

Woodcreek Property Owners Association Board of Directors Meeting

April 11, 2013
7:00PM
WPOA Office
15401 RR12, Suite 109

AGENDA

Call to Order

Pledge of Allegiance to the Flag

Announcements

General Public Comments - *Please submit a speaker request form to the Secretary prior to Call of Order. Public Comment is limited to 3 minutes.*

ACTION ITEMS

1. Discussion and possible action to approve February 20 and March 14, 2013 minutes – **MERIAN**
2. Discussion and possible action to adopt the Collection of Unpaid Assessments Policy and Procedures – **SUMTER**
3. Discussion and possible action to ratify acceptance of gravel and stump removal from Michael Boss – **CROOK**
4. Discussion and possible action to authorize payment of \$4500.00 for extras along El Camino Real, Eagle Rock Subdivision to Harris Roads – **SCUDDER**
5. Discussion and possible action to accept Hays County's estimates for roads to be dedicated to the county – **SUMTER**

COMMITTEE REPORTS

Treasurer Report/Internal Audit Committee Report/Audit Report – **SCUDDER**

Parks Committee Report – **CROOK**

Bylaws Committee Report – **SUMTER**

Road Committee Report and Aqua Texas/CAS Road Damage Report – **SCUDDER**

ACC Committee Report – **DAVIS**

WPOA Lot Sale Policy Committee Report – **SCUDDER**

Subcontractor RFP for Maintenance Duties Committee Report – **SCUDDER**

Website Review Committee Report – **CROOK**

EXECUTIVE SESSION

Report of actions taken in Executive Session

The Board may announce it will go into Executive Session, if necessary, to discuss matters of land acquisition, sale of land, litigation, personnel matters and consultation with Legal Counsel as specifically listed on this agenda.

ADJOURNMENT

Item #1

WOODCREEK PROPERTY OWNERS ASSOCIATION
BOARD OF DIRECTORS
SPECIAL CALLED MEETING

February 20, 2013
6:30 PM
WPOA Office

After determining that a quorum was present President Sumter called the meeting to order at 6:35pm.

Directors present were: Liz Sumter, Sally Caldwell, Merry Merian, Diane Purcell, Charles Crook, and Chris Scudder.

Absent were: Emory Jones, Cullen Davis and Dottie Sweeton. Dottie Sweeton arrived at the meeting at 7pm and was recognized as present.

Discussion was held concerning the adoption of a policy regarding Compliance with Internal Revenue Service Form 990 Guidelines as it relates to the sale of WPOA real property.

The purchase of lots owned by the WPOA, by property owners, was discussed.

President Sumter told the board that all future 990's will be shared with the board prior to filing with the IRS.

Sally Caldwell moved to approve the policy as presented by Sumter and sent out to the board prior to the meeting. Merry Merian seconded the motion.

Discussion on the motion was held. Sumter, Caldwell, Merian and Purcell voted to accept the policy. Scudder, Crook and Sweeton voted no. The motion passed.

The meeting was adjourned at 7:10pm.

A video and audio recording of the meeting in its entirety is available for viewing by the members in the WPOA office.

Respectfully submitted: Merry Merian, secretary.

WOODCREEK PROPERTY OWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
March 14, 2013
MINUTES

President Sumter determined that a quorum was present. The meeting was called to order at 7pm.

Members present were Liz Sumter, Emory Jones Charles Crook, Diane Purcell, Cullen Davis, Sally Caldwell, Chris Scudder and Merry Merian.

Member(s) absent were Dottie Sweeton.

Pledge of Allegiance was recited. There were no announcements.

General Public Comments:

Richard Sullivan spoke concerning the actions of the board at the last two boards meetings. He was upset with the actions of the board.

Action items:

- 1) Discussion was held concerning approval of the February 14 minutes. The minutes were amended to state that there are audio and video recordings of meetings available at the WPOA office for members to review. Charles Crook moved to approve the minutes as amended. Chris Scudder seconded. The minutes were passed as amended.

Discussion was held concerning the February 20 Special Called meeting minutes. Sally Caldwell moved to approve the minutes. There being no second the motion failed. The minutes will be held until the April 9 BOD meeting. President Sumter asked all board members to send any corrects to Merry Merian prior to the meeting.

