



Sierra Park Homeowners' Association



Newsletter

April 2012

Website: www.ofsha.org

Phone: (209) 586-3733

e-mail: ofsha@ofsha.org

WHOA, WAIT A MINUTE

The OFSHA Board is not responsible, as has been alleged by OFSRA, for the cancellation of the LICENSE AGREEMENT or the WATER USE AGREEMENT. At a special meeting held December 3, 2011, the OFSRA Board advised their shareholders against renewing these two agreements. At the time, the OFSHA Board was in the process of consulting with attorney Ann Rankin regarding these agreements and OFSHA had agreed to extend these agreements until January 2012. This extension was to give Ms. Rankin time to work out agreements that would have been in the best interest of the lot owners.

From the President

Dear Homeowner:

Lot owners have asked a few questions over the last year that we are now able to answer. The first concerns owners in the subdivision with vacant lots. In a report to the Division of Real Estate, Final Subdivision Public Report, OFSRA states under water "a nominal annual water assessment is made to lot owner after water hook-up is made". If this is the case, then some of you without water hook-ups have been charged for water when you were not required to pay. You should check with your attorney and/or OFSRA about this. Another question concerns CC&Rs. Some of you were given incorrect information about putting CC&Rs on your property. There is no legal requirement to do this. You can have them removed within two years. Currently, there are only about ten lots with CC&Rs. There is no advantage to a lot owner to have CC&Rs on their property, but there is a big disadvantage. The only way to legally collect an assessment is to collect only from lots with CC&Rs. Our attorney advises us that Assessments cannot be legally collected from those lots without CC&Rs. If you are concerned about this, you should seek legal advice from your personal attorney.

It should be noted that when OFSHA was advised about the difficulty of collecting assessments and/or fees from the lot owners without CC&Rs, it became impossible for OFSHA to sign the Licensing Agreement and Water Use Agreement because we could not guarantee a stream of income to pay for the contracted amounts. As a board, we could not commit the lot owners to something for which we could not guarantee payment. A second

Continued on page 2...

OSFHA Calendar

OSFHA Board meetings begin at 8:30 AM.

Board Meeting: May 5th

Annual Meeting: May 27th



WARNING

We must warn all of you that with OFSRA's cancellation of the LICENSE AGREEMENT you do not have the right to use the lake or any other property owned by OFSRA and referred to as the "common area". When the OFSRA share holders voted on December 3, 2011 not to renew the LICENSE AGREEMENT, the lot owners lost the right to use these areas. Therefore, unless you receive special permission from OFSRA to use the "common area", you could be charged with trespass.

NOTICE

Due to OFSHA not owning any property, OFSRA canceling the LICENSE AGREEMENT and the WATER USE AGREEMENT, the OFSHA Board is not proposing a budget or to collect an assessment for 2012-2013. However, if we were to present a budget for operating the subdivision it would be \$650 per lot owner or less. Our research indicates that the same level of service proposed by OFSRA in their 2012-2013 budget of \$1033 could be provided to the lot owners at a cost substantially lower than the OFSRA proposal. Your only responsibility is to pay for the roads and water. You can only be billed for the actual cost of these services and OFSRA should not make a profit from them. If you voluntarily pay the fees they claim you owe, that is your decision. However, our attorney tells us that without CC&Rs, OFSRA cannot bill you for whatever they decide to put in their budget. Before you pay, you might want to check with OFSHA and/or your attorney. More information concerning this issue will be in the next OFSHA Newsletter. Also, since OFSHA paid OFSRA \$69,350 per the WATER USE AGREEMENT prior to October 2011, your water bill is paid to November 2012.

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)*

problem came up with the Water Use Agreement when our attorney advised us that it was illegal for OFSRA to sell water to OFSHA and/or the lot owners. Once we became aware of this, there was no way that we were going to sign an agreement that promoted an illegal act.

That brings us to the two items for which you are responsible. The first is water. OFSRA has stated that they are in the process of forming a mutual water company in order to legally supply water to the subdivision. Road maintenance is the only other item that the lot owners are legally required to pay for. Roads are covered under Civil Code 845. OFSRA will have to bill each lot owner directly for their share of road maintenance. Should a lot owner disagree with his/her road maintenance bill, a complaint can be filed with the Superior Court and a mediator will be appointed to settle each individual dispute.

