

WOODS OF WIMBLEDON  
HOME OWNERS ASSOCIATION SPECIAL BOARD MEETING  
THURSDAY, JULY 22, 1993

A special meeting of the Woods of Wimbledon Home Association Board was held at Jeff Wand's home. In attendance were: Jeff Wand, Polly Black, Bill Martz, Barry King, Paula Baker, Sheila Spire, Ken Miller (President of the Architectural Control Committee) and Mike O'Neal (Attorney for the Board). Absent: Bob Hine and Dee Wasson.

The specific goal of this meeting was to have the Board meet with legal counsel and determine actions, if any, that would be taken regarding various proceedings under investigation by the Board.

The meeting was called to order and Mike O'Neal addressed the Board on his findings regarding the Association having first lien position on properties in the Woods. It was determined that the Association does enjoy this privilege. Only if and when a subordination agreement has been agreed to by both owners of the property and the Board would this then not be the case. As to general knowledge no such agreements have been granted or exist. Title search of specific property would be the avenue for determining such an agreement.

Mike O'Neal then addressed the position of the Board to review or change deed restrictions. As dictated in the By Laws of the Association, no changes in the By Laws can be made by the Board until the Association has been operative for 35 years. It does appear that the ACC has the ability to make changes on specification requirements for building materials. A court decision would be needed to clarify the ability to change the deed restrictions. It should be noted that restrictions could possibly be changed for items under the "obnoxious and offensive clause". This clause does exist in our By Laws.

On the tax exempt application - the original request was filed in error (under the wrong IRS form) and the application was turned down by the IRS. A new tax exempt application will be filed. The Board is seeking advise from various tax accounting experts. Jim Holmes has estimated that such a filing would cost approximately \$1,700.00. A new extension must be filed in 1993.

At this point in the meeting Barry King was asked to leave as the Board was to discuss the ACC violation on his property. Before leaving however, when legal counsel asked specifically if Mr. King would remove the carport in question, Mr. King replied that he would not.

It should be noted that at this point Paula Baker came into the meeting and was present for all voting purposes. The meeting then continued.

Due to Mr. King's negative response, Bill Martz put before the Board a motion "To have our Attorney write a 60 day demand letter to Mr. King indicating that the Board would not waive its right to insist that the structure be removed and that if necessary, legal action would be taken. And that under the circumstances, the Board would officially ask for Mr. King's resignation of his position on the Board and also his resignation from his position on the ACC due to conflict of interest." The motion was seconded by Paula Baker and voted on unanimously by the Board.

A second motion was introduced by Sheila Spire to "Have the Board Attorney write a letter to Mr. Fasnacht and his attorney advising them of the Board's decision to uphold the limitation of 3 car parking facilities for each property and also advising him of the position taken on the King property." The motion was seconded by Polly Black and was unanimously carried.

A third motion was presented by Polly Black to have our attorney "Issue a second letter to the Tafilaj family at 51202 Marlebone indicating that 30 days notice was to be given for the removal of the aluminum siding and black roofing material." The motion was seconded by Bill Martz and was carried unanimously.

A fourth motion was submitted by Sheila Spire to acquire the further services of Mike O'Neil to pursue past due home owners fees on a contingency basis with a minimum of \$625.00". Bill Martz seconded and the motion unanimously carried.

Bill Martz then motioned that the meeting adjourn and it was seconded by Paula Baker and so voted.

*Sheila S. Spire*