

A Closer Look at Richards Law Draft CCRs; an Invitation For Owners

From " Homeowners Reclaiming their Neighborhood"

Date: Mon, Oct 1, 2018 at 12:03 PM

Subject: Richard Callahan's take on the Richard's Law Draft CC&R's

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The following are the issues I find problematic with the latest edition of the draft CC&R's from Richards Law:

The newest draft transfers power wholesale from the Association Membership to the sole discretion of the Board of Trustees. No checks and balances are included in this draft.

[Section 6.8 is a gag order to stifle investigation, by Owners or individual board members, etc., of the trustee's activities and expenditures.

These entrenched people are willing to go to great lengths to force the underdrains into our CCRs and in turn force the CCRs into our HOA. They don't care what the majority of Homeowners want to have done, they think they have the power to interpret the HOA Governing Documents in any manner their attorney can figure out will thwart the established spirit, practice and interpretation of the documents we depend on for fairness and to support the authority of the Homeowners.]

1. Assessments: Raising the board determined annual dues to an amount up to \$1,450,000.00 or approximately \$7500.00 per lot annually without an Association vote. 8.10 "without approval of Owners." 8.11 for individual lots [the first year these dues would finance the Master Associations plans to increase the height of the big lake berm between the big lake and Highway 224. Who benefits?]
2. The board has up to 60 days to approve exterior house or lot modifications, while the lot owner must comply with a board request for access to a lot within 24 hours.
3. The **introduction** of a redefined common property (under drain system) with responsibility assigned to the Association (the Homeowners). [Creates huge liability issues for the Homeowners who voted 5 times to stop expenditures and work on the underdrains esp. without cost analysis]
4. The introduction of the vague concept of "value protection" and using it for the justification of Rules, Guidelines and CC&R language. The Board cannot effect macro economic events and should not project their ability to have any influence on property values or changing taste in materials, colors, etc.
5. The creation of another layer of approval for building,

landscaping, and renovation that merely duplicates what is already required at the county level. The for-hire architect that the Board chooses must also present his client designs to the county for approval and inspection.

6. Assigning the board a right to approve/disapprove lease or rental agreements for individual properties within the Association.

7. Anti-community Impacts. The final section of the draft CC&R's is a blessing for attorney free-lance suits and actions. Board approval of any attorney actions is not required in the language of this section. These items reflect a quick reading of the draft and suggest the Association Membership should reject this document in it's present form. [In its entirety!]

[8. These documents do not provide for the suspension of rules, fines, or assessments during personal hardships such as critical illness, family crisis, divorce, death, loss of a livelihood; or during community upheaval due to national crises such as war, plagues, scarcities of medicine and food, earthquake, climate changes, communication terrorism, etc. The attorneys could use carpet bagger tactics to take our homes for non-compliance and non-payment of fees contained in these spurious draft CCRs. Article 9.6 states attorney Quinn Sperry, would be the blanket trustee for each of our properties, with the power of sale for the benefit of the "Association".]

[9. **Article 9.6 Foreclosure:** It should be illegal and it certainly is immoral, for the HOA board to be given the power to lien and to foreclose on a family's home as a penalty for not being current on their HOA annual dues or for infractions of board generated unsanctioned rules. All language of this sort included in our governing documents should be removed.]

[10. **Article 19 Reserves** (see subsections (e) and (f) is a blue print for how the board has furtively been funding the unsanctioned underdrains, and if these CCRs pass their unprincipled actions will then become legal. They put money in the annual budget that is used to pay for work on the underdrains, and they have unsanctioned, therefore illegal, underdrain reserve fund (\$10,000 in the latest Budget we saw) to do as they please without acceptance from, or knowledge of the Homeowners. We have been told that the board removed all reference in these documents regarding the underdrains (Owners have voted five times to not burden themselves with the liabilities, expansion and costs of this partial system) yet we have found reference to them dozens of times within the draft CCRs.]

One critically important feature that Homeowners need to be aware of is that EVERYTHING that is included in these draft CCRs, even obvious flaws, individual items in dissension, sections the attorneys did not remove before recording –like the underdrains, or any State and Federal protective laws for secure property rights that are contradicted within these documents, will become accepted, legal parts of our neighborhood law if the Owners vote to sanction them. This is a huge incentive for Owners to REJECT these entire documents. The draft CCRs

have NO redeemable value for our neighborhood or to our personal property rights and ownership.]

Items in brackets were contributed by Lucy Archer

[SSSFHOA Articles of Incorporation, Article II, Duration of Corporation:
The Corporation shall have perpetual existence unless dissolved or terminated according to law (Utah Code Part 14, Dissolution) and according to the desires and requirements of the **51%** majority vote of the Silver Springs Single Family Homeowners.

Draft CCRs Article 14 Termination of the Association: the Association may be terminated only by the approval of Owners holding 90% vote allocated interest. -----
Another reason to reject these CCRs.

FYI: Park Meadows is in the process of terminating their HOA. Summit Park has a voluntary HOA. Eagle Ridge in Pinebrook does not have an HOA, the original one was challenged because it was not properly formed, we could probably do the same. Silver Creek Estates abandoned their HOA. There are others.....

HOAs for single family, stand-alone home subdivisions are imploding. There is nothing here in Silver Springs Single Family neighborhood for the board to manage, except our individual properties.

**YOU ARE INVITED TO ATTEND THE ANNUAL MEETING SPONSORED
BY “HOMEOWNERS RECLAIMING THEIR NEIGHBORHOOD”
ON TUESDAY, OCTOBER 9, 2018
AT PARLEYS PARK ELEMENTARY SCHOOL AT 7 P.M.**

DISCUSSION WILL INCLUDE :

- THE TERMINATION OF THE SILVER SPRINGS SINGLE FAMILY ASSOCIATION BY THE VOTE OF THE MEMBERS**
- INTRODUCTION OF ELECTION CANDIDATES**
- DISCUSSION OF THE 10/2 MEETING AND THE DRAFT CCRS**
- EXPLANATION OF THE NEIGHBORHOOD BALLOT.**
- REFRESHMENTS AND SOCIAL INTERACTION WITH NEIGHBORS.**