

Nisqually Meadows HOA
Board Meeting Minutes
January 10, 2011

Meeting Opened at 7:06pm

Present: Keri May, Randy Betts, and Jennifer Arnone

Homeowner Present: Rob Mendel

Minutes: December minutes and Annual Meeting minutes are being prepared and will be approved by email.

Treasurer's Report

a) Financial Report – Checking - \$1584.12, Savings - \$942.52

\$1584.12 will be transferred to savings account

Motion to approve financial report by Keri May, 2nd by Jennifer Arnone.
Vote - 3-0

b) Lien Status - 13 Liens on 9 properties

2) ACC–

a) New Plans – No updates

b) Violations – 3 Courtesy Letters sent and 1 Violation Letter sent.

3) Newsletter

Being prepared to send out around 1st of February with new ideas added (Yard Sale information, highlight an item from Covenants or By-Laws, introduce new board members, etc).

4) Old Business

a) Mail-In Ballots - 31 ballots have already been received and that makes it enough for a vote. Ballots are due by January 15th and will be counted after that date.

b) Website – Needs to be updated. Once minutes are approved site will be updated.

- c) Lawn on 105th – Home in foreclosure on 105th needs lawn taken care of. Board voted to pay \$50.00 to have yard mowed and weeded. Fifty dollars will be add to lien on property so HOA will get the \$50.00 back when property is sold.

5) New Business

- a) Lawn Care – Price for lawn care went up \$1.41. This is due to a change in the local tax rate from 8.5% t6o 8.7%.

Comments/Questions – 2nd dues notices will be sent out around February 20th.

Meeting adjourned at 7:50pm

Next meeting Monday, February 7th @ 7pm - Randy Bett's House

Nisqually Meadows HOA
Board Meeting Minutes
February 7, 2011

Meeting Opened at 7:05 PM

Present: Keri May, Randy Betts, Larry Wheat, Alison Brackett, Erik Dilg

Homeowner Present: Rob Mendel

Minutes: January 2011 minutes were approved and posted to the website by the prior board.

New Board

Keri May – President

Larry Wheat-Vice President

Randy Betts – Treasurer

Alison Brackett - Secretary

Erik Dilg – ACC

ACC Member: John Newcomb

Rob Mendel volunteered to be an ACC Member if needed

Position Assignment Approved – 4-0

Treasurer's Report

1. January financial Report – Checking - \$8,198.10, Savings - \$7,527.25
Approved – 4-0
2. Bank fee assessed due to the number of dues checks deposited
3. Payment for lawn care of foreclosed home – lien to be assessed and recouped when home is sold.
4. 2011 budget approved by homeowner mail in ballot – 32 Yes, 7 No
5. Monthly financial report to be posted to the Homeowners Association website
6. Dues Status- Due 1/15/11
 - a) 79 ½ payments received out of 120
 - b) 2nd notice mailed 1/20/11
 - c) 3rd and final notice will be sent around 2/20/11 for any outstanding payments with lien to follow.
7. Lien Status - 13 Liens on 9 properties

Old Business

Website –Renewed for one year @ \$99 and is being updated by Larry Wheat

New Business

1. Monthly Homeowners Association meetings are planned for the first Monday of each month.
2. Plan to add another board member to the homeowners association account as co-treasurer.
3. If your mailbox lock is wearing out and needs replacing - Individual mailbox locks are the individual homeowner's responsibility. New locks can be purchased at the hardware store. Old locks can be drilled out and replaced. Randy Betts can assist if needed.
4. No new ACC plans – No updates
5. Direct payment option for yearly dues to Homeowner's Association account to be researched.

Meeting adjourned at 8:30 PM

Next meeting Monday, March 7, 2011 @ 7pm - Randy Bett's House

Nisqually Meadows HOA
Board Meeting Minutes
March 7, 2011

Meeting Opened at 7:00 PM

Present: Keri May, Randy Betts, Alison Brackett, Erik Dilg

Absent: Larry Wheat

Homeowner Present: Rob Mendel

Minutes: February 2011 minutes were noted as approved and requested to be posted to the website.

Board Member Update(s)

Keri May – President

Larry Wheat-Vice President

Randy Betts – Secretary (Co-Treasurer)

Alison Brackett - Treasurer

Erik Dilg – ACC

Position Assignment Change Approved – 4-0

Treasurer's Report

1. February financial Report – Checking - \$9,132.36, Savings - \$7,527.83
Approved – 4-0
2. Refund to Randy Betts for renewal of HOA website
3. Refund to homeowner due to excess yearly HOA dues in the amount of \$1.50
4. Dues Status- Due 3/1/11
 - a) 94 payments received out of 120
 - b) Final notice to mail 4/10/11
5. Lien Status - 13 Liens on 9 properties

ACC

1. ACC Members: John Newcomb, Rob Mendel
2. Randy will provide ACC members with sample letter for violations for consistency
3. Two grates in the large retention pond need to be fixed
4. No new ACC plans – No updates

Old Business

1. Website –Being updated by Larry Wheat to include current and outstanding newsletters, HOA board positions, meeting minutes, and next HOA meeting date, time and location.
2. First Quarter Newsletter posted at mailboxes. Two of the neighborhood posting boxes need fixing and did not include the newsletter.

New Business

1. Farwest Ct Street sign has been fixed by the city of Yelm.
2. Alison will be added as primary on the HOA account with Randy as co-signer to reflect the new treasurer.
3. Alison will contact the city of Yelm regarding water usage in the developments common areas.
4. Direct payment option for yearly dues to Homeowner's Association account to be researched
5. Annual development Yard Sale – Keri May will plan

Meeting adjourned at 7:36 PM

Next meeting Monday, April 4, 2011 @ 7pm - Randy Bett's House

Nisqually Meadows HOA
Board Meeting
4/4/2011

Meeting called to order at 7:02pm

Board Members Present: Keri May, Larry Wheat, Alison Brackett, Randy Betts, Erik Dilg
ACC Committee Present: Rob Mendel, John Newcomb

- 1) Minutes – Approved via e-mail. Randy will send to Larry to post to web.
- 2) Financial Report – Motion to accept by Keri May, 2nd by Alison Brackett Vote 5-0
 - Dues Status – 110 out of 120 homeowners have paid their dues.
 - Lien Status – 8 properties and 12 liens
 - Alison was added to HOA Bank Account

3) ACC
New Plans – None
Violations – None

4) Old Business

a) Water – Alison talked to the city and was told we have 6277 gallons of water to use for the summer. Randy told Alison that this was for one of the retention pond areas. Alison will get with the city to have the water moved to the front entrance. Someone will need to get with LawnPros to let them know how much water we have for the year and to talk about a watering schedule.

b) Retention Pond Repair – Randy will talk to LawnPros to get another bid for the repair and to see if there is any options for payment plan.

c) Yard Sale – Yard Sale will be April 29th – May 1st. Flyer will be sent out and added to website.

