

**HUNTINGTON FOREST HOMEOWNERS ASSOCIATION  
EMERGENCY BOARD MEETING  
Wednesday, July 12, 2011  
Jack Eyler's House**

Start: 7:40pm

Attendees: Alyssa Crowder, Jack Eyler, Arienne Reilly, Jess Schrum, Kathy Spitzer, Michael Tanner, Agnes D'Alessandro, Debbie Halla (via phone), Kiki Ikossi (homeowner)

This is not a regular meeting – it was called because of the need to address the garage issue discussed below in a timely manner. Therefore, there were not full reports given by all officers.

**REPORTS:**

**Treasurer Report (Kathy Spitzer):**

- 4 outstanding bills to pay
- \$25,827.83 in balance

Motion to approve Treasurer's report... passed

**NEW BUSINESS:**

- Date for block party is September 17<sup>th</sup> with the 24<sup>th</sup> as the rain date. Will hold in the Gentle Ct. cul-de-sac.
- Welcome back for Kathy McCabe just returned from Afghanistan.
- Newsletter – to be sent at the beginning of September; should include:
  - President's letter (Jack) including announcement of annual meeting date
  - ACC items (Arienne) – trash cans stored away from street, speed limits, don't park cars right at sidewalk in driveways, keep in mind to tidy up front yards
  - Common Area (Michael)
  - Land Use (John)
  - Nomination of Board members
- Date for Annual Meeting at Cameron Meeting Church (Debbie Halla) – November 15, 16, or 17<sup>th</sup>
- FiOS update – currently delayed because there are still homeowners who have not signed-off on the Verizon easements.
  
- Garage Issue

**Issue:** There is home in the neighborhood that appears to be in violation of a restrictive covenant. Specifically, Article VII, Section 2: "No alterations, additions, or improvements shall be made to any garage which would defeat the purpose for which it was intended." Approximately 40% of the original 2 car

garage has been renovated into a bedroom as an expansion of the basement. The house is currently on the market and “under contract.”

**Actions Taken so far:** Jack has notified the owner in writing that they are in violation of the restrictive covenants.

- Current owner responded stating that he was unaware of the restrictive covenant and subsequent violation; he requested that the violation be noted but that the Board not require the removal of the bedroom as it increases his property value.
- Jack consulted with Reese & Broome who state that the HOA can require the bedroom to be taken out. If the homeowner does not comply voluntarily it would most likely end up in a prolonged legal process with potential costs of \$15,000-\$20,000. Additionally, there are ramifications to other homeowners who are attempting to refinance or sell their homes while legal proceedings are taking place. Essentially, these matters will be on hold until the issue is taken care of as mortgage lenders will not work with properties that are in the midst of legal action.

**Discussion:** There was a discussion of issue among the board members and homeowner present at the meeting. The majority of attendees felt that this appears to be a violation of the restrictive covenant and as such, the Board has an obligation to enforce the covenant and restore the garage to its original purpose as a garage. Members would prefer to resolve the issue without legal involvement but are prepared to take this course if necessary. The following points and opinions were made:

- House is currently for sale and listed as a 4 bedroom – this harms the property value of other houses in the neighborhood
- As the house is for sale we must provide the homeowner’s association documentation to the buyers. We have to note on the letter for the disclosure package that there is an issue with the house and what the issue is. We must give them the association documentation package by order of the state.
- The board does not have the legal authority to override the restrictive covenant;
- Need to understand what our insurance coverage is as far as legal fees, etc.

The Board concluded that we must continue with the procedures laid out in the ACC guidelines for potential violations of ACC guidelines and covenants.

Therefore the next step will be to notify the homeowner of the need to file an application for a home modification. Additionally, as the house is for sale, the seller’s agent, buyers, and buyers’ agent need to be informed of the potential violation.

**Motion made:** Motion for Arienne Reilly, as the ACC representative, to notify the homeowner that the house is in noncompliance with the restrictive covenants and that they are required to submit an application for a modification. Additionally, Jack Eyler, as the HOA President, will notify the homeowner, their real estate agent, the buyer’s agent and Reese & Broome via certified letter that there is a potential

violation of the property with regard to the restrictive covenants of the community.  
**Motion passed unanimously.**

**Additional Issues/Points Raised:** The discussion of this issue also brought to light other items that should be addressed by the Board in the future:

- Restrictive covenants and ACC guidelines need to be posted online; there also needs to be a paragraph on garage modifications in the ACC guidelines when they are modified in the future
- We should set-up a process by which a board member performs an internal and external compliance of a house for sale before the homeowner association documentation packet is handed over. We need to look into procedures to inspect properties and have owner to obtain a “clearance letter” from HOA before packet is disclosed.

While Jack is on vacation at end of July Jess Schrum will be acting in his place.

Next meeting will be Tuesday, August 9<sup>th</sup> at 7:30pm.

Adjourned at 9:38pm

*Prepared by Alyssa Crowder*