

**Westfield HOA Homeowners' Meeting**  
**February 4, 2009**  
**@ the home of Stewart Rodgers**  
**962 N. 3550 West, Layton, Utah**  
**7-8:30 p.m.**

**Agenda:**

- I. Lawyers Letter explaining impossibility of removing HOA as only one person needs to request it stay and that one is incontestable
- II. Unpaid dues—several reason including hopes of HOA dissolution
  - a. Payment from Welch and setup
  - b. Penalties will not and cannot go unrecognized any longer
- III. Amendment to be read through and recognized as now being recorded and official
- IV. Violations—issues need to be addressed with Welch and the Board. We will make any and all reasonable exceptions.
- V. Refunds to Light Owners
- VI. Next Annual HOA meeting June 10, 2009
- VII. Q&A Two minutes per person per topic

The meeting was brought to attention by Stewart Rodgers, Westfield HOA president. He introduced Tony Daly, another board member, who then introduced other members of the Board in attendance: Larry Henson, Mike Beaudry (treasurer), Brenda Ory, Julie Hillman (secretary). Brian Morris, from Welch Agency (Westfield HOA's professional management company).

Tony passed out copies of the amendments of CC&R's that were voted on last June, addressing item III on the agenda. These will also be posted to our HOA's website at [www.welchagency.com](http://www.welchagency.com).

Brian from Welch agency was asked to address item I on the agenda. He read a letter from Welch's attorney who reviewed the CC&R's for the possibility of whether or not they allow for disbanding the HOA. In summary, every single homeowner would have to agree to dissolve the HOA. Several people voiced their concern over disbanding the HOA and said they would never agree to do so because they feel it would affect property values in a negative way. Therefore, it is highly unlikely that an effort to disband the HOA would be successful. The other alternative would be to wait 45 more years until the CC&R's expire. A copy of this letter is posted on our website at [www.welchagency.com](http://www.welchagency.com).

Stewart talked about this issue and emphasized that this is the most important point in tonight's meeting. The purpose of the HOA is to preserve and protect property values and he would make sure that was done as long as he lives in this subdivision.

Tony reviewed the history of the HOA for the benefit of those in attendance: We are a new HOA, barely one year old. In an effort to save money, we hire a sub-par management company who made all sorts of false promises. By October, we realized what a catastrophe (botched billing, poor or failed communication) we had on our hands and scrambled to hire a new management company. We feel confident in the new company we hired, but we do have new costs because of the change in management, and also because we are now more familiar with the costs of what it takes to run the HOA.

Mike Beaudry pointed out the challenges of the HOA were made worse because Phase II of the HOA was allowed to opt out of their obligations (even though they enjoy the benefits) and Phase III is left holding the bad for the entire building development.

Angela Kimball asked why we can't self-manage the association to keep costs down. Stew answered by explaining our bylaws require a professional management company, as defined on Article IX, #2 (p. 17) in the CC&R's.

Brenda and Mike addressed item II on the agenda—the 2009 Budget/dues collection: We have 18 homeowners who haven't yet paid their dues, leaving us a \$3,687 deficit for our projected 2009 Budget. Several homeowners expressed concerns over having to come up with the entire amount up front, near the holidays. The board announced its decision to allow homeowners the option of making payments over a six month period of time for the 2009 assessment, but all must be paid in full by June 30, 2009, or a late fee will be incurred. Homeowners must set up a payment plan through Welch Agency. The board also announced its decision to remove all late fees on this year's dues. Last year's interest and late fees still apply. Individual homeowners with concerns should contact Welch Agency in writing and the board will review their individual circumstances. Welch agency will post a detailed review of this policy in the form of a letter to all homeowners on their website at [www.welchagency.com](http://www.welchagency.com).

Brenda was able to collect homeowners' dues from the Ivory Model home—something the board has been trying to do from the beginning.

Brenda also told a horror story she learned from Ivory Homes of another subdivision that abandoned their HOA after all the homes were sold. For three years, they allowed the common area to decline. Finally, the city contacted Ivory home and made them fix it—the replacement and repairs amounted to \$58K. Ivory turned around and put a lien on each of the homes in the subdivision and the homeowners had to reimburse Ivory to clear their titles.

The board expressed their desire to keep dues as low as possible. Currently, two board members have been taking turns removing snow from the common area so we can save money otherwise incurred. Homeowners can view the complete 2009 budget at [www.welchagency.com](http://www.welchagency.com).

