



Silver Springs Single Family Home Owners

Unity Annual Meeting

Tuesday, October 9, 2018

Parley's Park Elementary School

7:00 p.m.

www.silverspringscommunity.com

Notice was sent on September 25, 2018 in fulfillment of Bylaws instructions for all Neighbors be notified ten days in advance to attend an Owners Annual Meeting sponsored this year by "Home Owners in Unity Reclaiming Our Neighborhood" on the second Tuesday being October 9, 2018 at Parleys Park Elementary School at 7 p.m. at 1002 Silver Springs Drive.

The SSSF board did not announce their Annual Meeting until 10/7/18 when they announced it will be on Oct. 25, 2018 at St. Luke's.

Tonight's Attendance (26): Greg Graham, Matthew Aucunas, Chip Carey, Randy Cassidy, Toni Knudsen, Patty Gomes, Clay & Lucy Archer, Richie Breza, Dwight Benson, Rob Lenz, Dusty Dvorak, Terry Lachowicz (and new baby), Ed McIntire, Patrick Fannon and others.

-Introduction of new neighbors: Kirk Lot 138; Kautz Lot 54; Dismuke Lot 21; Kelley Lot 73; Brown Lot 89; Ladd Lot 90; Berkin Lot 103; Revoy Lot 135; Nielson-Tanner Lot 155; Fannan Lot 197; Raduenz Lot LL-3; Holman Lot 168;

Meeting was called to Order at 7:00 p.m.

We were happy to see about a quarter of the gymnasium filled with Home Owners, even after the board's attorney John Richard's wrote an Open Letter on October 8th to All the Members" delivered via email to all the SSSF Homeowners stating "RE: CEASE AND DESIST... THERE IS NO LAWFUL ANNUAL MEETING TO BE HELD ON TUESDAY, OCTOBER 9, 2018... FORMAL NOTICE. Stating that the Owners are to govern themselves accordingly." That is exactly what we intend to do. If the board continues to manipulate the ballots and candidate selection, disenfranchise the Owner votes, work since 2014 to force a dastardly set of Declarations on our properties, persistently press the Owners to accept the underdrains that have been rejected in 1985, 1994, 2008, 2014, and now we will (did) reject them in 2018/2019, then that is what the Owners will insist upon as we meet in full voice to remedy the defects of the kleptocratic board actions.

It appears the board and their attorney do not believe in the Constitution's First Amendment prohibition of abridging the Freedom of Speech or the Freedom of the Press, it also provides the Freedom of Peaceful Assembly, and for the right of people to be able to petition their government/board for a redress of grievances.

AGENDA:

-Introduction of Home Owner Ballot Election Candidates: John Roberts, Matthew Aucunas, Rebecca Page, Richie Breza, Lucy Archer, Patrick Fannan

-Discussion of the Neighborhood Unity Ballot. It is felt the board's Nomination Committee is predisposed and biased. The candidates they select are each vetted to assure they share the current trustees' opinions. It was agreed the committee should be re-named the Election Committee to function only to assist in the planning and organization of the election. All Homeowners in good standing are to be allowed to be on the annual election ballot.

-Discussion on the Termination of the Silver Springs Single Family Association by acclamation of the Members. Both sides made many comments. Those not ready for Dissolution of the HOA (as provided for in the Articles of Incorporation and the CCRs) were hopeful the board could be persuaded to be transparent and to honor the votes by the Homeowners against the underdrains; and to recognize the basis of authority emanates from the Owners.

Owners ready for Dissolution complained about the unequal manner of Compliance and Fines. Of a board that is secretive and biased. Of fraudulent elections. Of the board's inability to respond to what the Owners expect from the CCRs, the other many rules made by the board but not ratified by the Owners. The high-handed inclusion of Morris & Sperry, and now Richards Law, to entitle themselves as trustees of our individual properties within our entire subdivision. Several do not want to live without rules but want a more reasonable docket for our simple subdivision Single Family Subdivision that owns no land, no amenities, no common areas, no open space beyond what is managed and owned by the SS Master Association. Also wanted are less duplication of County rules, especially in regard to architectural guidelines. The Owner, his architect, his contractor, the County Building and Planning office distributing permits is enough oversight.

The recent homes that have been approved for remodel or demolition-rebuild break many of the "established" SSSF building Standards/Guidelines, so why hold some to them while others do as they please. The inclusion of an unprofessional board member is unnecessary and adds time and expense to construction.

-Discussion to remove the underdrains from our Governing Documents. The only document the board has posted on their website and uses to support their insistence to ignore the will and wishes of the vast majority of the Homeowners to "Ignore the Underdrains, is the letter from Complex Solutions written on August 15, 2017 to Bill Noland by Dale Gifford. The letter was perused and discussed. The content was found to be limited. Lucy Archer reported she had a long conversation with Gifford regarding his findings and report. Gifford said he reviewed the community map and financials. He performed a site visit of the Silver Springs Community. After his review, he discussed his findings with Bill Noland (the sole member of the Underdrain Committee). Noland reported to Gifford that the maintenance responsibility for the underdrains

had been assigned by Summit County to the Silver Springs Single Family HOA, a prevarication. Gifford told Archer that he based his assessment conclusions on Noland's information. Archer told Gifford that the opposite is true. SSSFHOA has had no communication with Summit County and Commissioners requiring or requesting that the HOA take on this ownership or responsibility. In fact, there are documents on the [www.silverspringscommunity](http://www.silverspringscommunity.com) website and at the Summit County Clerk's office that clearly instruct and advise the SSSF trustees to NOT take the underdrains under the auspices of the HOA as this could lead to clouds on Owner Property Titles and lawsuits by the Owners and their insurance companies filed against the board trustees and the HOA. The board trustees have a large insurance policy, paid for by the Homeowners to protect their actions.

