

**SOUTH POTOMAC VALLEY PROPERTY OWNERS ASSOCIATION
MINUTES OF BOARD MEETING MAY 10, 1986**

Chairman Dick Gorham called the meeting to order at 12:30 p.m. Saturday, May 10, 1986, at John Miller's farmhouse, Levels, West Virginia. He thanked John Miller and Juanita Wolfe for their hospitality in hosting the meeting.

Agenda Item 1. Secretary's Report - Secretary Jodie Alcorn reviewed minutes of the April 5 board meeting, which were accepted as written. She noted that query letters and appropriate background material were sent to several lawyers, who were asked to respond to Board Vice Chairman Tom Masarick.

Agenda Item 2. Treasurer's Report - Treasurer Ralph Hofer reported \$1,800 in association fees remains unpaid. Since three late notices have been sent, he asked permission to file liens against delinquent owners, as the covenants allow. The board authorized this measure. Ralph disbursed \$2,865 to B. W. Hese to pay for road repairs, and \$108.75 to Bill Palmer for grass seed used in the culvert repair work day. The treasury balance is \$1,600.

The treasurer noted Lot 50 was sold to the owner of an adjoining lot. Lot 50 association fees are unpaid, but those of the new owner are. In this instance, the board accepted one fee for both lots, as the covenants allow.

The treasurer's report was accepted.

Agenda Item 3. Committee Reports

a. Utilities - Committee Chairman Bob Evans noted that Potomac Edison will mail out applications for electricity in response to telephone requests. The large cash deposit usually required can be waived if two letters of credit are submitted with the applications. **Information from Potomac Edison is enclosed with these minutes.** Owners who decline service now but change their minds later will pay about \$70 for a pole (in advance) plus either a cash deposit or the two letters of credit already mentioned. Mr. Evans stated that he has not yet located a trash removal service.

b. Roads - John Miller reported road repairs are complete for this year. \$3,000 should be allocated next year, in case the association does not have access to the shale pit.

c. Security - Jim Curtis stated that the adjoining development plans to install three security gates, which may present an access problem.

Agenda Item 4. Legal Services - Board Vice Chairman Tom Masarick introduced William Judy, proposed attorney to the association. Mr. Judy thanked the board for inviting him to attend the meeting, and noted for the record that he has never served as fiduciary for developer Homer Feller. He recommended the following actions:

Incorporation: The association should incorporate and obtain liability insurance. Initial cost is \$51, plus \$40 per year. Insurance should cost only \$300 per year, because the common area is small. Individuals may still be liable for hazards created because of property neglect. Mr. Judy agreed to research the question of whether West Virginia will permit the association to

incorporate, if most of the board members reside in other states. If incorporation is not permitted, the association will remain an unincorporated association with recorded bylaws.

Trespassing: Posting or fencing the property is recommended, and erecting a sign at the main entrance that indicates "all property beyond this point is private. Violators will be prosecuted." Mr. Judy suggested giving the county conservation officer written permission to patrol the development, and perhaps issuing member and guest cards as a security measure.

Bylaws: The bylaws seem suitable as drafted. Mr. Judy agreed to review them before their submission to the membership.

Covenants: The property owners and not Homer Feller are the "assigns" cited in the covenants.

Roads: Mr. Judy stated that newly constructed roads sink for the first three or four years after construction. Covering them with "bluestone" gravel would have been useless. For recreational use, the roads installed by Mr. Feller are adequate. Property owners may have a case for misrepresentation against realtor B. K. Haynes, but a lawsuit will be long, expensive, and probably not worthwhile.

Fees: Mr. Judy's fee for drawing up the incorporation papers will be \$250, plus the incorporation fee mentioned above. He agreed to serve without a retainer fee on a "services rendered" basis of \$60 per hour for office consultations, \$75 for services performed in another county.

The board retained Mr. Judy as association counsel, under the fee schedule given above. Mr. Judy will advise on a case-by-case basis the costs involved for services to be rendered. The board also requested that Mr. Judy provide the treasurer with sample letters and procedures to follow in the filing of liens against owners who have not paid their association fees.

Chairman Gorham asked Tom Masarick, Jim Curtis and Dave Carpenter to serve as an ad hoc committee to finalize the bylaws and forward the approved version to Bill Judy for review. The board will coordinate comments by mail, and the final version will be mailed to the general membership by early September. A ~~barrier~~ will be enclosed noting that failure to respond by the deadline will be construed as an affirmative vote.

Agenda Item 5. Date and Place of Next Meeting - The board agreed it will not be necessary to meet again prior to the next general meeting, which is scheduled for September 27, 1986, at the Fire Department Hall, Levels, West Virginia.

The meeting adjourned at 2:40 p.m.

Respectfully submitted,



Jodie Alcorn
Secretary