Stew expressed concerns that some people just simply are not paying their dues—perhaps in a hope that the HOA will go away. Unfortunately that will leave the HOA unable to meet its obligations. Therefore, appropriate action will be taken shortly to force all homeowners to pay their dues. The board also talked about the importance of building up a reserve fund for emergency. The HOA has not yet built that into the budget, but will need to in the future. However, the board will do what it can to keep the budget within 4 percent of the current budget for 2010, or maybe even at or below our current because of the economy—hopefully it can lower some costs.

A homeowner expressed concerns about how the 2009 budget assessment blindsided most homeowners. It was very upsetting, and he felt the board should have to go through a public process before such a large increase is allowed.

Stewart and the board responded by re-emphasizing the necessity of why they were forced to move ahead with the budget at that time because of the crisis created by the incompetency and firing of Reality World. He also promised the board would make an effort to notify homeowners in advance of major changes in future budgets. This year, the board hopes to have a good idea of the actual budget by the annual meeting in June. Last year was the board's first year, and there was a learning curve. After talking with neighboring HOA boards, we've learned that there is a huge learning curve for HOA's and the first year is often very challenging.

Several homeowners expressed concerns over their personal bills to the HOA. Brian, from Welch Agency, and Stewart explained the board will be happy to look at individual concerns, but each homeowner must submit his/her request in writing to Welch Agency. It is important for both the homeowner and the HOA that everything is done in writing so we can create a paper trail for all concerns and decisions.

Item IV. Brian said Welch Agency will make periodic visits to the neighborhood during which they will look for violations, and take pictures to document any they see. He explained that they are only human and will occasionally make mistakes. If a homeowner doesn't feel the violation was warranted, a homeowner can dispute the violation. Common sense will dictate the board's response.

Stew emphasized that it is his job to make sure that if someone in the HOA goes to sell their home, that a standard of excellence for the subdivision is met for all homeowners. He mentioned that some homeowners have had extenuating circumstances that have left them with violations—some people have already addressed these concerns to the board. On the other hand, other homeowners seem to be ignoring the HOA's efforts to

get them to comply and it's his responsibility to see that the CC&R's are enforced. **The grace period for past violators is over and they will soon be receiving stiff penalties.**

Item V: Refund checks will be issued shortly and sent to the homeowners who have light poles in their yards.

Item VI: The next annual meeting will be held on June 10, 2009 (location TBA).

Item VII: Q&A's

There are two vacancies on the board. If anyone would like to nominate someone to serve on the board, please contact Welch Agency at (801) 393-4984.

Angela Kimball asked that the HOA please publicize future meetings better. She volunteered to pass out flyers on everyone's door in the future. She also said she feels some homeowners have an antagonistic view of the board because they don't understand what is going on. She said attending this meeting really helped change her opinion of the board. She said she realizes now that the board is on the same page as she is on many issues.

Stew asked that everyone who wants good communication from the board give their email address. He also asked them to ask their neighbors to do the same. Any time we can communicate via email, it saves money.

Mike Beaudry said he would distribute the minutes to everyone's doors.

A homeowner expressed his concern that all board members be required to be free of violations and current on all fees. Stewart promised that this is the case, and will be in the future.

Angela Kimball asked about the possibility of homeowners helping out with the landscaping to keep costs down. The board explained that it's worried about liability issues. All contractors we hire are required to be licensed and insured—a homeowner wouldn't be, potentially causing problems.

Leonard asked if the budget would be increased and asked that homeowners be given at least 30-45 days notice in the future. He also asked if someday we might have to come up with money to cover snow removal.

Stewart responded that the board will give more notice in the future of budget increases, but it will try to keep the budget close to where it's at for the near future. For the foreseeable future, board members will continue with snow removal.

Several residents asked to review the payment of dues policy. Please see letter to homeowners on this subject posted at [www.welchagency.com](http://www.welchagency.com).

Someone asked why homeowners have to pay interest on their dues if they choose the payment option. The board responded by explaining that the interest is minimal (1 ½ percent); that it's trying to incentivize residents to pay early; and that the HOA is a business and has bills to pay—many of them due at the beginning of the fiscal year and it must collect money to pay those bills.

Stewart asked homeowners to please talk to their neighbors, get email addresses for the board to communicate better and think about who might fill the two vacancies on the HOA board.

The meeting was adjourned.