

FOREST PARK HOMEOWNERS ASSOCIATION ANNUAL MEETING

FEBRUARY 14, 2021

I. Call to Order

The meeting was called to order by Board President, Kevin Cheshire, at 2:03 p.m. The meeting was held at Scarlet Oaks Parking Lot due to COVID-19 distancing restrictions.

II. Approval of Last Meeting Minutes

The minutes from 2020 were reviewed. A motion was made by Kevin Cheshire, seconded by Dave Crum and passed to accept the 2020 minutes.

III. Old Business

Financials

Financials for 2020 were reviewed and discussed.

1. The beginning bank balance totaled \$17,549.55 and the ending bank balance totaled \$22,680.48. Homeowner fees collected in 2019 totaled \$72,351.86 (the actual totals were not given at the meeting).
2. Road work budget for 2020 was set at \$60,000.00. We planned for \$60,000.00 @ \$10.00 per square foot. The total 2020 cost of road work and drainage was \$52,937.25.

Dave Crum made a motion to accept the 2020 financials and Darren Francis seconded the motion and passed.

IV. New Business

A. Election of New Board members

A motion was made by Dave Crum, seconded by Ivy Wallace, and passed to continue with the current board members for 2021.

President: Kevin Cheshire
Vice President: Dave Crum
Treasurer: Josh Potter
Secretary: Becky Callihan
IT Specialist: Zoe Mullins

Kevin Cheshire announced this would be his last year as President. Dave Crum announced this will be his last year as Vice-President. Kevin encouraged younger homeowners to consider taking over these positions for 2022.

B. BUDGET 2021

1. A long discussion was held regarding 2021 dues. Many questions from homeowners were addressed. In conclusion, a motion was made by Denna Taylor, seconded by Dave Crum, and passed to keep the **2021 dues at \$400.00/year**. A motion was made by Celiece Soito, seconded by Justin Crary and passed **to keep the due date as June 1, 2021**. (Dues last year were set at \$500.00 with \$100.00 discount if paid by June 1. It was decided to keep dues for 2021 at \$400.00 with no early pay discount). **Homeowners who have difficulty paying are encouraged to contact the board for special arrangements**. Everyone realizes 2020 was a difficult year and the board is more than willing to set-up payment arrangements if needed.

A discussion regarding homeowners in the subdivision that are not paying their dues and the ones that say they are not part of the subdivision was brought up by Tina Myers. Darren Francis spoke up and said this is the cleanest financials he has seen in the subdivision for collection. The board explained that we are working with a few entities to find the best ways of collection legally. The answer from Kevin Cheshire is that the people that are not paying will have go through the procedure of notification, lien placement and then sent to our lawyer as a last resort; no homeowner will go over the limits set without going to legal for a resolution. The ones past the time set will receive a final attempt letter before legal is contacted.

2. Road work for 2021 are projected at \$80,000.00 not including emergency repairs. We spent \$52,937.25 on road work and drainage repairs in 2020.

Ed Thompson gave an updated report of road work needed in our subdivision. He has a map showing road work and drainage problems that need to be addressed by priority. Brandon Eskew, Kelby Kennedy, Cory Rueckert were all invited to join Ed Thompson and Dave Crum in assessing the neighborhood drainage and road work that needs to be addressed.

Bob and Kelly Carson on Evergreen have a drain that needs replaced which is a priority for 2021. A discussion was held regarding the need to upgrade drains in the neighborhood. Some of these drains are 50 years old and are collapsing and will be addressed by priority. Jay Bubar offered to work on pricing for drainage pipe/material needed.

A motion was by Kevin Cheshire and seconded by Darren Francis and passed to keep the 2021 budget for street repairs the same as 2020 at \$60,000.00 with an additional \$10,000.00 designated for emergency repairs.

A motion was made by Kevin Cheshire and seconded by Darren Francis to budget \$15,000.00 for snow removal. Justin Crary suggested the workers start around 5:00 to 6:00 a.m. to ensure a better work commute.

3. As suggested by Justin Crary all invoices will be posted on our FPHOA website.

C. Resale Certificates

Kevin Cheshire made a motion, seconded by David Crum, and passed to add the following amendment to our By-Laws and was voted with 100% approval.

Every homeowner prior to the sale of their house MUST obtain a Resale Certificate from the board. This certificate will give total transparency to the asset and liabilities of the HOA and, also discloses any outstanding assets/dues or liens on the property being sold.

D. WV CODE 36-B

Recovering Attorney's Fees from Delinquent Homeowners

Dave Crum's Discussion at meeting

Community associations are entirely self-funded from the assessment payments of their members. When members (owners) do not pay, an association's revenue is reduced, along with the association's ability to satisfy its continuing obligations. Simply put, when owners become delinquent, such nonpayment directly affects the association's ability to operate. As a natural result, the owners who are paying their assessments unwittingly subsidize the delinquent owners who are not paying. Worse, the delinquent owners continue to benefit from the association, (Road repairs, storm sewer repairs, ice and snow removal etc.) Adding to the financial strain is that associations then redirect more of their ever-tightening budgets toward the costs of collection against the nonpaying owners. Recognizing these problems, the WV legislature has passed various laws that make it abundantly clear that community associations are entitled to recover their attorney's fees and costs against the delinquent owners.

It is not fair to paying Forest Park Homeowners to bear the expense of litigating issues of non-payers, delinquents, foreclosures, servitude or any other legal situation. The costs should be the burden the wrong doer, and WV Code 36-B clearly states this. We presently have several issues with non-payers and some homes ready to go to foreclosure.

To eliminate any misunderstanding, we are making an amendment, which will be attached to our documents on the FPHA web site. A motion was made by Dave Crum, seconded by Carmen Gibson and passed.

Motion of Amendment

FPHA is entitled to collect all attorney fees from the homeowner that is involved in any Delinquencies, Non-Payment, Servitude, Foreclosure, Collections or any other matter which may arise, that would require FPHA to seek council through any attorney.

V. Adjournment

There was no further business and the meeting was adjourned at 3:34 p.m.