



## Silver Springs Master HOA March 2010 NEWSLETTER

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SILVER SPRINGS COMMUNITY RESIDENTS

....If you are thinking of paying the  
\$357.<sup>00</sup> 2010 MHOA Assessment...

### **CHECK THESE FACTS**

(This flyer is at [www.silverspringscommunity.com](http://www.silverspringscommunity.com) at the top of the Homepage.  
Visit our website if you want to click on the links.)

As Members of the Silver Springs Community our focus is to dissolve or restructure the MHOA for a number of reasons:

- The MHOA was formed 20 years ago for the benefit of the Developer and Summit County, not particularly for the majority of the 512 property owners.
- The [1989 Developer-Homeowners Agreement](#) was signed by the Developers before the Master Association existed, and by seven of the 13 subdivisions. Also read [MHOA History](#).
- The [1990 Articles of Incorporation](#) were signed by the Developers, not by the subdivision presidents, the General Members did not vote or approve them.
- The Developer Draft of the [1990 Bylaws](#) has never been finalized, no one signed it, and General Members did not vote or approve any Bylaws.
- The MHOA does not have CCRs, usually these outline the authority and process by which the board can assess the property owners.
- The [2004 Lakes Conveyance Agreement](#) was signed only by one MHOA president. Neither the subdivision presidents nor the General Members voted or approved this agreement. Read [Lakes History](#) which includes aerial view photo of the dams.
- At the Feb 9, 2010 MHOA meeting it was explained that the dams on the lakes are actually the dirt beach rim running along the NorthShore lots 1 to 12, and the SouthShore lots 1-13. Part of these dams exist as the personal property of these lake view property owners. The General Members are being assessed to maintain them.
- The original early 1980's deal to property purchasers was that "[Enjoyment Easements](#)" [around the entire perimeter of the lakes](#) and the various waterways, along with the various access areas were provided for the use of ALL the General Members. This deal has repeatedly changed over the years as more and more homes were built. This access and use situation has been festering for years, now is the time to resolve it fairly for everyone. Divide the MHOA into three categories, change its assessments, allow the 54 lake view owners to maintain these privatized amenities. Eliminate conflicts with individual subdivision CCRs and Bylaws.
- The MHOA has not been audited for twenty years. Financial records have been requested by a number of entities over the years yet the MHOA manager has not complied with full disclosure. See the scantily detailed [MHOA Budgets](#).
- The MHOA has not equitably used its resources for the benefit of the entire community and the projects proposed for other common areas. The MHOA should be property known not as a HOA but as a Community Common Area Property Management Non-Profit Corporation.

- The General Membership has never been informed, included, or asked for their vote on any MHOA decisions, including the obligations and liabilities of the lakes or assessments.

- The MHOA functions arbitrarily, has no consistent guidelines, even the board members, particularly the unelected board president, may not be eligible to serve as board trustees.

- The lake view owners have been heard to say the rest of the Members are jealous of them so that is why we want fair and equal access restored or we should not pay for their private amenity. Lake view owners have proposed to purchase the enjoyment easement land.

Primarily, the MHOA is dysfunctional and needs to be dissolved, it is a property management entity only. The only task they have is the disposition of the Common Area Parcels that have been deeded to the MHOA. These can be transferred to contiguous subdivisions; in some cases these subdivisions owned these parcels before being transferred to the MHOA.

Proposals have been made as follows:

--that the [Tennis Court Parcel](#) could be returned to the original owners, Willowbend West, Meadow Wild and Meadow Spring, or all the 126 SS condos.

-- that the [Little Lake](#) and South Berm could be deeded to SouthShore.

-- that the "[Wetlands](#)" could be deeded to NorthShore along with the North Berm.

-- that the [Park](#) could be managed by the SSSFHOA.

-- that the 20.84 acre [Large Lake](#) can be managed by the 29 lake view owners, at their expense, with a possible agreement with the HOAs who want to participate, for a set annual stipend. Or the large lake, which has become primarily private, can be drained again and developed into a 32 acre Park in conjunction with Parcels [R](#) and [J](#) for the use of all 512 Community property owners.

The dissolution/restructure of the MHOA will eliminate the cost of setting up Bylaws, etc. MHOA binding documents are now untenable. A Community Agreement for use of common amenities by Community residents would be easy to draft and administer by majority consent.

Above are the combined comments from the many General Members who have provided input. We are all concerned that the MHOA exists without supportable documents and is discriminatory. Assessments do not reflect use or access. This is the time to make changes.

If you do not want to pay the MHOA assessment read this: "The individual residential property owners are not the members of the MHOA, the subdivisions are the members. [if the Bylaws were signed and valid] This is confirmed by the fact that the assessments for the MHOA are sent to the subdivisions who in turn then assess their members; this is further confirmed by the lack of any exception on property owners title insurance policies acknowledging the MHOA. Also the MHOA board has never included the individual property owners in a vote regarding membership, or on policy, budgets, or incorporation of additional common areas (viz. lakes), or for the election of MHOA officers. Any effort by the MHOA to collect individual property assessments or filing of liens on the individual property owners will constitute a slander of title and expose the MHOA, its directors, and officers, to personal liability."

