

Candlewood Ridge – Carriage Wood Homeowners' Association

Minutes of the Meeting

October 20, 2009

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

Board Members Present: George McGill, Jerry Woolett, Sondra Woolett, Curt Whitaker, John Newcome, John Utz, Valerie Frazier

Others Present: Doug Kelly, Sheena Kelly-Book Keeper, Elmira Utz – Recording Secretary,

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

Fire Department Report: Roy Gunsolus of the Renton Fire Fighter was present for a report. There was a recent fire in our area at Lake Desire-residents were injured. A citizen is being honored for his efforts at rescue. Rumors of FD station closure in our area are not decidedly true- Gunsolus reports they are not anticipated. Response times for Fire and Aid services is approximately 5:19-5:15 seconds.

Police Report: Not present at meeting. Be sure to call 911 if you witness any suspicious activity in our neighborhoods. The new case number to cite for park disturbances is 09-179682.

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

Homeowner Concerns: None

Committee Reports:

Treasurer's Report:

1. September 2009 Financial Statement Summary Facts:
 - * Over 100% of our budgeted annual income has been received.
 - * Overall we are well under our expected budgeted expenses. However we are well over our budget for legal fees. Over \$6000 of additional legal fees will be paid in October. Some of this expenditure has already been recovered and several \$1000 more is expected to be recovered.
 - * Our reserves have changed slightly: \$1427.88 was expended from the capital fund for entrance sign repairs. Other reserve funds remain unchanged.
 1. Capital Fund \$35,267.65
 2. Legal \$20,000.00
 3. General \$25,000.00
 - * We remain in good financial shape.
2. As of 30 September we have 57 homeowners (6.7%) who are delinquent in paying their dues. These homeowners currently owe the Association \$11,962 in back dues, interest and

processing fees. Liens have been filed against the properties of 26 of these homeowners. Each will be receiving a letter from us with a copy of the lien enclosed.

3. Two of our super delinquent accounts have been paid off in full after receiving letters from our attorney. One homeowner claims to be protected by a Chapter 13 bankruptcy and another owner has ignored the letter from our attorney. Our attorney has recommended we get advice from a bankruptcy attorney on the one and proceed with a default judgment motion with the one who has ignored the situation. It is recommended we do so.

4. The effort required to administer liens has increased significantly over the last few years requiring a great deal of additional effort by our bookkeeper. The costs of filing have increased as well. We are fortunate in that our bookkeeper is a notary and can therefore notarize liens and subsequent satisfactions. This means we do not need to have attorney involvement. Currently we are accessing a \$150 lien filing fee to accounts requiring a lien. I recommend we increase the fee to \$200 and pay our bookkeeper \$30 per lien and satisfaction she prepares and notarizes for us. If we turned the filing over to our attorney the cost would increase to over \$250 per transaction.

Other:

Website updates:

1. Updated Board of Directors list
2. Updated governing documents page: Inserted restated and amended Bylaws
3. Updated News & Updates page: Added Presidents 2008 end of year Review and replaced Crime Watch report with latest report.
4. Updated monthly minutes links

Our amended Bylaws have been restated and signed. They are currently being recorded. Once recorded, a copy of the Bylaws and our Covenants should be provided to new homeowners when they close.

Architectural Report:

1. Eleven ACC requests were submitted since the last meeting. Two for paint, one for a remodel, one for a fence, one for garage doors, two for windows, two for roofs and two for landscaping type projects.

2. Reminder - Our CC&Rs and Rules and Regulations clearly state that exterior projects such as roofs, painting, fencing, decks, driveways, major landscaping and patios require the submission and approval of an ACC request before commencing the project. The ACC has up to 30 days to respond to an ACC request but tries to respond much sooner than that. It is recommended that if a response to an ACC request has not been received within two weeks, the homeowner should contact the ACC Chairman via email at architecture@crewhoa.org or by leaving a voice message at 425-738-8611. For emergency type repairs notify the ACC Chairman as indicated above and mention that it is an emergency type situation. Please do not contact the ACC chairman via a home phone number.

3. Please remember we do not accept ACC request forms via email. Please mail them to CR/CW HOA, PO Box 58397, Renton, WA 98058.

Common Areas Maintenance Report:

1. Canber winterized the sprinkler systems first week in October.

2. I picked up the two new CR entrance signs and installed them – I also wire brushed the brick.
3. Canber removed the RR Ties and installed the cement blocks at the two sides of the main CR entrance. With the new signs and new blocks the entrance looks very nice now.
4. We had some strong winds the week of the 13th that blew down two alder trees and several branches onto the sidewalk areas at CR Park. I asked Canber to clean up and remove and they did.
5. Received bid for pruning plum trees at CW retention pond.
6. Please keep a watch for suspicious Activity and call 911 – we have a new case

Number to report any after hour or unruly activity in the Parks #09-179682.

