

**FOXCLIFF ESTATES SOUTH HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
September 15, 2004**

Officers & Directors Present: Calvin Kelly
Bruce Kohl
Chris Read
Carolyn Holland

Guests Bonnie Kohl
Craig Dahl
Bob Altizer

Legal Counsel Rod Bray

Meeting Called to order 6:15 p.m.

I. Call to Order- Welcome

Meeting called to order by Calvin Kelly.

II Review of Agenda

A. Additions to Agenda

There were no additions to agenda.

B. Approval of Agenda

Motion was made by Chris and seconded by Cindy to approve agenda as written.

III Legal Issues:

Calvin asked Rod to cover issues we had outstanding. Rod passed out to Board members copies of the cases he was working on.

A copy of Rod's report is attached. Rod stated there was a court appearance set for Friday, September 17th on lots 283, 537 and 832. Rod stated that he would call Carolyn and let her know if her presence was necessary in court.

Calvin asked Rod to address the R-Net issue regarding liability with regard to service to the community. Rod stated that he felt we do not have any real concerns. After some discussion it was decided that Rod would make some additions to the current contract. A motion was made by Bruce and seconded by Chris to agree to lease antenna space to R-Net based on the execution of the final contract. Motion carried.

Craig Dahl asked Rod to update the Board on the February 2004 vandalism event. Rod stated that the second young man was to appear for trial today, however, he had not heard the outcome and will report to us at a later time.

Review of Meeting Minutes - August 2004

A. Additions/Alterations to Minutes

Chris made a motion and Cindy seconded to approve the July 2004 minutes as written. Motion Carried.

IV Communications and Announcements

A. From the President

Calvin distributed a copy of letter of response from Art Brill with regard to leasing office space. After discussion it was decided that Cindy would contact other real estate agents for additional quotes on commercial office space.

B. From Board Members

There were no communications from board members.

V Financial Report

Calvin discussed two different formats for reporting information. The first report is set up checkbook register format for each of the budget lines, indicating how much was allocated for each budget line and showing a declining balance. The other is set up in a profit and loss versus budget actual report showing basically the same information and indicating a percentage of what has been expended for the year. It was decided that a new chart of accounts would be created and implemented beginning the first of next year. Calvin discussed the 2005 budget and what other directors were to have prepared for next months meeting where it would be discussed in depth. Calvin stated that a long-term capital needs plan would also be discussed in context with the next annual budget.

VI Committee Reports

A. Safety and Communication Committee

R-Net Update – Discussed under Legal Issues..

All Way Stop – Chris discussed placing an “all way” stop sign at Country Club Road and Country Club Court. Chris asked Rod Bray if this is something that should be addressed with the County pursuant to our current agreement and associated ordinance. Seeing that our agreement will be expiring at the end of 2005, Rod felt that we might want to address the issue with the County Commissioners at the time we approach them for renewal. Rod stated that he would check the contract to see if we need to contact them regarding adding an additional sign. Issue was tabled until next meeting to allow Rod time to review.

B. Roads Lakes and Common Areas (See attached report)

Fire Hydrants: After some discussion Calvin stated he would speak with Randy at Mapletown Utilities regarding other options for fire service besides dry hydrants.

C. Covenants & Restrictions

Unightly Lots: Calvin discussed Lots 906 and 907 and told Board he would be asking Fletcher to mow and send owner the bill as soon as a determination was made as to where the lot boundaries are located.

Calvin also stated he would be writing the owners of Lot 297, formerly the Smart Builders house, asking them to mow.

C. Clubhouse, Pool and Tennis Courts (See attached report)

Cindy discussed the new contract from Indianapolis Pool Management and it was agreed that the new contract would likely be accepted pending the receipt of final cost information from IPM..

Cindy also discussed the new clubhouse/pool rental agreement which was tabled until the next meeting. A new Pool and Tennis Court Agreement for associate members was introduced and discussed.. It was decided that this would go into effect at the beginning of next year.

The new office rental agreement was given to Rod for review and comment by the next meeting. Calvin will provide Rod with specific examples of additions to the contract.

