

# Hideaway Valley Property Owners Association Newsletter

December 31, 2011

HC 13 Box 3001, Fairview, UT. 84629

## Candidates for Trustee position:

### Letter of Candidacy from Roy Walker:

I bought my property in Hideaway Valley in 1986 and built my home here four years ago. I am now serving as temporary secretary on the Board of Trustees. In the past, I held the offices as President and Treasurer. Your new Board has been handed a financial disaster and a bookkeeping nightmare. Bottom line, with my background as a contractor (forty years' experience) and manager of multimillion dollar projects and budgeting for them and experience with serving on a past Board, I feel I can help straighten out the books and get us back on track as an Association.

Sincerely, Roy Walker

### Letter of Candidacy from Tom LeFevre:

My wife and I have owned property in HVPOA for over 10 years and have volunteered on many projects and been on the Board of Trustees in the past. We enjoy our property in Sanpete County and have met many good people here. I feel the dues need to be reasonable, progressive and fair. I believe PEACE is possible with much effort from all members, as self-governance is not a spectator sport. I have great confidence in Gary Jordan in the effort that I have seen him put forward and would like to be of assistance to him and the Board. I don't believe we need another Carpenter (Association Manager) as we have learned from the past. My efforts will be to support the Board and protect the member's property rights. Being on the Board takes time and effort. I put in a lot of effort during my last term 2009-2011. I have continued to work on committees, volunteer my time and attend the meetings during this last year. I would like to continue to help this Board with the transition after three Board members left. I will make time to talk to any member in person or on the phone to find answers and work on solutions.

Tom LeFevre

## Warning to Members who pay assessments by Pay Pal:

**Notice** - we have changed our banking services to the American West Bank branch office in Fairview, Utah. The Mountain America Credit Union account is still open but will be moved as soon as we are able, since the previous Board of Trustees has not yet provided the access information for that account.

If you have made payments through Pay Pal and believe that the payments may not have been appropriately credited to your account, please e-mail **Gary Jordan at: [mountainvalleywelder1@gmail.com](mailto:mountainvalleywelder1@gmail.com)** and include copies of payment receipts. We will make every effort to bring your account statements up to date.

## History of unpaid assessments:

Over the past two years, the Board of Trustees has worked hard to collect past due assessments. Many liens have been filed at a cost of thousands of dollars to the Association. However, the situation has not improved as you can see from the chart below. Clearly, what has been tried in the past has not worked,

and it doesn't make a lot of sense to keep doing the same and expect different results. Here is a review of the recent past:

<b>Description</b>	<b>2009</b>	<b>2011</b>	<b>Results</b>
Amount of Past Due Assessments	Approximately \$124,830.00.	\$151,096.70 as of September 7, 2011	The situation did not improve.
Number of lots owing more than \$ 1,000.00 in past due assessments.	27 lots	56 lots	The situation did not improve.
Collection actions by the Board of Trustees	The Board sent out a copy of the "Collection" resolution, and lots that were current on payments improved from about 33% to about 50%.	Approximately \$8,400.00 was spent for attorney's fees for filing liens, but the amount of past due assessments increased as shown above. Remember that liens are paid when a property is sold, and have to be renewed every six (6) years.	The situation did not improve.
Percentage of lots current on assessments	50% of lots current on assessments	43% of lots current on assessments	The situation did not improve.

The survey responses thus far have been overwhelmingly in favor of collecting past due assessments. Accordingly, we have enclosed with this Newsletter a Mail-in Ballot and a copy of a proposed "Collection of Unpaid Charges" resolution for your vote. The resolution represents a different approach. Pros and cons are listed below:

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>Under the resolution, the attorney does most of the work. Therefore, the Board of Trustees is not overburdened. Remember, that the Trustees serve the Association without compensation.</li> </ul>	<ul style="list-style-type: none"> <li>The Association pays a single set-up fee of \$250.00, on a one-time basis. The \$250.00 set-up fee covers the entire group of lots in arrears in one payment.</li> </ul>
<ul style="list-style-type: none"> <li>The attorney pays legal costs, fees, expenses, and his labor up front. He later recovers these costs from his collection activities. This method preserves Association funds because the Association does not pay those costs in advance and then hope to recover them.</li> </ul>	<ul style="list-style-type: none"> <li>If the debt is uncollectable, the Association may take a loss. Because the attorney's fees are capped at \$400.00 in the event of an uncollectable debt, the attorney stands to lose if he doesn't anticipate this situation. The attorney's vigilance, therefore, can keep such potential losses to the Association to a minimum.</li> </ul>
<ul style="list-style-type: none"> <li>The Association stays out of the collections business, and leaves that to the court and the legal system. This eliminates conflict in the neighborhood.</li> </ul>	<ul style="list-style-type: none"> <li>At all times, the lot owner has the right to negotiate with the Board of Trustees. However, after the attorney has begun processing a past due account, he becomes a third party, and needs to be present during the negotiation.</li> </ul>
<ul style="list-style-type: none"> <li>The attorney works to get a money judgment through the court, and then to recover payment of the judgment. This</li> </ul>	<ul style="list-style-type: none"> <li>While supporting the rights of Members who do pay their assessments, the resolution places the responsibility of paying</li> </ul>

process, which is more efficient than just filing a lien, affords the past-due lot owner an opportunity to state his case and negotiate.	their fair share of the Association's operating expenses on those Members who have not.
<ul style="list-style-type: none"> <li>The resolution provides for the Association to get all unpaid charges it is owed including interest. The attorney does NOT take 1/3 of what the Association is owed.</li> </ul>	
<ul style="list-style-type: none"> <li>The Association only pays the \$250 set-up fee. The attorney recovers both expenses and his labor through the money judgment provided by the court, not in advance from the Association.</li> </ul>	
<ul style="list-style-type: none"> <li>The resolution supports justice and fairness for all the Members according to the governing documents.</li> </ul>	

We urge all members who are not current to bring dues up to date, or contact the Board of Trustees and make arrangements to make their payments current. If you have questions about your assessments please contact the Board of Trustees and we will help in any way we can.

### Survey update:

We have received several surveys back and have started a spreadsheet to total all responses. We urge members who have not returned their survey to the Board, to do so. Please send the survey back as soon as possible; we wish to hear EVERYONE'S answers to the survey questions. Your opinions are very important to the Board of Trustees.

**Voting items for the Meeting of the Members to be held on Saturday, January 28, 2012, at 10 a.m. in the Mt. Pleasant City Hall, 115 West Main Street.**

- 1- Ballot to adopt: **Hideaway Valley Property Owners Association, Inc., Resolution of the Board of Trustees, "Collection of Unpaid Charges". Please read and retain the enclosed copy of the Resolution.**
- 2- Ballot to fill the Trustee position currently held by Roy Walker temporarily.