6) New Business

a) Neighborhood Watch – Bill Allen dropped off all Neighborhood Watch material to Randy and asked that we get someone else to run the program.

b) Newsletter – Submit inputs to Alison by email for next newsletter.

Meeting adjourned at 8:25pm

Next meeting will be May 2nd at 7pm.
Location: Randy Betts House

Nisqually Meadows HOA
Board Meeting
5/2/2011

Meeting called to order at 7:01pm

Board Members Present: Keri May, Larry Wheat, Alison Brackett, Randy Betts, Erik Dilg
ACC Committee Present: Rob Mendel, John Newcomb

- 1) Minutes – Will be approved via e-mail. Randy will send to Larry to post to web.
- 2) Financial Report – Motion to accept by Keri May, 2nd by Alison Brackett Vote 5-0

- Dues Status – 113 out of 120 homeowners have paid their dues.
- Lien Status – 8 properties and 12 liens
- Liens will be filed for remaining 7 properties (Randy to file)

3) ACC

New Plans – 3 plans submitted (Fence, Paint House, and install patio cover)

Violations – ACC to presented a list of observations. Notices/Courtesy letters will be sent out at ACC discretion. Final notices/fines to be approved by the Board. Board talked about house color that was in question and a picket fence that was in question. The board agreed that both of these items did not violate covenants or by-laws and the issue with both of these items is closed. Discussed fines until fixed for violations (Keri and Randy to advise ACC of weekly fine amount)

4) Old Business

- a) Yard Sale – Yard Sale was a success. Approximately 12 homes participated.
- b) Retention Pond Repair – LawnPro's submitted a quote to fix the retention pond. The bid was \$9000.00. The board agreed this was high and were going to look for other companies to provide quotes. Alison suggested maybe getting free trees from the city to replace the trees that will need to be pulled out. She will check with the city.

5) New Business

- a) The board talked about getting a new website host next February when renewal is due. This will be looked into when the time gets closer.
- b) Larry's last meeting will be in June.
- c) Approved 5-0 purchase of paper, stamps, envelopes and labels
- d) Note for Scott May to mow 15131 105thh Ave SE **foreclosure**

6) Newsletter: Newsletter to be approved and posted at mailboxes for March-June 2011

Meeting adjourned at 8:55pm

Next meeting will be June 6th at 7pm.
Location: Randy Betts House

Minutes for July 6, 2011 Nisqually Estates Homeowners Association [HOA] Board Meeting

Present: Alison Brackett, Erik Dilg, Keri May, Rob Mendel, Rebekah Cade-Jordan, William Jordan and Teresa Hyde.

Meeting opened at 7:00 PM, 10425 Brighton St SE

Treasurer Report

- a) Financial report: Balance of \$7655.77 in savings; \$11,949.42 checking. Motion to approve financial report: Erik, Keri and Alison **voted 3-0 to approve**.
- b) Randy Betts resigned effective June 14, 2011 and should be removed as a responsible individual on the HOA's TwinStar Credit Union accounts. Randy Betts sold his home and moved out of the area. He is unavailable and/or unwilling to appear in person at TwinStar to take further action with respect to removing his name from the account. Alison Brackett who is currently on the accounts as an authorized signer will take over as the responsible individual. One more board member should also be added as a responsible individual or authorized signer so that there are at least two people on the account. Erik, Keri and Alison **voted 3-0 to approve** removing Randy Betts entirely from the HOA bank account, upgrading Alison Brackett to responsible individual and adding at least one more board member at the next available opportunity.
- c) Purchase – paper, stamps, envelopes.
- d) Deposit – 15046 105th Dues.
- e) 10548 105th Ave dues should be paid Friday.
- f) Dues status: 7 remain unpaid out of 120.
- g) Liens to be filed on Monday.

Architectural Control Committee [ACC] Report

New plans

- a) 3 new plans were submitted and approved

Violations

- b) 10408 Brighton St SE – requests extension of time to correct violations until Sept 1.
- c) 10408 Brighton St SE – some improvement in outside appearance. Most fines effective June 21st. (Ramp not repaired, still needs to be painted, left side of home still overgrown, debris on driveway.
- d) Email response to homeowner at 10408 Brighton St SE stating a formal letter will come in the mail. The Board has agreed to approve his extension request provided he pays back dues and the violations are resolved.
- e) ACC Observations list handed out for all homes in the neighborhood. Appropriate notices will be sent out.

Old Business

- a) Retention pond – fence was not properly built and there is a question whether it was built on the correct property line. A suggestion was made to invite 15007 105th Ave SE homeowner to meeting to further discuss the issue. Call Wayne Williams Construction LLC for an estimate on repair.

Newsletter:

- b) House paint recommendations, email updates, ACC Corner, Park rules.
- c) Flyer box need fixed – or something else?

HOA File Cabinet:

- d) Alison has file cabinet, boxes and binders. Records in disarray and will need work to get organized.
- e) Keri has web and email access – a copy was given to Alison for the file cabinet.
- f) Website will be updated in a couple of weeks.

New Business

- a) Newly vacant positions: Randy Betts resigned from the Nisqually Meadows HOA effective June 14, 2011. Larry Wheat resigned from the Nisqually Meadows HOA effective at the end of June. June 30, 2011 was his last day.
- b) There are now two open Board positions that need to be filled – Rebekah Cade-Jordan and Rob Mendel are interested in filling a vacant board position and have volunteered to fill the remainder of any vacant terms pending a proper vote of the remaining HOA board members.
- c) A motion was made and seconded to fill the vacant positions. Rebekah Cade-Jordan was voted in as Vice President to finish out the 2011 term. Rob Mendel was voted on as Secretary to finish out the 2011 term and he will also retain his ACC role as committee member. Keri, Alison and Erik **voted 3-0 to approve** both individuals.
- d) A question was raised about status of HOA's incorporation by the representative of a buyer on Farwest Ct SE. A printout from Secretary of State website seemed to indicate that incorporation may have expired back in 2008. Rob Mendel said he would research and find out the status and get back to the other board members.