The cost and installation of standard mailboxes was discussed, including the scenario where the Association would be the supplier for mailboxes. This issue will be discussed at the next meeting.

Cindy stated that the clubhouse vacuum needed replaced. Chris made a motion and Bruce seconded to spend \$230 to purchase a new vacuum. Motion carried.

Cindy also discussed several matters that were being discussed by the CPT Committee including selling clubhouse sofas and re-upholstery the six chairs, building a storage closet downstairs along the north basement wall, and enclosing the hallway between the association office and great room for storage. All the proposals were preliminarily discussed and would be revisited at the next meeting relative to the 2005 budget.

D. Building Control (See attached report)

Chuck forwarded his written committee report for board review in his absence.

Home Federal Bank Lots Proposal

Calvin opened discussion with regard to the bank lot proposal. Cindy stated that she had a direct conversation with Kevin Schryer (Home Federal) who indicated that the Association must accept all of the lots proposed in their offer letter. Art Brill, agent for Home Bank did not indicate in his original communication that this was the case. Calvin will contact Art Brill to get clarification of offer and the proposal was tabled until the next meeting.

E. Social Committee

Cindy briefly listed all upcoming events. Dates to be announced.

F. Association Office (See attached report)

VIII ACTION ITEM TRACKING

The Board discussed action items. Bruce read list of action items from previous meetings and noted items remaining open.

A motion was made by Chris and seconded by Cindy to adjourn at 9:15 P.M.

I. GENERAL ACTIVITY

Construction of new homes within the neighborhood continues. We have had one home completed and the Construction Requirements and Rules deposit returned.

- A. Lot 240/241 (Ratts): Glacial progress. Exterior essentially complete, still need driveway and sidewalk/front steps to be completed. Painting complete, most trim installed on main and second level. Installing flooring. A fair amount of detail work to go. Working on Sundays, at least two out of the last three. Planning on moving in in September, before 100 % completion.
- B. Lots 290/291 (Runkel): Excellent progress. House under roof. Window installed. Doing drywall work. Keeping exterior condition neat. Had question concerning "green" roof, changed to black shingles. Builder and owner have been very responsive.
- C. Lot 687 (Young): Construction under way. Worked late two evenings when just starting. Letter sent advising that additional rules infractions will result in penalties. Neighbor had question concerning set back from road – as approved. Had question about elevation of house -- as approved. Added stone to drive, keeping roadway very clean. Good progress.
- D. Lot 822 (Peal): Complete. Outstanding issue of non-conforming mailbox. We have their \$150 until they replace mailbox.
- E. Lot 830 (Ricci): Good progress. House enclosed. Ready to start brickwork. Have advised builder of need to keep trash picked up. Good progress.
- F. Lot 863 (Spina): House started, good progress. Enclosed with felt paper on roof. Yard being kept fairly clean. Workers were out one Sunday, letter sent.
- G. Lot 873 (Horrell): Complete. Outstanding issue of grading at front of yard, regarded and seeded. Will return withheld \$500.
- H. Lot 531 (Bunnell): Plans approved, pre-construction meeting held. Awaiting \$4000 construction deposit and \$500 road usage fee to allow ground breaking. They have cleared lot for construction.
- I. Lot 672 (Nix): Plans out for review by neighbors. Will request updated plans (original had 1401 on first floor {1500 minimum}) before / at pre-construction meeting. Also need certified survey and plot plan prior to plans approval.
- J. Lot 641 (Brodhacker): Plans for concrete work approved, pre-construction meeting held. Project not started yet.
- K. Lot 893 (Laux): Plans for addition of enclosed patio and addition of third bay to garage approved. Pre-construction meeting held, deposits collected. Issue is type of window to be used. Current construction is vinyl vice requirements for wood, or vinyl clad wood. Need Board decision and relay to owner.

II. INTERIM BOARD ACTIONS

We have had several actions over the past month requiring BCC action or input. These are outlined below.

- A. Ratts -- We have sent them a letter concerning an instance of contractor(s) working on a Sunday for over three (3) hours. Need Board action to

determine assessment (\$500 per our approved schedule.) Based on Board decision, we should re-assess penalty to Payne's for similar offense (one contractor / two workers / well over three hours).

