Garage Sale** – Mark your calendar for the CR/CW annual neighborhood Garage Sale! It's scheduled for Friday and Saturday, May 16-17 from 9-5pm.

***HOA Website** - Visit the HOA website at www.crcwhoa.org to read messages on our Bulletin Board. You can also take a poll regarding rental homes in our association.

***Trash and Recycle Receptacles** – A friendly reminder to homeowners that Garbage Cans, Recycle and Yard Waste Receptacles are to be properly stored behind a fence or inside the garage where they are not visible from the street.