New Board Lineup

- President – Keri May (no change)
- Vice President – Rebekah Cade-Jordan (newsletter, website, nominating committee)
- Secretary – Robert Mendel
- Treasurer – Alison Brackett (no change)
- ACC Chairperson – Erik Dilg (no change)

Website: Rebekah will look at the website/email account and make recommendations about was to improve – passwords will be changed.

Lawn Pros: Point of contact is Chris 894-6336; Keri will contact him about water and contract negotiations.

Next meeting: August 15, 2011 at 7:00 PM, Alison Brackett's house, 10425 Brighton St SE.

Meeting closed at 9:20 PM

Minutes approved via email August 11, 2011.

A. Brackett

Robert A. Model

Report on the Condition of the Nisqually Estates Homeowners Association [HOA] in July 2011

Submitted by Rob Mendel to the Nisqually Estates HOA Board on August 8th, 2011 for acceptance and incorporation into Meeting Minutes

Purpose: The purpose of this report is to make public and a matter of record for homeowners of the association the neglected condition of the HOA as of July 2011.

Background: In June of 2011, two board members (the Vice President and Treasurer/Secretary) resigned leaving their positions vacant and turning over records of the HOA to the remaining board members. The board members who resigned had exclusive control over the physical records of the HOA and the website. Two new board members (Rob Mendel and Rebekah Cade-Jordan) were elected on July 6, 2011 to fill the vacancies of the departing board members. Upon review of the HOA records, email account and website, the Board determined that there were serious problems with the past operation and current condition of the HOA. The President of the HOA Board resigned on July 25, 2011 due to a lack of available time to commit to the HOA.

Findings: Shortly after the HOA Board meeting on July 6, 2011 it became clear that there were serious problems with the records and operation of the HOA. The following was discovered:

1. The physical records of the HOA were in disarray and incomplete. The records turned over consisted of a two-drawer filing cabinet, two boxes of unfiled and unopened correspondence and several disorganized loose-leaf binders. These records were unorganized and needed to be sorted, organized and filed. It took roughly 30 hours of work between two people (Rob Mendel and Alison Brackett) to sort through correspondence, bills, emails, ACC submissions, computer disks, CD-ROMS and miscellaneous material and file them in proper folders. We discovered that minutes from board meetings and annual meetings were missing. We did our best to file the records according to Homeowner Lot Number and by folder in appropriate categories. We also sorted out duplicate records and irrelevant or dated material. All duplicate or irrelevant material with any personal information was gathered for shredding and submitted to a secure site for professional destruction.

2. We discovered most significantly that the non-profit incorporation of the HOA was dissolved by the Secretary of State in March 2008 for failing to file annual reports and pay renewal fees. Rob Mendel confirmed with the Secretary of State Office on July 11, 2011 that the HOA was administratively dissolved due to inactivity and failure to renew the incorporation. Normally, non-profit corporations can be re-instated within 3 years after expiration but our HOA Corporation was well beyond the 3 year period. The Secretary of State's office said that notices were sent to the Registered Agent of the HOA prior to the expiration of the incorporation. The Board immediately sought legal advice on what to do and took action to get the non-profit corporation "Nisqually Estates Homeowners Association" reinstated. We hired a law firm experienced with these matters and filed documents with the Secretary of State's office to reinstate our HOA as a non-profit and are awaiting a decision. If this is not successful, the HOA will have to reincorporate at great expense, filing new Articles of Incorporation and Bylaws.
3. We discovered that the last year the HOA filed tax documents was tax year 2008. Form 1120-H is required to be filed every year by a non-profit HOA. We consulted a professional accountant after auditing and reconciling bank statements with check stubs and have since filed for the tax years 2009 and 2010.
4. We discovered that the commercial liability insurance policy had lapsed in years past and the current policy was to expire in less than 3 weeks. We took immediate action to get the insurance policy renewed. We are awaiting word from the current insurance agent and underwriter on the status of the renewed policy.
5. ACC submissions were missing and incomplete for numerous homes. The ACC records in general were sparse and what records we did find were largely unfiled and in no order.
6. There are at least 6 liens that have not been duly filed with the County Clerk for the non-payment of 2011 dues. We are waiting for a decision from the Secretary of State on reinstatement of the HOA Corporation before we file the 2011 liens.
7. The database for mailing addresses of record homeowners of the association was out of date and inaccurate as well as the email contact address book. This statement is based on the number of returned letters that we receive and known changes to homeowners in the neighborhood. We have updated the address database from tax records and records with the County Assessor's office.
8. There is no record that the alleged 2003 amendments were duly passed at a legitimate annual meeting of the HOA. There are no detailed meeting minutes or a record of the required number of homeowners for either a meeting quorum or a sufficient number of "yes" votes to amend Bylaws. There are also several other years of missing annual meeting minutes and a number of missing monthly board meeting minutes.

9. The HOA website at (www.nisquallymeadows.info) contained several dead links to meeting minutes, corrupt files and misinformation. The traffic at the website is extremely low for the number of homeowners and it is clear that people are not using it because it is cumbersome and did not contain current information. We have taken down the website which is antiquated by today's standards and we're working on developing a more user friendly experience for homeowners.

Recommendations: Recommend that the HOA Board formally accept this report and incorporate it as a part of the August 8, 2011 HOA Board meeting minutes. Also, recommend that this report be made available to homeowners at the next annual meeting of the HOA if requested.

Submitted by: Rob Mendel
Rob Mendel

Approved by: 4-0

Vote of the HOA Board

Rebekah Cade-Jordan, President

Rob Mendel, Vice President

Alison Brackett, Treasurer/Secretary

Erik Dilg, ACC Chairperson

Minutes for August 8, 2011 Nisqually Estates Homeowners Association [HOA] Board Meeting

Present: Alison Brackett, Erik Dilg, Rebekah Cade-Jordan, Rob Mendel

Meeting Opened at 7:00 PM, 10425 Brighton St SE

Previous Month's Minutes: July 2011 Minutes notes have not yet been provided by Keri May

Board Member Position Updates

Rebekah Cade-Jordan – President

Rob Mendel - Vice President

Alison Brackett – Treasurer/Secretary

Erik Dilg – ACC Chairperson

Position Assignment Change Approved – 4-0

Treasurer Report

1. February financial report – Checking - \$9,581.03, Savings - \$7,657.06, Total: \$17,238.09 as of 7/31/2011. Approved – 4-0
2. Alison will reconcile 2011 accounting records before the next meeting to be current.
3. Dues Status- 6 outstanding
4. Lien Status - 12 active liens on 8 properties
 - a. 1 lot with 3 liens
 - b. 2 lots with 2 liens
 - c. 5 lots with 1 lien