Reminder: Our parks are private parks which exist for the use and enjoyment of HOA residents, their families and guests. They are not public parks. Our park usage rules apply to everyone. Following are some of the rules that have been established to maximize safety, and minimize liability and maintenance cost:

A. Park Hours: 9:00 am to dusk.

B. No Smoking, alcohol, drugs, loud music, golfing, motorized vehicles or Fireworks are allowed.

C. Animals must be leashed and owners are responsible for cleaning up after their animals.

Complaints Negotiations Report:

1. There are currently 18 open active complaints
 - 5 are in the fines stage – One has been turned over to attorney & 1 filed for Chapter 13 bankruptcy
 - 7 have received their 1st non-compliance letter
 - 4 have received their 2nd certified non-compliance letters
 - 2 have received the 3rd and final certified non-compliance letters, meaning fines are eminent.
2. 12 non-compliance issues were closed since the last meeting.
3. Reminder:

All complaints must be submitted in writing and signed by the author. We do not typically react to anonymous complaints submitted by letter, email or phone.

Legal and Insurance Report:

Our trial date was October 19, 2009. It was stricken as we prevailed on all our motions for summary judgment.

Our first motion was to get the individual Board members who had been named in this litigation dismissed. We prevailed and all Board members were dismissed by Order of the Court on January 5, 2009. A copy of that Order is set forth below.

Thereafter, we requested that plaintiffs voluntarily agree to amend the case caption to reflect the dismissal of all the individual board members. Plaintiffs refused and a further motion to amend the case caption was filed and an Order granting that motion was entered by the Court on

September 11, 2009.

We filed a Motion for Summary Judgment to dismiss all of plaintiff's claims. Plaintiff filed a cross-motion seeking an order granting relief. The motion was orally argued on September 10, 2009. On October 8, 2009 the Court entered an Order denying plaintiff's motion and granting our motion. This, in essence, resolved all matters at issue except for the issue of our claim for attorney fees based on our Bylaws and Washington Statute.

Prior to entry of the Order granting our Summary Judgment we filed a third motion requesting the Court find as a matter of law that the Enforcement Policy of 2004 entitled "No Business Use Covenant" was not an Amendment of the CC&Rs and the enactment of that policy was within the scope of the enumerated powers of the Association pursuant to both RCW 64.38.020(1) and the Articles of Incorporation and Bylaws governing the Candlewood Ridge Homeowners' Association. That motion was orally argued on September 22, 2009, and the Court granted our request that same day. The Court signed and entered the Order on October 8, 2009.

We will advise you as soon as the final matter regarding our attorney fees is fully and finally resolved. As always, if any of you have questions regarding this litigation please contact our attorney Shellie McGaughey. She would be happy to answer any of your questions. She can be reached at 425-462-4000.

Rental Home / Change of Address Committee

Changes of Address and Rentals

- Reminder – When HOA correspondence needs to be delivered to an address other than the HOA street address, your HOA needs to be notified in writing of the correct address to send the correspondence. This applies to absentee homeowners who are renting or leasing their homes, homes that are vacant, and homeowners who choose to receive their correspondence at a PO Box or alternate address. In addition homeowners who are renting or leasing are required to comply the provisions of the Leasing/Rental of Homes/Tenants Rules and Regulations.

Capital Improvement Committee:

1. CR entrance signs and blocks on both sides installed.
2. Let us know of any other suggestions for Capital Improvements.

Old Business:

Post card mailing regarding recycle/garbage containers will go out next week.

New Business:

Motion to contact recommended Bankruptcy Attorney-Passed. Motion to increase Lien Filing Fee to \$200 from \$150 and pay Bookkeeper \$30.00 processing fee per Lien-Passed. Discussion of how to expedite graffiti removal. How much would a service cost? Should the Board establish a policy? Tabled for further research.

For graffiti removal on streets and street signs please call King County Roads at 206-296-8128

Welcoming Committee – If you are new to the neighborhood and would like an HOA information packet, call the HOA phone number at 425-738-8611 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 8:15 pm.

Next Board Meetings:

- November 17, 2009
- December 15, 2009
- January 19, 2009

Meetings are usually held at **7:00 pm.** at the Sheriff's Office, Albertson's Shopping Center. All Homeowners are welcome to attend.

Candlewood Ridge / Carriage Wood Announcements & Reminders

***ACC Requests** - The HOA CC&Rs and Rules and Regulations 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. 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.*

***Carriage Wood and Candlewood Ridge Parks** – A policy has been established to maximum safety, minimize liability and maintenance costs, while allowing homeowners of the association to enjoy our parks. Rules to accomplish this include:

- Park hours: 9:00 am until dusk
- No smoking, alcohol, drugs, loud music, golf, motorized vehicles or fireworks are allowed
- Animals must be leashed and owners are responsible for cleaning up after their animals

Please report suspicious activity in the parks by calling 911. Reference case number 09-179682 when calling.

***HOA Website** - Visit the CR/CW HOA website at www.crcwhoa.org to read messages on our Bulletin Board, monthly meeting Minutes, Rules and Regulations documents and much more!

***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.