

June 9, 2010

Dear Silver Springs Neighbors,

The Silver Springs Single Family homeowners are the recipients of another letter from Bill Gunter. Of course, anytime citizens/Members join together to rectify a wrong there will be resistance and threats from the establishment against whom the protest is directed. The best way to get the board to adhere to the HOA charter rules is to remain in solidarity as a majority, to withhold payment of the MA assessment for capital improvements to the Little Lake dam and gates. This is only one of many issues we are working to remedy (see website). We have the right to expect our rights to be protected by the volunteers who choose to run for office, and we certainly can vote them out in October.

It is also interesting to note how sympathetic Gunter seems to be to the needs of the 5.24 acre [Little Lake](#) which is essentially a private body of water for 25 homeowners. If it is true that "cooperative efforts will keep repair costs low" then why wasn't that course taken in the first place? If the costs are now lower these lake view property owners should be able to manage the payment, after all, they are the only ones benefiting. The dam itself is part of their private property. Our proposal is to transfer the Little Lake to SouthShore subdivision to rectify the error of transferring the title to the MA in 2004 from Mountain Regional, another action taken without a Membership vote.

All I can say is that the Community is withholding payment to the MA because the MA and the SSSF boards have become used to doing whatever they want without the rightful consent of the Members, and this latest assessment in the time of a deep financial recession sent many folks over the edge. Members have had enough of poor management of our HOAs.

I would bet that Gunter's claim that "75% of your neighbors paid their assessment" is his attempt to embarrass or intimidate Members into paying the MA assessment. I would also bet that if "75% of your neighbors" have paid then the majority of the checks were likely for the SSSFHOA 2010 annual \$105 assessment, not the MA \$357 assessment.

Gunter knows the MA board, composed of the individual HOA reps including him, is out of compliance by ignoring Member voting rights provided within the Silver Springs charter documents. When he quotes only the Articles and ignores our other charter documents that leaves Gunter standing on shaky ground. His letter sent to threaten us with legal action demonstrates that he can be a bully. If we stand firm together against paying for a private pond we cannot use, and billed to us without our voted consent then we can regain our voting rights and effect the future decisions in Silver Springs.

Realize we also have the support of our MA and HOA rules which are quoted in several documents and on our website, for example (click on link) the [1990 DEVELOPERS DRAFT BYLAWS in Article III. Meeting of MEMBERS, Section 5A. Quorum](#). Fifty-percent (50%) or more of the Members, either present in person or by proxy, shall constitute a quorum for any and all purposes, **except in special assessment circumstances, in which the express provisions require a sixty-six and two-thirds (66 2/3%) percent vote of the members present.**

We have legal counsel who disputes Gunter's threat of legal action against individual homeowners for a second reason: "they can't legally bring action against individuals unless they bill individuals. They are billing the HOAs and so their only recourse is against the HOA. The MA counsel agreed." We will post in a collection the opinions from various legal authorities that we have quoted as soon as we have them ready.

If you read over the [MA Minutes](#) you may sense the board's quandary, yet neither Board has responded to our proposals or our requests that they adhere to the Bylaws, etc. Some board members seem to not be able to fathom that our dissent is about our rights as homeowners and HOA members; that it is about adhering to fundamental rules so everyone is on an equal playing field; and that it is about fiduciary duty and accountability. Instead of listening to our concerns why is Gunter attacking the very people he is suppose to represent?

One of the main points of conflict between our group, and some of the ten MA board members is that we believe in full disclosure to the HOA Members. A couple dominant board members have persistently followed a course of closed door discussions and decisions and limited disclosure of pertinent information to the Members. Do they think we are too ignorant to understand, or too apathetic to care? I have heard Gunter say that including the Members makes things too messy, he is on record as stating that our charter documents are just old pieces of paper, and that he wants to do things his way.

Our Community "Tea Party" or "Community Organizer" group, whatever you choose to call us, is a network of our neighbors who are taking action to fix what is broken. We know this can be accomplished with your support. We will provide reliable information as we find it via email and on the [www.silverspringscommunity.com](http://www.silverspringscommunity.com) website, and with occasional fliers to those Members we cannot reach with email.

In exchange we need your comments, and input. We can set Silver Springs on a positive course and streamline the Master Association and its ever-increasing expenditures. We have collected a large stack of your ballots and continue to encourage all Members to participate by returning the remaining outstanding ballots. It is easy to participate; all that is required is a few clicks.

Best regards,

Lucy Archer

[May 4, 2010](#): SSSF Bookkeeper Lynn Cier reported 71 paid-in-full 2010 dues, 118 not paid, (189 lots total). She added that 9 members paid only the assn.'s share -- \$105 -- citing protests against the Master Assn.'s additional assessment of \$182 this year without General Member vote as provided in the MA Bylaws. She read some of the letters of complaint or protest to the board.

SSMA Minutes: <http://www.silverspringscommunity.com/master-association/ma-mtg-min/>

SSSFHOA Minutes: <http://www.silverspringscommunity.com/our-community/silver-springs-sf/bd-mtg-min/>