Architectural Control Committee [ACC] Report

1. ACC Committee Members: Erik Dilg (Chairperson), John Newcomb, Rob Mendel
2. 3 ACC plans submitted and approved
3. Lot observations done 8/6/2011 – 27 homes (courtesy/violation letters to be mailed)
4. Violation letter written up for mailing – 1 home

Old Business

1. Minutes: July HOA Board Meeting Minutes notes have not been provided by Keri May, final request to be made by Rebekah Cade-Jordan to submit.
2. Twin Star Credit Union
 - a. Will remove Randy from the bank account once the July 2011 minutes are complete and signed (required by the bank).
 - b. A motion was made and seconded to add Robert Mendel and Rebekah Cade-Jordan to the HOA's TwinStar Credit Union accounts as authorized signers. Erik, Rob, Rebekah and Alison **voted 4-0 to approve.**

- c. Inquire about obtaining a debit card and using online bill pay on the HOA accounts.
3. Keri provided the HOA Post Office Box key to Rebekah.
4. Erik contacted Lawn Pros and requested the water be turned on at the entrance to the Development – Brighton St SE and 105th Ave.
5. Retention Pond (105th – Lot 29) – Rebekah will check for an email, Board will respond in kind to concern raised at the 2010 Annual meeting to close out the issue.

New Business

1. Keri May resigned from the Board effective 7/25/2011
2. **Approved by 4-0 vote. All in favor.** In light of the resignations of Randy Betts, Larry Wheat and Keri May between June 14 and July 25, 2011, board positions were reassigned. Until after the next Annual HOA meeting when all positions will be considered open and voted on, the following board positions are assigned and agreed upon as follows in the best interest of the HOA:
 Rebekah Cade-Jordan – President
 Rob Mendel – Vice President
 Alison Brackett – Treasurer/Secretary
 Erik Dilg – ACC Chairperson
3. Neighborhood Watch needs to be reinstated, will reach out to have someone lead the Neighborhood Watch program and recruit block captains.
4. The board members will submit board member duty descriptions to be drafted and submitted for consistency going forward. HOAleader.com as a reference for description which can be adapted for our association.
5. Lawn maintenance contract is up for renewal - Erik will obtain lawn maintenance bids from Lawn Pros, Champion Landscaping, VO, etc.
6. Erik will research placement of garbage cans in common areas and flyer bins for mailboxes (broken, missing).
7. Insurance policy for 8/2011- 8/2012 renewed – expect policy books by month end – if not, Alison will contact Insurance Company. The Board will review and plan to meet with Insurance Company to address HOA Board questions. HOA Board should bid out HOA Insurance Policy for next year.
8. July-October newsletter to be drafted/approved, printed and distributed by mid-September.
9. HOA filing cabinet – Alison and Rob Mendel spent approximately 30 hours organizing the cabinet after the HOA records were obtained at the end of June. Significantly more time was spent researching HOA incorporation with the Secretary of State, accounting records for 2009-2011, to include filing 2009 and 2010 taxes.
10. Secretary of State – Letter and affidavit filed on 7/25/2011 to reinstate – if no response by 8/15/11, Rob will call regarding status.
11. Taxes for 2009 and 2010 – completed and being sent the IRS by USPS Certified Mail, with copies retained for HOA files.
12. Attorney meetings held on July 22 and July 25, 2011 to address outstanding issues regarding the status of the file cabinet, Secretary of State dissolution, outstanding tax

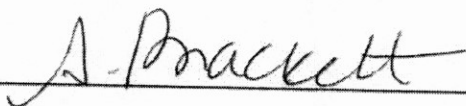
- filings for 2009-2010. **Approved 4-0** to use new law firm and attorney at the least billable hourly rate possible, with a cap of \$1000.00 for services before continuing work.
13. **Approved 4-0** purchase of membership to HOAleader.com – cost: approx. \$99/year and valid for all board members, providing a valuable resource for the Board to research and assess current issues.
 14. **Approved 4-0** to raise yearly dues by 5% rounded down to the nearest quarter dollar. From \$138.50 to \$145.25
 15. Website – The HOA will be transitioning to a new website with a different host to provide a more user friendly, up to date site. **Approved 4-0.**
 16. Yearly HOA meeting
 - a. Tentative date: 10/15/2011 – Location TBD (Possible locations are Rosemont, Emanuel Lutheran Church, or Masonic Building next to Gordon's Garden Center).
 - b. Notification to homeowners 30 days before meeting or by 09/15/2011
 17. Rob Mendel submitted a formal report to the Board at the recommendation of the law firm representing the Nisqually Estates Homeowner Association regarding the condition of the Homeowner's Association as it was turned over in July 2011. The Board **approved it by 4-0 vote** and is hereby incorporating the report into these minutes. A copy is attached and will be provided upon request to any record homeowner at the next annual meeting.

September HOA Board meeting date: **Wednesday, September 7, 2011 @ 6 pm** – Alison Brackett's house, 10425 Brighton St SE.

October HOA Board meeting date: **Monday, October 3, 2011 meeting @ 6 PM** - Alison Brackett's house, 10425 Brighton St SE.

Meeting adjourned at 10:21 PM.

Minutes approved via email August 12, 2011.





Minutes for August 29, 2011 Nisqually Estates Homeowners Association [HOA] Board Meeting