- 2) Discussion was held concerning possible action to adopt the BOD Conflict of interest and Board Member ethics Policy and Procedures. Liz Sumter moved to adopt the policy. Sally Caldwell seconded. The motion passed with one apposed. Chris Scudder voted no.
- 3) Discussion was held concerning possible action to remove Chris Scudder' authority to sign checks at Blanco and Wells Fargo banks and appoint another board member. Liz Sumter moved that Chris Scudder be removed and Sally Caldwell be appointed to sign checks at both banks. Chris Scudder seconded. Motion passed.

- 4) Item 4 discussion and possible action to appoint Donna Hathway to the Roads committee was pulled.
- 5) Discussion was held concerning possible action to appoint Cullen Davis to the Parks and Facilities committee. Sally Caldwell moved that he be appointed. Liz Sumter seconded. The motion passed.
- 6) Discussion was held concerning possible action to ratify payment of \$1200.00 to Harris Roads for work done on Ridgewood Circle. Liz Sumter moved that the Payment be approved. Charles Crook seconded. The motion passed.
- 7) Discussion was held concerning possible action to adopt the Collection of Unpaid Assessments Policy and Procedures. No action was taken. The policy will be held for further discussion at the April 9th meeting.
- 8) Discussion was held concerning possible action to approve Status Report Foreclosure List as of February 25, 2013. Cullen Davis moved that the report be accepted. Sally Caldwell seconded. The motion passed.
- 9) Discussion was held concerning possible action to approve Green Space Beautification Project for the Country Cabins. Chris Scudder moved that we go forward with getting a design and design estimates and that the board accept the VOPA contribution of \$500.00. Merry Merian seconded. The motion passed with two abstentions. Diane Purcell and Sally Caldwell abstained.
- 10) Discussion was held concerning possible actions to approve contractor for chipping and shredding services in April. Charles Crook moved that he get bids for chipping and shredding services. Charles will review and award bid. Chris Scudder seconded. Motion Passed.
- 11) Discussion was held concerning possible action to purchase No Outlet signs for appropriate roads and to install on existing posts. No motion was made. The item will be referred to the Road committees to determine what the TXDOT requirements are and will be reported back to the board at the April meeting.
- 12) Discussion was held concerning possible action to form a committee for the purpose of reviewing and offering recommendations about the WPOA website. Charles Crook introduced Danna Hathway who spoke on website development. Liz Sumter moved that Charles Crook will form a committee look at redevelopment of the WPOA website. Sally Caldwell seconded, Motion passed. Charles Crook will chair the committee with D. Sweeton, D. Purcell and D. Hathway serving as committee members.

Committee Reports:

Treasurer report: Chris Scudder gave the report. See attached report.

Parks Committee report: Charles Crook gave the report. He and Emory Jones need feedback on Pleasant Valley to Morrow Park proposed walking trail. They need feedback from property owners to see if the members want the proposed walking trail.

Bylaws committee report: Liz Sumter reported that the revisions should be completed by the next month. She will set a meeting date for review by the general membership in June next month.

Road report: Chris Scudder reported that the road committee has not met yet. He will report after the committee meets. ON March 25 the committee is scheduled to meet with the county on roads. He will have an estimate on the road repair costs next month.

ACC committee: Cullen Davis reported on permits approved and complaints received. A list of complaints is attached. The biggest complaint is barking dogs.

Workshop Item:

President Sumter introduced a representative of DeMasters Daniel Insurance. She gave a review of the D & O insurance policy that the WPOA board has taken out.

Executive session:

The board entered into executive session at 8:45pm.

The board exited executive session at 8:57pm.

There was no action taken in executive session.

There being no further business before the board the meeting was adjourned at 9:00pm.

A vided recording of the meeting in its entirety is available for review by the members at the WPOA office.

Respectfully submitted by Merry Merian, secretary.

Item #2

RESOLUTION OF THE WOODCREEK PROPERTY OWNERS ASSOCIATION

POLICIES AND PROCEDURES REGARDING COLLECTION OF UNPAID ASSESSMENTS

EFFECTIVE DATE: April 11, 2013

The Woodcreek Property Owners Association of Hays County, Inc. (the "Association") hereby adopts the following policy and procedure regarding Collection of Unpaid Assessments

Purpose: To provide notice of the Association's adoption of a uniform and systematic procedure to collect assessments and other charges of the Association.

Effective Date: April 11, 2013

It is in the best interest of the Association to refer delinquent accounts promptly to an attorney for collection so as to minimize the Association's loss of assessment revenue.

