



Sierra Park Homeowners' Association



Newsletter

October 2011

Website: www.ofsha.org

Phone: (209) 586-3733

e-mail: ofsha@ofsha.org

From the President

Dear Homeowner:

I want to use my message this month to answer questions presented to the Homeowners' Board at the October meeting:

1. How much money has been collected? We have collected \$285,795.00.
2. How many lots are delinquent? As of this time, twenty-four lots are delinquent.
3. How much money is going to be needed to run OFSHA? This amount has not been determined. We are working with OFSRA and our attorney in order to determine what expenses OFSHA are legally responsible for.
4. Is there a published budget for the OFSHA? OFSHA is in the process of preparing a budget, and the board expects to discuss the proposed budget at the next Board Meeting. OFSHA does not maintain any common area, so the major expenses consist of the money OFSHA pays OFSRA for the roads and for the water.
5. How much money have you given OFSRA to run the park this year? The only money given to OFSRA is the amount required by the water agreement, \$69,350.
6. How much money are you now withholding from the OFSRA? We are not withholding any money from OFSRA. They sent us a demand for the entire amount collected which we then forwarded to our attorney. On two occasions she requested that they send her any agreement, contract or other justification for their demand. She also requested that they send her all of the bills that they think OFSHA is responsible for. At a meeting between three members of the OFSRA and three members of the OFSHA, we also requested this same information. To date, OFSRA has not responded to any of these requests.
7. If you are withholding money from the OFSRA, why? There must be a written contract, licensing agreement, recorded instrument or other legal basis for OFSRA to be entitled to any of the money OFSHA has collected. Only two licensing agreements exist between OFSHA and OFSRA. We have paid what is required by the water agreement. The road agreement requires OFSHA to pay at the end of the fiscal year for services rendered. However, OFSRA must provide OFSHA with documentation for what they spent over the course of the year for the roads. In the absence of any written agreements or other documents, the only

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OSFHA Calendar

OSFHA Board meetings begin at 8:30 AM.

Board Meetings: November 5th, December 10th,
January 7th, February 4th

Christmas Dinner: December 10th

Special Meeting: January 7th



Winterize!

It is that time of year again; freezing temperatures are upon us again!

For those of you that are new to the park and cold weather living; frozen pipes, toilets, water heaters, and drain traps can burst or crack.

If your cabin is not continuously heated, now is the time to shut off your water, open all of your faucets, find and open your drains for hot and cold water, drain your water heater, flush your toilets one last time to empty the tank, and place antifreeze in your toilet bowls and all of your drain traps including all sinks, bathtubs and showers.

Also, some liquids stored in glass or aluminum containers can freeze and break the container's that hold them. In addition, some paints and other items can be damaged by freezing.

Petition to remove OFSHA director

A petition to remove OFSHA director Charles Varvayanis has been delivered to the OFSHA Board of Directors, triggering a mandatory special meeting per our bylaws. No reason for removal was given. 38 Petitions were received.

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Newsletter & Website

Newsletter – Please consider receiving your Newsletter via e-mail, it saves money and will aid us in holding down the assessment. Please e-mail us to sign up.

Website – Protected documents password: **Call for PW**



From the President (Continued from front page)

other legal basis for OFSRA's demand for payment is that they provided work, labor or services to OFSHA at our request and then we refused to pay them for doing what we requested. They would then have a legal right to the reasonable value of the work, labor or services they provided. If OSFRA is operating under that theory, it is their burden of proof to establish the reasonable value of what they provided and show that OFSHA requested the labor or services for which they are billing. We have requested such information once and our attorney has requested it twice. There has not been any response from OFSRA. It would be irresponsible and in violation of the OFSHA Board of Director's fiduciary responsibility to the homeowners if we handed over all of the money collected to OFSRA without an accounting of why the money was required and a legal justification for doing so. We are quite willing to pay our legal obligations. The OFSHA Board has always been willing to talk to the OFSRA Board and to work with them on any problems or necessary agreements in order to be fair to both sides in these matters. After all, we are all part of the same community and should try to work things out in the spirit in which our beloved "Park" was originally founded, the spirit of Friendship, Love and Truth.

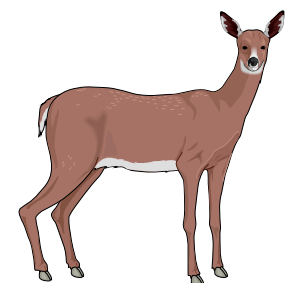
I would like to thank the homeowners who sent in these questions. Your questions really helped create a dialogue with our attorney that clarified our position in negotiating with OFSRA on your behalf. As always, the OFSHA Board of Directors looks forward to your questions, comments and suggestions as we try to get this association and board operating after twenty-five years of inactivity.