Present: Rebekah Cade-Jordan, Erik Dilg, Rob Mendel, Alison Brackett

Meeting opened 6:00 PM, 10425 Brighton St SE

Old Business

- 1) A motion was made with a second to formally approve the July and August minutes at this meeting. The minutes were also previously approved via email. **Approved 4-0.**
- 2) Advised Rebekah she is an authorized individual to sign checks along with Rob Mendel. Alison remains the responsible party. Rebekah needs to go to Twin Star at Safeway to sign paperwork.
- 3) A motion was made a second to list the cost for reinstatement of HOA non-profit corporation with the Secretary of State in this meetings minutes. We were successful in reinstating our non-profit incorporation with the Secretary of State on August 26, 2011 but at significant expense to the HOA. We paid outstanding fees which puts the HOA in compliance until Nov 2011 at which time the normal renewal procedures will apply again. The HOA had to pay \$972.50 in legal fees plus \$125 in fees, penalties and assessments to the WA Secretary of State. Total cost to HOA to reinstate was \$1,097.50 versus the \$40-50 it would have cost if the annual statements were properly filed in years past. -This motion was **Approved 4-0.**
- 4) Website – basic design up and running by 9/5/11 – will have the website updated by months end.
- 5) Lawn Pros – No current contract - will follow-up one time via phone. Current payment will include request for copy of 2010-2011 contract with status of water turned on at the entrances. We will officially vote on contract at the 9/7/11 meeting. Rob will provide fax number for Lawn Pros to submit contract.
- 6) HOA Insurance – 3 policies totaling \$3216 includes D&O, HOA package liability and HOA umbrella coverage. We will look at bidding for insurance coverage either next year or mid-year (option).
- 7) Draft of July-September newsletter to be submitted by Alison by 9/5/11 for review/final for 9/7/11 meeting – Ideas to be submitted 9/4/11 – 4 PM.
- 8) Annual meeting 10/15/11 at Rosemont (no cost) – 10-1130 AM – in lunch room – Rebekah to confirm with facility. – Questions and new agenda items must be submitted in advance from Homeowners. We will plan to meet with attorneys before annual meeting to address questions asked in advance.
- 9) Nomination Search - flyers went out and email sent. Rob updated the HOA email address book based on undeliverable emails and known departures and home sales. Emails submitted with ACC requests have been added to email address book.

- 10) Memo RE: file cabinet, secretary of state, taxes, etc. – available via email and access on HOA website.
- 11) 2011 dues **final** notice – 30 calendar days to pay from date of letter – Alison to complete this week and mail this week – will provide addresses for outstanding HOA dues to Board at 9/7/11 meeting.

Architectural Control Committee [ACC] Report

1. Homeowners plans – 3 submitted, 2 approved, 1 pending
2. August 6th observations – Rob will email to Alison for filing.

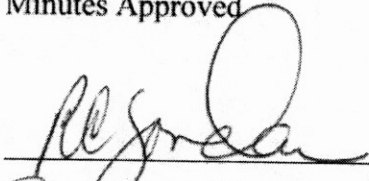
New Business

- 1) Sunday 9/11/11 – 4 PM – Alison's house – stuff envelopes for 2011 annual meeting
- 2) Outstanding dues to be included on 2012 statement.
- 3) Communications/Response (expectations/approach) - will follow-up and discuss at 9/7/11 meeting.
- 4) Question regarding validity of alleged amendments will be submitted to the attorney at our meeting with him prior to the Annual meeting.


Meeting Closed at 7:10 PM

Next meeting – September 7, 2011 at 6 PM - 10425 Brighton St SE

Minutes Approved



Rebekah Cade Jordan



Erik D Dilg

Minutes for September 7th, 2011 Nisqually Estates Homeowner's Association [HOA] Board Meeting

HOA Board Members Present: Rebekah Cade-Jordan, Rob Mendel, Alison Brackett, Erik Dilg

Other Homeowners Present: Staci Dilg

Meeting opened 6:04 pm, 10425 Brighton St SE

Old Business

- 1) A motion was made and seconded to formally approve the August 29th, 2011 Minutes with the minor grammatical corrections noted during the meeting. **Approved 4-0.**
- 2) A motion was made and seconded to update the cost of obtaining special reinstatement of the HOA through the Secretary of State on August 26th, 2011. Since the last Board meeting, we have received one more legal bill related to the reinstatement of the HOA. To date, the HOA has paid \$1,361.00 in legal fees plus \$125 in fees, penalties and assessments to the WA Secretary of State. The total cost to homeowners for the reinstatement is now **\$1,486.00** versus the \$40-50 it would have cost if annual statements were properly filed by Boards in previous years. **Approved 4-0.**
- 3) The new HOA Website – is still a work in progress – the OLD site has been updated to include current information for upcoming Board meetings, HOA email address and Board members – no ETA of new active HOA website. The intent is to take the time to have a better website up and running rather than rush to get something up with little functionality.
- 4) Lawn care contract – Have two new bids from Champion and ALS. Contract with current lawn care provider – Lawn Pros is from 2009-2010. Board decided to obtain a current bid from LawnPros to give them an opportunity to lower their price. Rob will contact LawnPros and obtain a current bid with clarification of areas that may not need fertilizing. Erik will clarify a couple of questions the Board had with the bid from Champion. The Board decided to table voting on a new lawn care contract until the September 21st mid-monthly meeting.
- 5) The water irrigation account numbers will be left as is with the City of Yelm. Expect to turn off City of Yelm water in common areas on or about October 1st, 2011 by contracted provider for lawn care who will then winterize the irrigation lines.
- 6) Insurance – Save prior year policies for re-bidding out next year's insurance - will plan to bid out around mid-year for coverage/cost.
- 7) September-October Newsletter (ideas and plan to print/distribute). Corrections to be submitted by September 9th, 2011 to Alison.
- 8) Annual HOA Meeting
 - a) Scheduled for October 15th, 2011, 10:00 am at Rosemont Retirement Center lunchroom.
 - b) Notification of annual meeting to be mailed to homeowners Monday, September 12th, 2011 and will include notification letter, agenda, ballot, proxy and Sep-Oct newsletter.
 - c) Nominations for the Board include Alison Brackett, Rebekah Cade-Jordan, Rob Mendel, Denise Smith and Erik Dilg. Persons showing interest in ACC Committee - Staci Dilg.

- 9) Final notice for 2011 dues – Rebekah offered to file outstanding liens for dues not paid for 2011 on or about October 3rd, 2011.

New Business

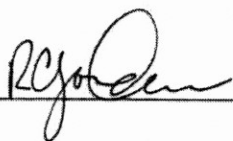
- 1) Treasurers Report
- a) Financial Report (discussion of recent expenses and expected year-end balance) – current balance is **\$12,679.10** – Alison will draft 2012 financial report and proposed budget for annual meeting.
 - b) Dues status – 5 outstanding dues for 2011 – Final notice mailed on September 1st, 2011. Liens to be place on or shortly after October 1st, 2011 if payments are not received by October 1st, 2011 (thirty days of mailing).
 - c) Lien Status – 7 individual lots with liens – 5 lots with 1 lien each, 1 home with 2 liens and 1 home with 3 liens for a total of 10 active liens.
- 2) ACC
- a) New Plans - 2 submitted, 2 approved.
 - b) Violations - 2 violation letters to be sent.
 - c) Observations - 20 observations made by ACC Committee members on September 6th, 2011 - with a few courtesy letters to be sent.
- 3) Items tabled for next meeting
- a) Communication/Responses (expectations – approach).
 - b) Neighborhood Watch –tabled for next HOA meeting. The Board is still looking for interested parties.
 - c) Financial management program for HOA – going forward Rebekah to research and provide information at mid-September meeting.
 - d) Reimbursement to Rebekah and Rob for various expenses such as postage, copies, document processing to be approved in next meeting minutes after receipts submitted.
 - e) Finalization of welcome document that provides website and basic HOA information to both new homeowners and renters.
 - f) Job descriptions for Board members.