Garbage could be an issue. It is more of a concern to those of us living in the subdivision full time since we receive the greatest benefit from the dumpster. Should the dumpster be taken out, each full time resident could pay for individual pick-up as is done in other areas of Tuolumne County. Taking the dumpster out would be a savings for part timers. Needle removal is another issue that remains to be worked out. Owners of undeveloped lots really need to consider the cost of garbage and needle removal since these two items, along with water, are of no benefit to them.

Thank you,

Fred Coleman
President
OFSHA Board of Directors

**Odd Fellows Sierra Homeowners' Association
Board of Directors Regular Meeting Interim Minutes
April 7, 2012**

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

Invocation by Al Orth.

Board members present: President – Fred Coleman, Treasurer – Ruth Dargitz, Vice President – Steve Wallace, Al Orth, Bill Ordwein, John Tenbrink and Larry Vaughn. Excused: Jesse Worsham and Mike Ford.

- **Minutes** March 3, 2012: Motion by Steve Wallace, to approve the minutes as revised. Seconded by Ruth Dargitz, carried.

Correspondence:

The following communications were received: Huckaby Insurance - general liability insurance binder. (Requested by Mike Ford for Fish Derby) • John Coate - an offer to help with the Fish Derby • Doug & Susan Kelly - additional information regarding request to merge lots • CAI - multiple newsletter articles and seminar information • Garren San Julian - request for cleaning service recommendation • United State Liability Insurance Co. - cancellation notice due to non payment • United State Liability Insurance Co. - reinstatement as payment applied, cancellation was a mistake • March OFSRA newsletter • Paul Slakey - change of e-mail address.

Committee Reports:

Gate – Secretary Varvayanis / Bill Ordwein:

1. Transferred to OFSRA. \$80.00 cash turned over to treasurer from change held for processing gate sales.



Recreation:

1. .

Finance – Treasurer, Ruth Dargitz:

1. Total bills presented: \$6468.87, not including \$10,000.00 retainer to attorney Scott Ward. (Fred Coleman - if lawsuit with OFSRA is settled out of court, retainer money is to be returned.) Motion by Steve Wallace to approve bills as presented. Seconded by John Tenbrink, carried.

Unfinished (Old) Business:

1. 2012-2013 budget - would be administrative costs only, and per attorney would be a fee not an assessment due to no CC&Rs. More discussion is to happen with OFSRA.
2. CPUC acknowledgement of complaint.
3. Discussion of Planning Commission meeting and presentation of letter.
4. Reserve accounts - disbursement to be discussed in executive session.
5. Fish Derby Fund - monies to be sent via check to OFSRA - \$2,020

New Business:

1. None.

Other Business:

1. None.

Members before the Board:

Beverly Woodland, Maynard & Judy Wallin, Mike Van Gundy, Friedhelm & Yvonne Peter, John Coate, and Kirk Knudsen.
Comments by:

- Doug Kelly - comments re: concern for property values, wait for answer regarding merged lots and number of assessments for them. Also commented that he does not remember ever being requested to apply for CC&Rs..
- Fred Coleman - comments re: license agreement, CC&Rs, corporate papers regarding board expenditures and having just one organization.
- Friedhelm Peter - question/comments re: water & license agreement authors and budget approval.
- Elsie Manning - comments re: history of events regarding the formation of the Homeowners' Association, complaint regarding Charles Varvayanis being hired and question of why both boards go into Executive Sessions.
- Clark Kellogg - comments re: more points of history of formation of Homeowners' Association, information on organizational structure and need for a conclusion as to the governance of the park.
- Chris Kiriako - comments re: motion he made at 2011 annual meeting regarding the budget, concerns of how roads to be maintained, if water, garbage and snow removal services will continue and lack of legal structure.
- Vickie Stewart - comment re: CC&R requirements and moving past negativity.
- Michael Lechner - Suggests homeowners to attend OFSRA meetings today and next week and figure how to move forward.
- Sharon McDougall - complaint that money was spent without vote of homeowners.
- Ron Sweet - comment re: need for boards to come together as assessment is getting eaten up.
- John Tenbrink - comments re: meeting between two boards with the attorneys being more organized and civil than previous meeting without attorneys, OFSRA being a for-profit organization, property taxes paid by OFSHA and OFSHA requests to see bills.
- Joe Nelson - comments re: lawyer costs in past, Odd Fellows ownership and homeowners paying for OFSRA projects/equipment owned by OFSRA.
- Ruth Dargitz - comments re: fiduciary responsibility to see how money is spent and Letter of Intent.
- John Wallace - comments re: budget approval and lack of necessity to see every bill.
- Pat Kinney - comment/suggestion re: concerns for property values and single organization for park management.
- Bill Ordwein - comments re: license agreement, additional discussion to be at OFSRA meetings and without CC&Rs OFSHA's need for options.
- Daryl Clark - comments re: timber money and voting discrimination.
- Mary Wallace - comments re: dealing with the PUC.



