

99

DOGWOOD MOUNTAIN ASSOCIATION

ANNUAL MEETING - JUNE 26, 1999 CAMP EDISON - TOWHEE PICNIC AREA

The potluck started at 11:30 am. Chuck and Judith Preuss provided and cooked the hamburgers and hot dogs, and buns and soda. Paul and Koaki Harris provided all the chips and condiments. Other members brought side dishes and desserts. The Association paid the entry fee of \$87.00 into the campgrounds.

MINUTES

The meeting started at 12:55 pm with self introductions of the members present.

President Paul Harris (Lot 55) opened the meeting indicating that there were 21 Lots present and we had received 16 Proxies. This gave us a total of 37 lots and therefore we had a quorum (40%) of the lots and a majority (51%) of the lots.

He requested approval of the Minutes of the 1998 Annual Meeting. Rosemary Rabe (Lots 20 & 30) requested a correction in the sixth paragraph of the first page. It is to read that: "there is a law that allows associations to put a judgement by court action on non-association lots on a case by case basis". Larry Emmersen (Lot 21) made the motion to accept the Minutes with the correction. Bob Condon (Lot 45) gave the second and the motion passed.

The Financial Reports were read. Rosemary Rabe asked if there were any outstanding legal fees due. Judith Preuss (Lot 71) indicated everything was paid thru May 31.

Only 17 non association lots paid their assessment in '97-'98 and only 17 paid in '98-'99. Twenty-one lots must pay to keep the compromise agreement legal.

COMMITTEE REPORTS:

Judy Emmersen has put together an Architectural Committee Guide. It is very thorough and can be handed from new committee member to new committee member. No new homes were built this last year.

John Harshman (Lot 52) and Paul Harris, Road Maintenance Committee, have checked the roads and planned for minor repairs for the '99-2000 year. Harshman has 2 bids from Huntington Construction. Various areas will be repaired at a cost of \$6,750. And, \$3,900 is the bid to repair the road at the end of Little Shut Eye. That area will also be enhanced because Gaylord Pius (Lot 42) will repair damage he caused to the road; Bill Pine (Lot 42) has already put up money, and Central State has been hired to actually pave a portion of the road. It is a bad location to keep repaired because the drainage in that area is so poor. The end of that street always seems to need repairs because the snow plow does a turn at the end of that cul-de-sac and tears it up.

Mark Mengoni (Lot 4) suggested we check out the standards for the road. He believes we could use less base rock.

John Harshman indicated the roads would be repaired in July if possible. We would only be repairing the worst spots.

Rosemary Rabe asked what it would cost to do the turn-around. The Road Committee did not know. Paul Harris will talk to Matt Art. Maybe a compromise could be worked out between Pine and Thompson for the snow removal turn-around.

Rosemary Rabe suggested we get a bid from Central State as well as Huntington Construction.

Jim McKoane (Lot 24) moved that we go ahead with all repairs. Bob Condon seconded and the motion carried.

Rosemary Rabe gave a report on the County Service Area:

The CC&R's of the original 40-acre parcels, out of which Dogwood was carved, are still in effect.

They are still legal and binding and therefore subject to an assessment fee.

The CSA covers a larger area than the original 40-acre parcels.

Rabe and Judith Preuss met with Fresno County Supervisor Stan Oken and Fresno County Roads Engineer Frank Fowler. They explained how we could start the process for the CSA.

We will need to put a \$2,000 deposit down on the \$4,000 cost of the process.

1. Start with a petition. It would need the signatures of 10% of the registered resident voters.
2. A protest letter could be written and signed by 50% of the registered resident voters to stop the process.
3. A protest letter could be written and signed based on the assessed value of the lots and that could stop the process.
4. It would take 51% of all the lot owners to vote yes.

We might be able to get results if the assessment fee was of a lesser amount than what the Dogwood Lots pay. However, the County would charge more for the bookkeeping if that was done.

Cathy Bettencourt (Lot 26) has just gone through the process in Clovis, where she actually lives. She only had to deal with 25 lots. She said it was very difficult and a lot of work to get the CSA passed.

Rosemary Rabe indicated we can collect from lots that use private roads thru the Civil Code.

Judy Emmersen (Lot 21) moved that we ask the Attorney to try and collect from the original 40-acre parcels that are not in Dogwood.

Leanoire McKoane seconded the motion and it was carried.

Cathy Bettencourt suggested we use the \$2,000 (deposit to start CSA process) and try to collect the four years' past due amounts from the non-association lots under the compromise agreement.

We are to check with the Attorney to be sure that Snow Removal is considered Road Maintenance.

Rosemary Rabe suggested we take the non-association lots - past four years - to small claims court. We should have the Attorney send a letter about the 40-acre parcels and the compromise agreement.