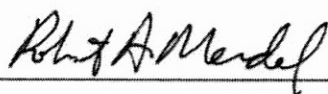
Meeting closed at 8:26 pm

Date of Next Interim Meeting: Wednesday, September 21st, 2011 @ 6:00 pm at 10425 Brighton St SE.

Date of October HOA Board Meeting: Monday, October 10th, 2011, 5-6:00 pm in the conference room at the offices of Bean, Gentry, Wheeler & Peternell, PLLC, 910 Lakeridge Way SW, Olympia, WA 98502.

Minutes approved by proper vote of the HOA Board as indicated by the signatures below.





Minutes for September 21st, 2011 Nisqually Estates Homeowner's Association [HOA] Board Meeting

HOA Board Members Present: Rebekah Cade-Jordan, Rob Mendel, Alison Brackett, Erik Dilg

Meeting opened 6:14 pm, 10425 Brighton St SE

Old Business

- 1) A motion was made and seconded to formally approve the September 7th, 2011 Minutes with the minor corrections noted during the meeting. **Approved 4-0.**
- 1) New website continues to be a work in progress – Request was made to update October 10th, 2011 meeting time/location and removing notes portion on old website.
- 2) Lawn care contract – A total of four new bids have been sought by licensed, bonded and insured landscaping companies. Champion has not yet provided clarification to some questions. Rob is meeting with LawnPros at 9:00 am September 22nd, 2011. Board agreed that if LawnPros agrees to reduce price to at least \$675 per month + tax, Rob will have authority to sign new contract on behalf of the Board and the Board will make final approval at October 10th, 2011 meeting.
- 3) Insurance – gave copies of 2009-2010 policies to Rebekah to have an estimate provided with a competing broker for next year. D&O policy book for 2011 not provided to HOA yet from current insurance broker.
- 4) Final notices for 2011 dues were mailed September 1st, 2011 – Liens will be filed October 10th, 2011 when the Board has the October monthly meeting in Olympia.

New Business

- 1) ACC
 - a) New Plans – 1 plan submitted and approved
 - b) Violations – Expect 3 violations to be mailed
 - c) Observations – September 6th, 2011 walk around by ACC members
- 2) Reimbursement to:
 - a) Rebekah – **formally approved 4-0** for \$110.18 – expenses for certified mailing of 2009 and 2010 HOA tax filing and annual membership to HOALeader.com.
 - b) Rob – **formally approved 4-0** for \$130.35 for annual meeting mailings to homeowners which included copying, folding, stuffing, mailing (including postage) and delivery confirmation letter to Lot #100.
- 3) Communication/Responses (expectations – approach) – tabled for next meeting.

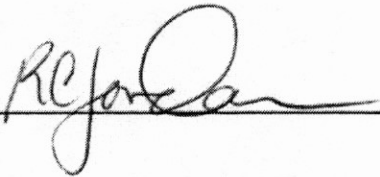
- 4) Neighborhood Watch – tabled for next meeting.
- 5) Financial management program for HOA - tabled for next meeting.
- 6) Welcoming committee - tabled for next meeting.
- 7) Job descriptions - tabled for next meeting.


Meeting closed at 7:24 pm

Date of October HOA Board Meeting: Monday, October 10th, 2011, 5-6:00 pm in the conference room at the offices of Bean, Gentry, Wheeler & Peternell, PLLC, 910 Lakeridge Way SW, Olympia, WA 98502.

Date of Annual Membership Meeting: Saturday, October 15th, 2011, 9:30 am at the Rosemont Retirement Center Lunchroom, 215 Killion Road NW, Yelm, WA 98597.

Minutes approved by proper vote of the HOA Board as indicated by the signatures below.





Minutes for October 10th, 2011 Nisqually Estates Homeowner's Association [HOA] Board Meeting

HOA Board Members Present: Alison Brackett, Rebekah Cade-Jordan, Erik Dilg, Rob Mendel

Other Homeowners Present: None

Meeting opened at 4:56 pm in the 1st floor conference room of Bean, Gentry, Wheeler & Peternell, PLLC, 910 Lakeridge Way SW, Olympia, WA 98502

- 1) A motion was made and seconded to formally approve the September 21st, 2011 Minutes with the minor corrections noted during the meeting. **Approved 4-0.**

- 2) Treasurer's Report
 - a) Financial report as of October 10th, 2011: Checking: \$960.67. Savings: \$7,658.35. A motion was made and seconded to approve the financial report. **Approved 4-0.**
 - b) Dues Status: Five (5) liens were filed on October 10th, 2011 for delinquent 2011 dues. Cost \$315 to file the five liens. 115 out of 120 homeowners have paid for dues for 2011.
 - c) Lien Status: Fifteen (15) total active liens on seven (7) separate lots.
 - d) 2012 Budget: A proposed 2012 budget was presented to the Board for discussion and approval. Board members discussed and fine-tuned the budget. Total budget will be \$17,430. A motion was made and seconded to approve the 2012 budget and present it to the membership for ratification at the Annual meeting. **Approved 4-0.** The budget will be posted to the website and homeowners will be notified via email.