- Charles Varvayanis - comments re: CC&Rs on his property, his paid assessments, bylaws regarding board authority to spend money, OFSRA right to sell property, having just one corporation, timberland ownership and water agreement.

Adjourn to recess for recall election at: 11:05 A.M.

Adjourned to executive session: 11:45 A.M.

Recall election results: 2:55P.M.

Due to the board members being recalled individually and because cumulative voting was used to put the board into place, per law it does not take a majority to take them out. Using the legal formula, if at least 17 "no recall" votes are received the member will stay in office.

Bill Ordwein:	no/65	yes/83
Al Orth:	no/53	yes/94
Mike Ford:	no/52	yes/95
Ruth Dargitz:	no/54	yes/93
Steve Wallace:	no/53	yes/94
John Tenbrink:	no/52	yes/95
Fred Coleman:	no/49	yes/98
Jesse Worsham:	no/55	yes/92
Larry Vaughn:	no/51	yes/96

Adjourned to regular session: 3:06 P.M.

Report and activity resulting from the Executive Session:

1. Motion by John Tenbrink and seconded by Ruth Dargitz: Should an escrow account be created, it should not be with Dambacher, Trujillo & Wright. Passed.
2. Motion by John Tenbrink and seconded by Larry Vaughn: Steve Wallace and Fred Coleman to negotiate a deal with OFSRA, OFSHA Board to have input and final approval. Passed.
3. Steve Wallace and Fred Coleman have permission to assemble a budget of \$200.00 maximum per lot for administration fees for 2012-2013 to present at the annual meeting.

The next regular meeting is on Saturday May 5, 2012 at 8:30 A.M.

The Annual Meeting is on Sunday May 27, 2012 after the OFSRA meeting.

Meeting adjourned: 3:15 P.M.

Respectfully submitted,

Barbara Engvall / Fred Coleman



Odd Fellows Sierra Homeowners' Association
Board of Directors Special Meeting Interim Minutes
April 12, 2012

Called to order: 6:05 P.M. by President Fred Coleman at the home of Ruth Dargitz in Oakdale.

Board members present: President – Fred Coleman, Treasurer – Ruth Dargitz, Vice President – Steve Wallace, John Tenbrink and Larry Vaughn. Excused: Jesse Worsham, Bill Ordwein, Al Orth and Mike Ford.

Motion by Steve Wallace, Seconded by Larry Vaughn to adjourn to Executive Session to discuss the pending law suit.

Adjourned to executive session: 6:07 P.M.

Adjourned to regular session: 7:00 P.M.

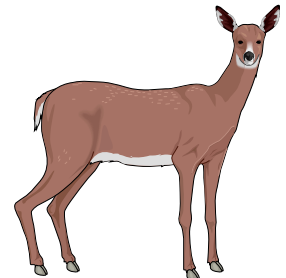
Report and activity resulting from the Executive Session:

- 1. Nothing to report.

Meeting adjourned: 7:02 P.M.

Respectfully submitted,

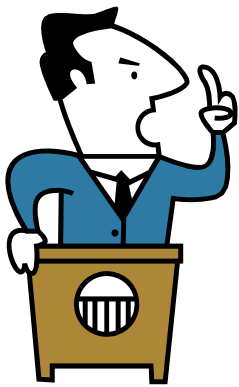
Fred Coleman



Checks Disbursed 3/10/2012 - 4/11/2012

Table with 5 columns: Date, Number, Payee, Memo, Amount. It lists various disbursements including attorney fees, fish donations, accounting services, and telephone expenses.

Total Disbursements \$28,313.03



Annual Meeting May 27th 2012

Meeting starts after
OFSRA Meeting

Please participate!



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

Return Service Requested

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