The existing CC&R's have fines indicated in them, but we must go to small claims court to collect them. Larry Ackerman (Lot 62) didn't think anyone had time to go to small claims court. Jim McKoane said he would take the time to.

The results of the voting concerning the "Addition of Fines" to the By-Laws and CC&R's are on the last page of these minutes.

Do the Association members want the CC&R's enforced? Don Rabe (Lots 20 & 30) moved that we enforce the CC&R's. Four members voted against. The motion carried.

The 1999-2000 Budget was discussed. Road Repair was left at \$10,000, and snow removal should be the same as last year - \$27,000. The legal amount was left at \$5,000. Jim McKoane moved to change the Liability Insurance to \$2,200 to include the Board of Directors Insurance Policy. Don Rabe seconded the motion and it was passed.

The Budget would then show a shortfall. Don Rabe moved that we take it out of the savings. Jim McKoane seconded it and the motion carried.

ELECTION OF OFFICERS

Karen Condon (Lot 45) has resigned as Treasurer. The Board has suggested the position of Secretary and Treasurer be combined and that three Directors be elected.

Edie Sweeney (Lot 3) volunteered to be Secretary-Treasurer

Frank Sweeney (Lot 3), Jim McKoane (Lot 24) and Larry Emmersen (Lot 21) volunteered to be

Directors

The Road Maintenance committee will consist of John Harshman, Paul Harris, Mike Hankins (Lot 17) and Mark Mengoni.

The Architectural Committee will consist of Larry Ackerman, Judy Emmersen and Judith Preuss.

Judith Preuss volunteered to work with the Attorney and follow thru on the research of the 40-acre parcels assessment.

Rosemary Rabe moved to accept the names of the officers and committee members. Bob Condon seconded and the motion carried.

Evelyn Mengoni (Lot 4) requested mail boxes in the subdivision. Judith Preuss will check into it. Mark Mengoni offered to do the construction to set up the mail boxes.

One of the 40-acre parcels - Brandy Sheldon - has requested a division of her property into 4 lots. The Association has requested a public hearing -- to find out who has to put in the roads and who must maintain them.

The meeting was adjourned.

THE FOLLOWING ARE THE RESULTS OF THE VOTING CONCERNING THE "ADDITION OF FINES" TO THE BYLAWS AND THE CC&R'S:

1. To levy fines upon Members and to declare the same a lien against property subject thereto, in accordance with the Covenants, Conditions and Restrictions --

PASSED 39 TO 15 (Needed 36 lots to pass)

2. To add to the CC&R's --- FINES The Association shall have the powers that are set forth in its Articles of Incorporation and ByLaws, without limitation, to levy a fine or fines against every lot not in compliance with the covenants, conditions, and restrictions --

DID NOT PASS 37 TO 16 (Needed 43 to pass)

Therefore we can not issue a fine and collect through a lien on a lot. We can issue a fine and continue to go to Small Claims Court.

3. a. Without prior written consent of the Architectural Review Committee, the ground floor area of each dwelling or improvement, exclusive of garages, carports, open terraces, open patios, open porches and breezeways, shall not be less than 1,000 square feet --

DID NOT PASS 35 to 15 (Needed 36 to pass)

3. b. On all new construction, the paving of driveways is to include from the road to the edge of the easement --

DID NOT PASS 35 to 15 (Needed 36 to pass)

4. RESOLUTION -- Permit for vehicles weighing more than 10,000 lbs.
gross weight to use Dogwood Mt. Association Roads --

PASSED 38 to 14 (Needed 36 to pass)

5. AGREEMENT ON FINES

1. Leashed Animals - second time warned: \$50 --

PASSED 37 to 16

2. Sign Violations - \$50 per violation --

PASSED 38 to 16

3. Parking on Road during snow - \$50 per day --

PASSED 37 to 15

4. Off-Street Vehicles to be Road Licensed -
\$50 per violation --

DID NOT PASS 35 to 18

5. Construction without permission -
Maximum \$2,000 per violation --

DID NOT PASS 31 to 21

6. Removal of Trees without permission
from Architectural Committee -
Maximum \$3,000 per violation --

DID NOT PASS 35 to 17

PLEASE NOTE: Items Five, numbers 1 - 6
ONLY PERTAIN TO FINES:

THE RESTRICTIONS can still be enforced with
the CC&R's.

ON BEHALF OF THE 1998-1999 BOARD OF DIRECTORS AND COMMITTEES,
WE WOULD LIKE TO THANK ALL OF YOU THAT VOTED. WE HAD
58 BALLOTS MAILED IN --- THE MOST BALLOTS EVER. THANK YOU.