

# Casas Adobes Terrace Homeowners Association 2006 Annual Meeting Minutes

The Casas Adobes Terrace Homeowners Association was held on November 8, 2006 at the Nanini Library, 7300 N. Shannon Rd. Board Members Present: Wilbur Beemer, Bert Sanchez, Lin Turner, Kathleen Maldonado, and Richard Bauman. Gail Wikel, Wendy Kelly and Julie Brelsford were present representing Lewis Management Resources, Inc. (LMR).

## I. Call to Order

Wilbur Beemer called the meeting to order at 6:00 pm.

## II. Determination of Quorum

It was determined that 62 Lots were represented in person or by absentee ballot.

## III. Introductions

Mr. Beemer introduced himself as the current Board President, Mr. **Beemer** introduced Bert Sanchez - Vice President, Lin Turner - Treasurer and **Janice Trainor**, Architectural Control Committee (ACC) Chair, Kathleen Maldonado - Secretary, Richard Bauman - Director, and Bill Cullum co-chair ACC. Gail Wikel, Wendy Kelly, and Julie Brelsford from LMR were introduced.

## IV. Community Update

### President's Report

We have had a challenging and progressive year with the following highlights:

### Landscaping

- We had just spent \$600.00 to over-seed the park area when a vehicle drove through causing \$700.00 in damage and an additional \$900.00 in the water bill because of the irrigation damage. Boulders were strategically placed at the perimeter of the park to prevent vehicular access to the park. So far, so good.
- The dry winter, planting new grass, extra fertilizer & no weed spray (because of the new grass) caused an excessive weed problem. That combined with the feedback of the homeowners resulted in the Board decided to change landscapers. The first change was to All Terrain Landscaping. Within one month, it was clear that communication and performance would necessitate a change. Sol Design is our current landscaper and we look forward to working with them.
- Recurring graffiti at the entrance of Calle Lucinda was unsightly and costly. The Board voted to take a proactive approach and install *unfriendly* cacti and plants along a 50 ft. section of the perimeter wall to deter access to the graffiti *artists*. This was the first problem with All Terrain Landscaping. After replanting twice, we still did not think we got what we paid for. The approximate cost was \$3,500.00. So far; so good.
- The price tag cost of winter grass in the park area is now estimated at over \$3,000.00 plus the additional expense of for the watering. The change in landscaping maintenance companies has resulted in delays and the Board voted against the expense at this time.

### Lawsuit

For some of the newer homeowners and those that just don't remember that far back, a little update on the lawsuit that the Casas Adobes Terrace Homeowners' Association has been involved in. It started eight years ago when a three member Board of Directors was reduced to two members after the resignation of one member. **Homeowners** petitioned to increase the number of Board members to five. One of the remaining Board members objected and initiated

a lawsuit against the Association and those who carried the petition. The court ruled in favor of the Association and the individuals who carried the petition were dismissed from the case. The case was appealed many times ultimately going to the State Supreme Court where it was ruled in favor of the Association, again appealed and again ruled in favor of the Association. A bond was posted by the litigating homeowner in order to release the liens on their properties so they could be sold. Documentation supporting the monies owed to the association has recently been submitted to the courts along with a request for the release of the bond to the Association. The bond will cover most of the monies owed to the Association.

#### Architectural Committee

Wilbur Beemer Noted:

- Mailboxes - About three years ago, a homeowner came to the Board of Directors with a list of about 50 mailboxes considered to be in need of repair. The Board of Directors voted to turn the matter over to the Architectural Control Committee (ACC). The seven-member committee individually toured the community and determined which mailboxes needed repair. Everyone agreed 28 mailboxes needed repair. The matter of the mailbox repairs was initiated and then put on hold until early this year because a big windstorm required immediate attention to the trees. To date most all of the mailboxes have been repaired. A large part of this process involved the active participation of the ACC by meeting with the homeowners and assisting with arrangements for the repairs.
- Tree Replacement - Many of our trees within the community were victim to high windstorms and in accordance- with the Casas Adobes Terrace governing documents needed to be replaced. Again, the ACC met with several of the homeowners that were impacted in order to review their individual circumstances. Some variances were granted and all the trees have now been-replaced.
- Resolution and Understanding - Recognition needs to be extended to Janice Trainor and Bill Cullum, co-chairs of the Architectural Committee, for their volunteer time and energy, The whole committee has gone the extra mile to visit lots and homeowners to clarify confusion and reach reasonable resolutions and still comply with the Design Guidelines.

#### Compliance - Governing Documents and the Law

Wilbur Beemer stated:

Sometimes it is not easy being a Committee or Board member. I am reminded of recent CC&R's seminar Rich Bauman and I attended. Lewis Management Resources, Inc. and a leading homeowners' association attorney, Jonathan Olcott, hosted the seminar. A question was asked, "Just how important is it to really enforce the CC&R's?" The answer was a little story of a case about a homeowner who had a trellis wearing away the stucco on the side of the house. The homeowner did not think it was bad enough to repair the stucco, but just repaint it. The Board agreed. A complaining neighbor disagreed and took the Board to court for not strictly enforcing the CC&R's, which clearly stated that the stucco must be in good repair. The complaining homeowner was awarded \$75,000.00 because state law requires the Board members to enforce the CC&R's.