- 1. Due Dates.** The installments of the annual assessment are determined by the Deed Restrictions. For deed restrictions that allow monthly payments the payments shall be due on the first day of the month and payable no later than the fifteen day of the month. For all other deed restrictions the payment is due by January 1st and is considered past due by June 1st of the very same year unless otherwise noted in the deed restrictions. Assessments not paid by December 31st in full to the Association shall be considered past due and delinquent. Assessments not paid in full by December 31st will incur interest charges at a rate determined by the Board of Directors and not to exceed the maximum rate allowed by the State of Texas.
- 2. Receipt Date.** The Association shall post payments on the day that the payment is received by the Association.
- 3. Return Check Charges.** A reasonable fee of \$25.00 shall be assessed against an Owner in the event any check or other instrument attributable to or payable for the benefit of such Owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. Such return check charge shall be due and payable immediately, upon demand. The Association shall be entitled to all additional remedies as may be provided by applicable law if payment is not received. If two or more of an Owner's checks are returned unpaid by the bank within any calendar year, the Association may require that all of the Owner's future payments, for a period of one year, be made by certified check or money order. In addition to and without waiver

of its rights with respect to returned check charges, the Association reserves the right to pursue any other available legal remedies including, referral of “hot checks” to appropriate law enforcement officials.

4. **Attorney Fees on Delinquent Accounts.** The Association shall be entitled to recover its attorney fees and collection costs incurred in the collection of the assessments or other charges due the Association from a delinquent Owner. The attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand. If Attorney fees are not paid within 30 days of request, the Attorney on behalf of the Association may take appropriate legal action necessary to collect the legal fees and assess any additional fees required for collection.
5. **Application of Payments.** All sums collected on a delinquent account that has been turned over to the Association’s attorney shall be remitted to the Association. All payments received on account of any Owner or the Owner’s property shall be applied in compliance with Texas State Law. Payments are applied to the maintenance fees, interest, lien fees, expenses of enforcement and collection, any and all legal fees and costs (including attorney fees), returned check charges, and other costs owing or incurred with respect to such Owner.
6. **Collection Process.**
 - a. After an installment of an annual assessment fee due to the association become more than six (6) months delinquent, then the manager shall send a written (“Notice of Default”) of non-payment, amount past due and request for immediate payment. The Notice of Default shall also include or refer to the Payment Policy for Delinquent Accounts on file in the Official Public Records of Hays County, Texas.
 - b. If the Owner has not entered into a written agreement as envisioned in the Payment Policy for Delinquent Accounts, after an installment of an annual assessment fee due to the Association becomes more than twelve (12) months delinquent (December 31st), the manager shall send a second written notice (“Second Notice”) of non-payment, amount past due, notice of interest accrued, notice of intent to file a lien, and request for immediate payment. The Second Notice shall also include or refer to the Payment Policy for Delinquent Accounts on file in the Official Public Records of Hays County, Texas.
 - c. If after the Second Notice, the Owner still has not entered into a written agreement as envisioned in the Payment Policy for Delinquent Accounts and the

Association does not receive payment in full within 30 days after the Second Notice has been sent, a lien may be filed against the delinquent property.

- d. After an installment of an annual assessment fee due to the Association becomes more than eighteen (18) months delinquent, the Manager will send a Demand Letter which will advise the Owner of their rights to appeal to the Board, advise the Owner of a Payment Plan and intent to send collection to Association's Attorney for legal action.
- e. After an installment of an annual assessment fee due to the Association becomes more than twenty-four (24) months delinquent, the Manager is directed to turn the account over to the Association's attorneys for collection. Upon receiving the delinquent account, the Association's attorneys may send another notice to the Owners and, if applicable, any junior lien holder, file a petition with a court of jurisdiction and/or seek judicial foreclosure of the Association's lien. If a judgment or decree is obtained, including without limitation a foreclosure action, such judgment or decree shall include reasonable attorney's fees together with the cost of the action and any applicable interest and late fees.

7. **Acceleration of Process.** The Board reserves the right to accelerate the process outlined in this policy in those circumstances where the Board determines it is reasonable and necessary to do so. For example, and not by way of limitation, the Board may accelerate this process of Owners who have been delinquent more than twice in the preceding years and in cases of multi-lot owners when the total amount due from such owner exceeds \$500.