Gifford's letter states, and he clarified, the 1979 underdrains have a limited useful life of less than thirty years. They are now 40 years old.

The underdrain system is currently being maintained illegally because the HOA does not own the corrugated plastic tubes; they are built 6 to 10 feet underground on private properties. Furtively, the proponent members of the board are using funds from the associations operating account and contingency fund to add manholes and clear lines; ignoring the 1985, 1994, 2008, 2014, January 2019 votes by the Homeowners to not pursue any further trespass or obligation to maintain the underdrains. The 2008 Articles of Incorporation uphold the Homeowners votes. Also discussed was the recorded "Special Notice" from the developers stating ground water and mitigation is the responsibility of the builders and owners of the properties. Look for it on your Title Report.

Much more information on the underdrain issue can be found at:

<https://www.silverspringscommunity.com/underdrain-system/>

This website was projected on a large screen mounted from the stage. This topic was discussed for about half an hour; Homeowners objecting to the board's actions contrary to the Homeowners best interests. And the board's disenfranchisement of the Owners votes. The board's lack of information as to costs, implications, property damage, environmental changes, etc.

There was much approval voiced for the content of the www.silverspringscommunity.com website. This is an Owner go-to place for all manner of Neighborhood, HOA, and Master Association information. Many thanks to the many of you that appreciate the wealth of curated information, Minutes, Budgets, photos, and maps, and [Master Association information](#) available at your fingertips.

-Summit County's position on the 1982 Fry-Summit County Agreement (DIA- Developer's Interface Agreement) is that the \$150,000 bond had been refunded to the developer and the Agreement was terminated. The original Agreement was not ratified by Homeowners, of which there were few in 1982, the Developer held all the authority to work on his own reconnaissance.

-Discussion of the 10/2/2018 board meeting and the Richards Law Version 17 draft CCRs
---**Troublesome Articles 9; 20; many others are also unacceptable. Underdrains must be removed.**

- Homeowner Unity Ballots that were signed tonight by attendees indicate a very high percentage of agreement with the ballot's concerns. Seventy-seven Homeowners turned in the Unity ballot. Candidates with the most votes: Rebecca Page, Richie Breza, Lucy Archer, Patrick Fannan.

-Meeting was adjourned: 9:00 p.m.

**-Refreshments and Social Interaction with Friends and Neighbors
Many thanks to all our helpers.**

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The Board in Panic Mode

Two days before our October 9th meeting, Allyson Dickey of Model HOA management sent an email to all the Owners to invite them via a first notice to a special meeting of the board, at the Park City Library Room 201, to convene on the same date as the Home Owners Unity Meeting, October 9th at 6:00 pm.; surely an attempt to conflict and confuse the Owners about which of the two simultaneous meetings to attend. It was reported the board's "special" meeting included six of the seven board members and five homeowners in attendance.

At noon on October 9th Ed Robertshaw of the board sent out an email again telling the Owners "PLEASE TAKE IMPORTANT NOTE THAT THERE IS NO LAWFUL MEETING TO BE HELD ON TUESDAY, OCTOBER 9, 2018." He continued by quoting lines from John Richards III's letter.

It was obvious the board was worried that during the Home Owner Unity Meeting, held on the prescribed date written in the SSSF Bylaws, an election would take place that would replace the four trustees whose terms officially ended tonight, with candidates not vetted by the biased nomination committee. The description of how candidates for the board's ballot were selected was described admittedly by Joan Benson at the Board's October 25th "Annual" Meeting, conducted with three trustees and four expired term members. The Owner's in attendance were appalled to hear that a number of Owner volunteer candidates had been excluded from the ballot merely on the basis of whether Julia, Polly, and Joan liked them.

The Home Owner ballots that had been slowly returned (27 by 10/9/2018) increased the return rate during the following weeks to 77 after the deplorable behaviors by the board to sabotage the get together.

[Added in February 2019: **After additional discussion meetings, with 145 Owner attendances, Tickets, emails, and much input [Fantastic involvement by our Owner Neighbors], the board support of the Richard's Law Version 19 CCR failed after the final vote on January 31, 2019 by a count of 105 Owners rejecting the Draft, to 53 accepting it.** The board, up to their usual tricks, had access to the submitted ballots during the six week voting period, and had full knowledge of who had not voted. The board members worked on a campaign to individually contact the non-voting Owners to sway them to accept the Version 19 Declaration Draft. The board members did not realize that the Owners had discussed the non-reliability of the electronic ballots and therefore the option to abstain from participating in the emailed ballots would have to be counted as a "NO" vote for the Draft Version 19 document, a document that persisted in including the underdrains though the majority of the several board meeting discussions were conclusively against the UDs- the board did not take notes, we did.]

The discussion at this October 9th Owner meeting was very supportive of the Owner Unity Group, and full of questions regarding the board and its furtive actions; and how to proceed with the Dissolution of the HOA. As a Single Family Subdivision that owns no land, no amenities, no common areas, no open

space beyond what is managed and owned by the SS Master Association, the Owners in attendance realized that there really was no need for an HOA if we could draft Owner friendly Governing Documents. Our specialized neighborhood CCR = Code of Conduct Rules, then hire a property management company to manage the infractions and reminders, and to provide legal protections all 188 lots can accept and join together to support without an invasion of our private property rights, clouds on our titles, and peaceful enjoyment of our families and neighborhood.