So you see, it is not always easy to make the decisions that will affect your neighbors. ***But, after all is said & done. I think for a 14 year old community we look great and have some of the best people in the world living right here.***

Janice Trainor, ACC Chair, addressed what the ACC does and does not do.

- The ACC does review and approve: Any type of building or structural changes: Patio covers, ramadas, pools, and walls etc.
- The ACC does review and approve: Sheds, House paint colors if changed, front yard landscaping changes, including rock color. Driveway coatings and security Doors.

- The ACC does review and approve: Children's play sets and trampolines to verify appropriate safety setbacks.

We do ask homeowners to maintain their properties, as is required in the CC&Rs: This past year we have asked many homeowners to repair and paint their mailboxes, and assisted many with that task. We have also asked for trees lost during last year's storms to be replaced, or granted variances when conditions did not allow it. We approach and deal with each issue in a reasonable manner. In the year ahead, the committee will be reviewing the condition of groundcover and homes requiring paint. As homeowners, we understand that planning for these costs is essential; therefore appropriate notice will be given.

ACC members do not participate for their own gain, but for the good of the community of Casas Adobes Terrace as a whole. They are required to follow the CC&R's and the Architectural Standards and Guidelines as set forth by the Developer. There are no personal agendas. Each application stands on its own, and is reviewed and acted upon by the Committee as a whole. Every member presents an opinion, after which a discussion occurs and a vote is taken. No individual member is allowed to approve or disapprove a project.

The following are the ACC members who have served and volunteered for Casas Adobes Terrace in the past year. Each one of these people has contributed to our community and deserves a round of applause in recognition:

Bill Cullum - Co-chair and filled in as Chair when needed  
Wilbur Beemer- Committee member  
Art Hintze - Committee member  
Dan Turner - Committee member  
Manny Urban - Committee member  
Mike Yoquelet - Committee member

As a closing note, I'd like to thank all the homeowners who make the effort to help maintain Casas Adobes Terrace as that "Nice Neighborhood" and encourage any homeowner to join the committee. Meetings are held once a month at the Nanini Library and last approximately an hour and a half. Not only will you benefit Casas Adobes Terrace you'll learn fun facts like *215 inches is close to 18 feet* and a *thevetia peruviana* is really a tree! Thank you again for your support and cooperation.

#### Treasurer's Report

Lin Turner

Budget approved for 2007, homeowner assessments will not be increased. **The** management fee is increasing and the Board has asked for bids from other management companies to be sure the fees are still competitive. We are hoping to not pay a lot of attorney fees in 2007.

The new landscape company is about \$25 less a month than the old landscape company.

We have replaced every irrigation head at least twice and with the new boulders placed at the park it has stopped people from driving through the park. This should reduce the water expenditures and we should be within our budget for water in 2007. As of September 30, 2006 we are over our projected income by \$6,333.00 because of money in the bank which is making money, collecting transfer fees of \$1,200.00, and the rest is due to fines and late fees. We over budgeted by \$205.00 in tax preparation fees. We have spent \$4,322.00 more than we budgeted for in legal fees and have just cut another check for \$3,000.00. We will be over budget this fiscal year in legal fees by about \$8,000.00. We have spent \$2,863.00 for vandalism which is mostly for replacing the

irrigation heads in the park and graffiti removal from the walls. We hope the cactus along the wall will help reduce the graffiti. Water is currently \$1,700.00 over budget mainly due to the two large water leaks in the park.

V. Voting

Louis Parchment, Randall Port, and Carol Potter from the Nominating Committee counted the votes.

There are three (3) seats open on the Board of Directors. Wilbur Beemer, Kathleen Maldonado, Mike Morgante, and Lin Turner are the candidates for the Board of Directors Election. Each candidate introduced themselves and provided a brief biography.

VI. Questions & Answers

Q: What is the Casas Adobes Terrace web site address?

A: <http://Casasadobesterrace.com/>

Q: Why have we gone through so many landscaping companies?

A: We just started with the new company last week. We have gone through three companies within the last two years. When we changed management companies two years ago we also changed our landscaping company. That landscaping company was with us for almost two years and due to costs we submitted for bids from other landscape companies. We choose between two comparable companies. That company was with us for about three months and it seems that company had bit off more than it could chew. The owner of that company decided Casas Adobes Terrace was too much for the company to handle and we are now with our current landscape company, which seems to be very well organized and supervised.

Q: When are we going to spruce up the entrances?

A: That was part of the survey mailed out and if the majority of homeowners would like to see them upgraded, we will then have to generate the funds to do so.

VII. Announce Election Results

The 2005 Annual Meeting Minutes were approved unanimously. Nominated to the Board of Directors were Kathleen Maldonado, Mike Morgante, and Lin Turner. The Nominating Committee was thanked for tallying the votes.

VIII. Adjournment

*A motion was made by Janice **Trainor** to adjourn the meeting, which was seconded, and unanimously approved. The meeting was adjourned at 7:15 pm.*

Original draft respectfully submitted by:

Julie Brelsford, Assistant Manager  
Casas Adobes Terrace Homeowners Association  
By its agent - Lewis Management Resources, Inc.

**(As amended in **bolded red** and approved at the November 17, 2007 Annual Meeting)**