Thank you,

Fred Coleman
President
OFSHA Board of Directors

Checks Disbursed 9/20/2011 - 10/13/2011

Table with 5 columns: Date, Number, Payee, Memo, Amount. Rows include: 10/4/2011 108 OFSRA - Water Fee 767 - Outside services \$19,350.00; 10/4/2011 109 Ann Rankin 755 - Professional Services \$5,000.00; 10/4/2011 110 Sierra Instant Printing 766 - Office Supplies \$22.63; Total Disbursements \$24,372.63





**Odd Fellows Sierra Homeowners' Association
Board of Directors Regular Meeting Interim Minutes
October 1, 2011**

Called to order: 8:32 A.M. by President Fred Coleman.

Invocation by Fred Coleman.

Board members present: President – Fred Coleman, Secretary – Charles Varvayanis, Treasurer – Ruth Dargitz, Mike Ford, Bill Ordwein, John Tenbrink and Steve Wallace. Excused: Director Orth. Absent: Vice President – Sharon McDougal.

Members before the Board: Joe Nelson - wood clean-up & equipment misuse.

(Director Bill Ordwein: He stated that the debris left in the playground area was not the responsibility of the high bidder, Yvonne Peter.) Observing: Mike VanGundy, Jeff Peterson, Larry Giacomino. Barb Engvall – taking minutes.

Minutes August 29, 2011: Motion by John Tenbrink, seconded by Ruth Dargitz, to approve as presented, carried.

Minutes September 10, 2011: Motion by John Tenbrink, seconded by Ruth Dargitz, to approve as presented, carried.

Correspondence:

1. Resignation letter from Sharon McDougall. Motion by Charles Varvayanis to accept. Seconded by Steve Wallace, carried. Jessie Worsham next in line from annual meeting. Jesse Worsham to be contacted regarding filling vacancy.
2. Three additional "Directors and Officers" insurance quotes. (Insurance already obtained).
3. One general liability insurance quote.
4. Past due statement from OFSRA. (See minutes from executive session).
5. Recorded Declaration of CC&Rs from Ron & Carolyn Hague. (Processed).
6. Letter from Susan Blair regarding name change and assessment late fee. (Reply sent that specific documentation is required prior to updating records. Motion Wallace to waive late fee, seconded, carried. Treasurer Dargitz to notify accountant.)
7. Communication from attorney Ann Rankin. (See minutes from executive session.)
8. E-mails and phone calls regarding address, phone, e-mail, name, owner, newsletter, gate and directory changes from: John Brazil, David & Tina Rocha. (Processed.)
9. E-mail from Desi Reno regarding assessment expenditures. (To be forwarded to attorney)
10. Phone calls: gate matters, request for assistance with utility issues, request to measure door opening, request to open gate for service personal, cold calls from credit card processors, crank call.
11. Demand request for 24940 Jordan Way, Martin to Brazil. (Processed)
12. Statement from Larry Vaughn indicating availability to serve on OFSHA board, if needed.
13. Director Ordwein received communication from Sue Reynolds requesting assessment expenditure details and explanations. (To be forwarded to attorney).
14. Director Ford presented information regarding executive session and open meeting laws. (Read)
15. Director Ford presented a petition for recall/removal of board member/secretary Charles Varvayanis. (See minutes from executive session.)

Committee Reports:

Gate – Secretary Varvayanis:

1. \$75.00 turned over to the treasurer from gate key/card sales.
2. Just usual gate cards/codes requests.

Recreation – The Board:

1. Committee chairperson – see Old Business.
2. Christmas Party – see Old Business.

Finance – Treasurer, Ruth Dargitz:



1. Bill for phone service has not been received – she will call AT&T.
2. Bill for insurance has not been received – Coleman to call State Farm; will also request paperwork showing insured.
3. Bill for web hosting has not been received – Charles Varvayanis to call.
4. 26 lot assessments remain unpaid.
5. Total bills presented: \$22.63 (*Note: During Unfinished (Old) Business, the Board approved the advance payment of \$189 for Community Associations Institute and after the Board adjourned from Executive Session, the Board approved payments of \$19,350 for water and an additional \$5,000 for our Counsel bringing our "Total bills presented" to \$24,561.63.*)

Unfinished (Old) Business:

1. Three-on-three meetings – Coleman e-mailed request for another date to OFSRA President Velayas. No reply as yet.
2. Community Associations Institute – membership pending receipt of advance payment of \$189.
3. Bill Ordwein obtained information on fire-safe for documents. He and Wallace to check other places and for a filing cabinet.
4. Recreation chairperson – Ford: Rebekahs willing to take over events. Events to be self-sufficient; they will charge a nominal fee to cover expenses; any overage will go to park projects. (Fishing tournament to remain unchanged; if Jessie Worsham unable to picnic portion, Rebekahs will.)
5. Motion by Ruth Dargitz to no longer have "Recreation" as line item on agenda. Seconded by Charles Varvayanis, carried.
6. Payment form for Ann Rankin was circulated and signed for \$5,000.00.