- B. Ratts -- A contractor (three workers / one truck) was working for well over three hours on 12 September. He was aware that we do not allow work on Sunday but was told by Eric Ratts to do the work to prepare for other work on Monday. Eric Ratts is a Building Monitor and well aware of our rules. Our guide suggests doubling assessment for second offense (\$1000.)
- C. Ratts – We need a Board decision on if and how much to assess Ratts for dirt on roadway during paving. The cost to the Association was in excess of \$800.

III. New Proposals

Have received preliminary plans for Nix home on Lot 672, see above

IV. Other News / General Information

None

Roads, Lakes and Common Areas report – Sep 15, 2004

Country Club Road drainage ditch issue – Followed up with Sun representative on Sep 13 to get update. He indicated they were starting to talk about the project internally. I asked him to send a brief update via email as soon as they had some idea of their approach and timeline.

Silting issues on big lake – No activity on this task since the Aug meeting.

Street sign replacement: Signs were purchased and installed at all relevant locations.

There is still a need to re-furbish several of the signs. No progress has been made toward this effort to my knowledge. It has been reported that Bob Altizer has indicated he would organize a “painting party”. Calvin asked for information from the sign company regarding the cost for them to re-paint our signs using the reflective paint. I have no update on this information.

I will be proposing an on-going maintenance plan at some point, hopefully to be included in budget discussions.

Dry Hydrant location review: No activity on this task.

Possible 2005 budget items for review:

- 1) The front entrance pond - filling it in or doing something to deal with the silt and the constant low level of the water. This would be in anticipation of doing something with the entrance signs.
- 2) The storm sewer culvert on Sunderland near Bruhn.
- 3) Two other culverts that Mark identified as failing. Inspect and decide what to do.
- 4) Walk-way to the pool and possibly the tennis courts. (Not sure if this is considered pool/clubhouse or common area
- 5) Improved lake access on two lakes identified as troublesome to access, especially in bad weather.
- 6) Greg Bires wants to seek additional bids for lake treatment. I support that.
- 7) I want to review how/what we ask Mark Fletcher to do in the way of landscaping. I have learned over the last couple of weeks that the work he does is not appropriate (mulching over the top of existing mulch, for example) and Cindy and Bonnie point out his landscaping skills are not what they should be. You may already be aware we have re-done much of his work.
- 8) Need to identify and estimate the remaining roadwork (Southampton, for example)
- 9) Electricity to the East entrance sign area.

From: Cindy and Kurt Vogel [vogel@rnetinc.net]
Sent: Wednesday, September 29, 2004 11:18 AM
To: fox@scican.net
Subject: CPT Board Report 9-15-04

Board Meeting September 15, 2004 - Cindy Vogel CPT and Social Report

Action Items Complete:

Water Softener Removed and disposed

Mailbox painted and lettering replaced

Cinergy contract for parking lot lights signed

Lease Agreement Draft - ready for approval

Rental Agreement Draft - ready for approval

Associate membership draft - ready for approval

Electrical breaker for large air conditioner replaced by Curry Electric 9-2-04

Signage for tennis courts installed

Pool

Recommend we continue with IPM for 2005 pool season. Received year-end report and recommendations from IPM/Johnston Hobbs, available for review. Items recommended were recharge sand filter, lower guard chairs, purchase of ring buoy, depth markers in pool.

Pool was closed Sept 7, drained Sept 8, awaiting winterization. Several chairs, a table needs to be trashed. No replacements needed. Request tarp to cover for winter.

Attendance report available for review.

\$273.54 collected in guest fees.

Board should study "school hour's" viability. Next year's hours to be 11-7 M-Sat-holidays, 12-6 Sunday, 3:30-6:30 school hours.

Vending - Crown removed machine 9-15-04. Received additional check for July of? Thanks again to Donna Molzon for all her work.

Clubhouse

Seeking new cleaning bids, committee recommends twice per month and including offices, but removing locker rooms.