We expect that the 54 lake view owners and the former and current board participants will disagree to deny their neglect. We have the (450) General Member majority on our side.

If you agree and would like to assist your neighbors in this matter write to [sscommunityut@gmail.com](mailto:sscommunityut@gmail.com). Your comments and input are important.

For more Silver Springs Community and MHOA information that does not cover up or parse out the facts, nor does it require you to register and wait for a password, visit:

[www.silverspringscommunity.com](http://www.silverspringscommunity.com) Here you will find maps, minutes, budgets, histories, all thirteen subdivisions, Neighbor News, and a current calendar, and more.

**THE MHOA ASSESSMENT OF \$357 WAS CALCULATED BASED ON 504 RESIDENTIAL UNITS. RECENTLY SOME SUBDIVISIONS HAVE RESIGNED MHOA PARTICIPATION. YOUR SUBDIVISION CAN ALSO RESIGN!**

As citizens and property owners we have the right to our opinions, and we have the right to make wrongs right. For two years I have been closely following the MA and I can tell you it is the most disorderly, discriminatory, inefficient, and muddled group in Summit County. I can tell you that the MHOA board does not want Member participation and does not listen to Member ideas or requests. The board members do not answer hard questions nor provide fiscal disclosure. Some MHOA trustees have ignored, slandered, or ostracized Community Members who have tried to participate, or who ask questions or have new ideas.

Both the MA Articles and the Bylaws have dissolution language. The General Association Members have the ultimate say whether they want to continue the MHOA. We think after twenty years of history indicating the MHOA is unable to correctly function it is time to abolish the MHOA and reorganize it for what it really is: a Common Areas Property Management Non-Profit Corporation, our neighborhood will benefit by correctly identifying this group and streamlining.

We hope you will support this community reorganization.

[Link to the Feb. 9, 2010 Budget](#) distributed by the MHOA Board.

	2009 actual	2010 budget	Difference
<b>Income</b>			
Assessments	88,200.00	179,928.00	91,728.00
Interest	44.77	32	12.77
<b>Total Income</b>	<b>88,244.77</b>	<b>179,958.00</b>	<b>91,740.77</b>
<b>Expenses</b>			
Maintenance	24,419.28	20,300.00	-4,119.28
Little Lake Gates		115,000.00	115,000.00
Dam Repair		20,000.00	20,000.00
Repairs	6,065.49	3,900.00	-2,165.49
Utilities	8,165.08	10,000.00	1,834.92
Office	5,219.25	7,607.00	2,387.75
Insurance	7,279.74	8,500.00	1,220.26
Professional Fees	19,793.77	24,000.00	4,206.23
Taxes	303.05	565.00	261.95
<b>Total Expenses</b>	<b>71,245.66</b>	<b>209,872.00</b>	<b>138,626.34</b>
<b>Net Income</b>	<b>16,999.11</b>	<b>-29,914.00</b>	<b>-29,914.00</b>

\$357 X 504 = \$179,928.00 Almost all the expenses listed relate to the lakes in some way.  
 \$378 X 475 = \$179,928.00

Notice that the expenses are almost exclusively for lake maintenance. The office supplies and support, the liability insurance, the professional fees (attorneys) are also almost exclusively for the benefit of the lakes. Translated: the MHOA exists for the maintenance of the lakes.

In 2008 the board members discussed they had \$80,000 saved in a CD for the work on the Little Lake, and that by the end of 2008 they expected to have as much as \$120,000. The board has been asked since last year to account for this money, now they are re-assessing the Members again for the same lake work. The MHOA board has yet to provide an answer.

The MHOA manager claims she has disclosed all her MA books, the board is contemplating spending \$5,000 to have Wells Fargo Bank go through their digital records to provide the last several years of checks and deposits information needed for a first ever audit. See 2010 MHOA Minutes.

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This flyer and links was sent to **all** the MHOA subdivision presidents/board for their comments, corrections, and input.

To date they have made no corrections nor provided comments or input. The unelected board “president” emailed these instructions to the board on March 24, 2010:

**“Anyone has the absolute right to express an opinion. Alternatively, those on the receiving end of that opinion have the responsibility to determine the veracity of the information being presented before forming their own opinion. The recipient of that opinion has the choice of whether to believe it or not. I would suggest that if you or a member of your HOA is solicited for comments about, or a signature to, an e-mail or document which contains opinions, allegations, or purported statements of fact, you (they) should demand to see the documents (whose authenticity must be independently verifiable) which prove or support the positions presented. “**

**WE AGREE, that is why there are so many links directly to the documents included in this flyer online. Also the [MHOA Documents Index webpage](#) includes all the known MHOA documents and even the instructions on how to access the Summit County Recorders website for the online recorded original documents.**

**The [Minutes of the MHOA Board](#) and the [MHOA Budgets webpages](#) on the website should tell you how they function, or not function. Also keep up to date by reading the [Newsletter](#) link on the homepage.**