8. **Collection Procedures/Time Frames.** The following time frames shall be followed for use in the collection of monthly installments of the annual assessment and other charges.

Due Date for monthly payment	1 st day of the month
Due Date for all others	1 st day in January
Past Due date for monthly payment	15 th day of the month
Past Due date for all others	1 st day in June
Notice of Default	6 months after due date (June)

Second Notice that interest have accrued, notice of intent to file lien	6 months after Notice of Default (January)
Lien Filed for non-payment	30 days after Second Notice (February)
Demand Letter for payment, payment plan, appeal to the Board	6 months after Second Notice (June)
Delinquent account turned over to Association's Attorney, judicial process for collection.	6 months after Demand Letter (January)

The attorney is to consult with the Association as necessary to determine if payment has been arranged or what collection procedures are appropriate.

9. **Bankruptcies and Foreclosures.** Upon receipt of any notice of a bankruptcy filing by an Owner, or upon request of a notice of a foreclosure by any holder of an encumbrance against any unit within the Association, the manager shall advise the Association's attorney of the same and turn the account over to the Association's attorney.

10. **Use of Certified Mail/Regular Mail.** In the event the Association shall cause a collection or demand letter or notices to be sent to a delinquent Owner by regular mail, the Association may also cause, but shall not be required to send, an additional copy of that letter or notice by certified mail.

11. **Referral of Delinquent Accounts to Attorneys.** After an account has been referred to an attorney, the attorney shall take all appropriate action to collect the accounts referred. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. The attorney, in consultation with the Association, is authorized to take whatever action is necessary, in consultation with the President that is believed to be in the best interest of the Association, including, but not limited to:
 - a. Making additional demands for payment on the Owner(s)
 - b. Notifying junior lien holders of delinquency
 - c. Filing of a suit against the delinquent Owner for a judgment
 - d. Instituting a judicial foreclosure action of the Association's lien
 - e. Filing necessary claims, documents, and motions in bankruptcy court in order to protect the Association's interests
 - f. Seeking a judgment for attorney's fees or other charges.

Upon referral of any matter to the Association's attorney, the Association shall pay the attorney's usual and customary charges as well as any costs incurred by the attorney on the Association's behalf, promptly upon receipt of the invoice from the attorney.

12. **Judicial Foreclosure.** The Association may choose to foreclose on its lien. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either all other venues for collection have failed or other circumstances favor such action.
13. **Waivers.** The Association is hereby authorized to extend the time for the filing of lawsuits and liens, or to otherwise modify the procedures contained herein, as the Association shall determine appropriate under the circumstances.
14. **Communication with Owners.** All communication with a delinquent Owner shall be handled through the Association's attorney once a matter has been referred to the attorney. Neither the manager nor any member of the board shall discuss the collection of the account directly with an Owner after it has been turned over to the Association's attorney unless the attorney is present or has consented to the contact. Subject to the Association's Late Payment Policy, all settlement offers must be made in writing and approved by the Board.
15. **Defenses.** The failure of the Association to comply with any provision in this Collection Policy shall not be deemed a defense to payment of assessment fees or other charges, return check charges, attorney fees and/or costs as described and imposed by this Policy.
16. **Supplement to Law.** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Deed Restrictions and the law of the State of Texas.
17. **Deviations.** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
18. **Amendment.** This Collection Policy may be amended from time to time by the Board of Directors.

IN WITNESS WHEREOF, the undersigned certifies that this Resolution was adopted by the Board of Directors of the Woodcreek Property Owners Association on

Date

By:

Elizabeth Sumter, President

Item #4

To: Woodcreek P.O.A.
P.O. Box 1026
Wimberley, Texas 78676

From: Harris Road Co., Inc.
P.O. Box 1001
Wimberley, TX 78676

Date: February 13, 2013
Location: Additional Road Improvements
El Camino Real

Item No.	Estimated Quantity	Unit	Item Description	Unit Price (\$/Unit)	Amount (\$)
El Camino Real					
Shady Valley (Woodacre to Heatherbrook 397', 16' Pavement Width, 2' Shoulders, radius at Intersection)					
1	50	LF	Add 15" Arched CMP Culvert at Intersection of El Camino Real & Colorado Trail	\$32.00	\$1,600.00
2	6	EA	Add concrete haedwalls at culvert pipe ends	\$460.00	\$2,760.00

APPROVED Total **\$4,360.00**

HARRIS ROAD CO. DATE

WPOA DATE

