

Weatherby Estates Homeowners Association Fall 2008 Newsletter

25 October 2008

This letter is to keep you up to date on current Board, Officer, and ACC activities.

New Enforcement and Fining Policy

Earlier this year, the Homeowner survey results showed that enforcement of CC&Rs should be the number one priority of the Board. Survey results show that people bought in Weatherby for the privacy, beauty, and property values.

The Architectural Control Committee (ACC) is responsible to protect the value, desirability, and attractiveness of the development for present and future Homeowners. In addition, past, present, and future Boards have a fiduciary responsibility to the community to uphold the CC&Rs as written. And as part of the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) of Weatherby, recorded on 30 April 2004, all homeowners must conform to certain standards of construction, visual appeal, uniformity and design.

In spite of the uncertain economy, thankfully the one thing we can still control is our homes' appearances. Exterior appearance directly impacts property market value. A great curb appeal can add big value to a home and community, while bad curb appeal can sink values for all homes in the community. This is especially important to our neighbors who are currently trying to sell their homes in our community. Ultimately it affects all of us, as the sales price of those homes affects the values of our homes.

At the Weatherby Homeowners Association Board of Directors meeting, held Oct 19, 2008, an Enforcement and Fine Policy was approved and adopted. (Please see attached document, which will also be posted on the Weatherby Estates webpage www.weatherbyestates.org). This policy will become effective Nov 25, 2008. The purpose of this Fine Policy is not to generate money for the Association, but rather to create the incentive for homeowners to comply with the Association's Covenants, Conditions, and Restrictions (CC&Rs).

This policy will apply to observations of CC&R noncompliance issues as a result of regular inspections performed by the Board and ACC, or noncompliance issues brought to the Board's attention (Using the ACC Violation Inquiry and Report form www.weatherbyestates.org/ac.htm).

New Resolutions ratified

1. Code of Conduct for Board Members
2. Time and Place for Regular Board Meetings
3. Principles for Homeowners and Community Leaders
4. Re-Resolution of NSF Fee Policy
5. Officers in Attendance at Board Meeting May Vote to Approve Board Meeting Minutes.
6. Approval of HOA Committees: Maintenance, Landscaping, Safety, Website, Newsletter, Garage Sale
7. Methods of Communication from Board/ACC to Homeowners
8. CC&R Enforcement and Fining Policy
9. CAI Association Fundamentals

The Resolutions are posted on the Weatherby Estates Website (www.weatherbyestates.org)

Financial Update

Attached is the current profit and loss overview for the Weatherby HOA.

Professional Services

The Directors, ACC, and Officers must abide by the governing documents of Weatherby. That includes but is not limited to compliance of CC&Rs, creating Documents/Procedures for enforcing compliance of the CC&Rs, and fining structures.

As we mentioned in the July HOA meeting at Alf's Pizza and our July 3 letter to the community, this year we consulted an attorney who specializes in Real Estate Law. An important part of exercising due diligence and fiscal responsibility is getting legal counsel in areas which can affect every homeowner in our community now and in the future. We have consulted the attorney on the following items:

1. Legality of the Board issue. (A couple of homeowners challenged the legality of the Weatherby Board to enforce the CC&Rs.)

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2. CC&Rs and Bylaws reviewed. Amendments created to correct issues.
3. Enforcement and fining policy.
4. Trailer CC&R/variance clarification.
5. Additionally the HOA has incurred legal fees because of a significant deviation from the original ACC Approval where a structure being built was not what was represented in the drawings nor accompanying letter that was submitted to the ACC.

Much work has been done to minimize the legal fees, which to date have been \$4666.50. Several on the Board have spent many hours of their own time (and at considerable cost in terms of time to their families) researching HOA governance, reading applicable literature, getting information from the Community Associations Institute (www.cai.org), and writing necessary Processes and Procedures. When we have gone to our attorney, we have provided well constructed documents, which were quickly reviewed, corrected when necessary, and approved without much time and effort on the attorney's part, thus saving the HOA thousands of dollars. Due to the well constructed documents, we were able to negotiate a discount on any future legal fees. Since a majority of the HOA foundation is now properly set up and on solid legal ground, barring existing ACC and unforeseen issues, we shouldn't need to spend much more additional money on legal fees. Fortunately, we had extra money to absorb these costs, thanks to the hard work of people chipping in (retention pond work parties and the maintenance committee's efforts). In the future, we will include professional services in our yearly budget.

Open position on the ACC

We have an opening on the ACC (Architectural Control Committee). If you are interested in participating, please contact Rich Tarter at 360-794-5442.

Password Protecting the Weatherby Website

To prevent Web Crawlers from accessing personal information on the Weatherby Estates website, we are password protecting some pages on the website. If you are prompted for a username and password, the new login and password are: username: weatherby password: wbee123

Future Plans

- November Board meeting (see the website for the date).
- 2009 Budget Planning.
- Vote on Bylaw Amendments. The Board strongly believes that 3 Directors is too few. Greater community participation and representation are needed in making important decisions on behalf of the community.

Best regards,

Weatherby HOA Board of Directors, Officers, and ACC

Becky Fox – President, Director

Tawna Wilsey – Vice President, Director

Rich Tarter – ACC President, Director

Kevin Bowen – Vice President

Mary Armstrong – Secretary

Pat Waller – Treasurer

Connie Berner – ACC

Ted House - ACC