New Business:

1. Recreation hall disposition – Tabled for license agreement.
2. Discussion of director fiduciary responsibility – President Coleman presented information from Roger Brown and Ann Rankin on duties of officers and directors under California law.

Other Business:

1. None.

Motion by Steve Wallace, seconded Mike Ford, carried to adjourn to executive session.

Adjourned to executive session: 9:51 A.M.

Adjourned to regular session: 11:20 A.M.

Report and activity resulting from the Executive Session:

1. Motion by Steve Wallace, seconded by John Tenbrink to pay remaining \$19,350 of \$69,350 water payment to OFSRA. seconded, carried.
2. Motion by John Tenbrink to extend general license and water agreements for 90 days, expiring on 1/10/12, in agreement with OFSRA September 2011 newsletter minutes indicating OFSRA Board of Directors' approval also. Seconded by Charles Varvayanis, carried.
3. Motion by Steve Wallace to approve an additional \$5,000 advance payment to attorney Ann Rankin. Seconded by John Tenbrink, carried.
4. Motion by Steve Wallace for a special meeting as demanded by the petition for request of recall of Charles Varvayanis. Notice of February 4, 2012, 12:00 noon special meeting to respond to recall to be sent with proxy. Notice date October 14, 2011. (*Note: After the October 1, 2011 BOD Meeting, the dates were changed to October 20, 2011 for the Notice and January 7, 2012, 12:00 noon for the special meeting for logistical reasons.*) Seconded by John Tenbrink, carried.

The next regular meeting is on Saturday November 5, 2011 at 8:30 A.M.

Meeting adjourned: 12:15 P.M.

Respectfully submitted,
Barbara Engvall

Odd Fellows Sierra Homeowners' Association, Inc.

P. O. Box 236, Long Barn, CA 95335-0236
E-Mail: ofsha@ofsha.org
Website: www.ofsha.org
Phone: (209) 586-3733

Dear Park Member,

This is the **OFFICIAL NOTICE** regarding the **Special Meeting** to be held at the place, date and time stated below:

Place: Odd Fellows Sierra Park Recreation Hall.
Date: Saturday January 7, 2012
Time: 12:00 p.m.

A petition to remove OFSHA director Charles Varvayanis has been delivered to the OFSHA Board of Directors, triggering a mandatory special meeting per our bylaws. **No reason for removal was given.**

The agenda will be as follows:

1. Call the meeting to order at 12:00 p.m.
2. Pledge of allegiance to the flag.
3. Invocation.
4. Discuss petition requesting the recall of OFSHA Director Charles Varvayanis.
5. Vote on matter.
6. Adjourn meeting.

Every property owner can vote on this matter, one vote per lot. If you are unable to attend, please send a proxy with a friend or mail it to the Board of Directors at the address above.

Sincerely,

Board of Directors
Odd Fellows Sierra Homeowners' Association

JANUARY 7, 2012 SPECIAL MEETING PROXY STATEMENT

Do not remove Director Charles Varvayanis

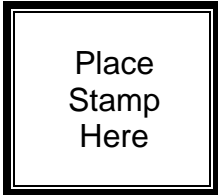
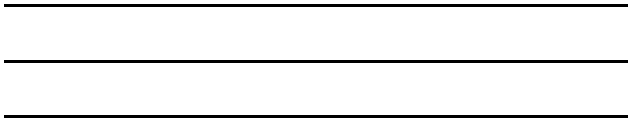
Remove Director Charles Varvayanis

OSHA Member Name: _____

Lot Address or Number: _____

OSHA Member Signature: _____

Please fold and mail completed forms to the address on other side or e-mail responses to ofsha@ofsha.org



Odd Fellows Sierra Homeowner's Association
P.O. 236
Long Barn, CA 95335-0236



Petition to remove OFSHA director *(Continued from front page)*

There are 286 OFSHA only Members and 75 Members of both organizations, OFSHA and OFSRA. Following is the breakdown between the number of OFSHA only members and OFSRA members who signed the petition:

- 22 of 75 OFSRA Members, or 29% of their total membership, signed the petition.
- 16 of 286 OFSHA only Members, or 6% the OFSHA only members, signed the petition.
- 7 of 8 OFSRA Board members or spouses signed the petition. (One vote per lot)
- 1 of 9 OFSHA Board members or spouses signed the petition (the one member sits on both boards).

