

Hideaway Valley Property Owners Association
Special Meeting of the Members Committee
HC 13 Box 3001
Fairview, UT 84629

PROVO UT 846

09 JAN 2013 PM 2 L



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Fairview, Utah 84629

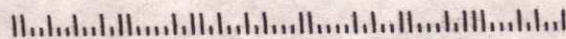
Special Meeting of the Members

to discuss

Dissolving the Association

Saturday, January 19, 2013

9:00 a.m., Mount Pleasant City Hall



Are all Members of the Association treated equally?

- No. Some roads have never been graded or maintained, although the property owners pay their dues.
- No. Some roads have never had snow plowed, although the property owners pay their dues.
- Do some members who provide services get paid, while others do not?
- No. Some members do not have Association approval or a building permit, and live in sheds or trailers; some with no septic system. Others are expected to get Association approval and a building permit.

Is forming a Township an option?

- Tax money might be diverted from the County to the Township.
- Use the allocated tax money for road maintenance and snow removal.
- Since roads are already public, per the recorded Plats, a Township would probably have the County do road work and snow removal.
- Voters would vote on Township issues in regular civic elections, rather than private Association elections subject to no oversight.

What if we did away with the Association?

- No more dues. Any funds remaining in HVPOA accounts and any past due amounts collected would be distributed to property owners. Any lots owned by HVPOA would also be sold and the proceeds distributed to property owners.
- No more legal expenses, office supplies, room rental, bookkeeping, newsletters and mailing costs, website, liability insurance, or other Association expenses.
- No more Board of Trustees – an unnecessary layer of control over our lives and property.
- No longer would a few well-intended but fallible people make life uncomfortable for the rest.
- No more entire Saturday taken and upset by unsatisfactory decisions made and behaviors displayed at contentious Association meetings.
- The local Real Estate people might no longer discourage potential buyers from looking in Hideaway Valley.
- Less antagonism, animosity, and conflict in our neighborhood.
- Maybe we could go back to the original name, historically accurate and appropriate - Indian Hollow - instead of retaining the suspicion-loaded name of "Hideaway" Valley.

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9:00 a.m., Mount Pleasant City Hall,
115 W. Main St., Mount Pleasant, UT

Come to the meeting and help figure out how to present the choices to the voters. Help create a list of pros and cons, and a ballot.

Dissolving the Association may lessen legal liability exposure.

1. If someone were hurt while recreating in Hideaway Valley, depending on the situation, they might be able to bring suit against the Association. The Association carries liability insurance to protect against this. Eliminating the Association eliminates the entity against which such suit might be brought. Then a law suit that related to the community would have to be directed against the County, which has the resources, the liability insurance, and their own attorney.
2. Why wasn't the reserve analysis subject to legal scrutiny? Does this expose the Association to liability with the State of Utah? If there were no Association, there would be no need for a reserve analysis.
3. Is the Association liable under the County noxious weed law? The funds for weed control were removed from the budget, and the revised budget was subsequently voted in the affirmative by obviously insufficiently informed Members. Weed control is a matter of Utah Law and County Ordinance.

What is the justification for Protective Covenants?

Association "Protective Covenants" exist to protect the interests of the community as a whole, sustain the quality of life, and protect property values. However, the pre-existing County Ordinances have the same intent. Our Covenants didn't add anything. The Covenants shifted the costs and administrative burden from the County to us. In practice our Covenants have proven ambiguous and unenforceable. When asked to apply their Ordinances, the County has stated that they will not step in "until the Association has exhausted its legal remedies." This is an irresolvable situation.

By so shifting costs and burdens, we pay twice for some services – first with taxes, and second with dues. All of this as a result of having an Association. For example:

1. Some County residents have snow removal paid for by their taxes. We pay the same taxes, but we also pay for our snow removal with our dues. In effect we pay twice for the same service.
 2. We pay twice for road maintenance for the same reason.
 3. Even if it were possible to enforce our Covenants, which essentially replicate County Ordinances, we would again pay twice.
- By dissolving the Association, we would remove the reason why the County does not enforce their Ordinances. An added advantage would be that problems would be addressed by the County rather than the Board of Trustees.