- 2) Architectural Control Committee (ACC)
 - a) New plans: One (1) plan submitted, one (1) approved.
 - b) Observations/Violations: The next round of observations will be made by members of the ACC on or about October 20th, 2011.
 - c) New ACC Design Review Application: New form design was submitted for the Board's approval prior to being posted to the website and presentation at the Annual meeting. A motion was made and seconded to approve the new form with some minor modifications which included requiring paint samples and changing some language. **Approved 4-0.**

Old Business

- 1) New website: www.nisquallymeadows.org is up and running and looks great. The cost was \$159.70 for two (2) years which includes domain registration, web hosting and professional support. A motion was made by Rebekah and seconded by Erik to reimburse Rob for the costs associated with developing and maintaining the site. **Approved 4-0.**

- 2) Landscaping Contract: A new contract with LawnPros was signed lowering our monthly cost to \$675/month + tax after obtaining four (4) bids from licensed, bonded and insured businesses. The new contract price is effective October 1st, 2011. A motion was made and seconded to formally approve the new contract. **Approved 4-0.**

New Business

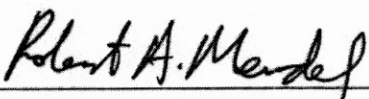
- 1) Agenda for Annual Meeting – The Board discussed and finalized agenda for annual meeting.
- 2) Attorney Consultation after Board Meeting: The board discussed and finalized the list of questions that were submitted last week to the attorney. Two questions were added and the Board determined what questions will require a written response.
- 3) Communication Response Time and Approach – tabled for next Board meeting.
- 4) Neighborhood Watch – tabled for next Board meeting.
- 5) Financial management program for HOA - tabled for next Board meeting.
- 6) Approach to Welcoming New Homeowners/Residents - tabled for next Board meeting.
- 7) Position Descriptions - tabled for next Board meeting and after new Board is determined.


Meeting closed at 6:10 pm

Date of Annual Membership Meeting: Saturday, October 15th, 2011, 9:30 am at the Rosemont Retirement Center Lunchroom, 215 Killion Road NW, Yelm, WA 98597.

Date of November HOA Board Meeting: To be determined after the conclusion of the Annual Meeting when the new Board has been determined.

Minutes approved by proper vote of the HOA Board as indicated by the signatures below.





Minutes for November 7th, 2011 Nisqually Estates Homeowner's Association [HOA] Board Meeting

HOA Board Members Present: Rob Mendel, Rebekah Cade-Jordan, Alison Brackett, Denise Smith. Board Member Erik Dilg was not present. Other Homeowners Present: None.

Meeting opened 5:56 pm, 10425 Brighton Street SE.

1. A motion was made and seconded to confirm the 2011-12 Board positions. **Approved 4-0.**
2. A motion was made and seconded to formally approve the October 10th, 2011 Board Minutes and the October 15th, 2011 Annual Meeting Minutes. **Approved 4-0.**

3. Treasure's Report

- a) Financial Status: Savings \$4,658.82 Checking \$3,229.36
- b) 2011 Dues Status: 115 out of 120 homeowners have paid for dues for 2011.
- c) Lien Status: Total number of liens - 15, Number of Properties with Liens - 7.
- d) Insurance Status: Alison to call again and request D&O policy book
- e) Mailing of 2012 Dues Statements: Alison to draft billing statement to be finalized at December 5th, 2011 meeting. Billing statement to include consent statement for eCorrespondence approved by attorney. Billing statements should be mailed to homeowners by December 15th, 2011.

4. Architectural Control Committee Report

- a) New Plans: No new plans submitted
- b) Observations: 19 homes with observations pertaining to CC&Rs. Down significantly.
- c) Violations: 3 violation letters to be sent out.
- d) Introduction of Proposed ACC Guidelines: A motion was made and seconded to post the proposed ACC Guidelines to the HOA website for a minimum of 60 days for review and comment by homeowners. **Approved 3-1.** The Board will vote on the guidelines at the February 2012 Board meeting.

5. Old Business

- a) Responsibilities of New Board Members: Position descriptions will be e-mailed to board members by Monday, November 14th, 2011 and will be posted in the private area of HOA website.

- b) Communication Response time and Approach: There are four ways to contact HOA Board Members – e-mail, website contact form, mail a letter to HOA Post Office Box, or attend a board meeting. Board will respond to each contact according to urgency of matter. Simple or routine questions may be handled without group discussion. All replies should be sent to all Board members.
- c) Neighborhood Watch: Still looking for homeowner to volunteer.
- d) Financial Management Program: Rebekah to send financial program info to Alison.
- e) Approach to Welcoming New Homeowners/Residents: A motion was made and seconded to adopt the official Welcoming Program proposed by Rob. The program is to include a personal visit by a Board member providing new homeowners/residents with welcome letter (found on website private area) and obtaining of homeowners/resident contact information. **Approved 4-0.**

6. New Business

- a) Presentation of Report on Alleged 2003 Amendments: A motion was made and seconded to incorporate the report with these minutes and that the Board concludes there is **NOT** sufficient evidence of the alleged amendments passing with a proper member vote at the annual meeting of homeowners in November 2003. **Approved 4-0.**
- b) Sale of Playground Equipment: A motion to sell playground equipment was made and seconded. **Approved 4-0.** Rebecca will post ad on Craigslist and other websites to sell current playground equipment. Starting price to be \$500 or best offer with buyer to haul away. If no offers come in, price of equipment will go down until we find a buyer.
- c) 2011-12 Renewal of HOA Registration with WA Secretary of State. \$10 paid by Rob. Reimbursement vote. A motion was made and seconded to reimburse Rob for the \$10 paid to the WA Secretary of State for the renewal. **Approved 4-0.**
- d) Newsletter Publication Timeline: A motion was made a seconded to cancel printed newsletters and instead rely on website updates. **Approved 4-0.**

7. Next Board Meeting to be held on Monday, December 5th, 2011, 6:00-7:00 pm at 10425 Brighton St SE.

Meeting closed at 7:13 pm.

Minutes approved by proper vote of the HOA Board as indicated by the signatures below.

Denise Smith

Robert Akhmed

Report on Alleged 2003 Amendments

Nisqually Estates Homeowner's Association [HOA]

Submitted by Rob Mendel to the Nisqually Estates HOA Board on
November 7th, 2011 for acceptance and incorporation into Meeting Minutes

Purpose: The purpose of this report is to make a determination based on the best available evidence as to whether Bylaws amendments passed with a proper member vote at the annual meeting of homeowners in November of 2003.

Background: In July of 2011, a newly seated Board discovered the physical and electronic records of the HOA to be in disarray and incomplete. The records consisted of a two-drawer filing cabinet, two boxes of unfiled and unopened correspondence and several disorganized loose-leaf binders. The website contained links to documents that were corrupted and disorganized. A homeowner challenged actions of the newly seated Board based on alleged 2003 amendments. The Board specifically discovered after its transition that the original minutes and all supporting documentation from the 2003 annual meetings were missing. There were no detailed or approved meeting minutes showing a record of the required number of homeowners for either a meeting quorum or a sufficient number of "yes" votes to amend Bylaws. Thus, there is no record that alleged 2003 amendments were duly passed at a legitimate annual meeting of the HOA. The Board sought to find evidence of these amendments by re-looking through all the files and requesting previous Board members to provide information or documents pertaining to the 2003 annual meeting. The Board also obtained a legal opinion on the proper way to determine the validity of any alleged amendments. This report summarizes the extensive efforts of the Board to look at the evidence of whether or not alleged amendments passed by a proper member vote (two-thirds of the membership) at the 2003 annual meeting.

