

Cedar Highlands Homeowners Association Board Meeting  
2011 High Cedar View Drive, Cedar City, UT April 11, 2009 at 6:00pm

The Cedar Highlands Homeowners Association Directors held their monthly board meeting on April 11, 2009 at 6:00 p.m. at the home of John and Jacqueline Tully.

**Cedar Highlands Board Members Present:** Beth Gaines, Manny Mosqueda, Linford Nelson Clive Newell, John Tully, and Janet Webb.

**Others Present:** Stan Gaines, Tom Kosakowski, Stephanie Mosqueda, Shelly Newell and Jacqueline Tully.

The minutes were taken by Janet Webb.

**1. The meeting was called to order at 6:00 p.m.; Welcome and Introduction of visitors – John Tully**

**2. Approval of Minutes:** Beth Gaines had a correction on the minutes from February 2009. Janet motioned to approve the January 2009 minutes and the corrected February 2009 minutes. Beth seconded the motion. The vote on the motion was unanimous.

**3.** John Schmidt addressing the Board is deferred until May's meeting.

**4. Committee Reports:**

**A. Water Report – George Mason-Absent (Presented by John Tully)**

- 1) John discussed highlights of the Rural Water Conference attended by him and Janet Webb. Their report is included as an attachment to the minutes. John also read the water report provided by George Mason. This document is included as an attachment to the minutes.
- 2) Linford Nelson was provided with his eight (8) water meter vouchers as described in the January 17, 2009 minutes, item 9-d.
- 3) A letter sent certified, return receipt requested was mailed to the owner of lot 1 block 3. Per the USPS, the letter was never picked up. The letter was the notice of water shut off and loss of voting and common area privileges for non-payment of HOA dues. Janet also provided the new "Water Shut-Off Notice" which was approved for posting whenever water is shut off on a lot and the new letter to be used whenever water has been shut off due to delinquency of HOA dues. Both of these are included as an attachment to the minutes.
- 4) Water was shut off on lot 16, block 2 due to a water leak. The leak was located on the owner's side of responsibility.
- 5) Jeff Hunter of Mountain Valley Excavation will be asked to provide an invoice for parts on the next two pressure reducing valves. Beth Gaines will then write the \$10,000 check.
- 6) Unfortunately, due to illness, David Lake will no longer be George Mason's back up.

**B. Financial Report– Beth Gaines**

- 1) Collections – Beth Gaines mailed the letter to Mr. Richard Marotte, President of Abraham Roth & Associates, Inc., terminating our contract. They have been unresponsive. Beth will resend the letter by certified mail, return receipt requested so we have proof the letter has been sent. Since this Collection Agency has been unresponsive to this Boards numerous documented attempts to collect monies and reports owed per contract, Beth will file a formal complaint with the Attorney

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General's Office of Nassau County, New York. If the A.G.'s office is unable to collect monies collected by Abraham Roth & Associates, Inc., on our behalf, we will have to write it off as bad debt. Any delinquent HOA dues not collected by Abraham Roth & Associates, Inc. continues to be the responsibility of the lot/home owner along with any other related costs to collect delinquent CHHOA dues.

- 2) The February and March 2009 "Cedar Highlands HOA Financial Accounts" reports, the "Cedar Highlands Home Owners Association Comparative Revenue and Expenses and Budget Worksheet" for the years 2007 thru 2009 and Richard Dickinson's March 31, 2008 billing statement was presented to the board. HOA dues collected are deposited into the HOA's general account. The water portion of the dues is then transferred into the water reserve account. As the transfer has not occurred yet, the balances for February and March 2009 are high in the general account and low in the water reserve account. The adjusted balances should be available in April.
- 3) Beth supplied the names of individuals who have made partial payments and those who have made no payments on their CHHOA dues. Each Board member was assigned a portion of the list for the purpose of contacting owners in regard to making payment. Beth also supplied a copy of the letter sent to the owner of Block 8 Lots 19 & 20 regarding the water usage fees he owes. Beth will gather the historical delinquent dues amounts so each Board member knows the balance owed when the collection calls are made.
- 4) Beth has agreed to write a letter to the owner of Lot 19 & 20 Block 8 stating the need for a copy of any payments claimed to have been sent to Abraham Roth & Associates, Inc. Without it, he will not be given credit as we are unable to obtain proof from the Collection Company.
- 5) Janet asked why the HOA bills had a breakdown of three separate amounts owed. This has never been done in the past. We do not read meters for each lot and therefore are not charging for any specific amount of water used. This topic needs to be revisited before next year's bills are prepared. Per Article V, Section 7 of our Covenants and Restrictions, annual assessments must be fixed at a uniform rate for all lots.

**C. Architectural Report – Manny Mosqueda**

- 1) Manny supplied us with a letter from the owner of Lots 12-15 Block 4 requesting a merger of lots 13 and 14 of block 4. The purpose is to build a new home and garage across the interior lot line of these two lots. A copy of this letter is included as an attachment to the minutes. After much discussion, all Board members agreed that we are not opposed to whatever the Iron County Planning and Building Department must do to allow the owners to build across the interior lot line as long as there is a stipulation recorded on the deed stating the Cedar Highlands HOA dues will continue to accrue annually for these two separately purchased lots.

**D. Fire – Clive Newell**

- 1) Per Clive, John Schmidt of the Utah Division of Forestry will attend our April Meeting.

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**E. Roads - Linford Nelson**

- 1) John Tully provided a copy of the letter mailed to Steve Platt, County Engineer requesting road signage for increased safety on Greens Lake Drive. A copy of the letter is included as an attachment to the minutes.

**F. CC&R's – Janet Webb**

- 1) The CC&R's were reviewed due to the request of a home owner to merge two of their lots for the purpose to build across the interior lot line.

**5. Other Business/Discussion**

1. John thanked Manny for his work on the HOA website and asked everyone to review the website and recommend any changes they may have. He also asked Manny to remove the budget from the financial page.
2. John told all Board members to be prepared to sign a code of ethics form at the next meeting.

**6. Action Items –**

- a. Beth to write a letter to the owner of Lot 19 & 20 Block 8 regarding the need for him to send copies of any payments he made to the Collection Agency.
- b. Beth to get current and historical figures for delinquent owners of HOA dues to John.
- c. Janet to provide verbiage to John for collection calls by Board members to delinquent owners.
- d. Beth to resend letter to Collection Agency by certified mail, return receipt requested informing them of our cancellation of the contract.
- e. Beth to contact the Attorney General's Office in Nassau County New York regarding the Collection Agencies illegal activity.
- f. Janet to e-mail January and February 2009 minutes to Manny.
- g. John to request invoice from Jeff Hunter for work on 2 PRV's.
- h. John to ask George Mason to find out from the County what we need to do to maintain our water rights.
- i. Manny to remove budget information from the financial section of the HOA website.
- j. John to call the owner of Lots 12-15 Block 4 to inform him of the Board's decision regarding his merger request.
- k. All Board members to read the draft of the March minutes.

**7. Public Comment –** There were no public comments.

**8. Time and place of next meeting**

1. The next Board meeting will be held on May 9<sup>th</sup> 2009 at 6:00 p.m. at the location of Stan and Beth Gaines.

**9. Adjourn:**

Beth Gaines motioned to adjourn the meeting, Linford Nelson seconded the motion. The vote on the motion was unanimous. Meeting adjourned at 8:06 pm.