

# CRUMBACHER ESTATES OWNERS ASSOCIATION

COMMUNITY NEWSLETTER - JULY, 2013

## COVENANT ENFORCEMENT

---

**For many years**, Board members have struggled with how to fairly and consistently enforce the protective covenants in Crumbacher Estates. The original covenants allowed the Board to levy fines against members who violated them but did not specify how this might be carried out, leaving the door open for very arbitrary and subjective enforcement. At the recent Board meeting, a covenant enforcement policy was adopted. The policy establishes a protocol for enforcing covenant violations, sets standard fines for violations, and is intended to dovetail with Policy #003 regarding complaints.

The policy was adopted as follows:

The Protective Covenants of Crumbacher Estates require the Board to be the means of their enforcement, directed and guided by policies. The covenants state that "enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant...or to collect any assessment of the company...either to restrain violation, recover damages, or collect assessments."

The Board has a duty to ensure that covenants are enforced fairly, consistently, and equitably, without favoritism or partiality to any member or members. Prior to any enforcement action, the Board shall first take reasonable steps to find a suitable resolution to the situation or action creating the violation. This may include, but is not limited to, letters, phone calls, and face-to-face meetings. Resolution of covenant violations should never be accomplished via email with the affected parties; however, the Board may discuss the violation and possible responses via email.

When the Board takes action to enforce a covenant, the following steps shall be taken:

1. A certified letter shall be mailed to the property owner, clearly stating the condition or action that has occurred or is occurring, the section or sections of the covenants being violated by the condition or action, the actions requested (if any) to return to compliance, and the date by which such actions shall be completed.
2. When a corrective action is requested, the Board shall also include a contract with the certified letter, in which the member will agree

to complete the requested action within the stipulated timeframe.

3. If the condition cannot be corrected, or is not corrected within the stipulated timeframe, the Board may impose a monetary fine against the owner of the lot in violation, based on the following fee schedule:
  - a. One-time event that cannot be corrected: \$50.00 per violation
  - b. Ongoing violation: \$50.00 per violation/calendar month
  - c. Unauthorized tree cutting (>8" but <24" dbh): \$50.00 per tree
  - d. Unauthorized tree cutting (>24" dbh): \$100.00 per tree
  - e. Unauthorized lot size or dimension changes: \$1,000.00 per violation
4. Fines shall double for every repeat violation.
5. Any fines imposed will be added to the lot owner's monthly billing, and will be payable as any other normal charge.
6. Fines imposed for covenant violations will not be waived or modified without a majority vote of the Board.
7. When the enforcement action is the result of a complaint submitted by a member, the Board shall provide written notice to the complainant of the actions being taken (per Policy #003 Complaints).

While it is the Board's hope that monetary penalties will never be necessary, past experience has shown that some members choose to ignore the provisions of the covenants unless a penalty is levied. Please be a considerate neighbor and show your respect for others by adhering to the covenants.

## PAYMENTS IN ARREARS

---

**Several properties are** now significantly in arrears. This is having a substantial impact on the association's liquid assets. The Board will be making collection of these delinquent accounts a high priority in the months to come.

Lot 9 of Crumbacher Estates was recently sold at auction after being foreclosed upon by the lender. Crumbacher Estates held a lien on this property for

nearly \$3000, and the Board was concerned that, as a junior lienholder, this money might be lost. Consultation with attorney Scott DeTro indicated that although the lien might not be honored, our covenants and policies gave us the authority to keep the water service locked off until all debts have been paid, either by the lender or by the new owners.

A separate account is approaching two years in arrears. A lien is in place on this property and water service has been locked off since the lien was filed. Our covenants stipulate that properties two years in arrears will be foreclosed on by the association, and the Board will be reviewing the steps necessary to begin this action with our attorney. The covenants also state that any attorney fees related to the recovery of debts are to be added to the delinquent account, so we hope that these costs will ultimately be borne by the parties in question, rather than the association as a whole.

A third account has now gone several months without payment and a lien will be filed against the property. This lot has no known shut-off valve outside the property, and it will be necessary to have a contractor excavate the service line and install a lockable shut-off valve that is under the control of the association.

The Board sincerely appreciates the efforts of all who have kept their accounts current. If for some reason, you find yourself in a difficult situation and cannot pay your bill on time, please contact the Secretary/Treasurer as soon as possible to set up an alternative payment plan. While we cannot waive or reduce your charges, we will be better able to assist you if we can agree to a solution before your account becomes delinquent.

---

## WATER SYSTEM REPAIRS

Over the July 4<sup>th</sup> holiday, the water system experienced several power failures that caused a shut-down of the pump. Our water operators restored service as quickly as possible, but had difficulty in getting the cycle stop valve to work properly. This valve helps to maintain pressure at a constant rate in the water system.

Several months ago, this valve had quit working properly and a repair kit was ordered. The water operators were able to get it working again without using the new kit, but this week, efforts to fix the valve again were unsuccessful and the new parts had to be used to rebuild the unit. The valve is now working properly and we have all enjoyed the continued supply of water. Our water operators put in some very long

hours to make this repair and deserve our thanks and recognition for minimizing the down time.

---

## FINANCIAL REPORT – 6/24/13

<b>Bank Accounts:</b>	<b>\$47,125.98</b>
CD 1962 – Capital Improvements	\$5,511.26
CD 8101 – Capital Improvements	\$5,247.17
Checking – Operations	\$7,269.15
Savings – Association Dues	\$5,172.44
Savings – Capital Improvements	\$12,122.74
Savings – Emergency Reserve	\$11,800.00
Savings – Unallocated	\$3.22
<b>Accounts Receivable:</b>	<b>\$3,908.76</b>
<b>Total Assets:</b>	<b>\$51,034.74</b>

---

## UPCOMING MEETINGS

The next Board meeting will be held on July 22<sup>nd</sup>, at the home of President Doug Hale, 4 Norway Pines Drive. The meeting will begin at 7:00 p.m.

---

## CONTACT YOUR BOARD

As always, we value your input and support. Please use any of the following options to contact your Board.

Doug Hale, President	826-1653
Darren Schmidt, Vice President	826-2622
Ken Radford, Secretary/Treasurer	826-1977
Rennie McCormick, Director	826-8034
Roxana Martin, Director	826-3842

Email: [ceoaboard@gmail.com](mailto:ceoaboard@gmail.com)

Website: <http://www.crumbacher.net>