Investigation: Board members searched the physical records of the HOA as well as conducted a forensic review of the old website to determine if there were any records at all pertaining to the 2003 annual meeting. We only discovered a newsletter, a copy of unsigned December 2003 Board minutes, and what appeared to be a draft or unofficial version of the 2003 annual meeting minutes. The newsletter referenced the alleged amendments but didn't indicate a vote count or how the amendments came to be. The unsigned December 2003 Board minutes

also did not indicate a vote count of how many homeowners voted in favor of the amendments, rather they only indicated that 42 homeowners were present (members and proxies combined). The draft or unofficial version of the 2003 annual meeting minutes also did not indicate an actual vote count. The minutes failed to show the actual language of the proposed amendments, what homeowners attended the meeting, any proxies that were given, a sign-in roster or ballots from the meeting. They did, however, indicate that six amendments were passed separately by only a "**majority**" vote as opposed to the required two-thirds vote of the homeowners. Article XV of the HOA Bylaws states that amendments must be passed by a two-thirds vote of the membership. Even if one interprets this to mean a two-thirds vote of the membership present at a meeting as opposed to two-thirds of the entire membership, these minutes themselves would indicate that the amendments were **not** properly passed.

The Board checked with the Washington Secretary of State, the Thurston County Clerk and Auditors offices to see if any Bylaws amendments were filed to the existing records of the Nisqually Estates Homeowner's Association. There were not any such filings.

The Board also contacted two past presidents of the HOA (one who was asserting that the amendments were valid) and asked them to provide either original documents or verifiable copies of documents showing that the amendments were passed by a proper vote of the membership. Neither person provided anything of consequence. In fact, one past president failed to provide anything at all despite saying that she had information and having over two months to provide it. The other past president did provide some material but nothing that showed that the amendments were passed by two-thirds of the membership at the annual meeting. Much of what she provided the Board already had knowledge of and the rest was not relevant to the question of whether or not amendments were properly passed in the first place.

Findings:

1. There are no original documents in the official records of the HOA pertaining to the 2003 Annual Membership Meeting.
2. No documents have been provided to the HOA showing that amendments were properly passed at the 2003 Annual Membership Meeting.
3. No Bylaw amendments are filed with the Washington Secretary of State or any other government office, to the best of the Board's knowledge.
4. The old HOA website did not contain any material showing that amendments were properly passed. In fact, the unofficial minutes for the November 2003 meeting indicate that amendments only achieved a **majority** of votes as opposed to the required two-thirds.

Conclusion: This report of investigation concludes based on the best available evidence that amendments to Bylaws were not passed with a proper member vote at the 2003 annual membership meeting. Unless conclusive evidence comes to light in the future that amendments were properly voted on and passed at the 2003 annual meeting, the HOA should continue to operate based on the original Bylaws.

Recommendations: Recommend that the HOA Board formally accept this report and incorporate it as a part of the November 7th, 2011 HOA Board meeting minutes. Also, recommend that the Board conduct an official vote, as recommended by legal counsel, to make a determination upon the best available evidence as to whether or not Bylaws amendments passed with a proper member vote at the annual meeting of homeowners in November 2003.

Submitted by: Robert A. Mendel

Date: 11-7-11

Rob Mendel

Approved by: 4-0

Vote of the HOA Board

Rob Mendel, President

Rebekah Cade-Jordan, Vice President

Alison Brackett, Treasurer

Denise Smith, Secretary

Minutes for December 5th, 2011 Nisqually Estates Homeowner's Association [HOA] Board Meeting

HOA Board Members Present: Rob Mendel, Alison Brackett, Denise Smith. Board Member Rebekah Cade-Jordan was not present. Erik Dilg resigned. Other Homeowners Present: None.

Meeting opened 6:07 pm, 10425 Brighton Street SE.

1. A motion was made and seconded to formally approve the November 7, 2011 Board Minutes. **Approved 3-0.**

2. Treasure's Report

- a) Financial Status: Savings \$3,159.12 Checking \$1,954.56
- b) 2011 Dues Status: 115 out of 120 homeowners have paid for dues for 2011.
- c) Lien Status: Total number of liens - 14, Number of Properties with Liens - 6.
- d) Insurance Status: Alison received D&O policy book and will keep in files.
- e) Mailing of 2012 Dues Statements: Alison to mail out paper billing statements to homeowners who have not turned in consent statement for eCorrespondence. Rob will email billing statements to homeowners who have turned in consent statement for eCorrespondence. Paper billing statement to include consent for eCorrespondence and option for hand delivery after board meeting on January 9th, 2012, between 7:00pm and 7:30pm. A motion was made and seconded to approve expenses for mailing dues statements. **Approved 3-0.**

3. Architectural Control Committee Report

- a) New Plans: 1 plan submitted and approved for chimney.
- b) Observations: 22 homes with observations pertaining to CC&Rs. Up three from last month.
- c) Violations: Rob to send out undetermined amount of violation letters via e-mail or mailed letters.
- d) Introduction of Proposed ACC Guidelines: Proposed ACC Guidelines were posted on homeowner's association website for review on November 24, 2011. They will remain on the website for homeowners to make comments for 60 days. The 60 day comment period will end on January 24th, 2012.

4. **Old Business**

- a) Responsibilities of New Board Members: Position descriptions are consolidated and up for viewing on the private page of the homeowner's website. Any changes should be sent to Rob. Still need to add Vice President description. Will discuss at next meeting.
- b) Status on sale of playground equipment: No offers as of yet. Rebekah will post another ad in January.

5. **New Business**

- a) Filling Vacant Board Position: Vacant board position is advertised on website. No inquiries. Plan to approach some homeowners on ACC.
- b) Status of consent forms: 8 consent forms received.

6. Next Board Meeting to be held on Monday, January 9th, 2012, 6:00-7:00 pm at 10425 Brighton St SE.

Meeting closed at 6:32 pm.

Minutes approved by proper vote of the HOA Board as indicated by the signatures below.