The petition statistics are available at: www.ofsha.org/Annual_Meetings/Petition_Statistics_10-1-2011.pdf

The petitions received are available at: www.ofsha.org/Annual_Meetings/Petition_10-1-2011.pdf

Director Varvayanis is Secretary of OFSHA and should the recall be successful a replacement, with the time, skills and dedication provided by Charles, would be needed to take over his many duties. Director Varvayanis provides operational support to OFSHA including but not limited to the items listed below:

Routine (monthly/ongoing) tasks:

- Newsletter production and distribution
- Gate Management
- Resident Database Management
- Agenda production and distribution
- Preparation for meetings
- Website management and continuing development
- E-mail support
- Telephone support
- US Mail support
- Document Management (Filing and Scanning)
- Support to Accountant and Treasurer
- Billing address information updates to the accountant
- Property Transfers (Demand Requests)
- Record and post Board Meetings

Special projects performed since May 2011:

- Setup OFSHA website
- Setup OFSHA e-mail
- Research and negotiate Attorneys for OFSHA
- Research and information support to the Attorneys
- Research, negotiate and obtain D&O (Director & Officer) Insurance
- Research General Liability Insurance
- Establish P.O. Box and telephone
- Research USPS bulk mail permit
- Research Community Associations Institute
- Research and provide information as requested by President
- Research and provide information as requested by Board

A special meeting to discuss and vote on the removal of Director Varvayanis will be held at noon on January 7, 2012 in the recreation hall. Please try to attend this meeting or if unable to attend, vote via proxy.

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TOLL FREE
TEL: (800) 354-4529

October 10, 2011

Homeowners
Odd Fellows Sierra Homeowners Association

Re: **Odd Fellows Sierra Homeowners Association and Odd Fellows
Sierra Recreation Association**

Dear Homeowners:

We represent Odd Fellows Sierra Homeowners Association ("OFSHA"). We write to advise you of OFSHA's rights to use Odd Fellows Sierra Recreation Association's ("OFSRA") roads and water system.

OFSHA has a right to use OFSRA's water. Although OFSRA owns the water system, an October 12, 1986 Water Use Agreement states that OFSRA agrees to furnish necessary water to OFSHA. OFSRA is responsible for maintaining the water system. OFSHA is to pay \$69,350 per year to OFSRA for water. The term of the agreement is 25 years. Further, because California Department of Real Estate reports promise that lot purchasers will be provided with water, OFSHA, their representative, has a right to the water. Owners must pay the reasonable cost of the water, but OFSRA cannot charge unreasonable fees or stop them from getting water.

OFSHA also has a right to use OFSRA's roads. On October 12, 1986, OFSHA entered into an agreement for use of OFSRA's roads ("Road Agreement"). OFSRA agreed to repair and maintain all existing roads, although OFSHA is required to reimburse OFSRA for these costs. The Road Agreement's term is also 25 years. Moreover, on May 9, 1996, OFSRA recorded a declaration, which is binding on the lots, which states that OFSRA owns the roads but the lot owners have the use of them. This right is a real property interest. Therefore, OFSRA may not interfere with the owners' rights to use the roads.

OFSHA and OFSRA have agreed to extend the Water Use Agreement and License Agreement to January 12, 2012. In the meantime, OFSHA will negotiate with OFSRA and its attorneys for new agreements that will allow OFSHA, and its homeowners, to budget effectively.

OFSHA has no obligation to pay OFSRA for anything other than use of the water system and maintenance of the roads.

In the meantime, should you have any questions or concerns, please contact OFSHA. They will forward any questions that they cannot answer to us. We regret that because we represent OFSHA and not the individual homeowners, we cannot respond to your questions individually.

Very truly yours,

LAW OFFICES OF ANN RANKIN

Ann Rankin

A handwritten signature in black ink, appearing to read "Ann Rankin", written over the typed name.

cc: Client
AR:gb



**HAPPY
HALLOWEEN**

**Christmas Dinner
December 10th 2011**

Put it on your calendar!



Odd Fellows Sierra Homeowner's Association
P.O. 236
Long Barn, CA 95335-0116

Return Service Requested

U.S. Postage Paid
Bulk Mail
Permit #2
Long Barn, CA 95335