Request for new vacuum

Budget in the works

Furniture Sale - request to sell bar, sectional, couches, tables, use \$ towards new chairs/reupholster, tables, chests, lamps

Request to replace door hardware

Storage closet proposal between hall and west room.

Storage closet proposal for basement.

Tennis Courts

Seeking bids for walkway from parking lot to pool to tennis courts

Social

“Free” Ladies Luncheon planned as next event, date tbd, flyers to announce.

ASSOCIATION MANAGERS REPORT
September 2004

I have spent time working with Calvin on Budget information and Chuck in sending out letters to adjacent property owners. Mostly the normal activities; writing checks, working on delinquent accounts with Rod and fielding calls as they come in.

The printer problems have ceased courtesy of Calvin.

I now have the file drawer rods I needed to repair the file cabinet. I should be able to get all things filed within the next few weeks (barring no major interruptions).

See the attached delinquency report.

Delinquency Report as of September 15, 2004

Rod has filed on the following:

Charlie Mason – Lot's 283 and 537 – We have received a check from Charlie on September 9th (date on check was April 30th) and it was not for the full amount, but for an amount he had been billed for earlier in the year. We have a court hearing scheduled for Friday, September 17th at 10 a.m. Rod to contact Charlie regarding balance due prior to court.

Genevieve Whiteside – Lot #832 – this is an 80+ year- old lady who has recently moved to an assisted living facility. I have spoken with a gentleman handling her affairs and he states she has no money but will pay amount owing as soon as lot is sold. I have discussed with Rod and he feels that we should go ahead with the court hearing and secure a judgment in order to assure that we will get our money upon sale of property.

Jason Keep - Lot #561 – I have received money in two checks. The first has been deposited and the other will be deposited on Friday.

Skaggs, Anderson and Johnson have been billed and given 45 days to pay, which will expire on October 3rd. To date we have not received their monies.

FOXCLIFF SOUTH CASE REVIEW
Sept. 2004

Downey, Robert and Luanne, lot 257 **\$449.01**

2004 dues. Collection letter sent. *Title company is to pay.*

Keep, Mr. And Mrs. Jason, lot 561
\$449.01

2004 dues. Collection letter sent. Follow up on July 20. Filed suit. Hearing Sept. 17, '04 @ 10:00 a.m. They want to pay. We told them \$449.01, plus \$46.00, plus \$100 for my fees. *They have Paid Carolyn 1/2 on 9/8/04 and will pay the other half next week. We don't want to proceed to trial on this one unless this falls through. I have continued the trial.*

Lester, Mr. And Mrs. David, lot 841 **\$449.01**

2004 dues. Collection letter sent. Follow up on July 20. Paid in full by cash.

Mason, Mr. And Mrs. Charlie, lot 283 & 537 **\$898.02**

2004 dues for each lot. Collection letter sent. Follow up on July 20. Filed suit. Hearing Sept. 17, '04 @ 10:00 a.m. Mason sent a check in amt of \$882.94. We won't accept it. 9/8/04 I left message for Mason.

Smart Builders and Gregg Knapp, lot 297
\$449.01

2004 dues. Collection letter sent. Smart Bldrs responded saying they no longer own the lot and thus do not owe dues. It appears the lot was transferred to E. Knapp LLC on Feb 27, '04. The address is 6547 Pennan Ct., Noblesville, IN 46060. Follow up on July 20. Check lot ownership. 7/13 Carolyn got a call from property manager. New owner is George Harriston. They have asked for a bill and they will pay it. *Is this paid?*

Whiteside, Genevieve lot 832
\$449.01

2004 dues. Collection letter sent. Filed suit. Hearing Sept. 17, '04 @ 10:00 a.m. Not live on lot. Neighbor will pay to keep out of tax sale, but not our dues. They are trying to sell the place. We will get judgment on her, and not really try to collect until the house sells.

LEGAL ISSUE

Assoc. required to build new road? I said only to maintain. After reviewing the 1992 litigation documents, my opinion is confirmed. The Association's duty includes road maintenance and upkeep. However, it should not be required to construct new roads

